



Cortland County Legislature

Legislative Session

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

~ Minutes ~

Thursday, November 17, 2022

6:00 PM

Board Room

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

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

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.

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

3. Local Law "L" for the Year 2022 - a Local Law Setting the Salary of Cortland County Election Commissioners.

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

4. Local Law No. "M" of 2022 - a Local Law Prohibiting the Sale, Possession And/Or Use of Dangerous Substances, Which Are Mislabeled 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

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

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	Excused	
Ann Homer	Cortland County, NY	Legislator	Present	
Kevin Fitch	Cortland County, NY	Chair of the Legislature	Present	
Linda Jones	Cortland County, NY	Legislator	Present	
Kelly L. Fairchild-Preston	Cortland County, NY	Legislator	Present	
Christopher Newell	Cortland County, NY	Legislator	Present	
Joseph Nauseef	Cortland County, NY	Legislator	Present	
Eugene Waldbauer	Cortland County, NY	Legislator	Present	
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 27, 2022 6:00 PM

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

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

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

Privilege of the Floor

Proclamations & Recognitions

1. Proclamation - Veterans Day 2022

RESULT:	COMPLETED
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Presentation of Petitions, Communications, and Notice

Receive and File

Reports of Standing, Special and Ad Hoc Committees

Articles Postponed to Day Certain

Unfinished Business

New Business

Resolutions

Resolutions from the Chair

Referred from Building & Grounds Committee

AGENDA ITEM NO. 1 – Authorize Agreement with Taitem Engineering, PC for Courthouse HVAC System Analysis and Design

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

ON MOTION OF HEIDER

RESOLUTION NO. 240-22

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

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

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

ON MOTION OF NEWELL

RESOLUTION NO. 241-22

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

AGENDA ITEM NO. 3 – Abolish Mental Health Program Aides and Continuing Day Treatment Specialist/Create Mental Health Rehabilitation Specialists - Mental Health Department

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

ON MOTION OF PRICE

RESOLUTION NO. 242-22

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

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

RESULT:	PULLED
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ON MOTION OF HARBIN

RESOLUTION NO.

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.

AGENDA ITEM NO. 5 – Appointment of the Cortland County Transportation Title VI Officer - Planning Department

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

ON MOTION OF HARBIN

RESOLUTION NO. 243-22

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.

AGENDA ITEM NO. 6 – Authorize Federal Section 5311 Consolidated Grant Application FY 2021-2023
- Planning Department

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

ON MOTION OF HARBIN

RESOLUTION NO. 244-22

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

AGENDA ITEM NO. 7 – Appoint Members Assigned Counsel Plan Committee - Office of Assigned Counsel

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

ON MOTION OF FAIRCHILD-PRESTON

RESOLUTION NO. 245-22

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

AGENDA ITEM NO. 8 – Local Law 9 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

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

ON MOTION OF FAIRCHILD-PRESTON

RESOLUTION NO. 246-22

**Local Law 9 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 9 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.

AGENDA ITEM NO. 9 – Set Self Insurance Rates – Cortland County Health Insurance Program

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

ON MOTION OF FAIRCHILD-PRESTON

RESOLUTION NO. 247-22

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>	
Individual	\$ 782.64	\$ 810.04	3.5% increase
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>	
Individual	\$704.38	\$729.03	3.5% increase
Family	\$1713.30	\$1773.27	

DENTAL INSURANCE RATES

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

VISION INSURANCE RATES

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

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

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

ON MOTION OF FAIRCHILD-PRESTON, STOCK

RESOLUTION NO. 248-22

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.

AGENDA ITEM NO. 11 – Adopt Local Law "L" for the Year 2022 a Local Law Setting the Salary of Cortland County Election Commissioners

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

ON MOTION OF FAIRCHILD-PRESTON, STOCK

RESOLUTION NO. 249-22

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.

AGENDA ITEM NO. 12 – Mortgage Tax Disbursement April 1, 2022-September 30, 2022 - County Clerk

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

ON MOTION OF FAIRCHILD-PRESTON, STOCK

RESOLUTION NO. 250-22

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

AGENDA ITEM NO. 13 – Abolish Legal Associate/Create Paralegal Position - County Attorney's Office

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

ON MOTION OF FAIRCHILD-PRESTON, STOCK

RESOLUTION NO. 251-22

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

AGENDA ITEM NO. 14 – Authorize the 2023 Cortland County Tourism Marketing Grants

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

ON MOTION OF WAGNER

RESOLUTION NO. 252-22

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.

AGENDA ITEM NO. 15 – Amend Tentative 2023 County Budget

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

ON MOTION OF WAGNER

RESOLUTION NO. 253-22

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.

AGENDA ITEM NO. 16 – Adopt the 2023 County Budget

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

ON MOTION OF WAGNER

RESOLUTION NO. 254-22

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.

Executive Session

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

An executive session was held from 7:28 p.m. to 8:13 p.m., at which time on motion of Ms. Jones, seconded by Ms. Homer, it was unanimously approved by voice vote to exit executive session.

Announcements

Adjournment

The meeting was closed at 8:14 PM



Cortland County Legislature

Legislative Session

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

~ Minutes ~

Thursday, October 27, 2022

6:00 PM

Board Room

Public Hearings

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

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

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

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

Salute to the Flag

Call to Order

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

Roll Call

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

Minutes Acceptance: Minutes of Oct 27, 2022 6:00 PM (Approval of Minutes)

Approval of Minutes

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

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

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

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

Privilege of the Floor

1. Privilege of the Floor - Comments

RESULT:	COMPLETED
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Proclamations & Recognitions

1. Proclamation - Retiree Recognition - Joshua Parente

RESULT:	COMPLETED
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2. Proclamation - Breast Cancer Awareness Month

RESULT:	COMPLETED
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Presentation of Petitions, Communications, and Notice

