



Cortland County Legislature

Legislative Session

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

~ Agenda ~

Thursday, November 17, 2022

6:00 PM

Board Room

WebEx Meeting Information

<https://cortlandny.webex.com/cortlandny/j.php?MTID=m4e045ce6f6dc48cbf6cc0b2ec6ae7e67>

Thursday, Nov. 17, 2022 6:00 pm | 2 hours | (UTC-04:00) Eastern Time (US & Canada)

Meeting number: 2340 172 8010

Password: SKeerF7t2Z3

Join by phone

+1-415-655-0001 US Toll

Access code: 2340 172 8010

Public Hearings

1. Local Law "H" of 2022 - a Local Law Amending Local Law 3 of 1975, as Previously Amended, Creating the Department of Planning in the County of Cortland and Continuing the Cortland County Planning Board
2. Local Law "K" for the Year 2022 a Local Law to Increase Salary of Officers Elected or Appointed for a Fixed Term During the Term of Office.
3. Local Law "L" for the Year 2022 - a Local Law Setting the Salary of Cortland County Election Commissioners.
4. Local Law No. "M" of 2022 - a Local Law Prohibiting the Sale, Possession and/or Use of Dangerous Substances, Which Are Misabeled or Unlabeled, Whose Intended Purpose is to be Ingested, Inhaled, or Injected, to Mimic the Effects of Controlled Substances and/or Marijuana and that Have No Other Legitimate Therapeutic Use or Purpose

Salute to the Flag

Call to Order

Roll Call

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

Legislator Eugene Waldbauer	☐	☐	☐	
Legislator Sandra Price	☐	☐	☐	
Majority Leader George Wagner	☐	☐	☐	
Legislator Paul Heider	☐	☐	☐	
Legislator Mitchel Eccleston	☐	☐	☐	

Approval of Minutes

1. Cortland County Legislature - Legislative Session - Oct 27, 2022 6:00 PM
2. Cortland County Legislature - Public Hearing Meeting - Oct 24, 2022 6:00 PM

Privilege of the Floor

Proclamations & Recognitions

Presentation of Petitions, Communications, and Notice

Receive and File

Reports of Standing, Special and Ad Hoc Committees

Articles Postponed to Day Certain

Unfinished Business

New Business

Resolutions

Resolutions from the Chair

Referred from Building & Grounds Committee

ON MOTION OF HEIDER

AGENDA ITEM NO. 1

Authorize Agreement with Taitem Engineering, PC for Courthouse HVAC System Analysis and Design

WHEREAS, the Cortland County Courthouse heating, ventilation and air conditioning (HVAC) is reaching the end of its useful life and is in need of replacement, AND

WHEREAS, it is the wish of the Cortland County Legislature to replace the system with an environmentally friendly and more efficient option, AND

WHEREAS, Taitem Engineering, PC, 110 S. Albany Street, Ithaca, NY 14850, has the qualifications, experience and expertise in designing environmentally friendly HVAC systems, AND

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) offers rebates to assist in paying for up to 50% of the cost of the analysis and engineering for clean heat systems, AND

WHEREAS, it is the recommendation of the Buildings and Grounds Committee to enter into an agreement with Taitem Engineering, PC for the analysis and engineering of an environmentally friendly HVAC system for the Cortland County Courthouse, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature be and hereby authorizes the County Administrator, upon approval of the County Attorney or designee, to enter into an agreement with Taitem Engineering, PC, 110 S. Albany Street, Ithaca, NY 14850, for an amount not to exceed \$20,000 to be paid from A16205.54055.ARP for said purposes, AND BE IT FURTHER

RESOLVED, that the County Administrator be and hereby is authorized to apply for NYSERDA rebates for an environmentally friendly HVAC system for the Cortland County Courthouse.

