



Cortland County Legislature

Legislative Session

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

~ Minutes ~

Thursday, October 27, 2022

6:00 PM

Board Room

Public Hearings

1. Local Law "I" of 2022 – a Local Law Establishing a Payment in Lieu of Taxes (PILOT) Agreement

RESULT:	CLOSED [UNANIMOUS]
MOVER:	Ann Homer, Legislator
SECONDER:	Joseph Nauseef, Legislator
AYES:	Bentley, Harbin, Bischoff, Van Dee, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston

2. Local Law "J" of 2022 - a Local Law Overriding Tax Levy Limit for Fiscal Year 2023

RESULT:	CLOSED [UNANIMOUS]
MOVER:	Ann Homer, Legislator
SECONDER:	Sandra Price, Legislator
AYES:	Bentley, Harbin, Bischoff, Van Dee, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston

Salute to the Flag

Call to Order

The meeting was called to order at 6:00 PM by Chair of the Legislature Kevin Fitch

Roll Call

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

Approval of Minutes

1. Cortland County Legislature - Legislative Session - Sep 22, 2022 6:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Ann Homer, Legislator
SECONDER:	Joseph Nauseef, Legislator
AYES:	Bentley, Harbin, Bischoff, Van Dee, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston

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

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Ann Homer, Legislator
SECONDER:	Joseph Nauseef, Legislator
AYES:	Bentley, Harbin, Bischoff, Van Dee, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston

Privilege of the Floor

1. Privilege of the Floor - Comments

RESULT:	COMPLETED
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Proclamations & Recognitions

1. Proclamation - Retiree Recognition - Joshua Parente

RESULT:	COMPLETED
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2. Proclamation - Breast Cancer Awareness Month

RESULT:	COMPLETED
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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

AGENDA ITEM NO. 1 – Absolve the Cortland County Industrial Development Agency from Tipping Fees for APEX Project - Landfill/Highway Department

A roll call vote was taken as follows:

	Votes	AYE	NAY
Bentley (LD1)	2744	1	
Bischoff (LD3)	2743	1	
Eccleston (LD17)	3379		1
Harbin (LD2)	2747	1	
Heider (16)	3192		1
Homer (LD7)	2743		1
Jones (LD9)	2989	1	
Nauseef (LD12)	2819	1	
Newell (LD11)	2837	1	
Preston (LD10)	2995		1
Price (LD14)	3344		1
Stock (LD6)	2740	1	
VanDee (LD4)	2743		1
Wagner (LD 15)	2734	1	
Waldbauer (LD13)	2853	1	
Wilson (LD5)	2744	1	
Chairman Fitch (LD8)	2990	1	
Total	46346	11	6
		Majority	24669
		2/3rd	32892

RESULT:	ADOPTED [11 TO 6]
MOVER:	Christopher Newell, Legislator
SECONDER:	Beau Harbin, Minority Leader
AYES:	Bentley, Harbin, Bischoff, Wilson, Stock, Fitch, Jones, Newell, Nauseef, Waldbauer, Wagner
NAYS:	Van Dee, Homer, Fairchild-Preston, Price, Heider, Eccleston

ON MOTION OF NEWELL

RESOLUTION NO. 216-22

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.

AGENDA ITEM NO. 2 – Amend 2022 Budget and Authorize Purchases - Highway Department

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christopher Newell, Legislator
SECONDER:	Sandra Price, Legislator
AYES:	Bentley, Harbin, Bischoff, Van Dee, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston

ON MOTION OF NEWELL

RESOLUTION NO. 217-22

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

<u>VENDOR</u>	<u>AMOUNT</u>
MORBARK Box 1000 Winn, Michigan 48896	\$59,922.58

AND

Kubota Skid-Steer with Attachments

VENDOR

Admar Supply Co, Inc. 7800 Brewerton Road Cicero, NY 13039-9536	\$110,000.00
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, 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.

AGENDA ITEM NO. 3 – Award the Handling, Transportation and Safe Disposal of Household Hazardous Waste Agreement - Highway Department/Recycling

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christopher Newell, Legislator
SECONDER:	Beau Harbin, Minority Leader
AYES:	Bentley, Harbin, Bischoff, Van Dee, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston

ON MOTION OF NEWELL

RESOLUTION NO. 218-22

**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.

AGENDA ITEM NO. 4 – Amend 2022 Budget for Fuel - Highway Department

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christopher Newell, Legislator
SECONDER:	Sandra Price, Legislator
AYES:	Bentley, Harbin, Bischoff, Van Dee, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston

ON MOTION OF NEWELL

RESOLUTION NO. 219-22

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

AGENDA ITEM NO. 5 – Authorize Lease Agreement with Cortland County Agricultural Corporation - Highway Department

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christopher Newell, Legislator
SECONDER:	Beau Harbin, Minority Leader
AYES:	Bentley, Harbin, Bischoff, Van Dee, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston

ON MOTION OF NEWELL

RESOLUTION NO. 220-22

**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.

AGENDA ITEM NO. 6 – Authorize Sublease of Cortland County Agricultural Corp. Fairgrounds Building to Suit-Kote Corporation - Highway Department

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christopher Newell, Legislator
SECONDER:	Linda Jones, Legislator
AYES:	Bentley, Harbin, Bischoff, Van Dee, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston

ON MOTION OF NEWELL

RESOLUTION NO. 221-22

**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

AGENDA ITEM NO. 7 – Authorize Agreements Day Care Services - Department of Social Services

RESULT:	ADOPTED [16 TO 1]
MOVER:	Sandra Price, Legislator
SECONDER:	Ann Homer, Legislator
AYES:	Bentley, Harbin, Bischoff, Van Dee, Wilson, Stock, Homer, Fitch, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston
NAYS:	Linda Jones

ON MOTION OF PRICE

RESOLUTION NO. 222-22

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.

AGENDA ITEM NO. 8 – Authorize Agreement with Josie's Journey, Inc. for Canine Comfort Care Services – Department of Social Services and Child Advocacy Center

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sandra Price, Legislator
SECONDER:	Beau Harbin, Minority Leader
AYES:	Bentley, Harbin, Bischoff, Van Dee, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston

ON MOTION OF PRICE

RESOLUTION NO. 223-22

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.

AGENDA ITEM NO. 9 – Authorize Agreement with Park Outdoor Advertising of New York to Advertise on Billboards for a Commercially Sexually Exploited Youth Public Awareness Campaign – DSS/CAC

RESULT:	ADOPTED [15 TO 2]
MOVER:	Sandra Price, Legislator
SECONDER:	Ann Homer, Legislator
AYES:	Bentley, Harbin, Bischoff, Van Dee, Wilson, Stock, Homer, Fitch, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Heider, Eccleston
NAYS:	Linda Jones, George Wagner

ON MOTION OF PRICE

RESOLUTION NO. 224-22

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.

AGENDA ITEM NO. 10 – Authorize 2023 Foster Care and Detention Agreements - Department of Social Services

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sandra Price, Legislator
SECONDER:	Ann Homer, Legislator
AYES:	Bentley, Harbin, Bischoff, Van Dee, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston

ON MOTION OF PRICE

RESOLUTION NO. 225-22

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.

AGENDA ITEM NO. 11 – Authorize Agreements 2023 Work Experience Work Sites - Department of Social Services

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sandra Price, Legislator
SECONDER:	Ann Homer, Legislator
AYES:	Bentley, Harbin, Bischoff, Van Dee, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston

ON MOTION OF PRICE

RESOLUTION NO. 226-22

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

AGENDA ITEM NO. 12 – Authorize 2023 Agreements (Several Agencies and Departments) - Department of Social Services

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sandra Price, Legislator
SECONDER:	Ann Homer, Legislator
AYES:	Bentley, Harbin, Bischoff, Van Dee, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston

ON MOTION OF PRICE

RESOLUTION NO. 227-22

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
- YWCA

AGENDA ITEM NO. 13 – Authorize 2023 Agreements (Several Agencies, Departments, Etc.) - Area Agency on Aging

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sandra Price, Legislator
SECONDER:	Linda Jones, Legislator
AYES:	Bentley, Harbin, Bischoff, Van Dee, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston

ON MOTION OF PRICE

RESOLUTION NO. 228-22

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.
Walmart Stores, Inc.

AGENDA ITEM NO. 14 – Appoint Director of Area Agency on Aging

RESULT: PULLED

ON MOTION OF PRICE

RESOLUTION NO.

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.

AGENDA ITEM NO. 15 – Renew Lease Agreement with 91-101 Main Street LLC - Grant Administration & Employment & Training

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sandra Price, Legislator
SECONDER:	Ann Homer, Legislator
AYES:	Bentley, Harbin, Bischoff, Van Dee, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston

ON MOTION OF PRICE

RESOLUTION NO. 229-22

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.

AGENDA ITEM NO. 16 – Appoint Community Services Board and Subcommittee Member

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sandra Price, Legislator
SECONDER:	Linda Jones, Legislator
AYES:	Bentley, Harbin, Bischoff, Van Dee, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston

ON MOTION OF PRICE

RESOLUTION NO. 230-22

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
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Appoint to Chemical Dependence Subcommittee:

Michael Eastman (Family/Consumer/Peer)	48 West Academy St., McGraw NY 13101 Term: 11/1/2022 - 12/30/2025
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AGENDA ITEM NO. 17 – Amend 2022 Pre-K Budget- Health Department

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sandra Price, Legislator
SECONDER:	Kelly L. Fairchild-Preston, Legislator
AYES:	Bentley, Harbin, Bischoff, Van Dee, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston

ON MOTION OF PRICE

RESOLUTION NO. 231-22

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

AGENDA ITEM NO. 18 – Authorize Allocation to the Cortland County Mental Health Department for Youth Behavioral Health Treatment Support in Schools

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sandra Price, Legislator
SECONDER:	Beau Harbin, Minority Leader
AYES:	Bentley, Harbin, Bischoff, Van Dee, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston

ON MOTION OF PRICE

RESOLUTION NO. 232-22

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 authorized to enter into an agreement 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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Beau Harbin, Minority Leader
SECONDER:	Ann Homer, Legislator
AYES:	Bentley, Harbin, Bischoff, Van Dee, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston

ON MOTION OF HARBIN

RESOLUTION NO. 233-22

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.

AGENDA ITEM NO. 20 – Approve the Purchase of Four (4) Transit Buses from Oneida County - Planning Department

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Beau Harbin, Minority Leader
SECONDER:	Sandra Price, Legislator
AYES:	Bentley, Harbin, Bischoff, Van Dee, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston

ON MOTION OF HARBIN

RESOLUTION NO. 234-22

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 Cuttaway Transit Buses and two (2) 2015 Ford E450 Cuttaway 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 Cuttaway transit buses in the amount not to exceed \$5,700.

Referred from Judiciary & Public Safety Committee

AGENDA ITEM NO. 21 – Authorize/Accept Funds from New York State Office of Indigent Legal Services - Distribution 13 - Public Defender's Office

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kelly L. Fairchild-Preston, Legislator
SECONDER:	Ann Homer, Legislator
AYES:	Bentley, Harbin, Bischoff, Van Dee, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston

ON MOTION OF FAIRCHILD-PRESTON

RESOLUTION NO. 235-22

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.

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kelly L. Fairchild-Preston, Legislator
SECONDER:	Joseph Nauseef, Legislator
AYES:	Bentley, Harbin, Bischoff, Van Dee, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston

ON MOTION OF FAIRCHILD-PRESTON

RESOLUTION NO. 236-22

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).”

AGENDA ITEM NO. 23 – Resolution in Opposition to New York State's Actions Restricting Second Amendment Rights

RESULT:	PULLED
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ON MOTION OF FAIRCHILD-PRESTON

RESOLUTION NO.

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

AGENDA ITEM NO. 24 – Local Law 8 of 2022 - a Local Law Overriding Tax Levy Limit for Fiscal Year 2023

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	George Wagner, Majority Leader
SECONDER:	Mitchel Eccleston, Legislator
AYES:	Bentley, Harbin, Bischoff, Van Dee, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston

ON MOTION OF WAGNER

RESOLUTION NO. 237-22

Local Law 8 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.

AGENDA ITEM NO. 25 – Distribution of Third Quarter 2022 Sales Tax

RESULT:	ADOPTED [15 TO 2]
MOVER:	George Wagner, Majority Leader
SECONDER:	Kelly L. Fairchild-Preston, Legislator
AYES:	Bentley, Bischoff, Van Dee, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Eccleston
NAYS:	Beau Harbin, Paul Heider

ON MOTION OF WAGNER

RESOLUTION NO. 238-22

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-
Cincinnatus, 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.

AGENDA ITEM NO. 26 – Set Deadline for Contract Submission for American Rescue Plan Funding Awards

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	George Wagner, Majority Leader
SECONDER:	Ann Homer, Legislator
AYES:	Bentley, Harbin, Bischoff, Van Dee, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston

ON MOTION OF WAGNER

RESOLUTION NO. 239-22

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.

Executive Session # 1

It was MOVED by Ms. Homer, seconded by Mr. Wagner, and unanimously approved by voice vote of members present, to enter into an executive session to discuss the employment history of a particular person. MOTION CARRIED.

An executive session was held from 7:59 p.m. to 8:29 p.m., at which time on motion of Ms. Homer, seconded by Ms. Price, it was unanimously approved by voice vote to exit executive session.

Executive Session # 2

It was MOVED by Ms. Homer, seconded by Ms. Preston, and unanimously approved by voice vote of members present, to enter into an executive session for discussions regarding proposed, pending or current litigation. MOTION CARRIED.

An executive session was held from 8:30 p.m. to 9:08 p.m., at which time on motion of Ms. Homer, seconded by Mr. Nauseef, it was unanimously approved by voice vote to exit executive session.

Action Items

1. Authorize County Administrator to Pursue Outside Counsel for Matters Discussed Previously
(Following Executive Session # 2)

RESULT:	APPROVED [16 TO 1]
MOVER:	Ann Homer, Legislator
SECONDER:	Joseph Nauseef, Legislator
AYES:	Bentley, Harbin, Bischoff, Van Dee, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Heider, Eccleston
NAYS:	George Wagner

Executive Session # 3

It was MOVED by Ms. Homer, seconded by Ms. Preston, and unanimously approved by voice vote of members present, to enter into an executive session for discussions regarding proposed, pending or current litigation. MOTION CARRIED.

An executive session was held from 9:09 p.m. to 9:48 p.m., at which time on motion of Ms. Homer, seconded by Ms. Preston, it was unanimously approved by voice vote to exit executive session.

Announcements

Adjournment

The meeting was closed at 9:49 PM

Public Comment Sign Up Sheet
PLEASE PRINT NEATLY

Public Hearing: October 24, 2022 - Public Hearing
Local Law "I" of 2022 - a Local Law Establishing a
Payment in Lieu of Taxes (PILOT) Agreement

NAME	STREET ADDRESS	CITY/TOWN	EMAIL ADDRESS
1. SANDY DOTY ✓	218 DOTY RD	WARRENTHON	DOTY FAPEN@FONTRACAPACIT.NET
2. Corey La Silk ✓	3435 McLean Manor Rd	Solon	Coreyxx15@yahoo.com
3. Stephen A. Furlin ✓	4327 Soshinsky Rd	Solon	N/A
4. Denise L. Bushnell ✓	11 Omega St. Cortland	Cortland	
5. Kim Cameron ✓	7565 Oldwoods Road	Preble	Kimberlycameron4@gmail.com
6. Sheila Cohen ✓	209 Croton Ave	Cortland	scohen3@twcny.rr.com
7. Tom McCall ✓	5035 Township Rd	Milgram	
8. Victor Siegel ✓	75 S. Main St	Homer	
9. Chris Bushnell ✓	4151 Lapphill Rd	Bolton	Cibushnell785@Yahoo.com
10. John Soshinsky ✓	4040 Soshinsky Rd	McGraw	Town of Solon
11. Michael Barsky ✓	2616 Ames Rd	Cortland	
12.			
13.			
14.			

