



Cortland County Legislature

Legislative Session

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

~ Minutes ~

Thursday, November 16, 2023

6:00 PM

Board Room

Public Hearings

1. Local Law "J" of 2023 - a Local Law Creating the Cortland County Finance Department

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 "K" of 2023 - a Local Law Authorizing the County of Cortland to Impose a Tax on Real Estate Transfers

RESULT:	CLOSED [UNANIMOUS]
MOVER:	Ann Homer, 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

3. Adopt Local Law "L" of 2023 - a Local Law to Increase Salary of Officers Elected or Appointed for a Fixed Term During the Term of Office

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

4. Adopt Local Law "M" of 2023 - a Local Law Setting the Salary of Cortland County Election Commissioners

RESULT:	CLOSED [UNANIMOUS]
MOVER:	Joseph Nauseef, 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

Salute to the Flag

Call to Order

The meeting was called to order at 6:03 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 - Oct 26, 2023 6:00 PM

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sandra Price, Legislator
SECONDER:	Christopher Newell, 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

Proclamations & Recognitions

Presentation of Petitions, Communications, and Notice

Receive and File

1. Cortland County Industrial Development Agency Notice of PILOT Expiration - Cortland Crown Homes, LLC

RESULT:	RECEIVE & FILE [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



Cortland County Legislature

Legislative Session

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

~ Minutes ~

Thursday, November 16, 2023

6:00 PM

Board Room

2. Cortland County Industrial Development Agency Notice of PILOT Expiration - Forkey Construction

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

Reports of Standing, Special and Ad Hoc Committees

Articles Postponed to Day Certain

Unfinished Business

New Business

Resolutions

Referred from Finance & Administration Committee

Chair Fitch MADE A MOTION TO SUSPEND THE RULES OF ORDER to entertain three resolutions for Microenterprise Assistance Grant Awards for Champs Baseball, LLC, Z's Nutty Ridge, LLC, and Play D8, LLC; Mr. Heider SECONDED THE MOTION, and a roll call vote was taken as follows:

	Votes	AYE	NAY	Total
Bentley (LD1)	2744	1		2744
Bischoff (LD3)	2743	1		2743
Eccleston (LD17)	3379	1		3379
Harbin (LD2)	2747	1		2747
Heider (16)	3192	1		3192
Homer (LD7)	2743	1		2743
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		2743
Wagner (LD 15)	2734	1		2734
Waldbauer (LD13)	2853	1		2853
Wilson (LD5)	2744	1		2744
Chairman Fitch (LD8)	2990	1		2990
Total	49336	17	0	49336
		Majority	24669	
		2/3rd	32892	

MOTION CARRIED.

AGENDA ITEM NO. 1 – Microenterprise Assistance Program Grant Award - Champs Baseball, LLC
Dba Game Knows Sports Training Facility

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ronald J. Van Dee, 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 WAGNER

RESOLUTION NO. 190-23

**Microenterprise Assistance Program Grant Award - Champs Baseball, LLC Dba Game Knows
Sports Training Facility**

WHEREAS, the Cortland County Legislature’s Finance and Administration Committee was empaneled as the Cortland County Microenterprise Assistance Program Review Committee on November 14, 2023 for the purpose of reviewing applications received for the Microenterprise Grant Program, AND

WHEREAS, following said review the Committee recommended that Champs Baseball, LLC dba Game Knows Sports Training Facility, of 880 State Route 13, Cortland, NY 13045, be awarded \$30,384.00 from the Microenterprise program, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature hereby accepts and approves the recommendation of the Cortland County Microenterprise Assistance Program Review Committee and hereby awards the sum \$30,384.00 to Champs Baseball, LLC dba Game Knows Sports Training Facility from the Cortland County Microenterprise Assistance Program funding, AND BE IT FURTHER

RESOLVED, that the County Administrator and/or Chair of the Cortland County Legislature, upon review of the County Attorney or designee, is hereby authorized to prepare and execute any and all agreements and sub-recipient agreements necessary and incident to this award.

AGENDA ITEM NO. 2 – Microenterprise Assistance Program Grant Award - Z's Nutty Ridge, LLC

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Paul Heider, 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 WAGNER

RESOLUTION NO. 191-23

Microenterprise Assistance Program Grant Award - Z's Nutty Ridge, LLC

WHEREAS, the Cortland County Legislature’s Finance and Administration Committee was empaneled as the Cortland County Microenterprise Assistance Program Review Committee on November 14, 2023 for the purpose of reviewing applications received for the Microenterprise Grant Program, AND

WHEREAS, following said review the Committee recommended that Z’s Nutty Ridge, LLC, of 5296 Town Line Road, McGraw, New York 13101, be awarded \$25,405.00 from the Microenterprise program, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature hereby accepts and approves the recommendation of the Cortland County Microenterprise Assistance Program Review Committee and hereby awards the sum \$25,405.00 to Z's Nutty Ridge, LLC from the Cortland County Microenterprise Assistance Program funding, AND BE IT FURTHER

RESOLVED, that the County Administrator and/or Chair of the Cortland County Legislature, upon review by the County Attorney or designee, is hereby authorized to prepare and execute any and all agreements and sub-recipient agreements necessary and incident to this award.

AGENDA ITEM NO. 3 – Microenterprise Assistance Program Grant Award - Play D8, LLC

RESULT:	ADOPTED [16 TO 1]
MOVER:	Sandra Price, 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

ON MOTION OF WAGNER

RESOLUTION NO. 192-23

Microenterprise Assistance Program Grant Award - Play D8, LLC

WHEREAS, the Cortland County Legislature's Finance and Administration Committee was empaneled as the Cortland County Microenterprise Assistance Program Review Committee on November 14, 2023 for the purpose of reviewing applications received for the Microenterprise Grant Program, AND

WHEREAS, following said review the Committee recommended that Play D8, LLC, of 10 Elm Street, McGraw, New York 13101, be awarded \$25,005.00 from the Microenterprise program, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature hereby accepts and approves the recommendation of the Cortland County Microenterprise Assistance Program Review Committee and hereby awards the sum \$25,005.00 to Play D8, LLC from the Cortland County Microenterprise Assistance Program funding, AND BE IT FURTHER

RESOLVED, that the County Administrator and/or Chair of the Cortland County Legislature, upon review by the County Attorney or designee, is hereby authorized to prepare and execute any and all agreements and sub-recipient agreements necessary and incident to this award.

Mr. Harbin MADE A MOTION TO SUSPEND THE RULES OF ORDER to entertain a resolution for a Microenterprise Assistance Grant Award for Brett Barnes; Ms. Homer SECONDED THE MOTION, and a roll call vote was taken 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		3344
Stock (LD6)	2740		1	0

VanDee (LD4)	2743		1	0
Wagner (LD 15)	2734		1	0
Waldbauer (LD13)	2853		abstain	0
Wilson (LD5)	2744	1		2744
Chairman Fitch (LD8)	2990		1	0
Total	49336	6	10	17065
		Majority	24669	
		2/3rd	32892	

MOTION FAILED.

Resolutions from the Chair

Referred from Building & Grounds Committee

Referred from Highway Committee

Referred from Health & Human Services Committee

Referred from Agriculture/Planning/Environment Committee

Referred from Judiciary & Public Safety Committee

AGENDA ITEM NO. 4 – Amend 2023 Budget - Accept Grant Award - Public Safety Answering Points Operations Grant - Department of Emergency Response and Communications

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kelly L. Fairchild-Preston, 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 FAIRCHILD-PRESTON

RESOLUTION NO. 193-23

Amend 2023 Budget - Accept Grant Award - Public Safety Answering Points Operations Grant - Department of Emergency Response and Communications

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 Public Safety Answering Points Operations Grant (PSAP) grant in the amount of \$194,635, resulting in no new county costs, in support of Public Safety Answering Point operations, NOW THEREFORE BE IT

RESOLVED, that Cortland County Department of Emergency Response and Communications is hereby directed to expend the grant funds according to the stated grant guidance, AND BE IT FURTHER

RESOLVED, that the 2023 budget is amended as follows:

	Current	Change	Revised
INCREASE REVENUE BUDGET:			
A302043.43306.PSP DHSES Grant	\$90,000	\$104,635	\$194,635

INCREASE EXPENDITURE BUDGET:

A30205.51005.PSP	Personal Services	\$60,000	\$30,000	\$90,000
A30205.54048.PSP	Dept Specific Equipment	\$0	\$104,635	\$104,635

, AND BE IT FURTHER

RESOLVED, that the County Administrator, upon review and approval by the County Attorney or designee and subject to appropriation of funding, be and hereby is authorized to sign the grant contract with the New York State Department of Homeland Security and Emergency Services at an amount not to exceed \$194,635, 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. 5 – Authorize Agreement - Frontier Communications - Department of Emergency Response and Communications

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kelly L. Fairchild-Preston, 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 FAIRCHILD-PRESTON

RESOLUTION NO. 194-23

Authorize Agreement - Frontier Communications - Department of Emergency Response and Communications

WHEREAS, Cortland County’s existing 911 telephone system, which is the primary component for handling emergency service calls, is in need of preventative maintenance and upgrading to allow for improved communications and interoperability between field providers and county 911 centers, AND

WHEREAS, it is in the best interests of the County to maintain its telephone system and infrastructure in a constant state of readiness and high availability, AND

WHEREAS, Frontier Communications has submitted a cost proposal of this project is \$124,620.51 for the period of December 1, 2023 to November 30, 2027, AND

WHEREAS, funds previously allocated under the grant award to Cortland County’s Department of Emergency Response & Communications, Resolution No. 72-23, from New York State Department of Homeland Security Office of Interoperable Emergency Communications, in the amount of \$5,000,000, allows for this expense and the net county cost is zero, NOW THEREFORE BE IT

RESOLVED, that the County Administrator, upon review and approval by the County Attorney or designee and subject to appropriation of funding, be and hereby is authorized to sign the upgrade and preventative maintenance contract with Frontier Communications at an amount not to exceed \$124,620.51 per year for the years of 2023-2027.