Referred from Highway Committee

ON MOTION OF NEWELL

AGENDA ITEM NO. 2

Resolution Determining that the Cortland County Landfill GCCS Will Not Have a Significant Adverse Impact on the Environment - Solid Waste/Highway Department

WHEREAS, the County of Cortland (County) is proposing the Cortland County Landfill Gas Collection and Control System (GCCS), hereinafter referred to as “Project”, located in the Towns of Cortlandville, Homer, and Solon, Cortland County, New York, AND

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, as amended, the New York State Environmental Quality Review Act (SEQRA) and the implementing regulations of 6 NYCRR Part 617 (the “Regulations”), the County desires to comply with SEQRA and the Regulations, AND

WHEREAS, Cortland County has established itself as Lead Agency for the Project, AND

WHEREAS, pursuant to the SEQRA Regulations, the County has considered the significance of the potential environmental impacts of the Project by (a) using the criteria specified in Section 617.7 of the SEQRA Regulations, and (b) examining the Short Environmental Assessment Form (SEAF) for the Project, including the facts and conclusions in Parts 1, 2 and 3 of the SEAF, together with other available supporting information, to identify the relevant areas of environmental concern, NOW THEREFORE BE IT

RESOLVED, that based upon an examination of the SEAF and other available supporting information, and considering both the magnitude and importance of each relevant area of environmental concern, and based further upon the County’s knowledge of the area surrounding the Project, the County makes the determination that the Project will not have a significant adverse environmental impact (negative declaration) and that the Project will not require the preparation of a Draft Environmental Impact Statement, AND BE IT FURTHER

RESOLVED, that all the filing and publication requirements set forth in SEQRA shall be followed with respect to this negative declaration.

Referred from Health & Human Services Committee

ON MOTION OF PRICE

AGENDA ITEM NO. 3

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

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

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

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

RESOLVED, that four (4) positions of Mental Health Rehabilitation Specialist (Grade 16, CSEA, \$22.4261-28.2445, competitive class, full-time) and one (1) position of Mental Health Rehabilitation Specialist (Grade 16, CSEA \$22.4261-28.2445/hr, competitive class, part-time, up to 17 hrs/wk, no benefits) be created with the current incumbents filling the positions effective November 18, 2022 at 12:01 a.m.

Referred from Agriculture/Planning/Environment Committee

ON MOTION OF HARBIN

AGENDA ITEM NO. 4

Local Law "I" of 2022 – a Local Law Establishing a Payment in Lieu of Taxes (PILOT) Agreement for Commercial Solar Energy Systems in Cortland County, New York

WHEREAS, the Cortland County Legislature adopted Local Law 1 of 2018 on August 23, 2018 which established a (PILOT) Agreement for Commercial Solar Energy Systems in Cortland County, AND

WHEREAS, the Cortland County Legislature adopted Local Law 5 of 2020 on August 27, 2020 which amended Local Law 1 of 2018, a Local Law Establishing a Payment in Lieu of Taxes (PILOT) Agreement for Commercial Solar Energy Systems in Cortland County, New York, AND

WHEREAS, the Cortland County Legislature's Agriculture, Planning and Environmental Committee has recommended revisions to said Local Law, AND

WHEREAS, a public hearing was held on October 27, 2022 before the Cortland County Legislature, AND

WHEREAS, this Local Law was brought before the Cortland County Legislature for adoption on November 17, 2022, AND

WHEREAS, said Local Law has been in its final form upon the desks of the Cortland County Legislature at least seven (7) calendar days exclusive of Sunday, prior to this date, NOW THEREFORE BE IT

RESOLVED, that Local Law 1 of 2018, as amended by Local Law 5 of 2020 - a Local Law to Amend Local Law 1 of 2018, a Local Law Establishing a Payment in Lieu of Taxes (PILOT) Agreement for Commercial Solar Energy Systems in Cortland County, New York is hereby repealed, AND BE IT FURTHER

RESOLVED, that Local Law "I" of 2022 - a Local Law Establishing a Payment in Lieu of Taxes (PILOT) Agreement for Commercial Solar Energy Systems in Cortland County, New York

BE AND HEREBY IS ENACTED AS FOLLOWS:

§1. Title

This Local Law may be cited as the “Solar Energy System PILOT Law of the County of Cortland, New York.”

§2. Legislative Intent and Purpose

This Local Law is adopted to ensure that the benefits of the community’s solar energy resource are available to the entire community, by promoting the installation of solar energy generating equipment through a payment-in-lieu-of-taxes (PILOT), granting reduced costs to system developers and energy consumers, and providing a revenue stream to the entire community.

§3. Authority

This Local Law is adopted under the authority granted by:

1. Article IX of the New York State Constitution, §2(c)(8),
2. New York Statute of Local Governments, §10(5),
3. New York Municipal Home Rule Law, §10(1)(I) and (ii); §10(1)(a)(8), and
4. New York Real Property Tax Law §487(9).