Public Comment Sign Up Sheet
PLEASE PRINT NEATLY

Public Hearing: October 24, 2022 - Public Hearing a
 Local Law "I" of 2022 – a Local Law Establishing a
 Payment in Lieu of Taxes (PILOT) Agreement

NAME	STREET ADDRESS	CITY/TOWN	EMAIL ADDRESS
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Public Comment Sign Up Sheet
PLEASE PRINT NEATLY

Public Hearing: October 24, 2022 - Public Hearing
 Local Law "J" of 2022 - a Local Law Overriding
 Tax Levy Limit for Fiscal Year 2023

NAME	STREET ADDRESS	CITY/TOWN	EMAIL ADDRESS
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Public Comment Sign Up Sheet
PLEASE PRINT NEATLY

Public Hearing: October 24, 2022 - Public Hearing
Local Law "J" of 2022 - a Local Law Overriding
Tax Levy Limit for Fiscal Year 2023

NAME	STREET ADDRESS	CITY/TOWN	EMAIL ADDRESS
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October 24, 2022

Cortland County Legislature
County Office Building
60 Central Ave.
Cortland, New York 13045

Dear County Legislators:

The Town of Lapeer is not in favor of the proposed law that would give the IDA the ability to negotiate PILOT agreements on behalf of Cortland County.

Lapeer has been less than satisfied with the IDA during its Solar Project which started in 2018. The Town Board and staff performed most of the required work for the project with only a 16.54% return while the County received 36.55%, the school district 45.98% and Marathon Library .93%.. For the work and effort the Town of Lapeer put into the project it is unfair how the money was distributed.

Future solar projects will be handled by the Town much differently with everything being clearly spelled out. The Town of Lapeer feels that the lack of new projects beginning in the County has more to do with the small municipalities having to issue new rules and regulations in its local laws and policies and less to do with the \$7,000.00 per mega-watt payment requirement.

These solar projects are offering little incentive for Lapeer to positively consider approving another solar farm. After all, the project does not create local jobs either during construction or after completion. Lapeer's 16.54% amounts to approximately \$7,400.00 per year.

Sincerely,
Gary Cornell
Lapeer Town Supervisor

October 27, 2022

Mr Chairman, Members of the Cortland Legislature. My name is Kim Cameron and I have lived in Preble for almost 20 years. I am also an environmental activist, I've been a research scientist at SUNY ESF and Cornell, and I founded CNY Tutoring, a business that helps high school and college students with math and science.

I support Law "I" and I urge you to do so as well.

This Legislative body usually tries to support farmers, relies on the expertise of its IDA for economic development, and recognizes that the IDA is an independent agency designed to be free from politics.

I assume that the laws of 2018 and 2020 were passed to help landowners, and especially farmers, and to maximize payments in lieu of taxes to the County, school districts, towns and villages of the County.

I, and others are here tonight because that approach did not work. In fact, it has killed solar renewable energy projects throughout the County depriving both landowners and the County's municipal tax bases of their benefits.

Not only have rights to use one's land been denied, so too have municipalities lost the opportunity to share PILOT payments which are often, if not always, in excess of and in addition to, the taxes from the farmers or landowners on the lands affected.

No other economic development projects have been singled out in this manner. I want to believe that by now the members of this body acknowledge the need for more renewable energy and less fossil fuel combustion. And that members of this body recognize that renewable energy is the future, that climate disruption is real and that it is undeniably happening here.... Now.

Furthermore, having more renewable energy is looked at favorably by industry. Micron is citing green energy as a reason to come to Onondaga County - an agreement brokered through its IDA. Finally, growing renewable energy and reducing the use of fossil fuels is now the law in New York State.

Renewable energy is cleaner and cheaper than fossil fuels. It is NOT subject to the ups and downs of the world oil market and it has not been the cause of international conflicts. It is the future, if our children and grandchildren have any chance of enjoying a liveable planet.

In conclusion, passing Local Law "I" achieves the following goals:

1. It allows county landowners, and especially farmers, to decide what they want to do with their land.
2. PILOT payments will help municipalities with their tax rates.
3. The IDA will be free to do what this body charged it to do - bring economic development to Cortland County, free of politics.

The repeal that Local Law "I" represents is a good idea, long overdue. I urge each of you to support it.

Kim Cameron, PhD.
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Sheila Cohen/10-27-2022/Meeting of Cortland County Legislature

I support transferring responsibility for determining PILOT (Payment In Lieu of Taxes) agreements to the County IDA - especially in the case of Solar Development. I suggest that the IDA is much better positioned to balance the various sometimes complex business and community dimensions particularly of Solar development, than the legislature.

Climate change is a serious threat and continues to grow as a threat because of over-reliance on fossil fuels and certain forms of farming. We need to do everything feasible to promote the installation of sustainable forms of energy such as solar. That means attracting companies that can help us achieve climate goals through installation of solar farms. Moreover, the use of some, possibly less than prime, land for solar development may well be of considerable value to some landowners.

There are some very weak reasons presented for keeping solar projects out of the county. One prominent argument is that solar farms limit food production. However, there are a variety of ways of producing food that use less land and water for food production, e.g. aquaponic and hydroponic farming. There are also other innovative ways of farming that are compatible with solar farms, e.g. agrivoltaic systems.

While there are downsides to any form of energy, we need to weigh all considerations with the urgent need to mitigate the effects of climate change by the use of much more renewable energy.

In light of climate change, as witnessed, for example, by recent devastating weather events, the county should be doing its part to mitigate its effects, particularly by promoting the installation of sustainable forms of energy as quickly as possible. Attempts to prevent solar farms from being installed make no sense. Attracting companies that can lead to energy efficiency makes a great deal of sense. We should leave it to the IDA to make that possible.

If we do not have an energy strategy, how will we ever create a sustainable energy future?

Solar projects combined with battery storage will be critical to provide reliable, on-demand electricity for Cortland's energy future. But today, solar companies are paying minimal property taxes and providing little benefit to our society. The people arguing for gigantic tax abatements for EDF are the people with maximal conflicts of interest. Our electricity supply in Upstate NY is reliable and sufficient for our current needs. In addition, 90% of our Upstate electricity is already carbon-free, a far higher percentage than the rest of NYS.

On October 26, the IDA unilaterally invalidated its own resolution requiring enforcement of the Towns' solar PILOT rates, disrespecting the Towns' stated requirements. An agency that disrespects its own constituents does not deserve more power and more freedom.

Although EDF's behavior has already demonstrated that it has budgeted for full property tax rates, the IDA wishes to reduce EDF's PILOT payments by millions of dollars. Reducing EDF's PILOT payment would be a terrible and unnecessary loss of millions of dollars of taxpayer revenue. Officials in the 3 Towns should not stand for this action. When EDF signed its multi-hundred-million-dollar agreement with NYSERDA, EDF confirmed that it was completely responsible for paying full property taxes. Please read the attached essay *18 Reasons to reject EDF's PILOT property tax proposal*.

In the Cortland Standard of October 19, 2022, speaking about the maximum PILOT rate Garry VanGorder said, "No one that we know of has ever paid that (\$7,000)". It took only a quick Internet search to rebut that claim. In your documents are a listing of 9 projects in NYS and Ohio that have paid \$7,500 or more and 5 laws, resolutions, and guides mandating or allowing rates higher than \$7,500.

Although I am personally convinced that global warming is real and is accelerating, I recognize that some people do not accept human-induced climate change as true. If a person believes that climate change is unproven, they should reject all tax abatements for imported solar panels which generate intermittent, unreliable electricity.

On the other hand, if you accept the scientific validity of global warming, the best solution for Cortland County will be to create a thoughtful, long-term energy plan and to actually implement it. In her final days as Planning Director, Trisha Jesset gave a warning to the Legislature's Ag/Planning/Environmental Committee to "not rush" into solar developments. Trisha also pointed out that the majority of our towns do not even have solar laws.

The last thing Cortland County needs is expensive, unreliable and intermittent electricity forcing out the inexpensive, reliable, on-demand electricity we now have. Rather than wasting our energy dollars on the proposed EDF project and its planned expansion projects, please think instead about funding long-term, constructive projects to provide a sustainable energy future in Cortland County.

When an economic development policy, such as the IDA's Uniform Tax Exemption Policy (UTEP), is good for Cortland County I am its strongest supporter; but when an economic policy leads to economic disaster, I have to speak out against it. Any municipality or IDA that does not demand maximum, fair property taxes is not defending its own taxpayers. When solar property tax abatement rates become negotiable, the taxation process becomes corruptible.

Solar PILOT rates based upon the number of megawatts are plucked from thin air; solar PILOT rates are made up without any factual basis; and no one is ever held responsible for the validity of the decision.

In contrast, if someone requests an IDA PILOT for a new beer brewery, the IDA will never approve a PILOT based upon the number of beer bottles. Instead, the IDA will review the proposed investment amount and the jobs to be created, and the IDA will then use our brilliant Uniform Tax Exemption Policy (UTEP) to determine the potential tax abatement automatically and effortlessly.

One more major question involves the 1% fee that the IDA receives from each completed PILOT agreement. That amount has been less significant in the past, but may exceed \$1,000,000 for the EDF project. The IDA must agree to transfer this fee either to the County for the benefit of the involved Towns or else directly to the Towns where solar projects are located. Because so much money is involved, this is a very important point which should be resolved by the Legislature now. If the IDA intends to retain this \$1,000,000 fee, this large sum may lead to an inherent conflict of interest when negotiating a solar PILOT.

It is time for the IDA and the County, working together, to create a SOLAR Uniform Tax Exemption Policy (SUTEP) based upon the original UTEP and focused on the proposed investment amount. A Solar UTEP would eliminate all controversy and would become as successful for solar projects as our original UTEP is for industrial projects.

It is also time to have a full public discussion of the best path for sustainable energy generation in Cortland County. Please do not give the IDA freedom to negotiate solar tax abatements until the County has a sensible, long-term energy plan.

Victor Siegle explores economics, education, energy, and the environment in Cortland County.

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Solar PILOT Rates						Revised 2022.10.21		
Annual Payment per megawatt		Municipality	PILOT name	Other Solar Related Activities	Details	Date		
NEW YORK STATE								
	Higher than \$7,000	Town of Solon, Cortland County (Anticipated)	Homer Solar		Solon opted out. With current appraisal rate (Brian Fitts) of \$.70/watt, equivalent PILOT rate will be higher than \$7,000, even if discounted.	2022(?)		
	\$7,050	Town of Ossining, Westchester County	Medua NY 1			2020		
	\$7,500	Town of Westerlo, Albany County	Westerlo Solar 1			2018		
	\$7,500	Town of Westerlo, Albany County	Westerlo Solar 2			2018		
	\$7,500	Town of Westerlo, Albany County	Westerlo NY 1			2020		
	\$8,686	Town of Westerlo, Albany County	Costanza	Comprehensive Plan		2018		
	\$8,750	Greene County		Local Law Number 1 of 2022		2022		
	Up to full tax rate based upon full assessment	NYS RPTL § 575-b and the State-Mandated Solar and Wind Real Property Assessment Models		New York Real Property Tax Law ("RPTL") § 575-b	Assessments ... cannot exceed fair market value, a limitation plainly stated in the State Constitution. As explained by the Court of Appeals, the "concept of 'full value' is typically equated with market value, or what 'a seller under no compulsion to sell and a buyer under no compulsion to buy' would agree to as the subject property's price."	2021		
	Projects in the 5 to 9.9 megawatt range will receive a \$7,500 PILOT and for projects 10 to 24.9 megawatts, the PILOT will be \$9,000.	Cattaraugus County IDA		IDA Resolution		2020		
OHIO								
	The base PILOT fee is set automatically at \$7,000 per MW of nameplate capacity for qualified solar projects.	Ohio State University - Farmland Owner's Guide to Solar Leasing		This guide aims to help farmland owners understand solar energy development and the solar energy leasing process. The guide includes specific information for Ohio, but other information about solar leasing in the guide is relevant for farmland owners in any state.	The county may integrate an additional service payment not to exceed \$9,000 per MW when combined with the base PILOT fee.	2019		
	\$9,000	Union County	Cadence			2022		
	\$9,000	Gaspar Township (Preble County), Washington Townships (Montgomery County)	Alamo Solar Project			2021		
	\$9,000	Israel Township (Preble County),	Angelina Solar			2021		

UTEP = Uniform Tax Exemption Policy
SUTEP = Solar Uniform Tax Exemption Policy

Information in right-hand column is based upon EDF's original offer of \$2,500 per Megawatt for 30-year PILOT program for Homer Solar Energy project. In the meantime, EDF spontaneously raised their offer by 80% to \$4,500, and by their behavior demonstrated they have budgeted for \$7,000.

Manufacturing, industrial, and not-for-profit companies may receive property tax incentives through agreements with the Cortland County Industrial Development Agency (IDA). Through these agreements, properties are exempt from property taxes for many years. Their Payment in Lieu of Taxes (PILOT) partially compensates for unpaid property taxes. This example is based upon the EDF solar project.

Comparison of new Solar UTEP, existing industrial UTEP, and the EDF-proposed PILOT	New SOLAR PILOT obeying the new Cortland County Solar Uniform Tax Exemption Policy (SUTEP)	Standard PILOT obeying the Cortland County Uniform Tax Exemption Policy (UTEPI)	EDF solar facilities PILOT with deviations negotiated for lower property taxes than standard UTEP
Conclusions about each PILOT program	Self-adjusting because it will be based upon actual investment in solar energy generation and battery storage. Will be consistent and fair to both taxpayers and to solar developers.	Time-honored, consistent and fair to both taxpayers and to businesses.	Experimental, inconsistent, and unfair to taxpayers, municipalities, and school districts.
Recommendations	SUTEP should become our basic solar PILOT policy.	UTEPI should continue as our basic PILOT policy.	A new solar UTEPI (as show at left) should be implemented with consistent terms based upon INVESTMENT. "Deviations" should be abolished.
QUESTIONS AND ANSWERS:			
For how many years will property taxes be abated?	To be determined when SUTEP rules are created	10 years	15 years to 30 years
What % of real property taxes will be paid during PILOT term?	To be determined when SUTEP rules are created	35%	Approx. 10% or less
What % of real property taxes will be cancelled during PILOT term?	To be determined when SUTEP rules are created	65%	Approx. 90% or more
Will there be an additional tax loss due to extending PILOT beyond standard term of 10 years?	To be determined when SUTEP rules are created	None	Severe
Packet Pg. 36			1.3.d

Will a PILOT be approved only with guaranteed creation and retention of permanent jobs by applicant?	No, SUTEP recognizes that job creation will be minimal	Yes for non-solar industrial and business projects	No
What is the typical number of permanent jobs created?	Minimal	Many	2 or 3
How long has this PILOT policy been in effect?	Not yet created	22 years	1 year
Does the IDA essentially guarantee profit for applicant?	No	No	Yes
Will tax jurisdictions receive lower revenues to guarantee profits for solar developers?	No	No	Yes
Can the PILOT application process be manipulated by applicant to reduce tax rates?	No	No	Yes
Will the IDA treat solar facilities, non-solar businesses, and homeowners fairly?	Yes	Yes	No
Will this policy motivate future IDA applicants to pay appropriate property taxes?	Yes	Yes	No. Future applicants will demand reduced taxes.
Will the IDA respect municipalities and school districts that demand full real property taxation via opting-out of RPTL 487?	Unknown	Unknown	No
What was the net tax exemption per job gained in 2017 by IDA projects.	Not relevant	\$3,782	Tax exemption may be as high as \$30,000,000 per job. Almost no jobs are added.
Is there a consistent term length for PILOT tax abatements?	To be determined when SUTEP rules are created	Yes, 10 years	No, individually negotiated, terms up to 30 years
Does this PILOT program allow deviation from Uniform Tax Exemption Policy?	Deviations are allowed when the IDA chooses to shorten the duration of PILOTs.	Deviations are allowed when the IDA chooses to shorten the duration of PILOTs.	Because solar facilities PILOT term exceeds UTEP term, public hearing is required before granting deviation.
How many PILOT programs of each type have been approved by the IDA?	0	More than 50 completed	At least 5 in various stages of planning, construction, and completion
Does this PILOT conform to Local Law #1 of 2018 (as revised) for solar PILOT rate and term?	Not relevant because Local Law #1 will be repealed.	Total revenue exceeds revenue defined in Local Law.	No, violates PILOT term and may violate PILOT rate

Cortland County Legislature Solar Law “I” 2022 comments

Since 2015 I have been researching solar energy in Cortland County to find the best solutions for solar development here. I have made assumptions based on the best information I can find. If I have misinterpreted any actions, decisions, or information, I will be happy to correct errors reported to me.