Referred from Government Operations Committee

AGENDA ITEM NO. 6 – Resolution Permitting the Execution of a Replacement Quit Claim Deed for the Conveyance of 3010 E. Freetown-Texas Valley Road, in the Town of Freetown, County of Cortland, and State of New York, Bearing Tax Map No. 111.00-02-01.000 - County Attorney's Office

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Stock, Legislator
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 STOCK

RESOLUTION NO. 195-23

Resolution Permitting the Execution of a Replacement Quit Claim Deed for the Conveyance of 3010 E. Freetown-Texas Valley Road, in the Town of Freetown, County of Cortland, and State of New York, Bearing Tax Map No. 111.00-02-01.000 - County Attorney's Office

WHEREAS, the Cortland County Treasurer conveyed the property located at 3010 E. Freetown-Texas Valley Road, in the Town of Freetown, County of Cortland, and State of New York, Tax Map No. 111.00-02-01.000, to Cortland County by deed dated February 9, 1996, which was recorded in the Cortland County Clerk's Office on February 15, 1996, as Instrument No. 1996-589, AND

WHEREAS, the property located at 3010 E. Freetown Texas Valley Road, in the Town of Freetown, County of Cortland, and State of New York, Tax Map No. 111.00-02-01.000, was listed as Parcel No. 4 in the Tax Foreclosure Auction held on June 5, 1996, AND

WHEREAS, the property located at 3010 E. Freetown Texas Valley Road, in the Town of Freetown, County of Cortland, and State of New York, Tax Map No. 111.00-02-01.000 was successfully purchased by Linda Bamberry at the Tax Foreclosure Auction held on June 5, 1996, for the amount of thirteen thousand two hundred dollars (\$13,200), AND

WHEREAS, the successful bidder, Linda Bamberry, has paid a ten percent (10%) deposit in the amount of one thousand two hundred dollars (\$1,200) and a ten percent (10%) Buyer's Premium in the amount of one thousand two hundred dollars (\$1,200), for a total of two thousand four hundred dollars (\$2,400), on June 5, 1996, AND

WHEREAS, the successful bidder, Linda Bamberry, signed a Purchase Agreement, on or about June 5, 1996, whereas it was stated that the transfer is to be completed at the office of the County Attorney, 60 Central Avenue, Cortland, New York, on or before July 5, 1996, or as soon thereafter as the deed can be delivered, AND

WHEREAS, on or about July 11, 1996, correspondence was mailed to the successful bidder, Linda Bamberry, notifying her that the deed to the parcel she had purchased was ready to be picked up and that she was responsible for filing the deed within the County Clerk's Office, AND

WHEREAS, the Deed conveying the property from the County of Cortland to Linda Bamberry was not properly filed within the County Clerk's Office and such deed has been misplaced, NOW THEREFORE BE IT

RESOLVED, that the County Administrator is hereby authorized to execute a replacement Quit Claim Deed, RP-5217, and TP-584, conveying the property from the County of Cortland to Linda Bamberry; the successful bidder, and to file the same with the Office of the Cortland County Clerk upon Linda Bamberry providing the County of Cortland with the necessary filing fees for proper recording of said deed and related transfer documents.

AGENDA ITEM NO. 7 – Local Law 11 of 2023 - a Local Law Creating the Cortland County Finance Department

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Stock, 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 STOCK

RESOLUTION NO. 196-23

Local Law 11 of 2023 - a Local Law Creating the Cortland County Finance Department

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

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

RESOLVED, that Local Law 11 for the year 2023 is hereby adopted and shall take effect upon the filing thereof in the Office of the Secretary of State as provided by Municipal Home Rule Law, NOW THEREFORE

Be it enacted by the Legislature of the County of Cortland as follows:

SECTION 1. Legislative Findings and Intent

It is the desire of the Cortland County Legislature, in its continuing efforts to upgrade the administration of County government, to legally define, clarify and improve the management structure of the financial operations of the County of Cortland.

Cortland County Local Law 10 of the year 2022 abolished the elected office of the County Treasurer and transferred the duties of Treasurer to the existing position of Director of Finance as the County's professional Chief Fiscal Officer in Cortland County effective December 31, 2023. Said Local Law was duly passed by the Cortland County Legislature on June 23, 2022 subject to mandatory referendum and received the affirmative vote of a majority of the qualified electors voting thereon at the general election held on November 8, 2022.

The Cortland County Legislature finds that it is in the public interest to establish the Cortland County Finance Department. It is not the purpose or intent of the Cortland County Legislature in the adoption of this local law to curtail, diminish, transfer or divest the Legislature of Cortland County of any of its functions, powers or duties.

SECTION 2. Creation of Department

There is hereby created within the County of Cortland a Department of Finance, the head of which shall be the Director of Finance, effective December 31, 2023.

SECTION 3. Powers and Duties

The Director of Finance shall be responsible for the administration of the Finance Department, financial analysis and support to the County Administrator and/or the County Legislature, and shall have general superintendence over the fiscal affairs of the County. In accordance with Local Law 10 of the year 2022, the Director of Finance shall perform the duties prescribed by law as the Chief Fiscal Officer of the County of Cortland, shall perform such additional and related duties as may be prescribed by law and directed by the Legislature, and shall be in accordance with the Civil Service job description for Director of Finance.

The Director of Finance shall have the power to appoint such personnel within the Finance

Department as may be authorized by the County Legislature.

SECTION 4. No Divestiture of Powers and Duties of Legislature or Administrator

Nothing contained in this local law shall operate or be construed to divest the County Legislature of Cortland County of any of its functions, powers and duties. Nothing contained in this local law shall operate or be construed to divest the County Administrator of any of his/her/their functions, powers and duties.

SECTION 5. Severability of Provisions

If any clause, sentence, paragraph, subdivision, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree, or order shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment, decree or order have been rendered.

SECTION 6. Conflict with Previous Local Laws and Resolutions

In the event of a conflict or inconsistency between this local law and any previous local law or resolution of the County Legislature, this local law shall govern.

SECTION 7: Effective Date

This local law shall take effect when all applicable statutory requirements for its passage and adoption have been complied with fully and it has been duly filed as provided by the Municipal Home Rule Law.

AGENDA ITEM NO. 8 – Adopt Local Law 1 of 2024 - a Local Law to Increase Salary of Officers Elected or Appointed for a Fixed Term During the Term of Office

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Stock, 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 STOCK

RESOLUTION NO. 197-23

Adopt Local Law 1 of 2024 - a Local Law to Increase Salary of Officers Elected or Appointed for a Fixed Term During the Term of Office

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

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

RESOLVED, that Local Law 1 for the year 2024 is hereby adopted and shall take effect upon the filing thereof in the Office of the Secretary of State as provided by Municipal Home Rule Law, AND BE IT FURTHER

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

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

SECTION 1.
LEGISLATIVE INTENT

The County Legislature hereby states the intent of this local law is to preserve the integrity of the Management Compensation Plan, the goal of which is to treat all employees equally by maintaining grade level salary increments attached to years of service to the County. It is therefore necessary for the County Legislature to extend by local law the same increase in salary for those County officers elected or appointed for a fixed term, in compliance with New York State County Law §201, as has been previously adopted pursuant to the amended Grade and Step Schedule for Management Confidential Employees through Cortland County Local Laws.

SECTION II.

The Cortland County Employment Policy Manual for Department Heads, Management and Management/Confidential Employees includes a Grade and Step Schedule, with salary increments tied to grade levels and years of service. Certain officers are excluded pursuant to New York State County Law §201, as the salary of any officer elected or appointed for a fixed term may only be increased by local law subject to permissive referendum as provided for in Municipal Home Rule Law §24(2)(h).

SECTION III.

The same rate of annual salary increase for fiscal year 2024 extended to Cortland County Management and Management/Confidential Employees through the modification of the Grade and Step Schedule, shall be provided to those officers elected or appointed for a fixed term, during their term of office. The annual salary of said officers elected or appointed for a fixed term, during their term of office, is to be adjusted and paid over the balance of the 2024 calendar year, upon the effective date of this local law.

This Local Law shall function to increase the salary of the following officers elected or appointed for a fixed term, during their term of office:

Elected officers include:

County Clerk
County Coroner(s)
County Sheriff

Officers appointed for a fixed term include:

Clerk of the Legislature
County Attorney
Public Defender
Veteran's Services Officer
Commissioner of Social Services
Highway Superintendent
Personnel Officer
Public Health Director
Real Property Tax Services Director

SECTION IV:

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Stock, 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 STOCK

RESOLUTION NO. 198-23

Adopt Local Law 2 of 2024 - a Local Law Setting the Salary of Cortland County Election Commissioners

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

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

RESOLVED, that Local Law 2 for the year 2024 is hereby adopted and shall take effect upon the filing thereof in the Office of the Secretary of State as provided by Municipal Home Rule Law, AND BE IT FURTHER

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

NOW, THEREFORE

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

Section I:

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

Section II:

The annual salary for each Cortland County Election Commissioner shall be increased from \$55,315 to \$57,528 for fiscal year 2024 and paid over the balance of 2024 calendar year, upon the effective date of this local law.

Section III:

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

Referred from Finance & Administration Committee

AGENDA ITEM NO. 10 – Local Law 12 of 2023 - a Local Law Authorizing the County of Cortland to Impose a Tax on Real Estate Transfers

RESULT:	ADOPTED [16 TO 1]
MOVER:	George Wagner, Majority Leader
SECONDER:	Susan Wilson, 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 WAGNER

RESOLUTION NO. 199-23

Local Law 12 of 2023 - a Local Law Authorizing the County of Cortland to Impose a Tax on Real Estate Transfers

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

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

Be it enacted by the Legislature of the County of Cortland as follows:

SECTION 1. Title

This Local Law shall be titled "A Local Law Authorizing the County of Cortland to Impose a Tax on Real Estate Transfers".