Receive and File

Reports of Standing, Special and Ad Hoc Committees

Articles Postponed to Day Certain

Unfinished Business

New Business

Resolutions

Resolutions from the Chair

Referred from Building & Grounds Committee

Referred from Highway Committee

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

A roll call vote was taken as follows:

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

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

ON MOTION OF NEWELL

RESOLUTION NO. 216-22

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

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

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

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

WHEREAS, the Industrial Development Agency, in its capacity, has taken on this project for

Minutes Acceptance: Minutes of Oct 27, 2022 6:00 PM (Approval of Minutes)

future economic development for the benefit of all County residents, AND

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

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

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

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

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

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

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

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

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

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

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

ON MOTION OF NEWELL

RESOLUTION NO. 217-22

Amend 2022 Budget and Authorize Purchases - Highway Department

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

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

WHEREAS, an amount of \$170,000.00 will need to be transferred from the County Road Fund CHIPS revenue account to the Road Machinery Fund Equipment Account to Purchase a 2022

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MORBARK Eager Beaver 1415 Wood Chipper and a Kubota Skid-Steer with attachments, AND

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

Eager Beaver 1415 Wood Chipper

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

AND

Kubota Skid-Steer with Attachments

<u>VENDOR</u>	
Admar Supply Co, Inc. 7800 Brewerton Road Cicero, NY 13039-9536	\$110,000.00

, NOW THEREFORE BE IT

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

Increase:

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

Decrease:

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

, AND BE IT FURTHER

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

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

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

ON MOTION OF NEWELL

RESOLUTION NO. 218-22

Minutes Acceptance: Minutes of Oct 27, 2022 6:00 PM (Approval of Minutes)

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

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

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

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

, NOW THEREFORE BE IT

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

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

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

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

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

ON MOTION OF NEWELL

RESOLUTION NO. 219-22

Amend 2022 Budget for Fuel - Highway Department

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

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

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

Increase:

E51305.54078	Fuel	\$200,000.00
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E359900

Appropriated Fund Balance

\$200,000.00

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

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

ON MOTION OF NEWELL

RESOLUTION NO. 220-22

Authorize Lease Agreement with Cortland County Agricultural Corporation - Highway Department

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

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

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

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

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

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

ON MOTION OF NEWELL

RESOLUTION NO. 221-22

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

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

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

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

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

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

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

Referred from Health & Human Services Committee

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

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

ON MOTION OF PRICE

RESOLUTION NO. 222-22

Authorize Agreements Day Care Services - Department of Social Services

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

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

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

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

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

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

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

ON MOTION OF PRICE**RESOLUTION NO. 223-22**

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

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

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

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

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

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

ON MOTION OF PRICE**RESOLUTION NO. 224-22**

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

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

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

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

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

WHEREAS, these expenses are budgeted in account Professional Services A40505.54055.SF, NOW THEREFORE BE IT

RESOLVED, that the County Administrator, upon review and approval by the County Attorney or designee, and subject to any appropriation of funding by the Legislature, are authorized to execute an agreement with Park Outdoor Advertising of New York, Inc., Finger Lakes Division, for the provision of said services.

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

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

ON MOTION OF PRICE

RESOLUTION NO. 225-22

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

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

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

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

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

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

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

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

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

ON MOTION OF PRICE

RESOLUTION NO. 226-22

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

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

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

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

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

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

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

ON MOTION OF PRICE

RESOLUTION NO. 227-22

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

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

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

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

Access to Independence, Inc.
Catholic Charities
Cayuga Addictions Recovery Services
Cayuga Centers
Child Development Council
Children's Home of Wyoming Conference
Community Action Program (CAPCO)
Cortland County Area Agency on Aging
Cortland County Central Services
Cortland County District Attorney's Office

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Cortland County Employment and Training
 Cortland County Mental Health Department
 Cortland County Probation Department
 Cortland County Sheriff's Department
 Cortland County Veteran's Services Office
 Elmcrest Children's Services
 Family Counseling Services
 Hillside Children's Center
 Jennifer Genovese, ACSW, LCSW
 J.M. Murray Center
 LabCorp
 Language Line
 L. Woerner, Inc d/b/a Home Care of Rochester
 Lifeline Systems, Inc.
 Salvation Army
 Staffing Healthcare Systems, Inc.
 Upstate Services Group
 YWCA

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

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

ON MOTION OF PRICE

RESOLUTION NO. 228-22

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

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

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

Classen Home Health Association
 Cortland Chenango Rural Services, Inc.
 Cortland Transit
 Center 4 Arts
 Comfort Keepers
 Cortland Park Rehabilitation & Nursing Facility
 Cortland Repertory Theatre
 Crown Park Rehabilitation and Nursing
 Guthrie Cortland Nursing & Rehabilitation Facility
 Elder Choice
 Elizabeth Brewster House
 Family Health Network

Homemakers of Western New York (d/b/a Caregivers Home Care)
 Integrity Home Care Services
 J.M. Murray Center
 KPH Healthcare Services/Kinney Drugs
 Language Line
 Language Services Associates
 Resource Center for Independent Living
 Rural Roots Nutrition
 Scott United Methodist Church
 SEPP Corporation
 Seven Valley Health Coalition
 SUNY Cortland
 Syracuse University
 The Scott Club, Inc.
 TLC Medical Transportation Services, Inc.
 Visiting Nurse Service of New York Choice
 Town of Preble
 Town of Willet
 Town of Truxton
 Truxton United Methodist Church
 Virgil United Methodist Church
 Walden Place
 Walgreens Co.
 Walmart Stores, Inc.

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

RESULT: PULLED

ON MOTION OF PRICE

RESOLUTION NO.