§4. Definitions

1. “AC” means alternating current.
2. “Annual Payment” means the payment due under a PILOT Agreement entered into pursuant to Real Property Tax Law §487(9), as the same may be amended, superseded or replaced.
3. “Annual Payment Date” means January 1st of each year for the duration of the PILOT Agreement.
4. “Capacity” means the manufacturer’s nameplate capacity of the Solar Energy System as measured in kilowatts (kW) or megawatts (MW) AC.
5. “Owner” means the owner of the property on which a Solar Energy System is located or installed, or their lessee, licensee or other person authorized to install and operate a Solar Energy System on the property.
6. “Residential Solar Energy Systems” means a Solar Energy System with a nameplate generating capacity less than 50 kW AC in size, installed on the roof or the property of a residential dwelling (including multi-family dwellings), and designed to serve that dwelling.
7. “SBL number” means the Section-Block-Lot tax map number.
8. “Solar Energy Equipment” means collectors, controls, energy storage devices, heat pumps and pumps, heat exchangers, windmills, and other materials, hardware or equipment necessary to the process by which solar radiation is (i) collected, (ii) converted into another form of energy such as thermal, electrical, mechanical or chemical, (iii) stored, (iv) protected from unnecessary dissipation and (v) distributed. It does not include pipes, controls, insulation or other equipment which are part of the normal heating, cooling, or insulation system of a building. It does include insulated glazing or insulation to the extent that such materials exceed the energy efficiency standards required by New York law.
9. “Solar Energy System” means an arrangement or combination of Solar Energy Equipment designed to provide heating, cooling, hot water, or mechanical, chemical, or electrical energy by the collection of solar energy and its conversion, storage, protection and distribution.

§5. PILOT Required

1. The owner of a property on which a Solar Energy System is located or installed (including any improvement, reconstruction, or replacement thereof), shall enter into a PILOT Agreement with the County consistent with the terms of this Local Law except for:
 - a.) Residential Solar Energy Systems; and
 - b.) Solar Energy Systems that do not seek or qualify for an exemption from real property taxes pursuant to Real Property Tax Law §487(4) as the same may be amended, superseded or replaced.
2. The Lessee or licensee of any owner of a property required to enter into a PILOT Agreement by this section, which owns or controls the Solar Energy System, may enter into the PILOT Agreement on behalf of the owner of the property.
3. Pursuant to Real Property Tax Law § 487(9)(b), the County of Cortland hereby expresses its ongoing intent to require a contract for PILOT for such solar energy systems, and this chapter shall be considered notification to owners or developers of such systems and no further action is required on the part of the County of Cortland with respect to the notification requirements by the County of Cortland as set forth in Real Property Tax Law § 487(9)(a).
4. Nothing in this Local Law shall exempt any requirement for compliance with state and local codes for the installation of any solar energy equipment or a solar energy system, or authorize the installation of any solar energy equipment or a solar energy system. All solar energy systems must file a Real Property Tax Exemption application pursuant to Real Property Tax Law §487, as the same may be amended, superseded or replaced, to receive a tax exemption.
5. The Annual Payments under the PILOT Agreement shall not exceed the amounts that would otherwise be payable but for the exemption under Real Property Tax Law §487 as the same may be amended, superseded or replaced.

§6. Contents of PILOT Agreements

1. Each PILOT Agreement entered into shall include:
 - a.) The name and contract information of the Owner or other party authorized to act upon behalf of the Owner of the Solar Energy System;
 - b.) The SBL number for each parcel or portion of a parcel on which the Solar Energy System will be located;
 - c.) The Capacity of the Solar Energy System, and that if the Capacity is increased or increased as a result of a system upgrade, replacement, partial removal or retirement of Solar Energy Equipment, the annual payments shall be increased or decreased on a pro rata basis for the remaining years of the Agreement;
 - d.) That the parties agree that under the authority of Real Property Tax Law §487, as the same may be amended, superseded or replaced, the Solar Energy System shall be considered exempt from real property taxes for the life of the PILOT Agreement;
 - e.) That the PILOT Agreement may not be assigned without the prior written consent of the County, which consent may not be unreasonably withheld if the Assignee has agreed in writing to accept all obligations of the Owner, except that the Owner may, with advance written notice to the County but without prior consent, assign its payment obligations under the PILOT Agreement to an affiliate of the Owner or to any party who has provided or is providing financing to the Owner for or related to the Solar Energy System, and has agreed in writing to accept all payment

obligations of the Owner;