SECTION 2. Legislative Findings and Intent

The purpose of this law is to authorize Cortland County, pursuant to the provisions of Article 31-I of the Tax Law of the State of New York, to impose an additional tax on real estate transfers.

SECTION 3. Authority

This Local Law is adopted pursuant to the provisions of the Municipal Home Rule Law, and Article 31-I of the Tax Law of the State of New York.

SECTION 4. Definitions

When used in this Local Law, unless otherwise expressly stated, the following terms shall have the meanings indicated:

1. "Person" means an individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, any combination of individuals, and any other form of unincorporated enterprise owned or conducted by two or more persons.

2. "Controlling interest" means (a) in the case of a corporation, either fifty percent or more of the total combined voting power of all classes of stock of such corporation, or fifty percent or more of the capital, profits or beneficial interest in such voting stock of such corporation, and (b) in the case of a partnership, association, trust or other entity, fifty percent or more of the capital, profits or beneficial interest in such partnership, association, trust or other entity.

3. "Real property" means every estate or right, legal or equitable, present or future, vested or contingent, in lands, tenements or hereditaments, including buildings, structures and other improvements thereon, which are located in whole or in part within the County of Cortland. It shall not include rights to sepulture.

4. "Consideration" means the price actually paid or required to be paid for the real property or

interest therein, including payment for an option or contract to purchase real property, whether or not expressed in the deed and whether paid or required to be paid by money, property, or any other thing of value. It shall include the cancellation or discharge of an indebtedness or obligation. It shall also include the amount of any mortgage, purchase money mortgage, lien or other encumbrance, whether or not the underlying indebtedness is assumed or taken subject to.

- (a) In the case of a creation of a leasehold interest or the granting of an option with use and occupancy of real property, consideration shall include, but not be limited to, the value of the rental and other payments attributable to the use and occupancy of the real property or interest therein, the value of any amount paid for an option to purchase or renew and the value of rental or other payments attributable to the exercise of any option to renew.
- (b) In the case of a creation of a sublease hold interest, consideration shall include, but not be limited to, the value of the sublease rental payments attributable to the use and occupancy of the real property, the value of any amount paid for an option to renew and the value of rental or other payments attributable to the exercise of any option to renew less the value of the remaining prime lease rental payments required to be made.
- (c) In the case of a controlling interest in any entity that owns real property, consideration shall mean the fair market value of the real property or interest therein, apportioned based on the percentage of the ownership interest transferred or acquired in the entity.
- (d) In the case of an assignment or surrender of a leasehold interest or the assignment or surrender of an option or contract to purchase real property, consideration shall not include the value of the remaining rental payments required to be made pursuant to the terms of such lease or the amount to be paid for the real property pursuant to the terms of the option or contract being assigned or surrendered.
- (e) In the case of (1) the original conveyance of shares of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold by the cooperative corporation or cooperative plan sponsor and (2) the subsequent conveyance by the owner thereof of such stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold for a cooperative unit other than an individual residential unit, consideration shall include a proportionate share of the unpaid principal of any mortgage on the real property of the cooperative housing corporation comprising the cooperative dwelling or dwellings. Such share shall be determined by multiplying the total unpaid principal of the mortgage by a fraction, the numerator of which shall be the number of shares of stock being conveyed in the cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold and the denominator of which shall be the total number of shares of stock in the cooperative housing corporation.

5. "Conveyance" means the transfer or transfers of any interest in real property by any method, including but not limited to, sale, exchange, assignment, surrender, mortgage foreclosure, transfer in lieu of foreclosure, option, trust indenture, taking by eminent domain, conveyance upon liquidation or by a receiver, or transfer or acquisition of a controlling interest in any entity with an interest in real property. Transfer of an interest in real property shall include the creation of a leasehold or sublease only where (a) the sum of the term of the lease or sublease and any options for renewal exceeds forty-nine years, (b) substantial capital improvements are or may be made by or for the benefit of the lessee or sublessee, and (c) the lease or sublease is for substantially all of the premises constituting the real property. Notwithstanding the foregoing, conveyance of real property shall not include the creation, modification, extension, spreading, severance, consolidation, assignment, transfer, release or satisfaction of a mortgage; a mortgage subordination agreement, a mortgage severance agreement, an instrument given to perfect or correct a recorded mortgage; or a release of lien of tax pursuant to New York State Tax Law or the internal revenue code.

6. "Interest in the real property" includes title in fee, a leasehold interest, a beneficial interest, an encumbrance, development rights, air space and air rights, or any other interest with the right to use or

occupancy of real property or the right to receive rents, profits or other income derived from real property. It shall also include an option or contract to purchase real property. It shall not include a right of first refusal to purchase real property.

7. "Grantor" means the person making the conveyance of real property or interest therein. Where the conveyance consists of a transfer or an acquisition of a controlling interest in an entity with an interest in real property, "grantor" means the entity with an interest in real property or a shareholder or partner transferring stock or partnership interest.

8. "Grantee" means the person who obtains real property or interest therein as a result of a conveyance.

9. "Recording officer" means the County Clerk of the County of Cortland.

10. "Treasurer" means the Chief Fiscal Officer of the County of Cortland.

SECTION 5. Imposition of Tax

For the period commencing November 17, 2023 and ending October 25, 2030, unless further extended by Local Law of the County Legislature, notwithstanding any other laws, there is hereby imposed, in Cortland County, a tax on each conveyance of real property or interest therein when the consideration exceeds five hundred dollars, at the rate of one dollar for each five hundred dollars or fractional part thereof. This Local Law applies to any conveyance occurring on or after November 17, 2023, but shall not apply to conveyances made on or after November 17, 2023 pursuant to binding written contracts entered into prior to November 17, 2023, provided that the date of execution of such contract is confirmed by independent evidence such as the recording of the contract, payment of a deposit or other facts and circumstances as determined by the treasurer.

SECTION 6. Payment of Tax

1. The real estate transfer tax imposed pursuant to this Local Law shall be paid to the treasurer or the recording officer acting as the agent of the treasurer. Such tax shall be paid at the same time as the real estate transfer tax imposed by Article Thirty-One of the New York State Tax Law is required to be paid. Such treasurer or recording officer shall endorse upon each deed or instrument effecting a conveyance a receipt for the amount of the tax so paid.

2. A return shall be required to be filed with such treasurer or recording officer for purposes of the real estate transfer tax imposed pursuant to this Local Law at the same time as a return is required to be filed for purposes of the real estate transfer tax imposed by Article Thirty-One of the New York State Tax Law. The return, for purposes of the real estate transfer tax imposed pursuant to this Article Thirty-One of the New York State Tax Law, shall be a photocopy or carbon copy of the real estate transfer tax return required to be filed pursuant to Section 1409 of Article Thirty-One of the New York State Tax Law. However, when an apportionment is required to be made pursuant to Section 1449-MMMMMM of Article Thirty-One of the New York State Tax Law, a supplemental form shall also be required to be filed. The real estate transfer tax returns and supplemental forms required to be filed pursuant to this section shall be preserved for three years and thereafter until such treasurer or recording officer orders them to be destroyed.

3. The recording officer shall not record an instrument effecting a conveyance unless the return required by this section has been filed and the tax imposed pursuant to this article shall have been paid as provided in this section.

SECTION 7. Liability for Tax

1. The real estate transfer tax shall be paid by the grantor. If the grantor has failed to pay the tax imposed pursuant to this Local Law or if the grantor is exempt from such tax, the grantee shall have the duty to pay the tax. Where the grantee has the duty to pay the tax because the grantor has failed to pay,

such tax shall be the joint and several liability of the grantor and the grantee.

2. For the purpose of the proper administration of this local law and to prevent evasion of the tax hereby authorized, it shall be presumed that all conveyances are taxable. Where the consideration includes property other than money, it shall be presumed that the consideration is the fair market value of the real property or interest therein. These presumptions shall prevail until the contrary is proven, and the burden of proving the contrary shall be on the person liable for payment of the tax.

SECTION 8. Exemptions

1. The following shall be exempt from payment of the real estate transfer tax:

- (a) The state of New York, or any of its agencies, instrumentalities, political subdivisions, or public corporations (including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada).
- (b) The United Nations, the United States of America and any of its agencies and instrumentalities.

The exemption of such governmental bodies or persons shall not, however, relieve a grantee from the liability for the tax.

2. The tax shall not apply to any of the following conveyances:

- (a) Conveyances to the United Nations, the United States of America, the State of New York, or any of their instrumentalities, agencies or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada);
- (b) Conveyances which are or were used to secure a debt or other obligation;
- (c) Conveyances which, without additional consideration, confirm, correct, modify or supplement a prior conveyance;
- (d) Conveyances of real property without consideration and otherwise than in connection with a sale, including conveyances conveying realty as bona fide gifts;
- (e) Conveyances given in connection with a tax sale;
- (f) Conveyances to effectuate a mere change of identity or form of ownership or organization where there is no change in beneficial ownership, other than conveyances to a cooperative housing corporation of the real property comprising the cooperative dwelling or dwellings;
- (g) Conveyances which consist of a deed of partition;
- (h) Conveyances given pursuant to the Federal Bankruptcy Act;
- (i) Conveyances of real property which consist of the execution of a contract to sell real property without the use or occupancy of such property or the granting of an option to purchase real property without the use or occupancy of such property; and
- (j) Conveyances of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than two hundred thousand dollars and such property was used solely by the grantor as his or her personal residence and consists of a one, two or three-family house, an individual residential condominium unit or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative unit.

SECTION 9. Credit

A grantor shall be allowed a credit against the tax due on a conveyance of real property to the extent tax was paid by such grantor on a prior creation of a leasehold of all or a portion of the same real property or on the granting of an option or contract to purchase all or a portion of the same real property, by such grantor. Such credit shall be computed by multiplying the tax paid on the creation of the leasehold or on the granting of the option or contract by a fraction, the numerator of which is the value of the consideration used to compute such tax paid which is not yet due to such grantor on the date of the subsequent conveyance (and which such grantor will not be entitled to receive after such date), and the denominator of

which is the total value of the consideration used to compute such tax paid.