Appoint Director of Area Agency on Aging

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

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

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

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

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

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

ON MOTION OF PRICE**RESOLUTION NO. 229-22**

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

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

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

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

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

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

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

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

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

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

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

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

ON MOTION OF PRICE**RESOLUTION NO. 230-22**

Appoint Community Services Board and Subcommittee Member

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<u>Increase Revenue</u>		<u>Current</u>	<u>Increase</u>	<u>Balance</u>
A40595.41689.4052	MA Admin Revenue	\$195,000	\$202,500	\$397,500
A40465.43277.PREK	PREK State Revenue	\$1,088,850	<u>\$297,500</u>	\$1,386,350
			\$500,000	
<u>Increase Expenditures</u>				
A40465.54445.PREK	Tuition	\$1,675,000	\$395,000	\$2,070,000
A40465.54800.PREK	Transportation	\$99,921.40	<u>\$105,000</u>	\$204,921.40
			\$500,000	
Net County Cost			\$0	

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

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

ON MOTION OF PRICE

RESOLUTION NO. 232-22

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

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

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

RESOLVED, that the County Administrator, upon review and approval by the County Attorney or designee, be and hereby is authorized to enter into an agreement with the Cortland County provider community for expanded youth behavioral health treatment services in Cortland County schools, AND BE IT FURTHER

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

Referred from Agriculture/Planning/Environment Committee

AGENDA ITEM NO. 19 – Resolution Declaring Conveyance of 416 West Hill Road (Route 90) in the Town of Homer Consistent with the Terms of the Conservation Easement Dated August 25, 2006

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

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

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

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

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

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

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

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

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

ON MOTION OF HARBIN

RESOLUTION NO. 234-22

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

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

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

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

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

RESOLVED, the County Administrator be and hereby is authorized, upon approval of the County

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Attorney or designee, to enter into an agreement with Oneida County for the purchase of (4) E450 Cuttaway transit buses in the amount not to exceed \$5,700.

Referred from Judiciary & Public Safety Committee

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

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

ON MOTION OF FAIRCHILD-PRESTON

RESOLUTION NO. 235-22

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

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

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

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

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

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

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

ON MOTION OF FAIRCHILD-PRESTON

RESOLUTION NO. 236-22

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

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

Minutes Acceptance: Minutes of Oct 27, 2022 6:00 PM (Approval of Minutes)

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

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

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

, NOW THEREFORE BE IT

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

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

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

RESULT:	PULLED
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ON MOTION OF FAIRCHILD-PRESTON

RESOLUTION NO.

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

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

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

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

WHEREAS, the subsequently passed New York *Concealed Carry Improvement Act* was recently temporarily blocked by NY Federal District Judge Suddaby because, in part, it imposed standards such as “good moral character” and “three years’ worth of social media accounts” no less subjective than the

previous self-defense special need standard, and expanded the list of “sensitive areas” to include areas way beyond the scope likely to be inferred from the opinions in both **Heller** and **Bruen**, leaving in place restrictions for those areas that do conform to those decisions such as schools, courts and polling places, AND

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

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

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

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

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

Referred from Government Operations Committee

Referred from Finance & Administration Committee

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

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

ON MOTION OF WAGNER

RESOLUTION NO. 237-22

Local Law 8 of 2022 - a Local Law Overriding Tax Levy Limit for Fiscal Year 2023

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

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

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

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

Section 1**Legislative Intent**

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

Section 2**Override of Tax Levy Limit**

Upon the adoption of this local law, the Cortland County Legislature is hereby authorized to override the tax levy limit for the coming fiscal year 2023, if the Legislature deems it necessary for the County of Cortland to adopt a budget for the fiscal year 2023 which may require a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 3**Legal Authority**

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

Section 4**Effective Date**

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

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

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

ON MOTION OF WAGNER**RESOLUTION NO. 238-22****Distribution of Third Quarter 2022 Sales Tax**

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

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

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

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

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

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

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

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

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

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

, AND BE IT FURTHER

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

Minutes Acceptance: Minutes of Oct 27, 2022 6:00 PM (Approval of Minutes)

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

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

ON MOTION OF WAGNER

RESOLUTION NO. 239-22

Set Deadline for Contract Submission for American Rescue Plan Funding Awards

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

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

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

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

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

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

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

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

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

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

Minutes Acceptance: Minutes of Oct 27, 2022 6:00 PM (Approval of Minutes)

Executive Session # 1

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

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

Executive Session # 2

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

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

Action Items

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

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

Executive Session # 3

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

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

Announcements

Adjournment

The meeting was closed at 9:49 PM



Cortland County Legislature

Public Hearing Meeting

Legislative Chambers

Cortland, NY 13045

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

~ Minutes ~

Monday, October 24, 2022

6:00 PM

Board Room

Call to Order

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

Attendee Name	Organization	Title	Status	Arrived
Douglas Bentley	Cortland County, NY	Legislator	Late	6:01 PM
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	Absent	
Joseph Nauseef	Cortland County, NY	Legislator	Absent	
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	Absent	

Public Hearings

1. Public Hearing for the 2023 Tentative Cortland County Budget

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

2. Public Comments

RESULT:	COMPLETED
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Adjournment

The meeting was closed at 6:15 PM

Minutes Acceptance: Minutes of Oct 24, 2022 6:00 PM (Approval of Minutes)

Cortland County Recognition



Recognition of the Men and Women Who Served in Our Armed Forces

WHEREAS, the greatest acknowledgement of our freedom is to honor our armed forces veterans who have sacrificed and in many instances paid the ultimate price for our freedom, AND

WHEREAS, Cortland County, along with millions of other Americans, can attest to the importance of their sacrifices and contributions for our freedom and security, AND

WHEREAS, Cortland County realizes that many veterans who gave so much of themselves came home without any recognition, AND

WHEREAS, we value and appreciate that the veteran population of our County contributes to the social, economic and political successes of our County through programs and active participation, AND

WHEREAS, both men and women of our armed forces continue to be an inspiration to all of us through their demonstration of courage, leadership and commitment in service to our community and country, AND

WHEREAS, in 1975, Congress voted to make November 11th, Veterans' Day, in honor of our veterans, living and dead, who served in the armed forces, AND

WHEREAS, we in Cortland County will always remember and pay homage to our military community, both active and inactive, for their contribution, dedication and commitment to the cause of our freedom, NOW THEREFORE BE IT

RESOLVED, that I, Kevin Fitch, on behalf of the entire Cortland County Legislature, do hereby proclaim that, Cortland County proudly joins the rest of our nation to salute and give special honor and recognition to the men and women who served us in our armed forces.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of November, 2022.