- f.) That a Notice of this Agreement may be recorded by the Owner at its expense, and that the County shall cooperate in the execution of any Notices or Assignments with the Owner and its successors;
- g.) That the County of Cortland delegates to the Cortland County Industrial Development Agency the authority to negotiate such agreements on behalf of the County of Cortland.
- h.) That if the Annual Payment is not paid when due, that upon failure to cure within thirty (30) days, the County may cancel the PILOT Agreement without notice to the Owner, and the Solar Energy System shall thereafter be subject to taxation at its full assessed value.
- I.) In addition, if the Annual Payment is not paid when due, a late fee equal to twelve percent (12%) of the amount due shall be assessed on an annual basis until paid in full.

§7. Severability

Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

§8. Effective Date

This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law, and shall apply to all solar energy systems constructed.

ON MOTION OF HARBIN

AGENDA ITEM NO. 5

Appointment of the Cortland County Transportation Title VI Officer - Planning Department

WHEREAS, the Title VI Act of 1964 ensured that anti-discrimination is enforced throughout the work undertaken by all recipients of federal funding, AND

WHEREAS, the New York State Department of Transportation (NYSDOT) Title VI/Environmental Justice program serves, creates, implements and regulates procedures that comply with Title VI of the Civil Rights Act of 1964, the Environmental Justice Executive Order 12898, Executive Order 13166, Limited English proficiency, the Civil Rights Restoration Act of 1987 and the Title 49 CFR Part 21, AND

WHEREAS, the Federal Transit Administration (FTA) requires all applicants who receive federal funding ensure their programs, policies, and activities comply with Title VI of the Civil Rights Act of 1964, AND

WHEREAS, Title VI provisions include, but are not limited to, prohibiting discrimination on the grounds of race, color, sex, age, nationality, religion, disabling condition, or being included within minority populations and/or low income populations, as well as prohibits exclusion from participation, denial of benefits to, or others subject to discrimination under any program or activity administered by NYSDOT, AND

WHEREAS, Cortland County is an applicant on various types of transportation grants, AND

WHEREAS, due to the resignation of Trisha R. Jesset, PE, there is a need for Cortland County to appoint a new Title VI Officer, NOW THEREFORE BE IT

RESOLVED, that Melissa Potter, Mobility Manager, be and hereby is appointed as the

Transportation Title VI Officer as the recipient of federal funds for transportation grants administered by the Planning Department from FTA and NYSDOT.

ON MOTION OF HARBIN

AGENDA ITEM NO. 6

Authorize Federal Section 5311 Consolidated Grant Application FY 2021-2023 - Planning Department

WHEREAS, the County of Cortland is submitting a request for consolidated grant funds to the New York State Department of Transportation, pursuant to Federal Section 5311, Title 49 United States Code, for project(s) to provide public mass transportation service for fixed route and demand responsive service throughout the County, with limited service to contiguous counties by First Transit, Inc., Cortland County's public transportation provider and the purchase of capital equipment that would consist of transportation facility, new buses, other equipment, that would be used by Cortland County's public transportation provider and the continuation of Mobility Management for fiscal years 2021, 2022 and 2023 and has a committed local share, AND

WHEREAS, the County of Cortland and the State of New York have entered into a continuing agreement for a six-year period of 1/1/2013- 12/31/2018 that authorizes the undertaking of the Project and payment of the Federal Share, identified as State Contract No. C005583, AND

WHEREAS, the State of New York has continued this six year agreement beyond the 12/31/18 deadline, as they prepare a new six year agreement which would have a retroactive start date of 1/1/2019, AND

WHEREAS, there is no cost to the County of Cortland, as the local share required for capital purchases is provided by Cortland County's public transportation provider as stipulated in their agreement with Cortland County, NOW THEREFORE BE IT

RESOLVED, that the County Administrator, upon review and approval by the County Attorney, is authorized to act on behalf of the County of Cortland to sign the application and progress and complete the above named project, AND BE IT FURTHER

RESOLVED, the County Administrator, upon review and approval by the County Attorney or designee, is authorized to act on behalf of the County of Cortland to sign the following, contingent upon the local share being received by Cortland County's public transportation provider:

- 1) Any and all agreements between the County of Cortland and any third party subcontractors necessary to complete the above named project; and
- 2) Any and all Municipality/Vendor contracts for the purchase and/or installation of vehicles and/or equipment pursuant to the application and agreement which are necessary to complete the above named project.