Human-caused global warming is directly related to greenhouse gas emissions, especially carbon dioxide. If we do not reduce and eventually eliminate carbon dioxide emissions, global warming will continue and accelerate.

One of the most practical solutions to global warming will be to combine solar energy with battery storage so that solar energy can be reliable and available on-demand. Until solar energy is reliable and on-demand, Upstate NY will NOT benefit from large-scale, utility solar projects. There is no reason to give tax abatements to solar projects in Cortland County until solar generation is both reliable and available on-demand.

According to the New York Independent System Operator (NYISO), “in upstate New York, 90% of the energy produced in 2020 was free of carbon emissions”. Because upstate NY already has the electricity we need, when we add a new, local electrical generation source, we must terminate or curtail an existing electricity source, usually another carbon-free source. Currently, Upstate solar energy is sometimes forced to be curtailed, shut down, because capacity to transmit our solar energy to metropolitan NYC is congested.

But, during times of little or no sun, such as during rain or snowstorms, we must replace on short notice the electricity we terminated or curtailed. The practical, alternative sources are usually fossil fuels, such as natural gas.

Neither shutting down other renewable sources nor burning natural gas are productive solutions. If the established carbon-free generation sources were not shut down, the overall carbon emissions would be lower than by building new, intermittent solar projects.

If approved, Solar Law “I” will impact the current EDF project, future EDF expansions that may quadruple the size of the current EDF project to the dimensions of 1,500 football fields, and other solar projects.

The most important change in Solar Law “I” states:

“That the County of Cortland delegates to the Cortland County Industrial Development Agency the authority to negotiate such agreements on behalf of the County of Cortland.”

If the IDA approves unjustified tax abatements, the proposed Local Law “I” does not give the County any enforcement mechanisms, any protection, or any recourse. The previous Solar Laws had no enforcement mechanism and were violated 100% of the time, without any enforcement. My understanding is that the County never received any payments from the existing and previous Solar Law. There is no reason to surrender the watchdog and legal powers of our active County Legislature. There is also no reason to override the approval powers of our Towns and school districts.

The IDA, in previous solar PILOTs, granted tax abatements far exceeding standard PILOT abatements given to other businesses and industries. For example, the Willet solar project for Janis Solar is in the news

because it has not been completed and appears to have been abandoned, without any clear communications to the Town of Willet.

According to County tax maps, the 2 properties comprising the IDA Willet Solar project have a full market value of \$8,216,561. At normal Willet tax rates, the real property tax would have been almost \$340,000 per year. But the IDA negotiated a tax abatement down to \$30,000 for this Solar PILOT. This is a tax reduction of over 91%, allowing Janis Solar to pay less than 9% of the regular property taxes.

As you know, the salaries and expenses of the IDA are paid by the County taxpayers through the annual budget of the Legislature. Any additional expenses in implementing specific projects are paid by the companies benefiting from those projects. As a historical artifact, the IDA receives a 1% fee from each completed PILOT. That amount has been less significant in the past, but may amount to \$1,300,000 if the EDF project costs \$130,000,000.

The IDA must agree to transfer this fee either to the County for the benefit of the involved Towns or else directly to the Towns where solar projects are located. Because so much money is involved, this is a very important point which should be resolved by the Legislature now. If the IDA intends to retain this \$1,300,000, this large sum may lead to an inherent conflict of interest when negotiating a Solar PILOT.

Finally, you may not be aware of recent news involving Electricity of France, probably the world's leading nuclear plant owner and operator. EDF Renewables is a subsidiary of an affiliate of a division of Electricity of France.

Because Electricity of France is essentially bankrupt, EDF's real property taxation has become a serious issue. Later in 2022 the French government plans to fully nationalize Electricity of France, giving it full control as Electricity of France struggles with multiple financial, energy, and employee problems. Electricity of France has already begun a 3-billion-euro asset disposal program. My guess is that EDF will attempt to sell the Homer Solar Project as soon as legally possible because the French government must focus on their existential energy issues. Proposing a giant tax abatement to a company whose parent is technically bankrupt makes no sense.

Over the past 3 years, EDF representatives have conducted a never-ending campaign to convince Cortland County officials to grant a giant tax abatement. But their behavior contradicts their words. Please read the attached essay, *18 reasons to reject EDF's PILOT property tax proposal*, to learn why EDF is ready, willing, and able to pay the full property taxes on the proposed Homer Solar Project. When EDF signed its multi-hundred-million-dollar agreement with NYSERDA, EDF confirmed that it was completely liable for paying full property taxes.

Until all these problems are solved, the County Legislature should not abdicate any decision-making responsibility for Solar PILOTS.

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File: Cortland County Legislature Solar Law "I" comments

Written 2022.10.13

Revised 2022.10.26

Cortland 2040 - Our Sustainable Energy Future

This proposal is intended to stimulate discussion and motivate action.

Unless we reduce our planet's greenhouse gas concentrations, the Earth will continue to warm, causing a perpetual climate crisis. All of us must deal with this problem, both locally and globally. There is no free lunch when it comes to climate change. Whether we do nothing or we do everything, whatever choices we make will come with considerable costs. How will our society adapt?

Here in Cortland we must take constructive actions regarding greenhouse gases, but we must not allow our County to be victimized by our generosity. We, the residents of Cortland County, must prepare for our energy and economic future. Are we ready and willing to pay more for reliable energy with no carbon emissions? Until we make clear decisions, we risk being powerless and at the mercy of conflicting energy proposals.

We must continue to evaluate the decisions taken by the County Legislature and other local municipalities. At the present time the proposed solar developments are the least appropriate actions we can take if they do not include corresponding energy storage or carbon storage. Both patience and intelligent decision-making are required to determine suitable long-term energy sources. We must demand better results than just giving tax abatements and subsidies for today's unreliable solar projects.

New York State has mandated that New York's power be 100 percent carbon-free by 2040

This globally unprecedented ramp-up of renewable energy will include:

- Doubling distributed solar deployment to 6,000 megawatts by 2025,
- More than doubling new large-scale land-based wind and solar resources through the Clean Energy Standard, and
- Deploying 3,000 megawatts of energy storage by 2030.

Based upon this mandate, and upon the importance of taking practical and economic actions to stimulate Cortland County's future, here are my **OPTIMISTIC THOUGHTS** about how straightforward it would be for Cortland County to become a leading NYS county for these goals.

The following announcements are **MOSTLY FICTION** today, but they do not have to remain fiction for long. Please note carefully that NYS DOES NOT mandate that Cortland County must terminate, or even reduce, our real property tax rates.

Please imagine if the following organizations, working together on a bipartisan basis, announced the establishment of *Cortland 2040 - Our Sustainable Future*:

- Cornell University Department of Crop and Soil Sciences – Biochar Soil Management
- Cortland County Industrial Development Agency (IDA)
- Cortland County Legislature
- Cortland County Planning Department
- Cortland Works Career Center
- NYS Governor and the NYS Legislature
- National Grid

New York Power Authority
 New York State Electric and Gas Corporation (NYSEG)
 NYS Energy Research & Development Authority (NYSERDA)
 SUNY College of Environmental Science and Forestry (SUNY ESF)

The following actions would be immediately implemented by each of the participating organizations. These coordinated programs would:

- Provide electricity when and where it is needed in Cortland County and NYS.
- Improve the economic conditions of our residents, and
- Deliver long-term carbon dioxide reduction and storage employing the most natural, sustainable techniques.

Please read the press releases (when issued) from each organization for energy and financial details.

Cortland 2040 - Cortland County Industrial Development Agency (IDA)

Resolutions issued by the IDA would include:

- Strict adherence to County laws,
- Close cooperation with local municipalities and school districts, and
- Transparency of all negotiations.

Cortland 2040 - Cortland County Legislature

Laws passed by the Cortland County Legislature would include:

- Opt-out of Real Property Law Section 487 resuming full taxation of solar projects.
- Establish minimum requirements for energy storage in new solar energy projects.
- Expand oversight of the Cortland County IDA.
- Protect Cortland County taxpayers through transparency of all tax abatements granted, and
- Set maximum land area allowed for solar projects.

Cortland 2040 - Cortland County Planning Department

Develop and deliver seminars for landowners considering solar leases to:

- Protect their rights,
- Optimize their leases, and
- Maximize their lease revenue.

Cortland 2040 - NYS Energy Research & Development Authority (NYSERDA)

Grants issued by NYSEDA would include:

- \$100 million grant for reforestation of neglected agricultural land in Cortland County.
 (Of all the proposals to reduce carbon dioxide in the atmosphere, the most natural and practical proposal is to grow trees on underutilized land. Cortland County is a rare location, containing approximately 100,000 acres of underutilized land suitable for forestry.)
- \$20 million grant for biochar applications on neglected agricultural land in Cortland County.
- \$2 million grant for LED lighting for residences in Cortland County.

Cortland 2040 – NYS Governor and the NYS Legislature

Resolutions issued by the Governor would include:

Designation of Cortland County as the first NYS “Carbon Neutral County” with eligibility for non-competitive funding to promote the “2040” goals.

Cortland 2040 - New York Power Authority (NYPA)

Grants issued by New York Power Authority would include:

\$100 million for advanced energy storage for solar electricity in Cortland County to create “implicit storage systems” providing reliable, on-demand solar power.

Cortland 2040 - SUNY College of Environmental Science and Forestry (SUNY ESF)

Actions by SUNY ESF would include:

Management of \$100 million grant from NYSEDA for reforestation of neglected agricultural lands in Cortland County

Cortland 2040 - Cornell University Department of Crop and Soil Sciences – Biochar

Actions by Cornell Department of Crop and Soil Sciences would include:

Management of \$20 million grant from NYSEDA for biochar applications on neglected agricultural lands in Cortland County.

Cortland 2040 - Cortland Works Career Center

Actions by Cortland Works Career Center would include:

Development and management of educational and career programs for reforestation on neglected agricultural land in Cortland County.

Cortland 2040 – NYSEG and National Grid

Actions by NYSEG and National Grid would include:

Advertise NYSEDA grant to distribute LED lighting to all residential properties in Cortland County. By reducing demand for electricity for lighting, NYSEG and National Grid will reduce their need for more fossil fuels.

Promote Vehicle-to-Grid (V2G), a technology that enables energy to be pushed back to the power grid from the battery of an electric car.

Promote geothermal and heat pump systems to replace wood-burning, propane, and fuel oil residential heating systems.

These programs will certainly evolve over time as we learn more about how to optimize our energy future.

Victor Siegle

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File: Cortland 2040 - Our Sustainable Energy Future

Published 2021.09.09

Revised 2021.10.21

Revised 2022.10.27

18 reasons to reject EDF's PILOT property tax proposal

Property tax conclusions about EDF Homer Solar Energy Center

Since 2015 I have been researching solar energy in Cortland County to find the best solutions for solar development here. I have made assumptions based on the best information I can find. If I have misinterpreted any actions, decisions, or information, I will be happy to correct errors reported to me.

The Background

EDF Renewables ("EDF") is a subsidiary of an affiliate of a division of Électricité de France S.A. (literally Electricity of France), probably the world's leading nuclear plant owner and operator, largely owned by the French government.

EDF has proposed to construct and operate a major solar electric generating facility of up to 90 Megawatts ("MW") in the Towns of Homer, Cortlandville and Solon (the "Homer Solar Energy Center").

EDF is trying to negotiate a tax abatement with the county, the involved towns, and the school districts through a Payment In Lieu of Taxes ("PILOT") agreement negotiated through the Cortland County Industrial Development Agency ("IDA")

The EDF tax negotiation process feels like a very high-stakes poker game, potentially generating millions of dollars per year in property taxes over the life of the project. Because EDF has played this game multiple times and because EDF reveals so little about its true objectives, EDF appears to be confident about its strong negotiating position.

But the truth is that **Cortland County, our towns, and our school districts have all the taxing power.** We do not have to concede anything to EDF. This was recently demonstrated when the Cortland Enlarged City School District voted to demand full property taxes by "opting out" of tax exemptions. All of our taxing jurisdictions can insist upon full property tax payments.

After you read the following reasons, you will recognize clearly that these facts lead to only one conclusion: **EDF IS READY, WILLING, AND ABLE TO PAY THE FULL PROPERTY TAXES ON THIS SOLAR PROJECT.**

Although it can be difficult to know exactly what someone is thinking, their words and actions are often the best guide to what is actually in their mind. By interpreting the actions of EDF and by analyzing the words of EDF's staff, we can make an informed guess about EDF's budget for local property tax payments. Here is an analysis of the information that I have obtained.

Reason #1

A condensed version of this essay was published in the Homer News in August 2022. The Homer News has a circulation of more than 4,200 copies. No representative from EDF and no Homer citizen has challenged any of the reasons. **If EDF was going to shut down this project because they cannot afford to pay full tax rates, they would have done so long ago.**

Reason #2:

Around May 05, 2021, EDF was awarded a long-term contract for the Homer Solar project by New York State Energy Research and Development Authority (NYSERDA). Please note that EDF may receive over \$240,000,000 in revenue for Renewable Energy Credits from this contract, just one of its many subsidized revenue and credit sources.

Because EDF was fully aware of our property tax rights, they never would have signed this contract without getting complete approval from Electricity of France, its parent corporation in France. Electricity of France would never give the approval for a contract exceeding \$240,000,000 if there was any risk of being surprised by property taxes costing millions of dollars per year. **Signing this contract demonstrates that EDF must have already budgeted for full property tax rates.**

Reason #3:

A significant section of the EDF solar project is located in the Town of Solon. As has been clear for many months, the Town of Solon insists upon standard property tax payments. EDF has been notified that Solon will not accept anything less than full property tax payments of approximately \$41.98 / \$1,000 of assessed valuation. **This certainly implies that EDF has approved and budgeted the full property tax rate in Solon of \$41.98 per thousand.**

Reason #4:

William Oberkehr is a Project Manager on the NYSERDA Clean Energy Siting Team. He is familiar with the EDF Homer Solar Project. I spoke to Mr. Oberkehr on July 21, 2021. I mentioned that EDF has already signed its contract with NYSERDA, and I asked him, **"Has EDF budgeted for full local property taxes?"** Mr. Oberkehr replied, **"That would be wise"**. He then hedged his reply slightly by saying that his answer was "speculation". Because Mr. Oberkehr is not an official spokesman for NYSERDA, he cannot give definitive answers to EDF financial questions. But I also recognize that his answer makes sense and appears to be true.

Reason #5:

EDF is well aware that the IDA's minimum PILOT rate will be \$7,000 / Megawatt, yet EDF constantly repeats its offer of \$2,500 / Megawatt, like a broken record.

If EDF truly believed it could only afford to pay only \$2,500 / Megawatt, EDF would have abandoned Cortland County long ago. Yet EDF stays here. In fact, EDF has already filed their application for construction. It is safe to say that EDF has internally budgeted for at least \$7,000 / Megawatt.

Reason #6:

Peter Morse-Ackley emailed some questions to Mr. Jack Honor, EDF Senior Development Manager, and Mr. Honor replied:

We are electing to work with the IDA on a PILOT instead of working with each individual taxing jurisdiction (there are 6 for our project). There are no state guaranteed minimum or maximum amounts for PILOTs with an IDA. If one were to do individual PILOTs with each taxing jurisdiction under RPTL 487 instead, **the maximum PILOT amount is what "normal" taxation would otherwise be.**

Because it is very unlikely that any Cortland citizen has ever asked “what is the maximum PILOT amount”, there was no reason for Mr. Honor to mention this technical detail unless it was already on his mind. **If this were an actual poker game, Mr. Honor's response would be called a "tell".**

Once Mr. Honor mentioned this, you (and every other involved person) would immediately ask, **“Well, can we just make the PILOT rate equal to normal taxation?” And the answer is “Yes”.** Even if a taxing jurisdiction does not opt out, it has full control over the tax rate and can get the same effect as opting out by setting the PILOT rate to match the tax rate. If you would like to experiment with these conversions, please request my Excel spreadsheet to *“Convert solar PILOT rate to equivalent real property tax rate”*.