Kevin Fitch, Chair
Cortland County Legislature

Project:

Date:

Short Environmental Assessment Form Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing:		
a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

§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. Any owner or developer of a solar energy system that meets the requirements under Real Property Tax Law § 487 (4) MUST notify the Cortland County Real Property Tax Office and the Cortland County Treasurer via certified mail of its intent to construct a solar energy system. Upon receipt of any notification from an owner or other person of intent to install a Solar Energy System, the Real Property Tax Office by certified mail shall immediately, but in no case more than sixty (60) days after receipt of the notification, notify the owner or other person of the mandatory requirement for a PILOT Agreement pursuant to the terms of this Local Law.~~
3. Pursuant to Real Property Tax Law § 487(9)(a), 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.) A requirement for fifteen successive annual payments, to be paid commencing on the first Annual Payment Date after the effective date of the Real Property Tax Exemption granted pursuant to Real Property Tax Law §487 as the same may be amended, superseded or replaced;~~
- cd.) 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;
- ed.) 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 ~~fifteen (15) year~~ life of the PILOT Agreement;
- fe.) 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;
- gf.) 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 the Annual Payment for Solar Energy Systems with a Capacity of 1 MW or any part thereof shall be \$7,000.00 per MW of Capacity or a tenth thereof;~~
- ~~i.) That the Annual Payment shall escalate one and one half percent (1½%) per year, starting with the second Annual Payment;~~
- jh.) 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.
- ki.) 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.

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.

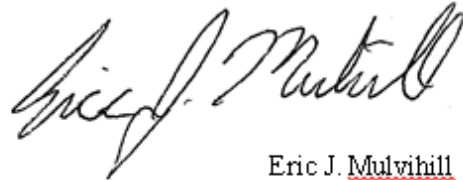
§8. Effective Date

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.

STATE OF NEW YORK) SS:
COUNTY OF CORTLAND)

This is to certify that I, the undersigned, Clerk of the Cortland County Legislature, have compared the foregoing copy with the original now on file in this office, and that the above actions were passed by the Cortland County Legislature on the 27th day of August, 2020 and that the same is a correct and true transcript of such actions taken.

IN WITNESS WHEREOF I have hereunto set my hand
and the official seal of the CORTLAND COUNTY
LEGISLATURE, this 27th day of August, 2020.



Eric J. Mulvihill
Clerk of the Cortland County Legislature

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☒ County ☐ City ☐ Town ☐ Village
 (Select one:)

of Cortland

Local Law No. 6 of the year 20¹⁹

A local law Local Law No. 6 of the Year 2019 - a Local Law to Amend Local Law 3 of 1975 as
 (Insert Title)
 Amended by Local Law 3 of 1979, Local Law No. 6 of 1995, and Local Law No. 3
 of 2000, a Local Law Creating the Department of Planning in the County of Cortland
 and Continuing the Cortland County Planning Board

Be it enacted by the Cortland County Legislature of the
 (Name of Legislative Body)

☒ County ☐ City ☐ Town ☐ Village
 (Select one:)

of Cortland as follows:

See attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 2019 of the (County)(City)(Town)(Village) of Cortland was duly passed by the Cortland County Legislature on June 27 2019, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph ¹_____ above.

Deputy Karen Fuller
Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

(Seal)

Date: _____

ON MOTION OF SANDRA PRICE

RESOLUTION NO. 214-19

Local Law No. 6 of the Year 2019 - a Local Law to Amend Local Law 3 of 1975 as Amended by Local Law 3 of 1979, Local Law No. 6 of 1995, and Local Law No. 3 of 2000, a Local Law 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 No.3 of 1975 on March 26, 1975, with subsequent amendments by Local Law No. 3 of 1979, Local Law No. 6 of 1995, and Local Law No. 3 of 2000, AND

WHEREAS, Local Law No.3 of 1975 created a Department of Planning in the County of Cortland, Continuing the Cortland County Planning Board and Creating the Cortland County Planning Council, AND

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

WHEREAS, a public hearing was held on June 27, 2019 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

RESOLVED, that Local Law No. 6 for the year 2019 be and is hereby enacted.
STATE OF NEW YORK) SS:
COUNTY OF CORTLAND)

This is to certify that I, the undersigned, Clerk of the Cortland County Legislature, have compared the foregoing copy with the original now on file in this office, and that the above actions were passed by the Cortland County Legislature on the 27th day of June, 2019 and that the same is a correct and true transcript of such actions taken.

IN WITNESS WHEREOF I have hereunto set my hand
and the official seal of the CORTLAND COUNTY
LEGISLATURE, this 27th day of June, 2019.



Eric J. Mulvihill
Clerk of the Cortland County Legislature

LOCAL LAW No. 3 1975
(As amended by Local Law No. 3 of 1979, Local Law No. 6 of 1995,
Local Law No. 3 of 2000, and Local Law 6 of 2019)

LOCAL LAW NUMBER 3 – 1975
(As amended by Local Law No. 3 of 1979, Local Law No. 6 of 1995,
Local Law No. 3 of 2000, and Local Law No. 6 of 2019)

A LOCAL LAW CREATING A DEPARTMENT OF PLANNING IN THE COUNTY OF CORTLAND AND,
CONTINUING THE CORTLAND COUNTY PLANNING BOARD

Be it enacted by the County Legislature of the County of Cortland, State of New York, as follows:
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, Committees and Councils as requested.
- C. The Department shall act as liaison to a gencies, boards, commissions, councils,

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. Upon initial appointment, the Planning Committee may negotiate a date by which the Planning Director must move to Cortland County.