Referred from Judiciary & Public Safety Committee

ON MOTION OF FAIRCHILD-PRESTON

AGENDA ITEM NO. 7

Appoint Members Assigned Counsel Plan Committee - Office of Assigned Counsel

WHEREAS, the Cortland County Legislature adopted Resolution No. 61-15 which created the Assigned Counsel Plan and the Assigned Counsel Plan Administrator, AND

WHEREAS, the Assigned Counsel Plan calls for the appointment of an Assigned Counsel Plan Committee to oversee the operation of the Assigned Counsel Plan and its Administrator, AND

WHEREAS, the Assigned Counsel Plan specifies that the Assigned Counsel Plan Committee shall consist of four members of the Bar Association elected by membership as a whole, and four members of the County Legislature to be selected as the County may determine, NOW THEREFORE BE IT

RESOLVED, that the following individuals are hereby appointed to serve on said Assigned Counsel Plan Committee for a term commencing immediately upon adoption of this resolution and expiring on December 31, 2023.

LEGISLATORS

Douglas Bentley, LD 1
Ronald VanDee, LD 4
Kelly Preston, LD 10
Joseph Nauseef, LD 12

ATTORNEYS

Lenore Lefevre
Zela Brotherton
Karen Leahy
Janice Stafford

Referred from Government Operations Committee

ON MOTION OF STOCK

AGENDA ITEM NO. 8

Local Law "H" of 2022 - a Local Law Amending Local Law 3 of 1975, as Previously Amended, Creating the Department of Planning in the County of Cortland and Continuing the Cortland County Planning Board

WHEREAS, the Cortland County Legislature adopted Local Law 3 of 1975 on March 26, 1975, with subsequent amendments by Local Law 3 of 1976, Local 6 of 1995, Local Law 3 of 2000 and Local Law 6 of 2019, AND

WHEREAS, Local Law 3 of 1975 created a Department of Planning in the County of Cortland, AND

WHEREAS, the position of Director of Planning requires a combination of specialized education and experience, AND

WHEREAS, it is becoming increasingly difficult to find qualified candidates who also reside in Cortland County, AND

WHEREAS, it is the desire of the Legislature to have the ability to consider all qualified applicants regardless of residency, AND

WHEREAS, the Agriculture, Planning and Environmental Committee of the Cortland County Legislature has recommended revisions to said Local Law, AND

WHEREAS, a public hearing was held on November 17, 2022 before the Cortland County Legislature, AND

WHEREAS, said Local Law has been in its final form upon the desks of the Cortland County Legislature at least seven (7) calendar days exclusive of Sunday, prior to this date, NOW THEREFORE BE IT

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

LOCAL LAW "H" of 2022 - A LOCAL LAW AMENDING LOCAL LAW 3 of 1975, AS PREVIOUSLY AMENDED, CREATING A DEPARTMENT OF PLANNING IN THE COUNTY OF CORTLAND AND

CONTINUING THE CORTLAND COUNTY PLANNING BOARD

Section Contents

1. Legislative Intent
2. Definitions
3. Department of Planning Created
4. Appointment and Qualifications of Director
5. Powers and Duties of the Director of Planning
6. Planning Board
7. Powers and Duties of the Planning Board
8. Conflict with Other Laws
9. Severability
10. Effective Date

Section 1. Legislative Intent

The County Legislature of the County of Cortland, in order to preserve the physical beauty and natural resources which have made our County an attractive place to live and work, and in order to plan for the growth of population, business, and industry in a comprehensive and rational manner which best serves the present and future residents of our County, and in order to provide for the orderly and efficient expansion of necessary public services, does hereby find it necessary to establish a Department of Planning in County Government.