Reason #7:

Peter Morse-Ackley emailed another question to Mr. Honor, and Mr. Honor replied:

We would not likely proceed to construction without a strong understanding of what the property taxes would be and for that amount to fit the projects operational budget. Having a PILOT in place is the most common way to accomplish that. Our construction start date is still at a minimum about 15 months from now though. The permit process I mentioned in my previous e-mail will take about one year from application to approval and then there is about 3 months of post-approval compliance filings to complete.

Mr. Honor did not mention that EDF has already decided to “proceed to construction”. Filing the letter of intent indicated their desire and plans to push forward. Signing the NYSEDA contract to deliver solar electricity through the Fenner grid was the most important step and that step has been completed. Filing the actual application was the last major step needed to begin the official process towards construction.

Mr. Honor's reply and all of these completed steps are additional confirmation that EDF has budgeted for full property tax payments on the Homer Solar Project.

Reason #8:

In the Cortland Standard on July 29, 2021, Mr. Honor said the \$2,500 rate would provide “five to six times more revenue than the land it utilizes currently generated in property taxes”.

Mr. Honor knows perfectly well that the limited property taxes for an upland hay field with an agricultural tax exemption are a tiny fraction of what the appropriate property taxes should be for a high-technology solar project.

Once again Mr. Honor is attempting to divert our attention through repetition. After 2 years of constant repetition, Mr. Honor has become too predictable. **Because the Cortland County IDA, the 3 towns, 3 school districts, and our county will not reduce our tax rate to \$2,500 / Megawatt, Mr. Honor and EDF should acknowledge that their initial \$2,500 / Megawatt proposal is not going to be accepted.**

Reason #9:

EDF's staff are experienced professionals, comfortable with negotiating contracts worth millions of dollars. Their deep knowledge gives them an enormous advantage with gigantic projects like the Homer Solar Energy Center.

When someone is intelligent and their behavior makes no obvious sense, it can be worthwhile to try to understand what they are communicating. **Everything Mr. Honor says appears to be part of EDF's negotiating strategy. By always repeating "\$2,500 / Megawatt", Mr. Honor is trying to reduce our taxation expectations.**

When you consider that the EDF representatives will probably be compensated directly for how low they can negotiate the tax rate, the work of our local officials to stand up for Cortland becomes even more challenging.

Reason #10:

Because EDF has invested so much money and effort into their NYSEDA contract and application, they are very unlikely to back out. If they abandoned Cortland now, a competitor would immediately take advantage of EDF's preparatory work and would offer to pay a higher PILOT rate.

Reason #11:

One of the landowners from whom EDF has leased land recently wrote, "In order to be economically feasible, solar requires tax incentives from all branches of government—federal, state, and local." This statement sounds like it came directly from the mouth of an EDF representative to the ears of the landowner. But, most importantly, this statement is FALSE. **Solar is now the LEAST expensive energy source according to updated calculations by the Lazard investment firm, the world's leading expert on energy costs. No tax incentives are required any more. This statement is just another example of EDF repeating their sales pitch in order to increase tax abatements.**

Reason #12:

EDF recently raised its cost estimate for this solar project from \$90,000,000 to \$130,000,000. When asked why the costs had changed, Jack Honor replied, "\$90M was a preliminary estimate from some time ago. The revised cost takes into account current pricing and site-specific conditions. As other industries have observed, materials costs have risen steeply with covid. Solar modules and steel are the two largest contributors to that increase." Analyzing this answer, **this solar project appears to be so profitable that a cost increase of \$40,000,000 has no significant effect on the continuation of this project. Likewise, the property tax rate is just another cost of doing business and is almost certainly budgeted for the full rate.**

Reason #13:

Michael McMahon, Chair of the IDAS Board, spoke to the Homer Town Board about EDF in late 2021. He said that EDF proposed a \$2,500 / MW PILOT rate to the IDA last year. **The IDA rejected EDF's proposal. Yet EDF did not give up and walk away, as would be sensible if the IDA's demand was unacceptable.**

Reason #14:

Michael Barylski, owner of land leased to EDF for solar panels, complained to the Homer Town Board about raising the property tax rates so high that EDF would leave Cortland County. **He repeated his never-ending demand that I should show him a town which had opted-out of RPTL § 487, but which still had solar projects.** Although I did not think of the answer when Barylski was at the Board meeting, I realized right after the meeting that **the Town of Solon, located only 2 miles east of the Barylski property, had opted-out and was still included in the EDF solar project, proving once again that EDF is willing to pay full taxes.**

Reason #15:

If EDF actually needed our tax abatement to justify building their project, EDF would be happy to submit audited financial plans and projected cash flow statements. The fact that EDF does not do this demonstrates that EDF does NOT need our tax abatements.

Reason #16: (Added February 15, 2022)

Cortland County's solar property tax rates were recently updated with the new "discounted cash flow appraisal" method of the NYS Public Service Commission. After some controversy and a temporary restraining order, the discounted cash flow appraisal method is now optional unless, and unless, it is revised and approved. Some of the statements above may now be obsolete.

At least 15 times over the past 2 years, EDF falsely claimed that \$2,500 / Megawatt was the maximum property tax rate they could afford. In February 2022 EDF spontaneously and suddenly raised their offer by over 80% to \$4,500 / Megawatt. In reality, EDF has budgeted much more for property taxes. **EDDF's behavior now shows that the original 15 lies were intentional. EDF's statements show definitively that they have budgeted for the original full appraisal property tax rates.**

Reason #17: (Added March 10, 2022)

EDF's application to build the Homer Solar Energy Center has been filed 3 times with the NYS Office of Renewable Energy Siting because the application was rejected twice as incomplete. In the latest application, dated March 2022, EDF has not increased the proposed PILOT rate above the original \$2,500 / Megawatt, even though that rate has been rejected in every conversation with local authorities. EDF is persistent, but their behavior is inappropriate.

Because EDF's newest proposal is lower than the rates demanded by the 3 Towns (and previously approved in writing by the IDA), there is no reason to consider EDF's proposal. Also, NYS has stated that municipalities can tax solar projects based upon the original full appraisal rates until property tax lawsuits against NYS are settled.

Reason #18: (Added October 5, 2022)

Because Electricity of France is essentially bankrupt, EDF's s real property taxation and the decommissioning Letter of Credit are serious issues.

In October 2022 the French government plans to fully nationalize Electricity of France, giving it greater control of Europe's biggest nuclear power operator as EDF grapples with multiple financial, energy, and employee problems. Electricity of France has already begun a 3 billion Euro asset disposal program. My opinion is that EDF will attempt to sell the Homer Solar Project as soon as legally possible because the French government must focus on their existential energy issues. **There is no reason to give any tax abatements when major questions about ownership of and responsibility for our solar project is up in the air.**

If this were a poker game, the role of the IDA would be to "call EDF's bluff", but in this case real life is simpler than poker. **All the IDA has to do now is to NOT play EDF's game, NOT negotiate with EDF, and just submit a PILOT rate equal to the full property tax rate for each taxing jurisdiction.** If the County

and other jurisdictions receive higher tax payments than anticipated, I am sure they will all be very happy.

Conclusion:

Because EDF has requested millions of dollars per year in tax abatements (based upon their original \$2,500 / Megawatt offer and the new \$4,500 / Megawatt offer), the burden is on EDF to prove the necessity of these tax abatements. **UNLESS AND UNTIL EDF submits audited financial plans and projected cash flow statements, the IDA has no evidence that EDF will not use our tax abatements to increase their profits above NYSERDA recommended levels.**

The IDA must stand firm about evaluating EDF's true costs and revenues. If the IDA cannot confirm that EDF's projected profit is reasonable and if EDF will not agree to public examination of their projections, Cortland County should wait for the next solar developer and should not rush into this deal.

Granting unnecessary tax abatements totaling millions of dollars to EDF will be a painful and unnecessary loss to our deserving tax jurisdictions.

For all of these reasons, I conclude that EDF has budgeted for full property tax payments and should be given a PILOT tax rate equal to our normal, full tax rate.

Victor Siegle
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Homer, NY 13077
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Victor_Siegle@JobOrder.com

File: 18 reasons to reject EDF's PILOT property tax proposal

Revised 2021.12.04

Additional revisions 2022.02.15

Additional revisions 2022.03.10

Additional revisions 2022.10.27



Cortland County Legislature

Legislative Session

~ Minutes ~

Legislative Chambers

Cortland, NY 13045

<http://www.cortland-co.org>

5.1

Thursday, September 22, 2022

6:00 PM

Board Room

Salute to the Flag

Call to Order

The meeting was called to order at 6:02 PM by Chair of the Legislature Kevin Fitch

Roll Call

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

Minutes Acceptance: Minutes of Sep 22, 2022 6:00 PM (Approval of Minutes)

Approval of Minutes

1. Cortland County Legislature - Legislative Session - Aug 25, 2022 6:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Ann Homer, Legislator
SECONDER:	Joseph Nauseef, Legislator
AYES:	Bentley, Harbin, Bischoff, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston
EXCUSED:	Ronald J. Van Dee

Privilege of the Floor

1. Philip and Diane Tennant Comment

RESULT:	COMPLETED
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Proclamations & Recognitions

1. 50 Plus Year Firefighter Recognitions - Harford & Virgil

RESULT:	COMPLETED
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Presentation of Petitions, Communications, and Notice

Receive and File

1. Receive & File 2021 Independent Audit

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sandra Price, Legislator
SECONDER:	Ann Homer, Legislator
AYES:	Bentley, Harbin, Bischoff, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston
EXCUSED:	Ronald J. Van Dee

Reports of Standing, Special and Ad Hoc Committees

Articles Postponed to Day Certain

Unfinished Business

New Business

Resolutions

Resolutions from the Chair

Mr. Heider MADE A MOTION TO SUSPEND THE RULES to entertain a Resolution from the Chair, Mr. Nauseef SECONDED THE MOTION.

Mr. Harbin CALLED A POINT OF ORDER, and asked for a ruling from the Chair stating that the proposed resolution should be coming forward from the Judiciary and Public Safety Committee.

Legislative Clerk Hempstead stated that the proposed resolution did not directly fall under any of the departments that report to Judiciary and Public Safety, and that the Government Operations

Committee would also have a stake in the resolution, as the County Clerk processes pistol permits. Chairman Fitch agreed with Legislative Clerk Hempstead.

Ms. Homer APPEALED THE RULING OF THE CHAIR. After all members present stated their opinion on the ruling, a roll call vote took place as follows:

	Votes	AYE	NAY	Total
Bentley (LD1)	2744	1		2744
Bischoff (LD3)	2743	1		2743
Eccleston (LD17)	3379		1	0
Harbin (LD2)	2747	1		2747
Heider (16)	3192		1	0
Homer (LD7)	2743	1		2743
Jones (LD9)	2989		1	0
Nauseef (LD12)	2819		1	0
Newell (LD11)	2837		1	0
Preston (LD10)	2995		1	0
Price (LD14)	3344		1	0
Stock (LD6)	2740		1	0
VanDee (LD4)	2743		1	0
Wagner (LD 15)	2734		1	0
Waldbauer (LD13)	2853		1	0
Wilson (LD5)	2744	1		2744
Chairman Fitch (LD8)	2990		1	0
Total	46346	5	12	13721
		Majority	24669	
		2/3rd	32892	

The APPEAL OF THE RULING OF THE CHAIR FAILED.

A roll call vote took place as follows on the original MOTION TO SUSPEND THE rules to entertain a Resolution from the Chair, which requires a two-thirds vote:

	Votes	AYE	NAY	Total
Bentley (LD1)	2744		1	0
Bischoff (LD3)	2743		1	0
Eccleston (LD17)	3379	1		3379
Harbin (LD2)	2747		1	0
Heider (16)	3192	1		3192
Homer (LD7)	2743		1	0
Jones (LD9)	2989	1		2989
Nauseef (LD12)	2819	1		2819
Newell (LD11)	2837	1		2837
Preston (LD10)	2995	1		2995
Price (LD14)	3344	1		3344
Stock (LD6)	2740	1		2740
VanDee (LD4)	2743		1	0
Wagner (LD 15)	2734	1		2734
Waldbauer (LD13)	2853	1		2853
Wilson (LD5)	2744		1	0
Chairman Fitch (LD8)	2990	1		2990
Total	46346	11	6	29882
		Majority	24669	
		2/3rd	32892	

MOTION FAILED.

Referred from Building & Grounds Committee

AGENDA ITEM NO. 1 – Authorize Agreement with KONE/Amend 2022 Budget for Courthouse Elevator Replacement - Buildings & Grounds Department

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Paul Heider, Legislator
SECONDER:	Beau Harbin, Minority Leader
AYES:	Bentley, Harbin, Bischoff, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston
EXCUSED:	Ronald J. Van Dee

ON MOTION OF HEIDER

RESOLUTION NO. 196-22

Authorize Agreement with KONE/Amend 2022 Budget for Courthouse Elevator Replacement - Buildings & Grounds Department

WHEREAS, there is a need to replace the elevator at the Cortland County Courthouse, AND

WHEREAS, OMNIA purchasing network is a New York State approved vendor processor, AND

WHEREAS, New York State Finance Law Article 11 empowers municipalities to authorize purchases from contracts let by OMNIA, AND

WHEREAS, KONE, Inc. is currently under contract with OMNIA purchasing network, 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 KONE, Inc. of 836 North State Street, Syracuse, New York 13208 for the replacement of the elevator at the Cortland County Courthouse for an amount not to exceed \$250,000, AND BE IT FURTHER

RESOLVED, that this will be budgeted for in the 2023 budget.

Referred from Government Operations Committee

AGENDA ITEM NO. 2 – Award Bid Health Plan Benefit Consultant

RESULT:	ADOPTED [14 TO 2]
MOVER:	Richard Stock, Legislator
SECONDER:	Kelly L. Fairchild-Preston, Legislator
AYES:	Bentley, Harbin, Bischoff, Wilson, Stock, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Wagner, Heider, Eccleston
NAYS:	Ann Homer, Sandra Price
EXCUSED:	Ronald J. Van Dee

ON MOTION OF STOCK

RESOLUTION NO. 197-22

Award Bid Health Plan Benefit Consultant

WHEREAS, a Request for Proposals (RFP) was issued for a health plan benefit consultant for Cortland County, AND

Minutes Acceptance: Minutes of Sep 22, 2022 6:00 PM (Approval of Minutes)

WHEREAS, the funding for these services currently exists in the health insurance budget, AND

WHEREAS, bids were received from the following:

Company	Address	Amount
Assured Partners	90A John Muir Drive, Suite 100 Amherst, NY 14228	\$90,000
Benetech	1 Dodge Street North Greenbush, NY 12198	\$110,024
Brown & Brown	500 Plum Street 20 Syracuse, NY 13204	\$90,000
CH Insurance	100 S Salina Street #370 Syracuse, NY 13202	\$115,650
Haylor, Freyer & Coon	300 South State Street, Suite 1000 Syracuse, NY 13202	\$97,146
One Group	706 N Clinton Street Syracuse, NY 13204	\$55,000

, AND

WHEREAS, Chairman Fitch, Legislator Preston, Legislator Stock, County Attorney Victoria Monty, County Administrator Rob Corpora, Clerk of the Legislature Savannah Hempstead, and Personnel Officer Laurie Leonard reviewed presentations from the above companies, AND

WHEREAS, the Government Operations Committee recommends that the bid be awarded to the company who presented the best value for the services provided, NOW THEREFORE BE IT

RESOLVED, that Assured Partners, 90A John Muir Drive, Suite 100, Amherst, New York 14228 is hereby awarded the bid for health benefit plan consulting services for Cortland County, AND BE IT FURTHER

RESOLVED, that the County Administrator, upon review and approval by the County Attorney or designee, is hereby authorized to enter into a contract with Assured Partners, 90A John Muir Drive, Suite 100, Amherst, NY 14228 for health benefit plan consulting services for Cortland County for the time period of January 1, 2023 - December 31, 2027.