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 County Legislature.

Section 6. Planning Board

- A. The Cortland County Planning Board, created by Resolution 83 of 1968 of the Cortland County Board of Supervisors shall 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 County 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 County 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 County 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.

- 112 H. Provide a forum for citizen communication as it relates to planning.
113 I. Engage in public education on planning matters within the means authorized by the Legislature.
114

115 Section 8. Conflict with Other Laws

- 116 A. Nothing contained in this law shall be construed as authorizing the Department, the Board or the
117 Council to supersede, abrogate or otherwise affect the statutory authority provided for in the laws or the
118 State of New York.
119 B. Nothing contained in this law shall be construed to impair the provisions of any duly executed contract
120 to which the County of Cortland is a party.
121

122 Section 9. Severability

123
124 If any part or provision of this local law or the application thereof to any person or circumstance is adjudged
125 invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision
126 or application directly involved in the controversy in which such judgment shall have been rendered and shall not
127 affect or impair the validity of the remainder of this local law or the application thereof to other persons or
128 circumstances.
129

130 Section 10. Effective Date

131
132 This local law shall take effect immediately upon filing with the Secretary of State in accordance with the
133 provisions of the Municipal Home Rule Law.

Mr. Law questioned why the Clerk published a legal notice of public hearing without a resolution authorizing the action? County Attorney Knickerbocker told him that publication is required by law and no authorization is necessary. He added that the authorization for the local law had gone through committee and all the legal aspects for publication had been followed. Mr. Law still felt everyone should be more informed and questioned why the change was necessary. Mr. Dwyer said the second part of the local law would come in resolution form at the next session. Mr. Knickerbocker explained that it then would not be necessary to pass another local law each time a change was made.

On the motion of Mr. Thomas, seconded by Mrs. Price and adopted, all members present voting aye, except Mr. Stoker and Mr. Wern voting nay,

RESOLUTION NO. 268-00
AUTHORIZE LEASE AGREEMENT
PLANNING DEPARTMENT
(PITNEY BOWES POSTAGE METER)

WHEREAS, The Cortland County Planning Department has moved to 4 Lincoln Ave., and there is a need for the department to have a postage meter to send mail, AND

WHEREAS, a lease agreement with Pitney Bowes has been proposed for a 48 month term at \$58.00 per month for a total of \$2, 784.00, NOW, THEREFORE BE IT

RESOLVED, that the Chairman of the Legislature be and hereby is authorized to enter into this lease agreement, upon approval of the County Attorney.

Mr. Plew asked if the Industrial Development Agency had a postage meter and could the Planning Department make use of it? Mr. Dineen said the IDA had one, but the Planning Department could not use it.

On the motion of Mr. Thomas, seconded by Mr. Teeter and adopted, all members present voting aye on a roll call vote, except Mr. Forbes, Mr. Law, Mr. Plew, Mr. Stoker and Mr. Wern voting nay,

RESOLUTION NO. 269-00
ADOPT LOCAL LAW NO. 2 FOR THE YEAR 2000-
AMENDING LOCAL LAW NO. 3 FOR THE YEAR 1975 AND
LOCAL LAW NO. 3 FOR THE YEAR 1979:
CREATING A DEPARTMENT OF PLANNING IN
THE COUNTY OF CORTLAND, CONTINUING THE
CORTLAND COUNTY PLANNING BOARD AND
CREATING THE CORTLAND COUNTY PLANNING COUNCIL

WHEREAS, proposed Local Law No. 2 for the year 2000 amending local law No. 3 for the year 1975 and Local Law No 3 for the Year 1979, creating a Department of Planning in the County of Cortland, continuing the Cortland County Planning Board and creating the Cortland County Planning Council was introduced at the Legislative Session held on May 10, 2000, AND

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 required by Law, NOW, THEREFORE BE IT
RESOLVED, that Local Law No. 2 for the year 2000 be passed and enacted.

Local Law No. 2 of the Year 2000:

Be It Enacted By the Cortland County Legislature as follows:

Section 1: Section 4 of the Local Law No. 3 for the year 1975 and Section 4 of Local Law No. 3 for 1979, Appointment and Qualifications of Director, be and hereby is amended to read as follows:

Section 4A: The executive head of the Department shall be the Director of Planning who shall be appointed by the Legislature, on recommendation of its Planning Committee, to serve at the pleasure of the Cortland County Legislature. Prior to making its recommendation, the Committee shall consult with the Planning Council.

Section 4B: The Director shall be in the non-competitive civil service status.

Section 4C: The Director shall hold a Master's degree in planning or in a related field and shall have had five years of suitable planning experience or a Bachelor's degree in planning or a related field and eight years of suitable planning experience. In addition, he shall have necessary credentials to ensure maximum County participation in State and Federal planning programs.

Section 4D: Shall be deleted.

Section 2: Local Law No. 2 for the Year 2000 shall take effect upon filing as required by law.

Mr. Thomas explained that it was a housekeeping item. Mr. Wern asked what was being changed and Mr. Knickerbocker said the term of office was being eliminated and the Planning Director would serve at the pleasure of the Legislature. Mr. Law stated that under either situation the Director still had certain rights. Mr. Harrington said it was in the best interest of the County to remove the specific term clause.

On the motion of Mr. Thomas, seconded by Mrs. Brown and adopted, all members present voting aye,

RESOLUTION NO. 270-00
EXTEND INTERIM DIRECTOR OF PLANNING
PLANNING DEPARTMENT

WHEREAS, the interim appointment of Daniel S. Dineen as Director of Planning expires on N
AND

WHEREAS, Local Law #3 of 1975 and Resolution #89-1975, Local Law #3 of 1979 and Resoluti
need to be changed, AND

WHEREAS, Resolution #520-1999 needs to be amended, NOW, THEREFORE, BE IT
RESOLVED, that Daniel S. Dineen, Interim Director of Planning be and hereby is re-appo
Director of Planning at his present salary until such time as the Local Law 2 of May 10, 2000 has been fi
time the Planning/Environmental/Agriculture Committee will bring forth a resolution for permanent app
salary adjustment.