Section 2. Definitions

- A. "Board" shall mean the Cortland County Planning Board.
- B. "Committee" shall mean the Agriculture/Planning/Environmental Committee (or successor committee) of the Cortland County Legislature.
- C. "Department" shall mean the Cortland County Department of Planning.
- D. "Director" shall mean the Director of Planning of the County of Cortland.
- E. "Legislature" shall mean the Cortland County Legislature.

Section 3. Department of Planning Created

- A. The Department of Planning of the County of Cortland hereby is created, established and continued.
- B. The Department shall provide technical assistance to Committees of the Legislature as the Legislature may direct, and to other Boards and Committees as requested.
- C. The Department shall act as liaison to agencies, boards, and commissions.

Section 4. Appointment and Qualification of Director of Planning

- A. The head of the Department shall be the Director of Planning, who shall be appointed by the Legislature, on recommendation of its Agriculture/Planning/Environmental Committee (or successor committee), to serve at the pleasure of the Cortland County Legislature.
- B. The Director shall be in the non-competitive civil service status.
- C. Qualifications for the Director shall be in accordance with the job description on file at the Cortland County Personnel/Civil Service Office.
- D. The person holding the position of Director of Planning shall be a resident of and domiciled in the County of Cortland or a county contiguous thereto. Upon initial appointment, the Committee may negotiate a date by which the Planning Director must move to Cortland County or a county contiguous thereto.

Section 5. Powers and Duties of the Director of Planning. The Director of Planning shall:

- A. Be generally responsible for operation of the Planning Department.
- B. Prepare an annual work program for the Department.
- C. Prepare the annual operational budget of the Department for submission to the Budget Officer.
- D. Recruit and maintain a staff competent to carry out the functions of the Department within the means authorized by the Legislature.

- E. Be responsible for the internal organization of the Department, including initiation of appointment, promotion, transfer, or dismissal of personnel. In carrying out this responsibility, the Director shall consult with the Cortland County Personnel/Civil Service Office and act within the guidelines of the Civil Service Law and the means authorized by the Legislature.
- F. Prepare planning and technical studies in furtherance of County Planning, including but not limited to the furtherance of the County's participation in the Comprehensive Planning Assistance Program.
- G. Make recommendations to the Planning Board concerning those planning matters referred from municipalities pursuant to the General Municipal Law.
- H. Maintain adequate records of all matters filed with the Planning Board and other agencies so assigned to the Department.
- I. Upon request, assist municipal subdivisions within the County in matters pertaining to planning and zoning and act as a resource for them in acquiring information on and funds for programs from sources other than County government.
- J. Serve as spokesman for the Department in relations with government or quasi-government units and the public, when specific planning issues are being addressed.
- K. Maintain liaison with regional planning boards and county planning departments in adjacent counties.
- L. Collect, analyze, and distribute information relative to regional, county and community planning and zoning, including but not limited to legislation which may provide financial assistance to the Department in carrying out its work.
- M. Conduct research into business and industrial conditions within the County and cooperate with groups organized for such purposes.
- N. Have all the authority and perform all the duties now or hereafter conferred or imposed upon him by State Statute, Local Law, or resolution of the Legislature.

Section 6. Planning Board

- A. The Cortland County Planning Board, created by Resolution No. 83 of 1968 of the Cortland County Board of Supervisors be and hereby is continued.
- B. The Board shall consist of eleven (11) voting members to be appointed by the Legislature on the recommendation of its Chairperson. The Chairperson of the Legislature shall be an ex-officio, non-voting member of the Board.
- C. Terms of office, removal from office, filling vacancies in office, and Board composition shall be in accordance with the Bylaws of the Planning Board, which must be approved by the Legislature.

Section 7. Powers and Duties of the Planning Board. The Planning Board shall:

- A. Adopt and amend Bylaws, which are subject to the approval of the Legislature.
- B. Perform those obligations mandated to the Board by Statute, including but not limited to preparation and adoption of a Master Plan, and those assigned to the Board by the Legislature.
- C. In accordance with its Bylaws, create standing and special committees to assist it with various planning studies.
- D. Advise the Legislature on any matter concerning regional, county, or municipal planning which may come to its attention by its own initiative or on referral from the Director.
- E. Shall annually report to the Legislature, as directed by Statute. Said report shall include:
 - I) a summary of the activities of the Board during the past year, including its reviews undertaken pursuant to General Municipal Law;
 - II) a summary of studies issued during the preceding year or an incorporation of said reports by reference.
- F. In consultation with the Director, encourage Planning Boards of the municipal subdivisions within the County on an advisory basis.
- G. At the request of the Director, assist in any matters affecting funding of any major physical, economic, or administrative improvement.
- H. Provide a forum for citizen communication as it relates to planning.
- I. Engage in public education on planning matters within the means authorized by the

Legislature.