AGENDA ITEM NO. 3 – Amend Smoking and Tobacco Use Policy - Personnel Department

Ms. Homer MADE A MOTION TO AMEND the policy, Section 1, a, to insert the words "or leased" after "County-owned", Ms. Preston SECONDED THE MOTION TO AMEND, and after a voice vote of members present, the MOTION CARRIED. Dr. Wilson VOTED NO.

RESULT:	ADOPTED AS AMENDED [14 TO 2]
MOVER:	Richard Stock, Legislator
SECONDER:	Kelly L. Fairchild-Preston, Legislator
AYES:	Bentley, Bischoff, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston
NAYS:	Beau Harbin, Susan Wilson
EXCUSED:	Ronald J. Van Dee

ON MOTION OF STOCK

RESOLUTION NO. 198-22

Amend Smoking and Tobacco Use Policy - Personnel Department

Minutes Acceptance: Minutes of Sep 22, 2022 6:00 PM (Approval of Minutes)

WHEREAS, the Cortland County Legislature adopted the Cortland County Smoking and Tobacco Use Policy on April 26, 2018 with Resolution No. 192-18, AND

WHEREAS, there is a need to make changes to said policy, NOW THEREFORE BE IT

RESOLVED, that the plan will be amended effective November 1, 2022 as attached.

Referred from Highway Committee

AGENDA ITEM NO. 4 – Resolution Declaring the Intent of the Cortland County Legislature to Act as Lead Agency for Landfill Gas Collection and Control System - Cortland County Highway/Landfill

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christopher Newell, Legislator
SECONDER:	Joseph Nauseef, Legislator
AYES:	Bentley, Harbin, Bischoff, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston
EXCUSED:	Ronald J. Van Dee

ON MOTION OF NEWELL

RESOLUTION NO. 199-22

Resolution Declaring the Intent of the Cortland County Legislature to Act as Lead Agency for Landfill Gas Collection and Control System - Cortland County Highway/Landfill

WHEREAS, Cortland County is proposing the Cortland County Landfill - Landfill Gas Collection and Control System (Project), located in the Towns of Cortlandville, Homer, and Solon, Cortland County, New York, AND

WHEREAS, the Project has been classified as an “Unlisted Action” as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.2, AND

WHEREAS, it is the intent of the Cortland County Legislature to assume the role of “Lead Agency” for purposes of conducting a SEQRA process for the Project, AND

WHEREAS, Part I of a Short Environmental Assessment Form (SEAF) has been completed, reviewed by the Cortland County Legislature, and will be circulated to all Interested and Involved Agencies for purposes of establishing the Cortland County Legislature as the “Lead Agency” in accordance with 6 NYCRR Part 617.6(b), NOW THEREFORE BE IT

RESOLVED, that the Chairman of the Cortland County Legislature is hereby authorized to sign Part I of the SEAF (page 3), AND BE IT FURTHER

RESOLVED, that Barton & Loguidice, DPC, on behalf of the Cortland County Legislature, will send said Part I of the SEAF and associated site figure to “Interested and Involved Agencies” under cover of a “Notice of Intent to Establish Lead Agency” letter for purposes of establishing Lead Agency status under the SEQRA, AND BE IT FURTHER

RESOLVED, that the Chairman of the Cortland County Legislature and the Superintendent of the Cortland County Highway Department, together with the County Attorney and Barton & Loguidice, DPC, are hereby authorized to take all actions, serve all notices, and complete all documents required to give full force and effect to this determination.

Minutes Acceptance: Minutes of Sep 22, 2022 6:00 PM (Approval of Minutes)

AGENDA ITEM NO. 5 – Approval of Selection of Airport Engineering Consultant Five Year Term (2022-2027) - Cortland County Airport/Highway Department

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christopher Newell, Legislator
SECONDER:	Joseph Nauseef, Legislator
AYES:	Bentley, Harbin, Bischoff, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston
EXCUSED:	Ronald J. Van Dee

ON MOTION OF NEWELL

RESOLUTION NO. 200-22

Approval of Selection of Airport Engineering Consultant Five Year Term (2022-2027) - Cortland County Airport/Highway Department

WHEREAS, Cortland County applies for and receives Federal and State grant funding through the Federal Aviation Administration (FAA) for various capital improvement and aviation safety related projects at the Cortland County Airport, AND

WHEREAS, the FAA has issued guidelines for the selection and procurement of Engineering Services under Advisory Circular (AC) 150/1500-14D for projects in which the FAA provides grant funding, AND

WHEREAS, the County advertised for and received proposals to provide airport engineering services from various firms in accordance with said AC 150/1500-14D, AND

WHEREAS, the Selection Committee evaluated qualifications of the firms that submitted proposals and has recommended McFarland Johnson, Inc., 49 Court St., Suite 240, Binghamton, NY 13901 to provide Professional Airport Engineering Services to the County for airport related projects for a five-year term, AND

WHEREAS, the Highway Committee has recommended McFarland Johnson, Inc. to provide Professional Airport Engineering Services to the County for airport related projects for a five-year term, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature hereby approves the selection of McFarland Johnson, Inc. to provide Professional Airport Engineering Services to the County for airport related projects for a five-year term beginning September 1, 2022, AND BE IT FURTHER

RESOLVED, that each capital project will have its own contract and account number from which the consultant will be paid.

AGENDA ITEM NO. 6 – Approve Design & Construction Observation/Administration Services for the 100LL Avgas Fuel Farm Relocation - Cortland County Airport/Highway Department

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christopher Newell, Legislator
SECONDER:	Linda Jones, Legislator
AYES:	Bentley, Harbin, Bischoff, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston
EXCUSED:	Ronald J. Van Dee

ON MOTION OF NEWELL

RESOLUTION NO. 201-22

Approve Design & Construction Observation/Administration Services for the 100LL Avgas Fuel Farm Relocation - Cortland County Airport/Highway Department

Minutes Acceptance: Minutes of Sep 22, 2022 6:00 PM (Approval of Minutes)

WHEREAS, the County has been awarded a NYSDOT Aviation Capital Grant for the 100LL AvGas Fuel Farm Relocation (PIN:3903.10, K007472) at the Cortland County Airport, Gen. Levi R. Chase Field, AND,

WHEREAS, the State of New York grant to the County of Cortland for the construction of said fuel system with a State participation share in the amount of \$1,103,515.00, and a local participation share required by said grant in the amount of \$136,390.00 for a total project cost of \$1,239,905.00, AND

WHEREAS, the Cortland County Legislature approved the Aviation Funding Agreement by Resolution No. 82-22, AND

WHEREAS, the County desires to construct said project during the 2023 fiscal year, AND

WHEREAS, McFarland Johnson is the airport consultant for the County, AND

WHEREAS, the fee for the Engineering Agreement for the Design & Construction Observation / Administration Services for said project is \$262,071.00, AND

WHEREAS, the funds will be appropriated in Account # HH56105.52800.100LL, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature hereby authorizes and approves the contract with McFarland Johnson to perform the Design & Construction Observation / Administration Services for the 100 LL AvGas Fuel Farm Relocation during the 2022 fiscal year at a cost not to exceed \$262,071.00 AND, BE IT FURTHER

RESOLVED, that the County Administrator, upon review and approval as to form by the County Attorney or designee, is hereby authorized to sign a contract with McFarland Johnson to perform the Design & Construction Observation/Administration Services for the 100LL AvGas Fuel Farm Relocation at the Cortland County Airport, Gen. Levi R. Chase Field, AND BE IT FURTHER

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

Increase:

HH561043.43597.100LL	State Revenue	\$1,103,515.00
HH99015.45031.100LL	Interfund Transfer-in	\$136,390.00
HH56105.52800.100LL	Project Expense	\$1,239,905.00
A99095.59950.100LL	Interfund Transfer-out	\$136,390.00
A359900	Appropriated Fund Balance	\$136,390.00

AGENDA ITEM NO. 7 – Increase Budget for Fuel - Highway Department

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christopher Newell, Legislator
SECONDER:	Linda Jones, Legislator
AYES:	Bentley, Harbin, Bischoff, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston
EXCUSED:	Ronald J. Van Dee

ON MOTION OF NEWELL

RESOLUTION NO. 202-22

Minutes Acceptance: Minutes of Sep 22, 2022 6:00 PM (Approval of Minutes)

Increase Budget for Fuel - Highway Department

WHEREAS, due to the increasing prices for fuel, the Solid Waste Department's budget for fuel will need to be increased to cover costs for the remainder of 2022, AND

WHEREAS, there are monies in the Solid Waste Fund fund balance, NOW THEREFORE BE IT

RESOLVED, that the 2022 Solid Waste budget be amended as follows:

Increase:

EL81605.54078	Fuel	\$80,000.00
EL359900	Appropriated Fund Balance	\$80,000.00

AGENDA ITEM NO. 8 – Authorize the Construction of a New Dock at Dwyer Memorial Park - Highway Department

RESULT:	ADOPTED [15 TO 1]
MOVER:	Christopher Newell, Legislator
SECONDER:	Cathy Bischoff, Legislator
AYES:	Bentley, Harbin, Bischoff, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider
NAYS:	Mitchel Eccleston
EXCUSED:	Ronald J. Van Dee

ON MOTION OF NEWELL

RESOLUTION NO. 203-22

Authorize the Construction of a New Dock at Dwyer Memorial Park - Highway Department

WHEREAS, since its acquisition by the Cortland County Board of Supervisors on September 3, 1941 at a cost of \$7,500.00 from the Central New York Power Corporation, Cortland County has owned and maintained the 85 acres that has come to be known as Dwyer Memorial Park, AND

WHEREAS, the park continues to see high levels of usage from the public, AND

WHEREAS, the dock at Dwyer Memorial Park has become dilapidated and is in need of replacement, AND

WHEREAS, the Cortland County Highway Committee recommends investing in the park and constructing a new dock for use by all County residents, 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 for the construction of a new dock at Dwyer Memorial Park at a cost not to exceed \$100,000, AND BE IT FURTHER

RESOLVED, that this will be budgeted for in the 2023 budget.

Referred from Health & Human Services Committee

AGENDA ITEM NO. 9 – Abolish Nutrition Program Manager/Abolish Assistant Director of Area Agency on Aging/Create Deputy Director of Area Agency on Aging – Aging Services/Create Deputy Director of Area Agency on Aging – Nutrition Services Cortland County Area Agency on Aging

Minutes Acceptance: Minutes of Sep 22, 2022 6:00 PM (Approval of Minutes)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sandra Price, Legislator
SECONDER:	Ann Homer, Legislator
AYES:	Bentley, Harbin, Bischoff, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston
EXCUSED:	Ronald J. Van Dee

ON MOTION OF PRICE**RESOLUTION NO. 204-22**

Abolish Nutrition Program Manager/Abolish Assistant Director of Area Agency on Aging/Create Deputy Director of Area Agency on Aging – Aging Services/Create Deputy Director of Area Agency on Aging – Nutrition Services Cortland County Area Agency on Aging

WHEREAS, the needs of the Area Agency on Aging will be better served by abolishing one (1) full-time Nutrition Program Manager position and one (1) full-time Assistant Director of Area Agency on Aging and creating one (1) Deputy Director of Area Agency on Aging - Aging Services position and one (1) Deputy Director of Area Agency on Aging - Nutrition Services position, AND

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

RESOLVED, that one (1) position of Nutrition Program Manager (Grade 12 Management Compensation Plan, \$46,813-62,308, competitive class, full-time) and one (1) position of Assistant Director of Area Agency on Aging (Grade 10, Management Compensation Plan, \$54,098-72,005, competitive class, full-time) be and hereby are abolished effective September 22, 2022, AND BE IT FURTHER

RESOLVED, that one (1) position of Deputy Director of Area Agency on Aging - Aging Services (Grade 10, Management Compensation Plan, \$54,098-72,005, competitive class, full-time) and one (1) positions of Deputy Director of Area Agency on Aging - Nutrition Services (Grade 10, Management Compensation Plan, \$54,098-72,005, competitive class, full-time) be created with permission to fill effective September 22, 2022, AND BE IT FURTHER

RESOLVED, that the incumbent in the Assistant Director of Area Agency on Aging will be promoted into the Deputy Director Area Agency on Aging - Aging Services position at Step 4 of Grade 10, \$72,005, effective September 22, 2022.

AGENDA ITEM NO. 10 – Accept Sports Opportunity Funding - Youth Bureau/Health Department

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sandra Price, Legislator
SECONDER:	Kelly L. Fairchild-Preston, Legislator
AYES:	Bentley, Harbin, Bischoff, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston
EXCUSED:	Ronald J. Van Dee

ON MOTION OF PRICE**RESOLUTION NO. 205-22**

Accept Sports Opportunity Funding - Youth Bureau/Health Department

WHEREAS, the New York State Office of Children and Family Services, through the Resource Allocation Plan has made available the sum of \$7,159 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 for the year 2022 and for which a copy is in the County Youth Bureau Office, AND

WHEREAS, the 2022 County Budget will need to be amended as follows:

<u>Increase Revenue:</u>		<u>Current</u>	<u>Increase</u>	<u>Balance</u>
A73125.43820. YB	Youth Bureau	\$68,686	\$7,159	\$75,845
<u>Increase Expenditure:</u>		<u>Current</u>	<u>Increase</u>	<u>Balance</u>
A73125.54815	Program Exp - SDPP	\$53,186	\$7,159	\$60,345

, 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, are 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.

AGENDA ITEM NO. 11 – Authorize Agreement Qualified Individual Assessment Services - Department of Social Services

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sandra Price, Legislator
SECONDER:	Kelly L. Fairchild-Preston, Legislator
AYES:	Bentley, Harbin, Bischoff, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston
EXCUSED:	Ronald J. Van Dee

ON MOTION OF PRICE

RESOLUTION NO. 206-22

Authorize Agreement Qualified Individual Assessment Services - Department of Social Services

WHEREAS, the Cortland County Department of Social Services must contract with authorized agencies to provide Qualified Individual Assessment Services to determine the appropriateness of placement in a Qualified Residential Treatment Program, AND

WHEREAS, pursuant to the Family First Prevention Services Act (FFPSA) an independent assessment of a child in foster care placed in a Qualified Residential Treatment Program (QRTP) is required to make determinations, including, but not limited to, whether the placement in the QRTP is appropriate, AND

WHEREAS, the assessment must be completed within 30 days of placement of the child in the QRTP, AND

Minutes Acceptance: Minutes of Sep 22, 2022 6:00 PM (Approval of Minutes)

WHEREAS, each assessment must utilize a federally approved functional assessment tool that is age-appropriate and evidence based, AND

WHEREAS, the standards for the timing, process, content of the assessment and the qualifications for who may conduct the assessment are set forth in federal and New York State statute, regulation and policy, AND

WHEREAS, the Office of Children and Family Services (OCFS) has issued a model contract to be used for the purchase of Qualified Individual Assessment Services, AND

WHEREAS, payments for such services will be made from the Program Expense Account A60105.54800, 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 and directed to execute contractual agreements for the time period 10/1/2022 – 12/31/2023 for Qualified Individual Assessment Services with providers authorized by the New York State Office of Children and Family Services.