CORTLAND COUNTY LEGISLATURE
COURT HOUSE CORTLAND, N. Y. 13045

TELEPHONE (607) 756-2808

ROBERT J. BAYS, CHAIRMAN
ALBERT C. KENNEY, CLERK
JAMES R. O'MARA, DEPUTY CLERK

State Records and Law Bureau
Department of State
162 Washington Ave.
Albany, New York 12231

Gentlemen:

I am enclosing herewith four (4) copies of Local Law No. 3
for the year 1979 for the County of Cortland for filing in your
office.

Very truly yours,

Albert C. Kenney, Clerk
Cortland County Legislature

ACK/p
Encl:



CORTLAND COUNTY LEGISLATURE
COURT HOUSE CORTLAND, N. Y. 13045

13.8.c

TELEPHONE (607) 756-2808

ROBERT J. BAYS, CHAIRMAN
ALBERT C. KENNEY, CLERK
JAMES R. O'MARA, DEPUTY CLERK

John G. Kimmich, County Clerk
Court House
Cortland, New York 13045

Dear John:

I am enclosing herewith one (1) copy of Local Law No. 3
for the year 1979 for Cortland County, for filing in your office.

Very truly yours,

Albert C. Kenney, Clerk
Cortland County Legislature

ACK/p
Encl:

Attachment: Local Law 3 of 1979 - Amending Local Law No. 3 for 1975 creating a County Dept. of Planning (246-22 : Local Law 9 of 2022 to



CORTLAND COUNTY LEGISLATURE
COURT HOUSE
CORTLAND, N. Y. 13045

13.8.c

TELEPHONE (607) 756-2808

ROBERT J. BAYS, CHAIRMAN
ALBERT C. KENNEY, CLERK
JAMES R. O'MARA, DEPUTY CLERK

Division of Municipal Affairs
Department of Audit & Control
State office Building
Albany, New York 12236

Gentlemen:

I am enclosing herewith one (1) copy of Local Law No. 3
for the year 1979 for the County of Cortland for filing in your
office.

Very truly yours,

Albert C. Kenney, Clerk
Cortland County Legislature

ACK/p
Encl:

Attachment: Local Law 3 of 1979 - Amending Local Law No. 3 for 1975 creating a County Dept. of Planning (246-22 : Local Law 9 of 2022 to



STATE OF NEW YORK

DEPARTMENT OF STATE

162 WASHINGTON AVENUE
ALBANY, NEW YORK 12231

October 15, 1979

Albert C. Kenney, Clerk.
CORTLAND COUNTY LEGISLATURE
Court House
Cortland, NY 13045

Dear Sir / Madam:

Please be advised that Local Law(s) No. 3
of 1979 of the County of Cortland
was/were received and filed on October 4, 1979.

We are enclosing additional forms for your future
use when filing local laws with this office.

Sincerely,

Gail A. Bates
Director
State Records &
Law Bureau

fm

enc.

cc: State Comptroller
Division of Municipal Affairs



STATE OF NEW YORK
DEPARTMENT OF AUDIT AND CONTROL
ALBANY
12236

EDWARD V. REGAN
State Comptroller

October 30, 1979

WILLIAM C. WALSH
Deputy Comptroller
In Reply, Refer To

Albert C. Kenney, Clerk
Cortland County Legislature
Court House
Cortland, N.Y. 13045

Dear Sir/Madam:

This is to advise that Local Law(s) No. 3
of 1979 for the County of Cortland
was received and filed on October 5, 1979.

Very truly yours,

EDWARD V. REGAN
State Comptroller

By

Kendall R. Pirro
Associate Attorney
Charters Unit

KRP:dak

cc: Secretary of State

DIRECTING PUBLIC HEARING ON PROPOSED LOCAL LAW NO. 3 FOR YEAR 1979

WHEREAS, proposed Local Law No. 3 for the year 1979, amending Local Law No. 3 for the year 1975, has been introduced by Mrs. Brevett, a member of this Legislature, said Local Law provides for change in the term and condition of employment for the Cortland County Planning Director, and be it further

RESOLVED, that a public hearing upon said Local Law No. 3 be held before this Legislature on September 26, 1979 at ^{7:30 P.M.}~~10:30 A.M.~~ in the Legislature Chambers, Third Floor, Court House, Cortland, New York 13045, and be it further

RESOLVED, that the Clerk of this Legislature be and hereby is authorized and directed to publish notice of said public hearing as required by the Municipal Home Rule Law.

STATE OF NEW YORK }
COUNTY OF CORTLAND } SS:

This is to certify that I, the undersigned, Clerk of the Cortland County Legislature of the County of Cortland have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was passed by the Cortland County Legislature, of said county on the 12th day of September 1979 and that the same is a correct and true transcript of such original resolution and of the whole thereof.

IN WITNESS WHEREOF I have hereunto set my hand and the official seal of the CORTLAND COUNTY LEGISLATURE, this

12th day of September 1979

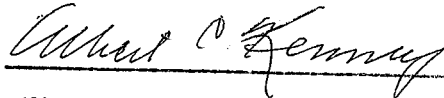
Albert C. Kenney
Clerk of the Cortland County Legislature

LEGAL NOTICEPUBLIC NOTICE

Please take notice, that a Public Hearing will be held on Local Law No. 3 for the year 1979 for the County of Cortland at 7:30 P. M. September 26, 1979 at the County Legislative Chambers, Third Floor, Court House, Cortland, New York 13045. Said Local Law provides for a change in the term and conditions of employment for the Cortland County Planning Director.

Please take further notice, that at the time and place mentioned above, all persons interested will be afforded an opportunity to be heard.