SECTION 10. Cooperative Housing Corporation Transfers

1. Notwithstanding the definition of "controlling interest" contained in Subdivision Two of Section Four of this Local Law, or anything to the contrary contained in Subdivision Five of Section Four of this Local Law, the tax imposed pursuant to this Local Law shall apply to (a) the original conveyance of shares of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold by the cooperative corporation or cooperative plan sponsor, and (b) the subsequent conveyance of such stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold by the owner thereof. With respect to any such subsequent conveyance where the property is an individual residential unit, the consideration for the interest conveyed shall exclude the value of any liens on certificates of stock or other evidences of an ownership interest in and a proprietary lease from a corporation or partnership formed for the purpose of cooperative ownership of residential interest in real estate remaining thereon at the time of conveyance. In determining the tax on a conveyance described in paragraph (a) of this subdivision, a credit shall be allowed for a proportionate part of the amount of any tax paid upon the conveyance to the cooperative housing corporation of the real property comprising the cooperative dwelling or dwellings to the extent that such conveyance effectuated a mere change of identity or form of ownership of such property and not a change in the beneficial ownership of such property. The amount of the credit shall be determined by multiplying the amount of tax paid upon the conveyance to the cooperative housing corporation by a percentage representing the extent to which such conveyance effectuated a mere change of identity or form of ownership and not a change in the beneficial ownership of such property, and then multiplying the resulting product by a fraction, the numerator of which shall be the number of shares of stock conveyed in a transaction described in paragraph (a) of this subdivision and the denominator of which shall be the total number of shares of stock of the cooperative housing corporation (including any stock held by the corporation). In no event, however, shall such credit reduce the tax, on a conveyance described in paragraph (a) of this subdivision, below zero, nor shall any such credit be allowed for a tax paid more than twenty-four months prior to the date on which occurs the first in a series of conveyances of shares of stock in an offering of cooperative housing corporation shares described in paragraph (a) of this subdivision.

2. Every cooperative housing corporation shall be required to file an information return with the treasurer by July fifteenth of each year covering the preceding period of January first through June thirtieth and by January fifteenth of each year covering the preceding period of July first through December thirty-first. The return shall contain such information regarding the conveyance of shares of stock in the cooperative housing corporation as the treasurer may deem necessary, including, but not limited to, the names, addresses and employee identification numbers or social security numbers of the grantor and the grantee, the number of shares conveyed, the date of the conveyance and the consideration paid for such conveyance.

SECTION 11. Designation of Agents

The treasurer is authorized to designate the recording officer to act as its agent for purposes of collecting the tax authorized by this Local Law. The treasurer shall provide for the manner in which such person may be designated as its agent subject to such terms and conditions as it shall prescribe. The real estate transfer tax shall be paid to such agent as provided in Section Six of this Local Law.

SECTION 12. Liability of Recording Officer

A recording officer shall not be liable for any inaccuracy in the amount of tax imposed pursuant to this Local Law that he or she shall collect so long as he or she shall compute and collect such tax on the amount of consideration or the value of the interest conveyed as such amounts are provided to him or her by the person paying the tax.

SECTION 13. Refunds

Whenever the treasurer shall determine that any moneys received under the provisions of this Local

Law were paid in error, it may cause such moneys to be refunded pursuant to such rules and regulations it may prescribe, provided any application for such refund is filed with the treasurer within two years from the date the erroneous payment was made. When making any findings or determinations the treasurer may rely upon any findings or determinations of the Commissioner and any rules and regulations promulgated pursuant to Article Thirty-One of the Tax Law of the State of New York.

SECTION 14. Deposit and Disposition of Revenue

All taxes collected or received by the treasurer or his or her duly authorized agent under the provisions of this Local Law shall be deposited into an account designated by the treasurer or his or her agent. Any officer designated to collect, receive, or deposit such revenue shall maintain a system of accounts showing the revenue collected or received from the tax imposed pursuant to this Local Law. All revenue derived from the imposition of this transfer tax shall be deposited into the general fund of the County of Cortland and shall be used for purposes deemed appropriate by the legislative body of the County of Cortland.

SECTION 15. Judicial Review

1. Any final determination of the amount of any tax payable under Section Six of this Local Law shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under Article Seventy-Eight of the Civil Practice Law and Rules if application therefor is made to the supreme court within four months after the giving of the notice of such final determination, provided, however, that any such proceeding under Article Seventy-Eight of the Civil Practice Law and Rules shall not be instituted unless (a) the amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the Superintendent of Financial Services of this State as to solvency and responsibility, in such amount as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding or (b) at the option of the petitioner, such undertaking may be in a sum sufficient to cover the taxes, interest and penalties stated in such determination, plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

2. Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally assessed or collected and application for the refund or revision thereof duly made to the proper fiscal officer or officers, and such officer or officers shall have made a determination denying such refund or revision, such determination shall be reviewable by a proceeding under Article Seventy-Eight of the Civil Practice Law and Rules; provided, however, that (a) such proceeding is instituted within four months after the giving of the notice of such denial, (b) a final determination of tax due was not previously made, and (c) an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

3. In any proceedings instituted pursuant to this Local Law the rules and regulations of the Commissioner shall be applied where applicable.

SECTION 16. Apportionment

Where real property is located partly within the boundaries of the County of Cortland, and partly without, the amount of tax imposed by this local Law shall be determined on a pro rata basis, based upon the assessed value of that portion of real property situate within the boundaries of the County of Cortland.

SECTION 17. Returns to be Secret

1. Except in accordance with proper judicial order or as otherwise provided by law, it shall be

unlawful for the treasurer or any officer or employee of the county of Cortland or any person engaged or retained by such county on an independent contract basis to divulge or make known in any manner the particulars set forth or disclosed in any return required under a local law enacted pursuant to this article. However, that nothing in this section shall prohibit the recording officer from making a notation on an instrument effecting a conveyance indicating the amount of tax paid. No recorded instrument effecting a conveyance shall be considered a return for purposes of this section.

2. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the County in any action or proceeding involving the collection of a tax due under this Local Law enacted pursuant to Article Thirty-One of the Tax Law of the State of New York to which such county or an officer or employee of such county is a party or a claimant, or on behalf of any party to any action or proceeding under the provisions of this Local Law enacted pursuant to Article Thirty-One of the Tax Law of the State of New York when the returns or facts shown thereby are directly involved in such action or proceeding, in any of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more.

3. Nothing herein shall be construed to prohibit the delivery to a grantor or grantee of an instrument effecting a conveyance or the duly authorized representative of a grantor or grantee of a certified copy of any return filed in connection with such instrument or to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the legal representatives of such county of the return of any taxpayer who shall bring action to set aside or review the tax based thereon.

4. Any officer or employee of such county who willfully violates the provisions of this section shall be dismissed from office and be incapable of holding any public office in this State for a period of five years thereafter.

SECTION 18. Foreclosure

Where the conveyance consists of a transfer of property made as a result of an order of the court in a foreclosure proceeding ordering the sale of such property, the referee or sheriff effectuating such transfer shall not be liable for any interest or penalties that are authorized pursuant to this Article Thirty-One or Article Thirty-Seven of the Tax Law of the State of New York.

SECTION 19. Effective Date

This Local Law shall take effect November 17, 2023, in accordance with the provisions of the Municipal Home Rule Law.

AGENDA ITEM NO. 11 – Adopt the 2024 County Budget

A roll call was taken as follows:

	Votes	AYE	NAY	Total
Bentley (LD1)	2744	1		2744
Bischoff (LD3)	2743	1		2743
Eccleston (LD17)	3379	1		3379
Harbin (LD2)	2747	1		2747
Heider (16)	3192	1		3192
Homer (LD7)	2743	1		2743
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		2743
Wagner (LD 15)	2734	1		2734
Waldbauer (LD13)	2853	1		2853
Wilson (LD5)	2744	1		2744
Chairman Fitch (LD8)	2990	1		2990
Total	49336	17	0	49336
		Majority	24669	
		2/3rd	32892	

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	George Wagner, Majority Leader
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 WAGNER

RESOLUTION NO. 200-23

Adopt the 2024 County Budget

WHEREAS, the Cortland County Administrator presented the 2024 Tentative Budget to the Cortland County Legislature on September 28, 2023 AND

WHEREAS, the Legislature's Finance & Administration Committee has reviewed said budget and recommends adoption as amended, AND

WHEREAS, a Public Hearing was held before this Legislature on October 26, 2023 at 6 P.M. in the Legislative Chambers, NOW THEREFORE BE IT

RESOLVED that the 2024 tentative Cortland County budget be and hereby is adopted with a Real Property Tax Levy of \$39,270,000.00 and that the amounts set forth in the "Adopted" column of said budget be and hereby are appropriated for the objects and purposes specified, AND BE IT FURTHER

RESOLVED, that the amount of spending in the 2024 Cortland County Budget is \$155,938,590.21

Announcements

Adjournment

The meeting was closed at 6:24 PM



Cortland County Legislature

Legislative Session

~ Minutes ~

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

5.1

Thursday, October 26, 2023

6:00 PM

Board Room

Public Hearings

1. Local Law No. "H" of 2023 - a Local Law Amending Local Law 1 of 2007, as Last Amended by Local Law 3 of 2021, Extending the Imposition of a Mortgage Recording Tax in Cortland County

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

2. Local Law No. "I" of 2023 - a Local Law Overriding Tax Levy Limit for Fiscal Year 2024

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

3. Tentative 2024 Cortland County Budget

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

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	Excused	
Beau Harbin	Cortland County, NY	Minority Leader	Present	
Cathy Bischoff	Cortland County, NY	Legislator	Present	
Ronald J. Van Dee	Cortland County, NY	Legislator	Present	

Minutes Acceptance: Minutes of Oct 26, 2023 6:00 PM (Approval of Minutes)

Susan Wilson	Cortland County, NY	Legislator	Present	
Richard Stock	Cortland County, NY	Legislator	Present	
Ann Homer	Cortland County, NY	Legislator	Excused	
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	Excused	
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 28, 2023 6:00 PM

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

Privilege of the Floor

Proclamations & Recognitions

Presentation of Petitions, Communications, and Notice

Receive and File

1. Notice of Intent - Riley Road Solar Energy System Project Development

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

2. ISpice, LLC PILOT - Notice of Public Hearing from Cortland County Industrial Development Agency

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

Reports of Standing, Special and Ad Hoc Committees

Articles Postponed to Day Certain

Unfinished Business

Executive Session

It was MOVED by Mr. Newell, seconded by Mr. Nauseef, and unanimously approved by voice vote of members present, to enter into an executive session to discuss matters leading to the appointment of a particular person. MOTION CARRIED.