AGENDA ITEM NO. 12 – Authorize 2022-2023 Contract with New York State Office of Victim Services, Accept Grant Funds to Support Cortland County Child Advocacy Center - Cortland County Department of Social Services

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sandra Price, Legislator
SECONDER:	Linda Jones, Legislator
AYES:	Bentley, Harbin, Bischoff, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston
EXCUSED:	Ronald J. Van Dee

ON MOTION OF PRICE

RESOLUTION NO. 207-22

Authorize 2022-2023 Contract with New York State Office of Victim Services, Accept Grant Funds to Support Cortland County Child Advocacy Center - Cortland County Department of Social Services

WHEREAS, a Child Advocacy Center (“CAC”) has been created in Cortland County to facilitate the most efficient and effective handling of cases involving child victims of sexual and physical abuse, which program is funded by New York State grants through the New York State Office of Victim Services (“OVS”), AND

WHEREAS, the grants will be received by Cortland County on behalf of the Child Advocacy Center, a division of the Department of Social Services (DSS) by contract with OVS assigning the Child Advocacy Center with authority and responsibility to administer grant funds, which OVS advises will total \$133,813.26 for the OVS fiscal year 2022, to pay the expenses of running the CAC, 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 sign an agreement for the time period of October 1, 2022 through September 30, 2023 with OVS, and the DSS be and hereby is authorized to administer funds received from OVS for the CAC, in an amount not to exceed \$133,813.26, AND BE IT FURTHER

RESOLVED, that the 2022 budget be amended as follows:

INCREASE:

Minutes Acceptance: Minutes of Sep 22, 2022 6:00 PM (Approval of Minutes)

Revenue:

A40505.44489.VOCA \$133,813.26

Expenditures:

A40505.51005.VOCA \$63,392.71
 A40505.51010.VOCA \$17,784.20
 A40505.58020.VOCA \$11,364.77
 A40505.58030.VOCA \$6,210.03
 A40505.58040.VOCA \$4,087.50
 A40505.58060.VOCA \$15,342.24
 A40505.58062.VOCA \$135.36
 A40505.58065.VOCA \$23.52
 A40505.54000.VOCA \$336.00
 A40505.54005.VOCA \$400.00
 A40505.54020.VOCA \$50.00
 A40505.54035.VOCA \$1,000.00
 A40505.54045.VOCA \$500.00
 A40505.54048.VOCA \$400.00
 A40505.54060.VOCA \$1,121.00
 A40505.54070.VOCA \$2,652.00
 A40505.54213.VOCA \$1,051.64
 A40505.54800.VOCA \$7,962.29

, AND BE IT FURTHER

RESOLVED, the Director of Finance shall carryover all unused grant funds to the 2023 budget.

AGENDA ITEM NO. 13 – Abolish Part Time Safe Harbour Coordinator & Full Time MDT Facilitator/Create Full Time MDT Facilitator/Safe Harbour Coordinator Position - Department of Social Services/Child Advocacy Center

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sandra Price, Legislator
SECONDER:	Ann Homer, Legislator
AYES:	Bentley, Harbin, Bischoff, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston
EXCUSED:	Ronald J. Van Dee

ON MOTION OF PRICE

RESOLUTION NO. 208-22

Abolish Part Time Safe Harbour Coordinator & Full Time MDT Facilitator/Create Full Time MDT Facilitator/Safe Harbour Coordinator Position - Department of Social Services/Child Advocacy Center

WHEREAS, the needs of the Department of Social Services - Child Advocacy Center will be better served by abolishing one (1) part time Safe Harbour Coordinator position and abolishing one (1) full time Multidisciplinary Team (MDT) Facilitator position and creating one (1) full-time MDT Facilitator/Safe Harbour Coordinator position, 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 Safe Harbour Coordinator (Grade 13 CSEA, \$20.2732-\$25.5331/hr.

competitive, part-Time 17 Hours/Week, No Benefits) and that one (1) position of MDT Facilitator (Grade 13 CSEA, \$20.2732-\$25.5331/hr, competitive class, full-time 35 hours/week with benefits) be and hereby is abolished effective September 30, 2022 at midnight, AND BE IT FURTHER

RESOLVED, that one (1) position of MDT Facilitator/Safe Harbour Coordinator (Grade 13 CSEA, \$20.2732-\$25.5331/hr, competitive class, full-time 35 hours/week with benefits) be created with permission to fill effective October 1, 2022 at 12:01 am.

AGENDA ITEM NO. 14 – Abolish Mental Health Program Aides and Continuing Day Treatment Specialist/Create Mental Health Rehabilitation Specialists - Mental Health Department

RESULT: PULLED

Next: 10/27/2022 6:00 PM

ON MOTION OF PRICE

RESOLUTION NO.

Abolish Mental Health Program Aides and Continuing Day Treatment Specialist/Create Mental Health Rehabilitation Specialists - Mental Health Department

WHEREAS, the needs of the Mental Health Department will be better served by abolishing three (3) full-time Mental Health Program Aide positions, one (1) part-time Mental Health Program Aide position and one (1) full-time Continuing Day Treatment Specialist position and creating four (4) full-time Mental Health Rehabilitation Specialist positions and one (1) part-time Mental Health Rehabilitation Specialist position, AND

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

RESOLVED, that three (3) positions of Mental Health Program Aide (Grade 8 CSEA, \$17.3185-21.8118/hr, competitive class, full time) and one (1) position of Mental Health Program Aide (Grade 8, CSEA, competitive class, part-time) and one (1) position of Continuing Day Treatment Specialist (Grade 15, CSEA, \$21.6766-27.3006/hr, competitive class, full time) be and hereby are abolished effective September 22, 2022 at midnight, AND BE IT FURTHER

RESOLVED, that four (4) positions of Mental Health Rehabilitation Specialist (Grade 16, CSEA, \$22.4261-28.2445, competitive class, full-time) and one (1) position of Mental Health Rehabilitation Specialist (Grade 16, CSEA \$22.4261-28.2445/hr, competitive class, part-time, up to 17 hrs/wk, no benefits) be created with the current incumbents filling the positions effective September 23, 2022 at 12:01 a.m.

Referred from Agriculture/Planning/Environment Committee

AGENDA ITEM NO. 15 – Create Temporary GIS Specialist Trainee - Planning Department

RESULT: ADOPTED [UNANIMOUS]

MOVER: Beau Harbin, Minority Leader

SECONDER: Ann Homer, Legislator

AYES: Bentley, Harbin, Bischoff, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston

EXCUSED: Ronald J. Van Dee

ON MOTION OF HARBIN

RESOLUTION NO. 209-22

Create Temporary GIS Specialist Trainee - Planning Department

Minutes Acceptance: Minutes of Sep 22, 2022 6:00 PM (Approval of Minutes)

WHEREAS, the needs of the agency will be better served by creating one full-time temporary position of GIS Specialist Trainee, AND

WHEREAS, the Agricultural, Planning & Environmental Committee recommends the creation of this position, NOW THEREFORE BE IT

RESOLVED, that one full-time temporary position of GIS Specialist Trainee (CSEA, Grade 19, \$24.9165-31.3811/hr, competitive class, full-time, temporary up to three months, with benefits) be created on September 22, 2022 with approval to fill, AND BE IT FURTHER

RESOLVED, that the 2022 County budget be amended and funds be appropriated as follows:

INCREASE:

A359900	Appropriated Fund Balance	\$16,399.87
A80205.51015	Temp Pay	\$10,464.93
A80205.58030	FICA	\$800.57
A80205.58040	Worker's Comp	\$995.00
A80205.58060	Health Insurance	\$4,111.92
A80205.58062	Dental Insurance	\$22.56
A80205.58065	Vision Insurance	\$4.89
TOTAL Expense		<u>\$16,399.87</u>

AGENDA ITEM NO. 16 – Amend 2022 Budget for Education & Training - Planning Department

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Beau Harbin, Minority Leader
SECONDER:	Cathy Bischoff, Legislator
AYES:	Bentley, Harbin, Bischoff, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston
EXCUSED:	Ronald J. Van Dee

ON MOTION OF HARBIN

RESOLUTION NO. 210-22

Amend 2022 Budget for Education & Training - Planning Department

WHEREAS, the Planning Department is requesting an increase in funding for Education and Training, AND

WHEREAS, the Planning Department is working toward developing a county-wide Strategic Development Plan and an educational opportunity pertaining to this task has become available, AND

WHEREAS, the Agricultural, Planning & Environmental Committee recommends this budget amendment, NOW THEREFORE BE IT

RESOLVED, that the 2022 County Budget be amended to show an increase in funding to account A80205.54035 from the Cortland County General Fund as follows:

Increase:

A80205.54035	Education and Training	\$1,600.00
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AGENDA ITEM NO. 17 – Resolution to Oppose the Farm Laborers Wage Board Report, to Maintain the 60 Hour Overtime Threshold for Farm Workers and to Call for the Elimination of the Farm Laborers Wage Board

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Beau Harbin, Minority Leader
SECONDER:	Kelly L. Fairchild-Preston, Legislator
AYES:	Bentley, Harbin, Bischoff, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston
EXCUSED:	Ronald J. Van Dee

ON MOTION OF HARBIN

RESOLUTION NO. 211-22

Resolution to Oppose the Farm Laborers Wage Board Report, to Maintain the 60 Hour Overtime Threshold for Farm Workers and to Call for the Elimination of the Farm Laborers Wage Board

WHEREAS, New York agriculture is one of New York's largest industries providing more than \$5.5 billion dollars in farm products to the New York Economy each year, AND

WHEREAS, agriculture is recognized as an important component of the economy of Cortland County and its towns and villages as noted by local and regional planning initiatives and accounts for a \$69.506 million business in Cortland County according to the 2017 Census of Agriculture, AND

WHEREAS, farmers face a tremendous number of problems outside of their control including changes in consumer demand leading to price change, obtaining labor, climate change, land management policies, foreign market competition, livestock and crop disease, and natural disasters, AND

WHEREAS, in addition to the practical issues related to growing and selling food products, farmers have to contend with wavering levels of government regulations including changes in wages and overtime threshold, AND

WHEREAS, since 2020 the Central New York farmers have seen an increase of over 37% on the cost of feed, over 18% in labor costs and over 50% in fuel costs, AND

WHEREAS, farmers are reliant on migratory work forces during the short growing season here in Central New York as workers are here for only a few months in the spring and summer and they have only so many hours each year to get the work done, AND

WHEREAS, the 2019 Farm Workers Fair Labor Practices Act contains a provision to create a Wage Board to evaluate lowering the overtime threshold for farm laborers below 60 hours a week and comes at a time of rising economic insecurity for farmers who have been battered by stubbornly low commodity prices and trade uncertainty, AND

WHEREAS, the Department of Labor Commissioner delayed a decision on this issue until 2022; however, this is not enough time to get accurate representation on the financial predicament of New York State's farms and many farm operators in the State say the law doesn't recognize the economic headwinds they face and places them at a competitive disadvantage, AND

WHEREAS, on September 6, 2022 the Farm Laborers Wage Board formally released their report recommending the decrease in the overtime threshold to 40 hours a week by 2032, AND

WHEREAS, Cortland County farmers and their laborers believe lowering the overtime threshold from 60 hours a week will create a labor crisis for New York agriculture and it is estimated to increase

Minutes Acceptance: Minutes of Sep 22, 2022 6:00 PM (Approval of Minutes)

costs for New York farmers by 17%, or nearly \$300 million, AND

WHEREAS, farmers provide a public good and have been relied on more than ever during the pandemic and this State Legislation will have profound implications throughout local farm economies across rural, upstate New York, including driving more family farms out of business, AND

WHEREAS, Cortland County is in full support of Senator Borrello to repeal the act Section 674-a of the labor law, relating to establishing the Farm Laborers Wage Board and urging the Governor Hochul to eliminate the three-member Farm Laborers Wage Board, NOW THEREFORE BE IT

RESOLVED, that this honorable body hereby supports farmers and migrant workers who do not want their hours reduced and urges utilizing all budgeted funding for the promotion of New York State farming products, provide critical applied research, ensure access to markets, educate the public and connect them to their food, and any other program designed to benefiting local farmers, AND BE IT FURTHER

RESOLVED, that the Cortland County Legislature strongly opposes New York State's 2019 Farm Workers Fair Practices Act as pertaining to a change in the existing overtime threshold for farm laborers below 60 hours a week, believing that a significant increase in labor costs would serve as a disincentive to growing the agricultural sector, AND BE IT FURTHER

RESOLVED, that the Cortland County Legislature hereby calls on Governor Hochul and Commissioner Reardon to reject the flawed Farm Laborers Wage Board report and support maintaining the 60 hour overtime threshold, AND BE IT FURTHER

RESOLVED, that Cortland County urges Governor Hochul to strongly consider Senator Borrello's request of repealing the act, section 674-a of the labor law, relating to establishing the Farm Laborers Wage Board and eliminating the three-member Farm Laborers Wage Board, AND BE IT FURTHER

RESOLVED, that certified copies of this resolution be sent to the New York State Governor Kathy Hochul, Senate Majority Leader Stewart-Cousins, Assembly Speaker Heastie, State Senator Peter Oberacker, Assemblymember Dr. Anna Kelles, Assemblymember John Lemondes, New York State Labor Commissioner, New York State Agriculture and Markets Commissioner and the New York Farm Bureau.

Referred from Judiciary & Public Safety Committee

AGENDA ITEM NO. 18 – Authorize Agreement with K&A Radiologic Technology Services, Inc. - Sheriff's Department

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kelly L. Fairchild-Preston, Legislator
SECONDER:	Linda Jones, Legislator
AYES:	Bentley, Harbin, Bischoff, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston
EXCUSED:	Ronald J. Van Dee

ON MOTION OF FAIRCHILD-PRESTON

RESOLUTION NO. 212-22

Authorize Agreement with K&A Radiologic Technology Services, Inc. - Sheriff's Department

WHEREAS, K&A Radiologic Technology Services, Inc., of 6400 Collamer Road, East Syracuse, New York 13057, has agreed to enter into an agreement to furnish Cortland County Jail with portable x-ray, Ultrasound Services, 12-lead EKG, and Holter monitor services as prescribed by the doctor for inmates housed in the Cortland County Jail, AND

WHEREAS, the Cortland County Sheriff has determined this is a professional service which is exempt under General Municipal Law, Section 103, AND

WHEREAS the cost for each service is as follows:

X-Ray services shall be \$130.00 for first exam and \$65 for each additional exam

Minimum STAT charge \$140

Holter monitoring \$150 per patient

Ultrasound exams \$170 per exam

, AND

WHEREAS, the funds to cover this contract are available in account number A31505.54615-Contracted Medical Svcs, NOW THEREFORE BE IT

RESOLVED, that the County Administrator and the Sheriff of Cortland County, upon review and approval by the County Attorney or designee, be and hereby are authorized to contract with K&A Radiology Technology Services, Inc., of 6400 Collamer Road, East Syracuse, New York 13057, for the period of September 1, 2022 to August 31, 2024 for said purposes.

AGENDA ITEM NO. 19 – Cortlandville Tower Rental Agreement with New York State Police

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kelly L. Fairchild-Preston, Legislator
SECONDER:	Linda Jones, Legislator
AYES:	Bentley, Harbin, Bischoff, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston
EXCUSED:	Ronald J. Van Dee

ON MOTION OF FAIRCHILD-PRESTON

RESOLUTION NO. 213-22

Cortlandville Tower Rental Agreement with New York State Police

WHEREAS, the County of Cortland (County) and the New York State Police (NYSP) entered into a contract in 2012 whereby the NYSP purchased the generator in lieu of rent at the Cortlandville Tower Site, and that contract expired on October 18, 2017, AND

WHEREAS, the County and the NYSP entered into a rental contract in 2017 with Resolution No. 291-17, whereby the NYSP rented space at, and on, the Cortlandville Tower Site in the amount of \$1,500 yearly, and that contract expires on October 18, 2022, AND

WHEREAS, the County and the NYSP are desirous of entering into a five (5) year renewal agreement, AND

WHEREAS, the revenue will be credited to account A302046.42410, Rental of Radio Towers, AND

WHEREAS, previously Resolution No. 194-16 was amended to include this additional yearly revenue deposited into Account No. A386300.ETWR, for the purpose of unexpected repairs and maintenance of all towers in the County's radio system, 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 sign the contract with the New York State Police for a period of five (5) years.