By Order of the Cortland County Legislature


Albert C. Kenney, Clerk

LOCAL LAW NO. 3 FOR THE YEAR 1979

A LOCAL LAW AMENDING LOCAL LAW NO. 3 FOR THE YEAR 1975: CREATING A DEPARTMENT OF PLANNING IN THE COUNTY OF CORTLAND, CONTINUING THE CORTLAND COUNTY PLANNING BOARD AND CREATING THE CORTLAND COUNTY PLANNING COUNCIL.

BE IT ENACTED by the Cortland County Legislature as follows:

Section 1: Section 4 of Local Law No. 3 for the year 1975, Appointment and Qualifications of Director, be and hereby is amended to read as follows:

Section 4A: The executive head of the Department shall be the Director of Planning who shall be appointed by the Legislature, on recommendation of its Planning Committee for a term of three years. Prior to making its recommendation, the Committee shall consult with the Planning Council. For the purposes of this Local Law, the term of the incumbent Director shall be deemed to have commenced on October 21, 1974.

Section 4B: The Director shall be in the non-competitive civil service status.

Section 4C: The Director shall hold a Master's degree in planning or a related field and shall have had five years of suitable planning experience or a Bachelor's degree in planning or a related field and eight years of suitable planning experience. In addition, he shall have necessary credentials to insure maximum County participation in State and Federal planning programs.

Section 4D: The Legislature, acting by resolution, must notify the Director of his reappointment or termination at least three months prior to the conclusion of his term. Upon termination, the County shall compensate the Director at his regular rate of compensation to the extent that such notice is deficient.

Section 2: This Local Law shall become effective upon filing with the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.

34 ON MOTION OF MRS. BREVETT

RESOLUTION NO. 344

ADOPTING LOCAL LAW NO. 3 FOR THE YEAR 1979

WHEREAS, Local Law No. 3 for the year 1979, amending Local Law No. 3 for the year 1975, providing for a change in term and conditions of employment for the Cortland County Planning Director, was introduced by Mrs. Brevett, a member of this Legislature at a meeting of this Legislature held on September 12, 1979, and

WHEREAS, said Local Law No. 3 has been in its final form upon the desks of the members at least seven 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 required by law, now therefore be it

RESOLVED, that Local Law No. 3 for the year 1979 is hereby passed and enacted in the following form:

LOCAL LAW NO. 3 FOR THE YEAR 1979

A LOCAL LAW AMENDING LOCAL LAW NO. 3 FOR THE YEAR 1975: CREATING A DEPARTMENT OF PLANNING IN THE COUNTY OF CORTLAND, CONTINUING THE CORTLAND COUNTY PLANNING BOARD AND CREATING THE CORTLAND COUNTY PLANNING COUNCIL.

BE IT ENACTED by the Cortland County Legislature as follows:

Section 1: Section 4 of Local Law No. 3 for the year 1975, Appointment and Qualifications of Director, be and hereby is amended to read as follows:

Section 4A: The executive head of the Department shall be the Director of Planning who shall be appointed by the Legislature, on recommendation of its Planning Committee for a term of three years. Prior to making its recommendation, the Committee shall consult with the Planning Council. For the purposes of this Local Law, the term of the incumbent Director shall be deemed to have commenced on October 21, 1974.

Section 4B: The Director shall be in the non-competitive civil service status.

Section 4C: The Director shall hold a Master's degree in planning or a related field and shall have had five years of suitable planning experience or a Bachelor's degree in planning or a related field and eight years of suitable planning experience. In addition, he shall have necessary credentials to insure maximum County participation in State and Federal planning programs.

Section 4D: The Legislature, acting by resolution, must notify the Director of his reappointment or termination at least three months prior to the conclusion of his term. Upon termination, the County shall compensate the Director at his regular rate of compensation to the extent that such notice is deficient.

Section 2: This Local Law shall become effective upon filing with the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.

STATE OF NEW YORK }
COUNTY OF CORTLAND } SS:

This is to certify that I, the undersigned, Clerk of the Cortland County Legislature of the County of Cortland have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was passed by the Cortland County Legislature, of said county on the 26th day of September 1979 and that the same is a correct and true transcript of such original resolution and of the whole thereof.

IN WITNESS WHEREOF I have hereunto set my hand and the official seal of the CORTLAND COUNTY LEGISLATURE, this

26th day of September 1979
Albert C. Kennedy
Clerk of the Cortland County Legislature

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City of CORTLAND
~~Town~~
~~Village~~

Local Law No. 3 of the year 19 79

A local law AMENDING LOCAL LAW NO. 3 FOR THE YEAR 1975: CREATING A DEPARTMENT OF
(Name of Title)
PLANNING IN THE COUNTY OF CORTLAND, CONTINUING THE CORTLAND COUNTY
PLANNING BOARD AND CREATING THE CORTLAND COUNTY PLANNING COUNCIL

Be it enacted by the Cortland County Legislature of the
(Name of Legislative Body)

County
City of Cortland
~~Town~~
~~Village~~ as follows:

SECTION 1: Section 4 of Local Law No. 3 for the year 1975, Appointment and Qualifications of Director, be and hereby is amended to read as follows:

Section 4A: The executive head of the Department shall be the Director of Planning who shall be appointed by the Legislature, on recommendation of its Planning Committee for a term of three years. Prior to making its recommendation, the Committee shall consult with the Planning Council. For the purposes of this Local Law, the term of the incumbent Director shall be deemed to have commenced on October 21, 1974.

Section 4B: The Director shall be in the non-competitive civil service status.

Section 4C: The Director shall hold a Master's Degree in Planning or a related field and shall have had five years of suitable planning experience or a Bachelor's Degree in planning or a related field and eight years of suitable planning experience. In addition, he shall have necessary credentials to insure maximum County participation in State and Federal planning programs.