An executive session was held from 6:23 p.m. to 6:27 p.m., at which time on motion of Mr. Newell, seconded by Mr. Stock, it was unanimously approved by voice vote to exit executive session.

New Business

Resolutions

Resolutions from the Chair

AGENDA ITEM NO. 1 – Appoint County Administrator - Cortland County Legislature

It was MOVED by Mr. VanDee, seconded by Mr. Heider, and unanimously approved by voice vote of members present, to Suspend the Rules of Order to entertain a resolution. MOTION CARRIED.

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

ON MOTION OF FITCH

RESOLUTION NO. 166-23

Appoint County Administrator - Cortland County Legislature

WHEREAS, on December 20, 2018 the Cortland County Legislature adopted Local Law No. 5 of 2018, A Local Law to Amend Local Law 7 of 2002 Which Established the Office of County Administrator for the County of Cortland, AND

WHEREAS, pursuant to Local Law the Cortland County Legislature shall appoint a County Administrator for a fixed term who shall be directly responsible to the County Legislature and, on behalf of the County Legislature, shall perform the functions of a Chief Administrative Officer with the County Legislature retaining final administrative authority, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature does hereby appoint Robert Corpora to serve as County Administrator, for a term not to exceed four years effective 1/1/2024, AND BE IT FURTHER

RESOLVED, that Robert Corpora shall receive as County Administrator an annual salary of One hundred and forty thousand dollars (\$140,000) (off-scale, management/management confidential, 40hrs/week, unclassified class) and all terms and conditions of employment including benefits in accordance with the Employment Policy Manual for Department Heads, Management Employees, Management /Confidential, AND BE IT FURTHER

RESOLVED, that certified copies of this resolution shall be forwarded to the County Personnel Director, Director of Finance, and the County Clerk by the Clerk of the Legislature.

AGENDA ITEM NO. 2 – Appoint Cortland County Public Defender

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kevin Fitch, Chair of the Legislature
SECONDER:	George Wagner, Majority Leader
AYES:	Harbin, Bischoff, Van Dee, Wilson, Stock, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Price, Wagner, Heider, Eccleston
EXCUSED:	Douglas Bentley, Ann Homer, Eugene Waldbauer

ON MOTION OF FITCH

RESOLUTION NO. 167-23

Appoint Cortland County Public Defender

WHEREAS, the Cortland County Legislature has a vacant position of Public Defender, AND

WHEREAS, Legislators Cathy Bischoff, Eugene Waldbauer, and Kelly Preston, County Attorney Victoria Monty, County Administrator Robert Corpora and Personnel Officer Laurie Leonard conducted interviews and offered a recommendation for this appointment, AND

WHEREAS, the County Legislature has received the recommendation for appointment of Kevin Jones as Public Defender, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature does hereby appoint Kevin Jones as Public Defender at an annual salary of \$100,948 (Grade 3, Step 2, Management Compensation Plan, exempt class) effective October 27, 2023 at 12:01 AM. .

Referred from Building & Grounds Committee

AGENDA ITEM NO. 3 – Reject Bid for Panic Button Alerting System - Information Technology

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

ON MOTION OF HEIDER

RESOLUTION NO. 168-23

Reject Bid for Panic Button Alerting System - Information Technology

WHEREAS, a Request for Proposals (RFP) was issued for a Panic Button Alerting System for Cortland County, AND

WHEREAS, a bid was received from the following:

AT&T
5481 Bridge Street
East Syracuse, NY 13057

, AND

WHEREAS, the proposal received did not cover the scope of services required of Cortland County, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature hereby formally rejects the bid proposal.

AGENDA ITEM NO. 4 – Authorize Agreement for Replacement of Cooler/Freezer at Cortland County Jail - Buildings and Grounds Department

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

ON MOTION OF HEIDER

RESOLUTION NO. 169-23

Minutes Acceptance: Minutes of Oct 26, 2023 6:00 PM (Approval of Minutes)

Authorize Agreement for Replacement of Cooler/Freezer at Cortland County Jail - Buildings and Grounds Department

WHEREAS, Cortland County identified a need to replace the current walk in cooler and freezer in the Cortland County Jail, AND

WHEREAS, Cortland County did not receive any bids from two separate Requests for Proposals, AND

WHEREAS, Cortland County contacted contractors directly to get estimates, AND

WHEREAS, Rochester Store Fixture of 707 North St, Rochester NY 14605 was the only contractor to submit an estimate, AND

WHEREAS, Cortland County received the estimate on 8/21/2023 to do the identified work, 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 Rochester Store Fixture, 707 North St., Rochester NY for the replacement of the walk in cooler/freezer and equipment for a cost not to exceed \$54,800, AND BE IT FURTHER

RESOLVED, that the funds for this project are to come from the Jail Project Reserve Fund, account number A.386300.JAIL, AND BE IT FURTHER

RESOLVED, that the 2023 budget be amended as follows:

INCREASE:

A16205.52015	Dept Specific Equip	\$54,800
A.351100	Appropriated Reserves	\$54,800

AGENDA ITEM NO. 5 – Award Bid/Authorize Contract - Hazardous Materials Abatement and Interior Removals at 111 Port Watson Street - Buildings and Grounds

It was MOVED by Mr. VanDee, seconded by Mr. Harbin, and unanimously approved by voice vote of members present, to Suspend the Rules of Order to entertain a resolution. MOTION CARRIED.

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

ON MOTION OF HEIDER

RESOLUTION NO. 170-23

Award Bid/Authorize Contract - Hazardous Materials Abatement and Interior Removals at 111 Port Watson Street - Buildings and Grounds

WHEREAS, a Request for Proposals (RFP) was issued September 18, 2023 for the Hazardous Materials Abatement and Interior Removals at 111 Port Watson Street, Cortland, New York 13045, AND

WHEREAS, based upon the results of the bid, the Building and Grounds Committee recommends the bid be awarded to the lowest responsible bidder, AND

Minutes Acceptance: Minutes of Oct 26, 2023 6:00 PM (Approval of Minutes)

WHEREAS, bid proposals were received and opened for this project on October 19, 2023 and the following list constitutes the results of said bid opening:

Company	Address	Bid Amount	Alternate 1
B & Y Consulting Corp.	635 Park Road Morris Plains, NJ	\$390,393.07	\$12,750
Contento Auto Sales, Inc.	119 Pendleton St. Cortland, NY 13045	\$233,955	\$30,000
DSA Services, Inc.	11419 State Route 12 P.O. Box 765 Boonville, NY 13309	\$171,500	\$13,500
Jupiter Environmental Services, Inc.	26 Person Place Rochester, NY 14606	\$298,000	\$15,000
MJ's Contracting Services, Inc.	379 N. Stafford Ave. Suite 3 Waterville, NY 13480	\$213,000	\$10,750
Sullivan Contracting, Inc.	9362 Paris Hill Road P.O. Box 502 Sauquoit, NY 13456	\$255,000	\$8,000
Two Brothers Contracting, Inc.	7391 Cider Street Westmoreland, NY 13490	\$165,000	\$12,500

, AND

WHEREAS, the funds for this contract are coming from A43115.52320.ARP Building Improvements, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature hereby authorizes the County Administrator, upon review and approval by the County Attorney or designee, to enter into an agreement with Two Brothers Contracting, Inc., of 7391 Cider Street, Westmoreland, New York, 13490, for the Hazardous Materials Abatement and Interior Removals at 111 Port Watson Street, Cortland, New York 13045 at a cost not to exceed \$177,500.00.