Section 8. Conflict with Other Laws

- A. Nothing contained in this law shall be construed as authorizing the Department, the Board or the Committee to supersede, abrogate or otherwise affect the statutory authority provided for in the laws of the State of New York.
- B. Nothing contained in this law shall be construed to impair the provisions of any duly executed contract to which the County of Cortland is a party.

Section 9. Severability

If any part or provision of this local law or the application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances.

Section 10. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.

ON MOTION OF STOCK

AGENDA ITEM NO. 9

Set Self Insurance Rates – Cortland County Health Insurance Program

WHEREAS, the County sets premium equivalent rates to be charged to employees, retirees and/or County agencies participating in the County's Health, Dental and Vision Insurance programs, AND

WHEREAS, said premiums are based upon claims experience within each program, AND

WHEREAS, One Group has recommended premium equivalents based upon projected claims during the period January 1, 2022 through December 31, 2022, NOW THEREFORE BE IT

RESOLVED, that effective January 1, 2023, the premium equivalents to be charged to the employees, retirees and/or County departments participating in the Cortland County Health Insurance Program shall be in accordance with the schedule below:

MONTHLY INSURANCE PREMIUM EQUIVALENT RATES

HEALTH INSURANCE RATES - TRADITIONAL PLAN

	<u>2022</u>	<u>2023</u>	3.5% increase
Individual	\$ 782.64	\$ 810.04	
Family	\$1903.67	\$ 1970.30	

HEALTH INSURANCE RATES - PPO PLAN

(for all employees hired in the General, Corrections, Civilian, and DOERC unions 1/1/2020 and after, employees hired in the CPAC union 1/1/2022 and after, and employees hired in the NYSNA union and Management Compensation Plan 1/1/2023 and after)

	<u>2022</u>	<u>2023</u>	3.5% increase
Individual	\$704.38	\$729.03	
Family	\$1713.30	\$1773.27	

DENTAL INSURANCE RATES

	<u>2022</u>	<u>2023</u>	NO CHANGE
Individual	\$15.04	\$15.04	
Family	\$60.17	\$60.17	

VISION INSURANCE RATES

	<u>2022</u>	<u>2023</u>	NO CHANGE
Individual	\$3.25	\$3.25	
Family	\$13.00	\$13.00	

ON MOTION OF STOCK

AGENDA ITEM NO. 10

Adopt Local Law "K" for the Year 2022 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 "K" for the year 2022 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 §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 2023 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 2023 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 office include:

County Clerk
County Coroner (s)
County Sheriff
County Treasurer

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.

ON MOTION OF STOCK

AGENDA ITEM NO. 11

**Adopt Local Law "L" for the Year 2022 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 "L" for the year 2022 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 \$33,792.05 to \$34,552.37 for fiscal year 2023 and paid over the balance of 2023 calendar year, upon the effective date of this local law.

Section III:

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

ON MOTION OF STOCK

AGENDA ITEM NO. 12

Mortgage Tax Disbursement April 1, 2022-September 30, 2022 - County Clerk

WHEREAS, in accordance with NYS Tax Law, Article 11, § 261, the Semi Annual Mortgage Tax Report for April 1, 2022-September 30, 2022, 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	\$140,709.79
Cincinnatus, Town of	\$6,747.76
Cortlandville, Town of	\$185,244.56
McGraw, Village of	\$5,214.65
Homer, Village of	\$525.39
Cuyler, Town of	\$3,908.20
Freetown, Town of	\$8,088.30
Harford, Town of	\$14,885.49
Homer, Town of	\$30,512.66
Homer Village of	\$23,054.10
Lapeer, Town of	\$1,453.95
Marathon, Town of	\$10,226.28