Minutes Acceptance: Minutes of Sep 22, 2022 6:00 PM (Approval of Minutes)

AGENDA ITEM NO. 20 – Accept 2022 Emergency Management Performance Grant & Authorize Contract - DOERC

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kelly L. Fairchild-Preston, Legislator
SECONDER:	Ann Homer, Legislator
AYES:	Bentley, Harbin, Bischoff, Wilson, Stock, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Waldbauer, Price, Wagner, Heider, Eccleston
EXCUSED:	Ronald J. Van Dee

ON MOTION OF FAIRCHILD-PRESTON

RESOLUTION NO. 214-22

Accept 2022 Emergency Management Performance Grant & Authorize Contract - DOERC

WHEREAS, the New York State Department of Homeland Security and Emergency Services (NYS DHSES) has awarded the Cortland County Department of Emergency Response and Communications a grant in the amount of \$23,603, in support of the Emergency Management Performance Grant (EMPG), AND

WHEREAS, the fiscal period for this grant is October 1, 2021 to September 30, 2024, AND

WHEREAS there is a required County match of \$23,603 which has been budgeted as the salary of the Assistant Director of the Department of Emergency Response & Communications, NOW THEREFORE BE IT

RESOLVED, that the 2022 budget is amended as follows:

		Current	Change	Revised
INCREASE REVENUE BUDGET:				
A341043.43306.24EMP	DHSES Grant	0	\$23,603	\$23,603
INCREASE EXPENDITURE BUDGET:				
A34105.51005.24EMP	Personnel	0	\$23,603	\$23,603

, 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 by the Legislature, be and hereby is authorized to sign the grant contract with the New York State Department of Homeland Security and Emergency Services at an amount not to exceed \$23,603, 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.

Minutes Acceptance: Minutes of Sep 22, 2022 6:00 PM (Approval of Minutes)

Referred from Finance & Administration Committee

Announcements

Adjournment

The meeting was closed at 7:04 PM



Cortland County Legislature

Special Meeting

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

~ Minutes ~

Thursday, October 6, 2022

11:00 AM

Board Room

Salute to the Flag

Roll Call

Attendee Name	Organization	Title	Status	Arrived	Departed
Douglas Bentley	Cortland County, NY	Legislator	Present		
Beau Harbin	Cortland County, NY	Minority Leader	Present		
Cathy Bischoff	Cortland County, NY	Legislator	Present		
Ronald J. Van Dee	Cortland County, NY	Legislator	Absent		
Susan Wilson	Cortland County, NY	Legislator	Present		
Richard Stock	Cortland County, NY	Legislator	Excused		
Ann Homer	Cortland County, NY	Legislator	Present		
Kevin Fitch	Cortland County, NY	Chair of the Legislature	Present		
Linda Jones	Cortland County, NY	Legislator	Present		
Kelly L. Fairchild-Preston	Cortland County, NY	Legislator	Present		
Christopher Newell	Cortland County, NY	Legislator	Present		
Joseph Nauseef	Cortland County, NY	Legislator	Present		
Eugene Waldbauer	Cortland County, NY	Legislator	Present		12:47 PM
Sandra Price	Cortland County, NY	Legislator	Present		
George Wagner	Cortland County, NY	Majority Leader	Present		
Paul Heider	Cortland County, NY	Legislator	Present		
Mitchel Eccleston	Cortland County, NY	Legislator	Present		

Minutes Acceptance: Minutes of Oct 6, 2022 11:00 AM (Approval of Minutes)

Presentations

1. Charter County Presentation by NYSAC

RESULT:	COMPLETED
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Receive & File

1. Receive and File 2023 Tentative Budget

RESULT:	RECEIVE AND FILE [10 TO 4]
MOVER:	Sandra Price, Legislator
SECONDER:	Ann Homer, Legislator
AYES:	Bentley, Harbin, Bischoff, Wilson, Homer, Fitch, Fairchild-Preston, Newell, Price, Heider
NAYS:	Linda Jones, Joseph Nauseef, George Wagner, Mitchel Eccleston
ABSENT:	Ronald J. Van Dee
EXCUSED:	Richard Stock
AWAY:	Eugene Waldbauer

Resolutions

AGENDA ITEM NO. 1 – Set Public Hearing Date for Tentative 2023 Budget

Ms. Homer MADE A MOTION TO AMEND the resolution to allow for the Chair to select the date of the public hearing, during the evening, to not be held on the normal legislative session date, Mr. Wagner SECONDED THE MOTION, and upon voice vote of members present, the MOTION TO AMEND CARRIED.

RESULT:	ADOPTED AS AMENDED [14 TO 0]
MOVER:	Kevin Fitch, Chair of the Legislature
SECONDER:	Ann Homer, Legislator
AYES:	Bentley, Harbin, Bischoff, Wilson, Homer, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Price, Wagner, Heider, Eccleston
ABSENT:	Ronald J. Van Dee
EXCUSED:	Richard Stock
AWAY:	Eugene Waldbauer

ON MOTION OF FITCH

RESOLUTION NO. 215-22

Set Public Hearing Date for Tentative 2023 Budget

WHEREAS, the Cortland County Administrator has prepared and filed with the Cortland County Legislature a Tentative Budget for the fiscal year commencing January 1, 2023 and ending December 31, 2023, AND

WHEREAS, New York State County law §359 requires that a Public Hearing be held before the adoption of the final budget, NOW THEREFORE BE IT

RESOLVED, that a Public Hearing for the 2023 Tentative Budget be held on a date chosen by the Chair of the Legislature, to be held in the evening, in the Legislative Chambers of the Cortland County Office Building, 60 Central Avenue, Room 308, Cortland, New York 13045, and that the Clerk of the Legislature properly advertise said meeting in the County's designated newspaper.

Adjourn

Minutes Acceptance: Minutes of Oct 6, 2022 11:00 AM (Approval of Minutes)

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 12th day of October, two thousand twenty-two.

Before: Eunice C. Lee,
Circuit Judge,

Ivan Antonyuk, Corey Johnson, Alfred
Terrille, Joseph Mann, Leslie Leman,
Lawrence Sloane,

Plaintiffs - Appellees,

v.

Kathleen Hochul, in her Official Capacity as
Governor of the State of New York, Steven A.
Nigrelli, in his Official Capacity as Acting
Superintendent of the New York State Police,
Matthew J. Doran, in his Official Capacity as
the Licensing official of Onondaga County,
Joseph Cecile,

Defendants – Appellants.

ORDER

Docket Nos. 22-2379(L), 22-2403(Con)

Defendants-Appellants request a stay pending appeal, and an emergency interim stay, of the District Court's Temporary Restraining Order dated October 6, 2022.

IT IS HEREBY ORDERED that the motion for a stay pending appeal is REFERRED to a three-judge motions panel. The Court grants an interim stay of the Temporary Restraining Order pending decision by the motions panel.

For the Court:
Catherine O'Hagan Wolfe,
Clerk of Court

Catherine O'Hagan Wolfe



ON MOTION OF MR. FULLER

AGENDA ITEM NO. 1

**Calling for the Repeal of the New York Secure Ammunition and
Firearms Enforcement Act of 2013 ("NY SAFE Act")**

WHEREAS, the lawful ownership of firearms is, and has been, a valued tradition in Cortland County, and the rights protected by the Second Amendment to the United State Constitution are exercised by many of our residents; and

WHEREAS, the Cortland County Legislature acknowledges that in 2008, the Supreme Court established, via District of Columbia vs Heller, that the Second Amendment does not limit laws regulating the sales of guns, or prohibit possession of guns by the mentally ill or by felons, nor does it prohibit penalties against the carrying of guns in schools and government buildings; and

WHEREAS, the enactment of the New York Secure Ammunition and Firearms Enforcement Act of 2013 ("NY SAFE Act") has engendered significant controversy over both the process by which it was enacted and certain provisions contained within it; and

WHEREAS, it is our understanding that many State Legislators had less than an hour to read the legislation, which contained approximately twenty-five thousand words, before being forced to vote on it; and

WHEREAS, our State Legislators most certainly could not have read the entire bill and understood its full implications prior to voting on it, nor had time to request and receive the input of their constituents regarding this matter; and

WHEREAS, this legislation has 60 sections, of which only three take effect immediately; and

WHEREAS, in our opinion, there was no reason for the Governor to have used a message of necessity to bring this bill to vote immediately and bypass the three day maturing process for all legislation; and

WHEREAS, the rushed process in drafting the NY SAFE Act resulted in complex policy changes, many of which have been left up to interpretation, are confusing, and were not thoroughly considered; and

WHEREAS, the provisions of the NY SAFE Act are intended to ensure the mentally ill cannot obtain firearms and requires mental health professionals to report anyone that is likely to be a danger to themselves and others could serve to further stigmatize the mentally ill and deter them from seeking help; and

WHEREAS, the NY SAFE Act makes it the responsibility of mental health professionals to report individuals that are likely to engage in conduct that would result in serious harm to themselves or others to the County Director of Community Services (DCS) who, in turn, must report those individuals to the Division of Criminal Justice Services; and

WHEREAS, the NY SAFE Act extends the maximum initial period of an Assisted Outpatient Treatment (AOT) order from 6 to 12 months; and

WHEREAS, the NY SAFE Act extends the expiration date of AOT statute for two more years until June 30, 2017; and

WHEREAS, the NY SAFE Act requires the transfer of a current AOT order from one Local Government Unit (LGU) to another if it is known that the assisted outpatient is moving to another jurisdiction; and

WHEREAS, the NY SAFE Act requires the DCS prior to the expiration of an AOT order, to review whether an assisted outpatient continues to meet AOT criteria; and

WHEREAS, the NY SAFE Act requires the Director of the Central NY Forensic Psychiatric Center to conduct a clinical assessment prior to discharge of state prison inmates committed to OMH hospitals to determine if the individual meets the criteria for an AOT order. If the individual meets AOT criteria, the facility director can petition the court or submit a report to the DCS for a 9.47 investigation; and

WHEREAS, a 9.47 investigation requires the DCS to work with the courts and the service coordinators/providers to investigate and report persons who may be in need of assisted outpatient treatment; and

WHEREAS, the NY SAFE Act provides no additional funding for the executive orders listed above; and

WHEREAS, more success would be realized by directing additional financial support to mental health programs and resources; along with improving education of teachers and physicians to recognize warning signs and help people seek help before a problem occurs; and

WHEREAS, requiring law-abiding gun owners to verify ownership of certain types of firearms every five years, in addition to registering them on their permits, which now also must be renewed every 5 years, does not increase the safety of the public and is unnecessarily burdensome to law-abiding gun owners of New York State; and

WHEREAS, there will be significant financial and time impact to the law-abiding gun owners who will now have to renew their pistol permits every 5 years at a cost, and significant financial and time impact to the Counties if they are mandated to become responsible for the 5 year re-certification process; and

WHEREAS, this legislation prohibits the sale of firearm magazines with a capacity larger than seven rounds; and

WHEREAS, those firearm magazines with a capacity larger than seven rounds, which are authorized to be retained by existing owners, may only be loaded with seven rounds and eventually must be permanently altered to only accept seven rounds or be disposed of, thus constituting a seizure of legally owned personal property with no provision for compensation; and

WHEREAS, few or no low capacity (7 rounds or less) magazines currently exist for many of the firearms commonly possessed by law-abiding residents of New York State; and

WHEREAS, limiting the number of rounds to seven versus ten is arbitrary and capricious; has no correlation to public safety, as the number of magazines a person can own or carry is not limited and it only takes a few seconds to switch magazines; unfairly burdens law-abiding gun owners; and puts an undue burden on gun manufacturers to retool their manufacturing plants; and

WHEREAS, the only persons who will comply with the new high-capacity magazine ban are law abiding citizens, leaving the same high-capacity magazines in the hands of those who choose not to obey the law; and

WHEREAS, the NY SAFE Act does not ban semi-automatic firearms, but only bans military features on semi-automatic firearms such as a pistol grip, a lug allowing acceptance of a bayonet, or an adjustable stock to allow the gun to fit more than one size person; and

WHEREAS, not allowing these features on semi-automatic firearms will do little, if anything, to reduce gun violence; and

WHEREAS, requiring documentation of all ammunition sales in New York State, as provided for in this legislation, is a significant and unfunded mandate on business; and

WHEREAS, while there are some areas of the legislation that the Cortland County Legislature finds encouraging the strengthening of Kendra's law and Mark's law, as well as privacy protections for certain of pistol permit holders, many other provision do little more than negatively impact lawful gun owners; and

WHEREAS, according to the New York State Association of County Clerks, NY SAFE also created new requirements regarding pistol permit recertification which has been assigned to the State Police but will involve increased processing requirements for County Clerks offices where local applications are currently processed, AND

WHEREAS, according to the New York State Sheriff's Association, NYS SAFE will also increase requirements for Sheriffs who process and investigate permit applications; AND

WHEREAS, NYS SAFE expressly states that no costs of this law shall be borne by local governments, however many county departments will experience increased workload due to the new requirements the law creates, AND

WHEREAS, the legislation fails to offer any meaningful solution to gun violence and places increased burdens where they do not belong, on the back of law-abiding citizens and as unfunded mandates for county governments; and

WHEREAS, this legislation has the potential to turn New York State law-abiding gun owners into criminals; and

WHEREAS, the manner in which this legislation was brought forward for a vote in the State Legislature is deeply disturbing, now, therefore, be it

RESOLVED, that the Cortland County Legislature requests the repeal New York Secure Ammunition and Firearms Enforcement Act of 2013 ("NY SAFE Act") for the reasons mentioned in the preceding paragraphs of this resolution; and be it further

RESOLVED, that the Cortland County Legislature strongly encourages members of the New York State Legislature to hold public hearings to address the issue of gun violence in a way that will produce meaningful results; and be it further

RESOLVED, that a copy of this resolution be sent to Governor Andrew Cuomo, Senate Temporary President Dean Skelos, Senator Jeff Klein, State Senator James Seward, Assembly Speaker Sheldon Silver, and Assembly persons Barbara Lifton, Gary Finch, and Brian Kolb.

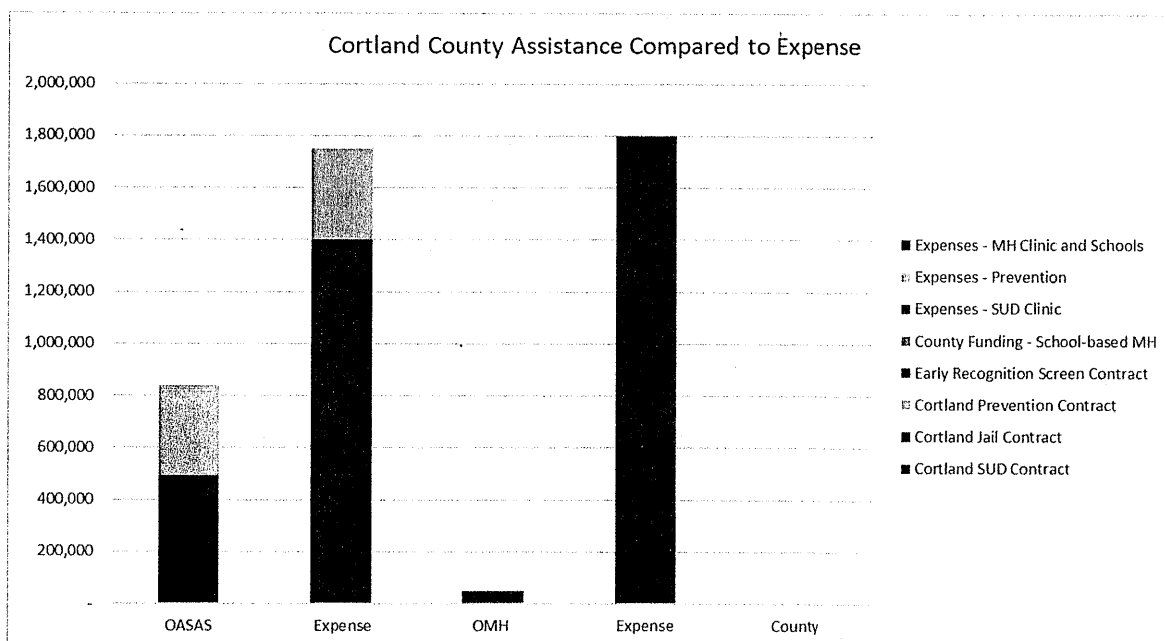


INCREASED DEMAND FOR SERVICES

- In Cortland County, the demand for children's mental health services alone has grown by 235% since 2009 with 72% of children now served through local school-based mental health clinics.
- We are seeing an increase in suicidal ideation, especially among school-age children
- The opioid epidemic continues and overdoses and overdose deaths remain high despite increased efforts around treatment and Narcan distribution.
- We have stayed open, prioritizing the most urgent cases, in an effort to meet community need and take up the slack when other service providers closed their doors.