Referred from Highway Committee

AGENDA ITEM NO. 6 – Authorize Agreement with New York State for High Bridge Road Over E. Branch Tioughnioga River Bridge Replacement BIN 3312330 - Highway Department

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

ON MOTION OF NEWELL

RESOLUTION NO. 171-23

Authorize Agreement with New York State for High Bridge Road Over E. Branch Tioughnioga River Bridge Replacement BIN 3312330 - Highway Department

WHEREAS, the Project for the High Bridge Rd over E Branch Tioughnioga River Bridge Replacement Project (BIN 3312330) was awarded funding under the BRIDGE-NY Program, that calls for

Minutes Acceptance: Minutes of Oct 26, 2023 6:00 PM (Approval of Minutes)

the apportionment of the costs of such program to be borne with 95% Federal Funds, AND

WHEREAS, the Highway Committee desires to authorize the implementation, and funding in the first instance, 100% of the Federally funded eligible costs of a Transportation Aid project, and appropriating funds therefore, AND

WHEREAS, Cortland County is the Project Sponsor and is legally empowered to declare itself to act as Lead Agency under SEQRA as the County is a local agency pursuant to the New York State Environmental Quality Review Act ("SEQRA"), ECL Section 8-0101, *et seq.*, and implementing regulations 6 NYCRR Part 617 (the "Regulations"), AND

WHEREAS, the proposed project meets the criteria established for a SEQRA Type II Action, per NYCRR Section 617.5, Subdivision (c), Item 2, and does not meet or exceed any thresholds in Section 617.4, AND

WHEREAS, the project has been identified as a SEQRA Type II Action, NOW THEREFORE BE IT

RESOLVED, the County hereby concurs that the Project to replace the High Bridge Rd over E Branch Tioughnioga River Road Bridge can be classified as a Type II Action under SEQRA, and no further review under SEQRA is required, NOW THEREFORE BE IT

RESOLVED, that the County Legislature hereby approves the above-subject project, AND BE IT FURTHER

RESOLVED, that the Cortland County Legislature hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the project shall be completed within thirty (30) months, AND BE IT FURTHER

RESOLVED, that the Cortland County Legislature hereby authorizes the County of Cortland to pay in the first instance 100% of the Federal share of the cost of Scoping, Design, Construction and Construction Inspection for the Project or portions thereof, AND BE IT FURTHER

RESOLVED, that the Cortland County Treasurer is hereby authorized and directed to establish an appropriation account in the amount of \$2,618,658.00 and revenue accounts for the Federal and local shares and the 2023 Budget be modified as follows:

INCREASE:

HH512244.44597.HBRB	Federal Revenue	\$2,487,725.00
HH99015.45031.HBRB	Local Share	\$130,933.00
HH51225.54055.HBRB	PE/Design	\$375,250.00
HH51225.52800.HBRB	Construction	\$2,224,408.00
HH51225.52100.HBRB	ROW	\$19,000.00
A99095.59950.HBRB	Local Share	\$130,933.00
A.359900	Appropriated Fund Balance	\$130,933.00

, AND BE IT FURTHER

RESOLVED, that in the event the full Federal share costs of the project exceeds the amount appropriated, the Legislature of Cortland County shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof, AND BE IT FURTHER

RESOLVED, that the Chairman of the County Legislature of Cortland County be and is hereby authorized and directed to execute all necessary Agreements, certifications or reimbursement as approved

to form by the County Attorney or designee on behalf of the County of Cortland in connection with the advancement or approval of the Project, AND BE IT FURTHER

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, AND BE IT FURTHER

RESOLVED, this Resolution shall take effect immediately.

Referred from Health & Human Services Committee

Mr. Harbin MADE A MOTION to consider agenda items nos. 5, 7, 8, 9, 10 and 11 as a consent agenda, Mr. Heider SECONDED THE MOTION, and upon unanimous voice vote of members present, MOTION CARRIED.

AGENDA ITEM NO. 7 – Authorize Agreements - Work Experience Program - Department of Social Services

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

ON MOTION OF PRICE

RESOLUTION NO. 172-23

Authorize Agreements - Work Experience Program - 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 for dates from 12/31/23 through 12/31/24 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. 8 – Authorize Agreement with Catholic Charities Emergency Housing - Department of Social Services

Minutes Acceptance: Minutes of Oct 26, 2023 6:00 PM (Approval of Minutes)

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

ON MOTION OF PRICE**RESOLUTION NO. 173-23****Authorize Agreement with Catholic Charities Emergency Housing - Department of Social Services**

WHEREAS, the New York State Office of Temporary and Disability Assistance requires counties to provide for emergency temporary housing pursuant to 18 NYCRR Part 352, AND

WHEREAS, the Department of Social Services is authorized to enter into agreements for emergency shelter pursuant to 18 NYCRR Parts 491 and 900, AND

WHEREAS, Catholic Charities of Cortland County has the professional expertise in housing and supportive services to oversee a scattered emergency shelter program, AND

WHEREAS, the \$210,000.00 in funding needed for this Agreement is already appropriated in the Family Assistance Account A60105.56109 and the Safety Net Account A60105.56140, 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 January 1, 2024 through December 31, 2024 with Catholic Charities of Cortland County in an amount not to exceed \$210,000.

AGENDA ITEM NO. 9 – Authorize Day Care Agreements - Department of Social Services

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

ON MOTION OF PRICE**RESOLUTION NO. 174-23****Authorize Day Care Agreements - Department of Social Services**

WHEREAS, the Cortland County Department of Social Services must be able to purchase day care 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 be and hereby is authorized and directed to execute contractual agreements for Day Care Services to be provided in 2024 with agencies/providers pursuant to criteria established 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. 10 – Authorize Qualified Individual Assessment Contract - Department of Social Services

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

ON MOTION OF PRICE

RESOLUTION NO. 175-23

Authorize Qualified Individual Assessment Contract - Department of Social Services

WHEREAS, the Cortland County Department of Social Services must be able to purchase Qualified Independent Assessments from State authorized individuals or agencies to comply with Families First legislation requirements for children placed in qualifying residential foster care centers, AND

WHEREAS, the payment rates for such services are negotiated as needed with qualified entities available and able to perform such assessments within required timeframes, AND

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

WHEREAS, payments for such services are made from the A60105.54800 Program Expense account, 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 2024 for Qualified Independent Assessments with individuals or agencies 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 Foster Care and Detention Agreements - Department of Social Services

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

ON MOTION OF PRICE

RESOLUTION NO. 176-23

Authorize Foster Care and Detention Agreements - Department of Social Services

Minutes Acceptance: Minutes of Oct 26, 2023 6:00 PM (Approval of Minutes)

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 2024 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. 12 – Authorize 2024 Contracts - Department of Social Services

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

ON MOTION OF PRICE

RESOLUTION NO. 177-23

Authorize 2024 Contracts - 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 2024, 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 for or with the following for contract terms beginning on or after 12/31/23 and ending on or before 12/31/24:

- 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
 J.M. Murray Center
 Jennifer Genovese, ACSW, LCSW
 Josie's Journey
 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 2024 Agreements (Several Agencies, Departments, Etc.) - Area Agency on Aging

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

ON MOTION OF PRICE

RESOLUTION NO. 178-23

Authorize 2024 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 2024 calendar year, 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 2024 for or with the following:

Classen Home Health Association
 Cortland Chenango Rural Services, Inc. (LASS)
 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
 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
 Syracuse University
 The Scott Club, Inc. (LASS)
 TLC Medical Transportation Services, Inc.
 Visiting Nurse Service of New York Choice
 Town of Preble (LASS)
 Town of Willet (LASS)
 Town of Truxton (LASS)
 Truxton United Methodist Church
 Virgil United Methodist Church (LASS)
 Walden Place
 Walgreens Co.
 Walmart Stores, Inc.

Referred from Agriculture/Planning/Environment Committee

AGENDA ITEM NO. 14 – Amend Tentative 2024 Budget - Cooperative Extension

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

ON MOTION OF HARBIN

RESOLUTION NO. 179-23

Amend Tentative 2024 Budget - Cooperative Extension

WHEREAS, the County Administrator (Budget Officer) presented the 2024 Tentative County Budget to the Cortland County Legislature on September 28, 2023, AND

WHEREAS, a Public Hearing was held on October 26, 2023 at 6 p.m. in the Legislative Chambers, AND

WHEREAS, the Cortland County Legislature's Agriculture, Planning and Environment Committee approved an amendment to the 2024 Tentative County Budget in the amount of \$25,000 in Account A87505.54815 for Cooperative Extension from Account No. A19905.91000 - Appropriated Fund Balance, AND

WHEREAS, the Legislature's Finance and Administration Committee has reviewed said budget

Minutes Acceptance: Minutes of Oct 26, 2023 6:00 PM (Approval of Minutes)

and has recommended the amendment, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature hereby amends the 2024 Tentative County Budget to add \$25,000 in Account A87505.54815 for Cooperative Extension from Account No. A19905.91000 - Appropriated Fund Balance.

Referred from Judiciary & Public Safety Committee

Referred from Government Operations Committee

AGENDA ITEM NO. 15 – Appoint Republican Election Commissioner

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

ON MOTION OF STOCK

RESOLUTION NO. 180-23

Appoint Republican Election Commissioner

WHEREAS, the term of duly appointed Cortland County Republican Election Commissioner Michelle Brown expires December 31, 2023, AND

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

RESOLVED, that Michelle S. Brown, 16 Frank Street, Cortland, New York 13045, is hereby appointed as the Cortland County Republican Election Commissioner for a term beginning January 1, 2024 through December 31, 2027.

AGENDA ITEM NO. 16 – Semi Annual Mortgage Tax Distribution - County Clerk

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

ON MOTION OF STOCK

RESOLUTION NO. 181-23

Semi Annual Mortgage Tax Distribution - County Clerk

WHEREAS, in accordance with NYS Tax Law, Article 11, § 261, the Semi Annual Mortgage Tax Report for April 1, 2023-September 30, 2023, has been prepared and submitted by the Cortland County Clerk and has been approved by the New York State Department of Taxation and Finance, AND

WHEREAS, the Basic Mortgage Tax has been submitted with interest to the Cortland County Treasurer, AND

WHEREAS, the mortgage tax has been calculated to apportion the basic mortgage tax between the towns and villages, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature authorize the County Treasurer to make payments to each of the tax districts within the County of Cortland as shown below, either by check or by electronic bank deposit based on the request of the receiving municipality.

Cortland, City of		\$126,463.70
Cincinnatus, Town of		\$4,746.73
Cortlandville, Town of		\$65,300.31
	McGraw, Village of	\$1,838.21
	Homer, Village of	\$185.20
Cuyler, Town of		\$1,879.28
Freetown, Town of		\$5,080.24
Harford, Town of		\$6,325.80
	Homer, Town of	\$23,112.93
	Homer Village of	\$17,463.18
Lapeer, Town of		\$6,287.74
Marathon, Town of		\$9,658.28
Marathon, Village of		\$5,249.51
Preble, Town of		\$6,910.36
Scott, Town of		\$3,827.07
Solon, Town of		\$5,714.92
Taylor, Town of		\$2,546.78
Truxton, Town of		\$9,810.14
Virgil, Town of		\$17,729.46
Willet, Town of		\$931.08
	TOTAL	\$321,060.92

AGENDA ITEM NO. 17 – Authorize Changes to Management Plan

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

ON MOTION OF STOCK

RESOLUTION NO. 182-23

Authorize Changes to Management Plan

WHEREAS, the Management Compensation Review Committee has reviewed the Employment Policy Manual for Departments Heads, Management Employees and Management/Confidential Employees, AND

WHEREAS, the committee has identified many amendments which are necessary to provide Management employees with benefits that are at least equal to union employees' benefits, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature hereby approves the amendments to the Employment Policy Manual for Department Heads, Management Employees and Management/Confidential Employees as attached effective January 1, 2024.