Marathon, Village of	\$5,558.23
Preble, Town of	\$17,146.38
Scott, Town of	\$10,731.57
Solon, Town of	\$5,985.40
Taylor, Town of	\$1,342.48
Truxton, Town of	\$3,755.54
Virgil, Town of	\$32,012.70
<u>Willet, Town of</u>	<u>\$5,873.45</u>
TOTAL	\$512,976.88

ON MOTION OF STOCK

AGENDA ITEM NO. 13

Abolish Legal Associate/Create Paralegal Position - County Attorney's Office

WHEREAS, the needs of the office will be better served by abolishing one Legal Associate position and creating one Paralegal position in the County Attorney's Office, AND

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

RESOLVED, that one (1) position of Legal Associate (Grade 6H, Management Compensation Plan, \$22.9701-30.5732/hr, full-time, competitive class) be and hereby is abolished effective November 17, 2022 at midnight, AND BE IT FURTHER

RESOLVED, that one (1) position of Paralegal (Grade 6H, Management Compensation Plan, \$22.9701-30.5732, full-time, competitive class) be created with permission to fill effective November 18, 2022 at 12:01 am.

Referred from Finance & Administration Committee

ON MOTION OF WAGNER

AGENDA ITEM NO. 14

Authorize the 2023 Cortland County Tourism Marketing Grants

WHEREAS, the Cortland County Legislature adopted Resolution No. 194-22 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. 194-22, 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. 193-22 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 2022 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	\$7,000
Brockway Truck Preservation Society	\$10,000
Center for the Arts of Homer	\$33,000
Central NY Maple Festival	\$5,500
Cortland Crush NYCBL Baseball	\$5,000
Cortland County Historical Society	\$10,000
Cortland Main Street Music Series	\$2,000
Cortland Regional Sports Council	\$119,000
Cortland Repertory Theatre	\$32,000
Cortland Arts Connect (Cultural Council)	\$8,000
Holiday in Homer	\$2,500
Homer Cortland Community Agency	\$18,000
Homeville Museum	\$2,000
JM McDonald Sports Complex	\$15,000
Lime Hollow Nature Center	\$11,000
Statewide Country Music Park	\$5,000

,NOW THEREFORE BE IT

RESOLVED, that the Cortland County Administrator or designee is hereby authorized to allocate funds in the 2023 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.

ON MOTION OF WAGNER

AGENDA ITEM NO. 15

Amend Tentative 2023 County Budget

WHEREAS, the County Administrator (Budget Officer) presented the 2023 Tentative County Budget to the Cortland County Legislature on October 6, 2022, AND

WHEREAS, a Public Hearing was held on October 24, 2022 at 6 p.m. in the Legislative Chambers, AND

WHEREAS, the Cortland County Legislature approved an amendment to the 2023 Tentative County Budget in the amount of \$100,000 with the adoption of Resolution No. 232-22, AND

WHEREAS, the County Administrator recommends the position of Grants Administrator be added to the 2023 Tentative County Budget under the office of the County Administrator for the full calendar year, AND

WHEREAS, the Agricultural, Planning and Environmental Committee recommends amending the 2023 Budget to include \$6,500 for the Cortland Agricultural Corporation in the 2023 Tentative County Budget, AND

WHEREAS, the Agricultural, Planning and Environmental Committee recommends amending the 2023 Tentative County Budget to fund the Cortland County Soil and Water Conservation District as

requested by the Cortland County Soil and Water Conservation District, AND

WHEREAS, the Finance and Administration Committee recommends the appropriation of \$183,920 for Tompkins Cortland Community College (\$88,920 for Operating Bridge and \$95,000 for Capital Improvements/Deferred Maintenance), AND

WHEREAS, the Legislature's Finance and Administration Committee has reviewed said budget and has recommended amendments, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature hereby amends the 2023 Tentative County Budget as on attached schedule.

ON MOTION OF WAGNER

AGENDA ITEM NO. 16

Adopt the 2023 County Budget

WHEREAS, the Cortland County Administrator presented the 2023 Tentative Budget to the Cortland County Legislature on October 6, 2022, 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 24, 2022 at 6 P.M. in the Legislative Chambers, NOW THEREFORE BE IT

RESOLVED that the 2023 tentative Cortland County budget be and hereby is adopted with a Real Property Tax Levy of \$38,500,000.00 and that the amounts set forth in the "Adopted" column of said budget be and hereby are appropriated for the objects and purposes specified.

Announcements

Adjournment