RISING COSTS AND LOW REIMBURSEMENT

- Since 2020, average salary per FTE has risen by 44%. Employee health insurance costs have risen 32% over the past seven years. Combined, they represent a \$895,000 increase in costs.
- Despite the \$100,000 in one-time funding from Cortland County, our school-based mental health program still projects a loss of \$40,000 for this year; ongoing annual support is essential.
- Our mental health clinic projects a loss of \$225,000 for this year due to inadequate reimbursement rates.
- We struggle to recruit and retain qualified staff given the salaries we are able to offer.
- Occupancy costs continue to increase which further impacts the bottom line.
- Regulatory changes and distancing requirements impact what services we can provide in the physical spaces that we have available.



**Funding received from OASAS cannot be used for mental health services.*

Cortland County Proclamation



Recognizing Retiring Cortland County Employee for their Time and Service

WHEREAS, County Police Officer (CPO) Joshua Parente is ending his illustrious career with Cortland County and moving into retirement, **AND**

WHEREAS, CPO Parente started his career in 2005 as a County Police Officer, was a Cortland County Sheriff's K-9 Officer from 2006 to 2010, was promoted to Sergeant in 2010 and promoted again to Sergeant for Criminal Investigations in 2013, before voluntarily stepping down in 2015 to finish his distinguished career as a County Police Officer, **AND**

WHEREAS, the Cortland County Legislature wishes to express its appreciation to CPO Parente for his years of dedicated service to the residents of Cortland County, **NOW THEREFORE BE IT**

RESOLVED, that the Cortland County Legislature hereby recognizes CPO Joshua Parente for 17 ½ years of service at the Cortland County Sheriff's Department, **AND BE IT FURTHER**

RESOLVED, that the Legislature acknowledges that CPO Parente's dedication and expertise will be missed, **AND BE IT FURTHER**

RESOLVED, that I, Kevin Fitch, on behalf of the entire Cortland County Legislature, want to express sincere appreciation to this employee for his loyalty to the County of Cortland and wish him much happiness as he begins this exciting new chapter in his life.

Signed on the 27th day of October, 2022.

Kevin Fitch, Chair
Cortland County Legislature

Cortland County Proclamation



Breast Cancer Awareness Month

WHEREAS, October is National Breast Cancer Awareness Month, which is an annual campaign to increase awareness of this disease, AND

WHEREAS, every year, too many of us are touched by the pain and hardship caused by breast cancer, a disease that, among women, is not only one of the most common cancers, but also one of the leading causes of cancer-related death. During National Breast Cancer Awareness Month, we honor all those who lost their lives to breast cancer, and we recognize the courageous survivors. For these individuals, and for their loved ones who give their unwavering support during the most trying times, we recommit ourselves to the essential and necessary work of forging a future free from cancer in all its forms, AND

WHEREAS, breast cancer is the most common cancer among Cortland County women, AND

WHEREAS, in 2022, more than 287,000 new cases of breast cancer are expected to be diagnosed and more than 43,000 women die from breast cancer each year in the United States, AND

WHEREAS, breast cancer screening increases early detection, life expectancy, and five-year survival rates and reduces death and late-stage cancer diagnoses, AND

WHEREAS, since lifestyle factors contribute significantly to the risk of developing breast cancer, as well as most cancers, we encourage women to educate themselves and explore the ways in which they can decrease their risk for breast cancer, NOW THEREFORE BE IT

PROCLAIMED, that the Cortland County Legislature does hereby recognize all of the above and declare October 2022 as Breast Cancer Awareness Month. We urge all women in Cortland County to discuss a preventive and screening program with their health care provider and become aware of the potential risk of being diagnosed with breast cancer. Let's continue to provide support for our survivors, their families, and our healthcare and community partners so that we can provide preventative care, decrease the risk for breast cancer, and promote a healthy lifestyle.

Signed on the 27th day of October, 2022.

Kevin Fitch, Chair
Cortland County Legislature

CORTLAND COUNTY DEPARTMENT OF SOCIAL SERVICES CONTRACT AUTHORIZATION LIST FOR 2023

CONTRACTOR	DESCRIPTION	Maximum COST	Contract Terms	FUNCTION	ACCOUNT NUMBER CHARGED TO IN 2021 BUDGET:
Catholic Charities	CCSI Parent Partner (STSJP funding)	69,000	12/31/22 – 12/31/23	Preventive Services	A60105.56070
Cayuga Addictions Recovery Services	Behavioral Health Specialist	50,000	12/1/22 – 11/30/23	Child Welfare	A60105.54800.4695
Cayuga Centers	Placement Diversion	\$172,000	12/31/22 – 12/31/23	Preventive Services	A60105.56070 & A60105.56109
Children's Home of Wyoming Conference	QI Assessments	\$25,000	10/1/22 – 12/31/23	Foster Care Admin Expense	A60105.54800
Community Action Program of Cortland (CAPCO)	Medicaid Personal Care Services	State Medicaid set rates	12/31/22 – 12/31/23	Long Term Care	State paid
Cortland County Area Agency on Aging	Home Energy Assistance Program	\$19,500	12/31/22 – 12/31/23	Home Energy Assistance Program	A60105.54815
Cortland County Central Services	County IT Support	22,000	12/31/22 – 12/31/23	Technical Support - Computers	A60105.54083
Cortland County Employment & Training	Lease at One Stop	15,000	12/1/22 – 11/31/23	Employment	A60105.54800
Cortland County Mental Health	Placement Diversion	\$175,000	12/31/22 – 12/31/23	Preventive Services	A60105.56070 & A60105.56109
Cortland County Probation Department	PINS Diversion Services	224,000	12/31/22 – 12/31/23	Preventive Services	A60105.56070 & A60105.56109
Cortland County Sheriff Department	Fraud Investigations	145,000	12/31/22 – 12/31/23	Fraud	A60105.54083
Cortland County Sheriff Department	On-Site Security	140,000	12/31/22 – 12/31/23	Office Security	A60105.54083
Cortland County Sheriff Department	Detention Transports	6,000	12/31/22 – 12/31/23	Non-Secure Detention	A60105.56123
Cortland County Sheriff Department	On-Call Security Services	8,000	12/31/22 – 12/31/23	Child Protective Services	A60105.54083
Cortland County Sheriff Department	Paper Process Service	5,000	12/31/22 – 12/31/23	Child Support/Child Welfare	A60105.54083
Cortland County Veterans Services Offices	Veterans Services and Referrals to DSS	52,000	12/31/22 – 12/31/23	Temporary Assistance/SNAP/MA	A60105.54083
Elmcrest	Family Support Services	772,000	12/31/22 – 12/31/23	Preventive Services	A60105.56070 & A60105.56109
Family Counseling Services, Inc.	Alcohol and Drug Screens	\$103/each	12/31/22 – 12/31/23	Temporary Assistance	A60105.54500

CORTLAND COUNTY DEPARTMENT OF SOCIAL SERVICES CONTRACT AUTHORIZATION LIST FOR 2023

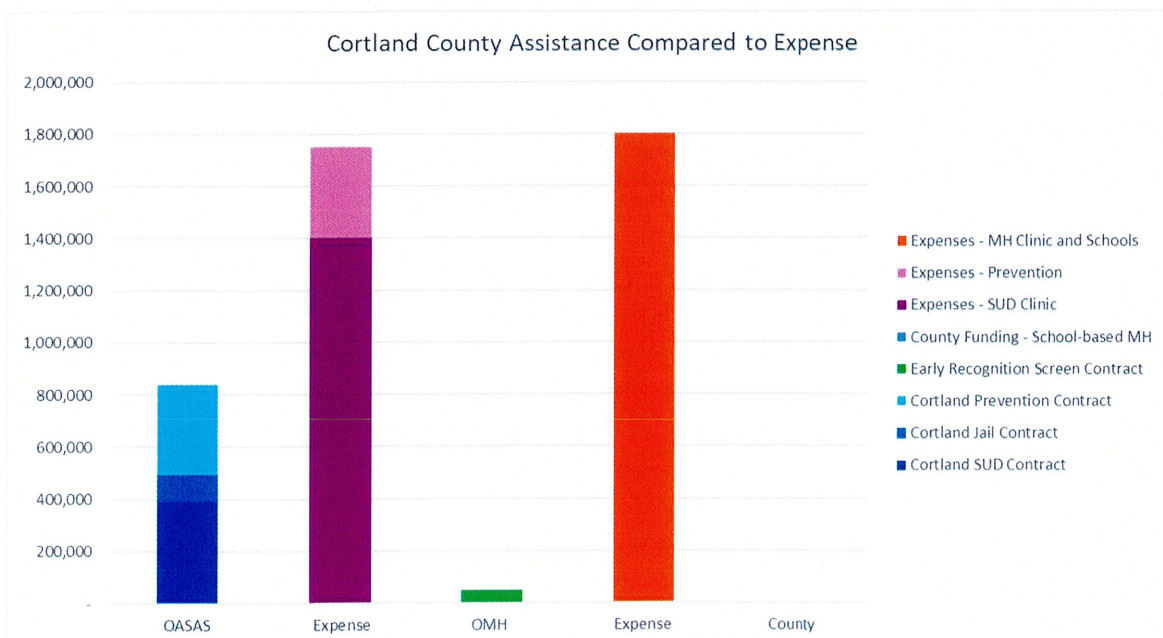
Family Counseling Services, Inc.	Counseling Services	2,000	12/31/22 – 12/31/23	Preventive Services	A60105.56070 & A60105.56109
Genovese, Jennifer, ACSW, LCSW	Counseling for Caseworkers	6,000	12/31/22 – 12/31/23	Child Welfare Staff Support	A60105.54035
Hillside Children's Services	Foster Home Recruitment and Certification	\$159,000	12/31/22 – 12/31/23		
J M Murray Center	Staff Disability Analyst - SSI Determinations	67,000	12/31/22 – 12/31/23	Temporary Assistance	A60105.54083
J M Murray Center	Job Search	65,000	12/31/22 – 12/31/23	Temporary Assistance	A60105.54800
L. Woerner, Inc d/b/a Home Care of Rochester	Medicaid Personal Care Services	State Medicaid rates	12/31/22 – 12/31/23	Long Term Care	State Paid
LabCorp	Paternity Testing	\$10,000	12/31/22 – 12/31/23	Child Support	A60105.54500
Language Line	Language translation and hearing-impaired services	Per government rate	On-going service agreement	Department-wide	A60105.54000
Lifeline Systems	Medicaid Personal Care Services	State Medicaid rates	12/31/22 – 12/31/23	Long Term Care	State paid
Salvation Army	Warming Center	\$190,000	11/1/22 – 4/30/23	Emergency Services	A60105.54800.4696
Stafling Healthcare Systems, Inc	Medicaid Personal Care Services	State Medicaid rates	12/31/22 – 12/31/23	Long Term Care	State paid
Upstate Services Group	Medicaid Personal Care/Assisted Living Services	State Medicaid rates	12/31/22 – 12/31/23	Long Term Care	State paid
YWCA	Enhanced Non-Residential Services – AVV	25,000	7/1/22 - 6/30/23	Domestic Violence	A60105.54800.4693
YWCA	Non-Residential Services - AVV	54,000	12/31/22 – 12/31/23	Domestic Violence Services	A60105.54083
YWCA	AVV Residential Services	State established (currently \$93.76/day)	12/31/22 – 12/31/23	Domestic Violence Services	A60105.56109, A60105.56140, or A60105.56142

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- Regulatory changes and distancing requirements impact what services we can provide in the physical spaces that we have available.



**Funding received from OASAS cannot be used for mental health services.*

ON MOTION OF

RESOLUTION NO.

Authorize Agreement/Accept Funds
Distribution #13

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

State of New York) ss:
County of Cortland)

This is to certify that I, the undersigned, Clerk of the County Legislature, have compared the foregoing copy with the original now on file in this office, and that the above actions were passed by the Cortland County Legislature on the ____ day of _____, 2022 and that the same is a correct and true transcript of such actions taken.

IN WITNESS WHEREOF I have hereunto set my
hand and the official seal of the Cortland County
Legislature, this ____ day of _____, 2022.

Savannah Hempstead, Clerk of the Legislature
Cortland County

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,

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,

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.

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 the Cortland County Legislature finds itself in general agreement with the decision rendered by Judge Suddaby in (THE CASE NAME) and therefore,

The Cortland County Legislature demands 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.***

New York State Rifle & Pistol Association Inc. v. Bruen

scotusblog.com/case-files/cases/new-york-state-rifle-pistol-association-inc-v-bruen/



Holding: New York's proper-cause requirement for obtaining an unrestricted license to carry a concealed firearm violates the Fourteenth Amendment in that it prevents law-abiding citizens with ordinary self-defense needs from exercising their Second Amendment right to keep and bear arms.

Judgment: Reversed and remanded, 6-3, in an opinion by Justice Thomas on June 23, 2022. Justice Alito filed a concurring opinion. Justice Kavanaugh filed a concurring opinion, in which Chief Justice Roberts joined. Justice Barrett filed a concurring opinion. Justice Breyer filed a dissenting opinion, in which Justices Sotomayor and Kagan joined.

SCOTUSblog Coverage

- From constitutional orphan to treasured heirloom: The Second Amendment is no longer a second-class right (Theresa Inacker, July 11, 2022)
- The *Bruen* majority ignores decision's empirical effects (Lisa Vicens and Samuel Levander, July 8, 2022)
- The right to fear, in public: Our town square after *Bruen* (Esther Sanchez-Gomez, June 29, 2022)
- Restoring the Founders' right to bear arms (Joseph Greenlee, June 29, 2022)
- Cherry-picked history and ideology-driven outcomes: *Bruen*'s originalist distortions (Saul Cornell, June 27, 2022)
- A minor impact on gun laws but a potentially momentous shift in constitutional method (Randy Barnett, June 27, 2022)
- In 6-3 ruling, court strikes down New York's concealed-carry law (Amy Howe, June 23, 2022)
- Announcement of opinions for Thursday, June 23 (complete) (Angie Gou, June 23, 2022)
- Majority of court appears dubious of New York gun-control law, but justices mull narrow ruling (Amy Howe, November 3, 2021)
- We read all the amicus briefs in *New York State Rifle* so you don't have to (Ellena Erskine, November 2, 2021)
- In our federalist system, states can regulate public carry (Jeremy Feigenbaum, November 2, 2021)
- In our constitutional republic, freedom demands sticking to your guns (Mark Brnovich, November 2, 2021)

- The court must consider the national security and public safety threats posed by concealable weapons (Mary B. McCord and Annie L. Owens, October 30, 2021)
- In *New York State Rifle*, the court should look to text, history, and tradition (Stephen P. Halbrook, October 30, 2021)
- To help stop domestic violence, uphold concealed-carry regulations that utilize local knowledge (Rachel Graber and Ruth Glenn, October 28, 2021)
- We are public defenders. New York's gun laws eviscerate our clients' Second Amendment rights. (Avinash Samarth, Aimee Carlisle, Christopher Smith, Michael Thomas, and Meghna Philip, October 28, 2021)
- In major Second Amendment case, court will review limits on carrying a concealed gun in public (Amy Howe, October 27, 2021)
- New York Second Amendment case headlines November argument calendar (Amy Howe, August 16, 2021)
- Court to take up major gun-rights case (Amy Howe, April 26, 2021)
- Sovereign immunity, legislative censure and another habeas question (John Elwood, April 21, 2021)
- Two Sixth Amendment claims and an ERISA lawsuit (John Elwood, April 15, 2021)
- An important right-to-carry case, and another close look at a Sixth Circuit decision granting habeas relief (John Elwood, March 31, 2021)
- Petitions of the week: Three Second Amendment petitions and a Wiretap Act claim against Facebook (Andrew Hamm, January 15, 2021)

Date Proceedings and Orders (key to color coding)

Dec 17 2020 Petition for a writ of certiorari filed. (Response due January 22, 2021)

Dec 23 2020 Blanket Consent filed by Petitioner, New York State Rifle & Pistol Association, Inc., et al.

Jan 08 2021 Motion to extend the time to file a response from January 22, 2021 to February 22, 2021, submitted to The Clerk.

Jan 11 2021 Motion to extend the time to file a response is granted and the time is extended to and including February 22, 2021.