AGENDA ITEM NO. 18 – Adopt of Rules of Order - Cortland County Legislature

Ms. Preston MADE A MOTION TO AMEND the resolution to include the following language:

"RESOLVED, that Article 7(F) be and hereby is amended to change "Area Agency on Aging" to "Office for Aging", AND BE IT FURTHER"

Ms. Bischoff SECONDED THE MOTION TO AMEND; and upon unanimous voice vote of members present; MOTION CARRIED.

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

ON MOTION OF STOCK**RESOLUTION NO. 183-23****Adopt of Rules of Order - Cortland County Legislature**

WHEREAS, Local Law No. 2 for year 1972, Section 202, Paragraph 5 established that the Cortland County Legislature is empowered to enact rules governing the conduct of the members at its sessions and the manner of transacting business thereat, AND

WHEREAS, County Law Section 153[8] empowers the County Legislature to determine the rules of its own proceedings, AND

WHEREAS, the Government Operations Committee has reviewed and approved the recommended changes to the Rules of Order, NOW THEREFORE BE IT

RESOLVED, that the "Rules of Order for the Cortland County Legislature" are hereby adopted, AND BE IT FURTHER

RESOLVED, that all resolutions, which amend, repeal or in any manner affect these rules shall include proper reference to section, subsection or paragraph to maintain an orderly codification of these rules, AND BE IT FURTHER

RESOLVED, that the rules shall be published on the Cortland County website, AND BE IT FURTHER

RESOLVED, that Article XII (12) (A) be and hereby is removed and replaced with the following:

“A. Finance and Administration - A seven (7) member Committee shall review the tentative budget filed by the Budget Officer and shall consider and recommend appropriations required for all purposes and prepare and report the annual estimates for the tax levy.

The Committee shall oversee:

The Finance Department, Administration Office, Office of the Manager of Audit and Financial Projects, the Department of Real Property Tax Services, occupancy tax, Tompkins Cortland Community College (TC3), Industrial Development Agency and Business Development Corporation, and the agency that provides promotional and tourism service.

The Finance and Administration Committee shall serve as the Audit Committee.”

, AND BE IT FURTHER

RESOLVED, that Article XII (12)(F) be and hereby is amended to change “Area Agency on Aging” to “Office for Aging”, AND BE IT FURTHER

RESOLVED, that this resolution and changes to the Cortland County Legislature’s Rules of Order shall take effect January 1, 2024.

AGENDA ITEM NO. 19 – Increase Annual Legislative Compensation - Cortland County Legislature

A roll call vote took place as follows:

	Votes	AYE	NAY	Total
Bentley (LD1)	2744		1	0
Bischoff (LD3)	2743	1		2743
Eccleston (LD17)	3379	1		3379
Harbin (LD2)	2747		1	0
Heider (16)	3192	1		3192
Homer (LD7)	2743		1	0
Jones (LD9)	2989		1	0
Nauseef (LD12)	2819	1		2819
Newell (LD11)	2837	1		2837
Preston (LD10)	2995	1		2995
Price (LD14)	3344	1		3344
Stock (LD6)	2740		1	0
VanDee (LD4)	2743	1		2743
Wagner (LD 15)	2734	1		2734
Waldbauer (LD13)	2853		1	0
Wilson (LD5)	2744		1	0
Chairman Fitch (LD8)	2990	1		2990
Total	49336	10	7	29776
		Majority	24669	
		2/3rd	32892	

RESULT:	ADOPTED [10 TO 4]
MOVER:	Richard Stock, Legislator
SECONDER:	Kelly L. Fairchild-Preston, Legislator
AYES:	Bischoff, Van Dee, Fitch, Fairchild-Preston, Newell, Nauseef, Price, Wagner, Heider, Eccleston
NAYS:	Beau Harbin, Susan Wilson, Richard Stock, Linda Jones
EXCUSED:	Douglas Bentley, Ann Homer, Eugene Waldbauer

ON MOTION OF STOCK

RESOLUTION NO. 184-23

Increase Annual Legislative Compensation - Cortland County Legislature

WHEREAS, the Cortland County Legislature is currently paid \$10,000 per year, per Legislator, with the Chairman receiving \$19,000 and the Majority and Minority Leaders receiving \$10,500, AND

WHEREAS, the above salary has remained the same for eight (8) years (2015 was raised from \$6,000 to \$10,000), AND

Minutes Acceptance: Minutes of Oct 26, 2023 6:00 PM (Approval of Minutes)

WHEREAS, the Cortland County Legislature's Government Operation Committee recommends an increase in salary for Legislators beginning in 2024, AND

WHEREAS, the County Administrator, as Budget Officer, included a Legislative salary of \$12,000 per legislator, \$21,000 for the Chair of the Legislature and \$12,500 for Majority and Minority Leaders in the 2024 budget, AND

WHEREAS, a public hearing upon the 2024 Tentative Budget was held on October 26, 2023 at 6:00 p.m., AND

WHEREAS, the notice for said public hearing included a statement of the Legislative salaries contained in the 2024 budget, NOW THEREFORE BE IT

RESOLVED, that effective January 1, 2024 the annual Legislative salary be and hereby is \$12,000 per legislator, \$21,000 for the Chair of the Legislature and \$12,500 for the Majority and Minority Leaders.

Referred from Finance & Administration Committee

AGENDA ITEM NO. 20 – Authorize the 2024 Cortland County Tourism Marketing Grants

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

ON MOTION OF WAGNER

RESOLUTION NO. 185-23

Authorize the 2024 Cortland County Tourism Marketing Grants

WHEREAS, the Cortland County Legislature adopted Resolution No. 121-23 which authorized an agreement with the Cortland County Convention & Visitors Bureau for provision of public benefits services for promotion and publicity, AND

WHEREAS, the Convention & Visitors Bureau, per Resolution No. 121-23, shall be responsible for the distribution of occupancy funds as outlined in the Cortland County Tourism Marketing Grants Guidelines, AND

WHEREAS, the Cortland County Legislature adopted Resolution No. 122-23 designating the Cortland County Convention & Visitors Bureau as the Official Tourism Promotion Agency for Cortland County in accordance with New York State Tourism Promotion Act 5A, AND

WHEREAS, the Cortland County Convention and Visitor Bureau's Tourism Marketing Grant Review Group met in October 2023 to review applications for use of occupancy tax funding for tourism marketing which encourages overnight stays at Cortland County lodging properties, and has recommended that certain amounts of funding be made available to the agencies that sought funding, AND

WHEREAS, that recommendation has been presented to the Legislature's Finance and Administration Committee for review and consideration as follows:

1890 House Museum

\$12,000

Brockway Truck Preservation Society	\$10,000
Center for the Arts of Homer	\$75,000
Cortland Crush NYCBL Baseball	\$5,000
Cortland County Historical Society	\$16,000
Cortland Regional Sports Council	\$134,000
Cortland Repertory Theatre	\$45,000
Cortland Arts Connect (Cultural Council)	\$10,000
Holiday in Homer	\$3,000
Homer Cortland Community Agency	\$30,000
Homeville Museum	\$3,000
Lime Hollow Nature Center	\$25,000

, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Administrator or designee is hereby authorized to allocate funds in the 2024 adopted budget and make payment to the Cortland County Convention & Visitor's Bureau, which will distribute the funds to the listed agencies shown above upon these agencies securing a signed contract with the Convention & Visitor's Bureau and providing eligible invoices and supporting documentation.

AGENDA ITEM NO. 21 – Amend Resolution No. 328-21 - Authorize Reallocation of American Rescue Plan Funding for Soil and Water Conservation District

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

ON MOTION OF WAGNER

RESOLUTION NO. 186-23

Amend Resolution No. 328-21 - Authorize Reallocation of American Rescue Plan Funding for Soil and Water Conservation District

WHEREAS, Resolution No. 328-21 allocated \$300,000 of the water, sewer and broadband infrastructure federal aid revenue to the Cortland County Soil and Water Conservation District to purchase material for a stream corridor management program, AND

WHEREAS, the Cortland County Legislature's Finance and Administration Committee, upon recommendation of the Agriculture, Planning and Environment Committee, recommends reallocating \$22,000 per year of said funding to Account No. A87105.54815 for calendar years 2024, 2025 and 2026 to be used towards salary for an engineer in the Cortland County Soil and Water Conservation District office, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature hereby amends Resolution No. 328-21 and authorizes the reallocation of \$22,000 per year for calendar years 2024, 2025 and 2026 from the \$300,000 previously allocated to the Cortland County Soil and Water Conservation District to purchase material for a stream corridor management program from the American Rescue Plan funding, to be used towards salary for an engineer in the Cortland County Soil and Water Conservation District office.

AGENDA ITEM NO. 22 – Distribution of Third Quarter 2023 Sales Tax

Minutes Acceptance: Minutes of Oct 26, 2023 6:00 PM (Approval of Minutes)

RESULT: ADOPTED [13 TO 1]
MOVER: George Wagner, Majority Leader
SECONDER: Sandra Price, Legislator
AYES: Bischoff, Van Dee, Wilson, Stock, Fitch, Jones, Fairchild-Preston, Newell, Nauseef, Price, Wagner, Heider, Eccleston
NAYS: Beau Harbin
EXCUSED: Douglas Bentley, Ann Homer, Eugene Waldbauer

ON MOTION OF WAGNER**RESOLUTION NO. 187-23****Distribution of Third Quarter 2023 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 2023 third quarter sales tax information has been provided by the New York State Comptroller's Office showing a total collection for third quarter 2023 to be \$10,503,108.60, AND

WHEREAS, the total amount available for distribution is \$10,128,108.60, 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 (\$725,000.00) is to be withheld from the quarterly distribution, AND

WHEREAS, Cortland County receives (54%), or \$5,469,178.64 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 2023 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	\$1,797,739.28	\$-0-	\$1,797,739.28	\$-0-
Cincinnatus, Town of	\$77,181.50	\$-0-	\$77,181.50	\$-0-
Cortlandville, Town of	\$884,695.91	\$-0-	\$884,695.91	\$-0-
Cuyler, Town of	\$74,530.81	\$(28,750.00)	\$45,780.81	\$-0-
Freetown, Town of	\$59,051.19	\$-0-	\$59,051.19	\$-0-
Harford, Town of	\$83,367.43	\$-0-	\$83,367.43	\$-0-
Homer, Town of	\$304,365.33	\$-0-	\$304,365.33	\$-0-

Homer, Village of	\$217,015.39	\$-0-	\$217,015.39	\$-0-
Lapeer, Town of	\$117,700.01	\$(82,500.00)	\$35,200.01	\$-0-
Marathon, Town of	\$90,007.29	\$-0-	\$90,007.29	\$-0-
Marathon, Village of	\$46,372.83	\$-0-	\$46,372.83	\$-0-
McGraw, Village of	\$39,902.16	\$-0-	\$39,902.16	\$-0-
Preble, Town of	\$158,535.18	\$-0-	\$158,535.18	\$-0-
Scott, Town of	\$94,279.29	\$-0-	\$94,279.29	\$-0-
Solon, Town of	\$88,297.71	\$-0-	\$88,297.71	\$-0-
Taylor, Town of	\$48,400.97	\$-0-	\$48,400.97	\$-0-
Truxton, Town of	\$114,327.17	\$-0-	\$114,327.17	\$-0-
Virgil, Town of	\$288,455.83	\$(25,000.00)	\$263,455.83	\$-0-
Willet, Town of	\$74,704.68	\$-0-	\$74,704.68	\$-0-
Total	\$4,658,929.96	\$(136,250.00)	\$4,522,679.96	\$-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. 23 – Local Law No. 9 of 2023 - a Local Law Amending Local Law 1 of 2007, as Last Amended by Local Law 3 of 2021, Extending the Imposition of a Mortgage Recording Tax in Cortland County

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

ON MOTION OF WAGNER

RESOLUTION NO. 188-23

Local Law No. 9 of 2023 - a Local Law Amending Local Law 1 of 2007, as Last Amended by Local Law 3 of 2021, Extending the Imposition of a Mortgage Recording Tax in Cortland County

WHEREAS, New York State Tax Law §253-v, as last amended by the Laws of 2020, Chapter 58, authorizes Cortland County to adopt and amend local laws imposing a mortgage recording tax of twenty-five cents (\$.25) for each one hundred dollars (\$100.00) and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated in Cortland County and recorded on or after the date upon which such tax takes effect, AND

WHEREAS, the Cortland County Legislature authorized a mortgage recording tax by adopting County Local Law No. 1 of 2007, AND

WHEREAS, the Cortland County Legislature has, upon approval of the New York State Legislature, reauthorized the mortgage recording via subsequent local laws, the most recent being Local Law No. 3 of 2021, AND

WHEREAS the current legislation authorizing the mortgage recording tax expires December 1,

Minutes Acceptance: Minutes of Oct 26, 2023 6:00 PM (Approval of Minutes)

2023, AND

WHEREAS , the New York State Legislature revised New York State Tax Law Section 253-v and extended the effective repeal date to December 1, 2025;

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

Local Law No. 1 for the year 2007 is hereby amended to read as follows:

Section 1

For the period beginning December 1, 2023 and ending December 1, 2025, there is hereby imposed, in the County of Cortland, a tax of \$0.25 for each \$100.00, and each remaining fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within the County of Cortland and recorded on or after December 1, 2023, and a tax of \$0.25 on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than \$100.00.

Section 7

This Local Law shall take effect December 1, 2023. A certified copy of this Local Law shall be mailed to the Commissioner of Taxation and Finance at the Commissioner's Office in Albany, New York. Certified copies of this Local Law shall be filed with the Cortland County Clerk, the Secretary of State and State Comptroller within five days after the Local Law is enacted.

AGENDA ITEM NO. 24 – Local Law 10 of 2023 - a Local Law Overriding Tax Levy Limit for Fiscal Year 2024

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

ON MOTION OF WAGNER

RESOLUTION NO. 189-23

Local Law 10 of 2023 - a Local Law Overriding Tax Levy Limit for Fiscal Year 2024

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 2024 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 2024 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 2024.

Minutes Acceptance: Minutes of Oct 26, 2023 6:00 PM (Approval of Minutes)

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 2024, if the Legislature deems it necessary for the County of Cortland to adopt a budget for the fiscal year 2024 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.

Announcements**Adjournment**

The meeting was closed at 7:01 PM



Cortland County

Industrial Development Agency

40 Main St., Cortland NY 13045 * www.cortlandcountyIDA.com * 607/756-5005

10/17/2023

Kevin Fitch
Chair, Cortland County Legislature
60 Central Ave.
Cortland, NY 13045

Robert Edwards
Superintendent, Cortland Enlarged City School District
1 Valley View Drive
Cortland, NY 13045

Scott Steve
Mayor, City of Cortland
25 Court Street
Cortland, NY 13045

Re: Cortland Crown Homes, LLC Project
Tax Parcel(s)#: 86.74-01-15.000, 86.74-01-34.100, 86.74-01-35.000, 86.74-03-51.100, 86.74-03-51.200, 86.82-01-13.000

Dear Sir/Madam:

In accordance with section 858(15) of the New General Municipal Law, the Cortland County Industrial Development Agency ("Agency") hereby notifies the above referenced that the Payment in Lieu of Tax Agreement between the Agency and Cortland Crown Homes, LLC dated April 2nd, 2007 ("PILOT") will expire on April 1st, 2024, and the real property which is the subject of the PILOT should be returned to the taxable roll thereafter in accordance with applicable law. Please do not hesitate to contact the Agency if you should have any questions.

Cortland County Industrial Development Agency

Brendan O'Bryan
Executive Director

CC:

Alicia Zupancic
Board Clerk, Cortland Enlarged City
School District

Andrew Jewett
Clerk, City of Cortland

Savannah Hempstead
Clerk, Cortland County Legislature

Laura Fox
Director, Real Property Tax Services



Cortland County

Industrial Development Agency

40 Main St., Cortland NY 13045 * www.cortlandcountyIDA.com * 607/756-5005

10/17/2023

Kevin Fitch
Chair, Cortland County Legislature
60 Central Ave.
Cortland, NY 13045

Robert Edwards
Superintendent, Cortland Enlarged City School District
1 Valley View Drive
Cortland, NY 13045

Thomas Williams
Supervisor, Town of Cortlandville
3577 Terrace Road
Cortland, NY 13045

Thomas Turck
Superintendent, Homer Central School District
P.O. Box 500
Homer, NY 13077

Re: Forkey Construction and Fabrication Project

Tax Parcel(s)#: 95.00-05-09.200, 95.00-05-09.120, 95.00-05-11.200, 95.00-09-07.000

Dear Sir/Madam:

In accordance with section 858(15) of the New General Municipal Law, the Cortland County Industrial Development Agency ("Agency") hereby notifies the above referenced that the Payment in Lieu of Tax Agreement between the Agency and Forkey Construction dated October 1st, 2014 ("PILOT") will expire on January 31st, 2024, and the real property which is the subject of the PILOT should be returned to the taxable roll thereafter in accordance with applicable law. Please do not hesitate to contact the Agency if you should have any questions.

Cortland County Industrial Development Agency

Brendan O'Bryan
Executive Director

CC: Kelli Yacavone
District Clerk, Homer Central School District

Alicia Zupancic
Board Clerk, Cortland Enlarged City School District

Savannah Hempstead
Clerk, Cortland County Legislature

Kristin E. Rocco-Petrella
Clerk, Town of Cortlandville

Laura Fox
Director, Real Property Tax Services



Homeland Security and Emergency Services

KATHY HOCHUL
Governor

JACKIE BRAY
Commissioner

October 24, 2023

The Honorable Kevin Fitch
Chair, Cortland County Legislature
County Office Building
60 Central Avenue, Room 316
Cortland, NY 13045

Dear Mr. Fitch:

I am pleased to announce that Cortland County has been awarded \$194,635 under the New York State 2023 Public Safety Answering Point Operations Grant Program (2023 PSAP Grant). This program, administered by my agency, allows for State support to counties for eligible public safety call-taking and dispatching expenses. Your participation in this program is another example of the successful partnerships we have been developing for public safety and emergency preparedness across the state.

The performance period for the 2023 PSAP grant will be 12 months, beginning calendar year 2023 (January 1, 2023 – December 31, 2023). Expenses that you wish to claim must occur within that period. In order to provide these funds to you as quickly as possible, we will need to gather budget information within 30 calendar days of the date of this letter that reflects the award amount. Our Grants Program Administration staff will work with your designated PSAP point of contact, to provide additional administrative guidance and to develop a grant contract.

On behalf of Governor Kathy Hochul, the Division of Homeland Security and Emergency Services remains committed to providing outstanding support in the administration of "*your public safety first*" responder initiatives. Please feel free to contact me if you have any questions, at 518-242-5000, or my Office of Interoperable and Emergency Communications (OIEC) Director, Mark Balistreri, at 518-322-4939.

Thank you for your cooperation in this public safety endeavor.

Sincerely,

Jackie Bray
Commissioner