Section 4D: The Legislature, acting by resolution, must notify the Director of his reappointment or termination at least three months prior to the conclusion of his term. Upon termination, the County shall compensate the Director at his regular rate of compensation to the extent that such notice is deficient.

SECTION 2: This Local Law shall become effective upon filing with the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.

(If additional space is needed, please attach sheets of the same size as this and number each)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 19 79.
County
City of Cortland was duly passed by the Cortland County Legislature
Town of _____ (Name of Legislative Body)
Village _____
on September 26, 19 79 in accordance with the applicable provisions of law.

~~2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,* or repassage after disapproval.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____
County
City of _____ was duly passed by the _____
Town of _____ (Name of Legislative Body)
Village _____
on _____ 19 _____ and was approved by the _____
not disapproved
repassed after disapproval Elective Chief Executive Officer *
and was deemed duly adopted on _____ 19 _____, in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____
County
City of _____ was duly passed by the _____
Town of _____ (Name of Legislative Body)
Village _____
on _____ 19 _____ and was approved by the _____
not disapproved
repassed after disapproval Elective Chief Executive Officer *
on _____ 19 _____. Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on _____ 19 _____, in accordance with the applicable provisions of law.~~

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____
County
City of _____ was duly passed by the _____ on _____
Town of _____ (Name of Legislative Body)
Village _____
on _____ 19 _____ and was approved by the _____
not disapproved
repassed after disapproval Elective Chief Executive Officer *
on _____ 19 _____. Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
_____ 19 _____, in accordance with the applicable provisions of law.~~

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of having been submitted to referendum pursuant to the provisions of ~~§ 36~~ ^{§ 37} of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the ^{special} ~~general~~ election held on 19 became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.



Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: October 1, 1979

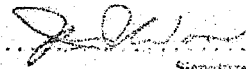
(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK

COUNTY OF CORTLAND

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature

County Attorney

Title

Date: October 1, 1979

County

City

Town

Village

of CORTLAND

ON MOTION OF Mrs. Brevett

RESOLUTION NO. 89

ADOPTING LOCAL LAW NO. 3 FOR THE YEAR 1975

WHEREAS, proposed Local Law No. 3 for the year 1975 Creating a Department of Planning in the County of Cortland, Continuing the Cortland County Planning Board and Creating the Cortland County Planning Council was introduced by Mrs. Brevett, a member of this legislature at a meeting of the legislature held on March 12, 1975, and

WHEREAS, said Local Law has been in its final form upon the desks of the members of this Legislature at Least 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 required by law,

NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 3 for the year 1975 entitled "A Local Law Creating a Department of Planning in the County of Cortland, Continuing the Cortland County Planning Board and Creating the Cortland County Planning Council" be passed and enacted in the following form effective immediately upon filing with the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.

STATE OF NEW YORK }
COUNTY OF CORTLAND } SS:

This is to certify that I, the undersigned, Clerk of the Cortland County Legislature of the County of Cortland have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was passed by the Cortland County Legislature, of said county on the 26th day of March 1975 and that the same is a correct and true transcript of such original resolution and of the whole thereof.

IN WITNESS WHEREOF I have hereunto set my hand and the official seal of the CORTLAND COUNTY LEGISLATURE, this

26th day of March 1975

Albert C. Henney
Clerk of the Cortland County Legislature



CORTLAND COUNTY LEGISLATURE
COURT HOUSE CORTLAND, N. Y. 13045

TELEPHONE (607) 756-2808

JAMES R. O'MARA, CHAIRMAN
ALBERT C. KENNEY, CLERK
WALTER A. SPENCER, JR., DEPUTY CLERK

March 28, 1975

Secretary of State
162 Washington Ave
Albany, New York 12210

Dear Sir:

I am enclosing herewith four (4) copies of Local Law No. 3
for the year 1975 for filing in your office.

Very truly yours

A handwritten signature in cursive script, reading "Albert C. Kenney".

Albert C. Kenney, Clerk
Cortland County Legislature

/P
Encl:

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

County
~~City~~ of CORTLAND
~~Town~~
~~Village~~

Local Law No. 3 of the year 19 75

A local law CREATING A DEPARTMENT OF PLANNING IN THE COUNTY OF CORTLAND
 (Insert title)

CONTINUING THE CORTLAND COUNTY PLANNING BOARD AND CREATING THE
 CORTLAND COUNTY PLANNING COUNCIL

Be it enacted by the COUNTY LEGISLATURE of the
 (Name of Legislative Body)

County
~~City~~ of CORTLAND as follows:
~~Town~~
~~Village~~

- Section 1. Legislative Intent
 2. Definitions
 3. Department Created
 4. Appointment and Qualifications of Director
 5. Powers and Duties of the Director
 6. Planning Board
 7. Powers and Duties of the Board
 8. Planning Council Created
 9. Powers and Duties of the Council
 10. Conflict with Other Laws
 11. Severability
 12. 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 Planning Committee of the Cortland County Legislature.
 C. "Council" shall mean the Cortland County Planning Council.
 D. "Department" shall mean the Cortland County Department of Planning.
 E. "Director" shall mean the Director of Planning of the County of Cortland.
 F. "Legislature" shall mean the Cortland County Legislature.

(If additional space is needed, please attach sheets of the same size as this and number each)

Section 3. Department Created

- A. The Department of Planning of the County of Cortland hereby is created and established.
- B. The Planning Board Office, with its presently existing functions related to the Board, is hereby transferred in its entirety, including but not limited to all employees, property, equipment and budgetary appropriations, to the Department. All employees shall retain the same classification, pension and retirement rights and privileges as they had immediately prior to such transfer; provided, however, that nothing herein contained shall be construed to deprive the Legislature of any power it now has with respect to any such employees in the County. No employee's civil service status shall be jeopardized by any rewording and/or change brought about by this Local Law.
- C. The Department shall provide technical assistance to Committees of the Legislature as the Legislature may direct, and Boards, Committees and Councils including but not limited to:
 - 1. Cortland County Agricultural Districting Advisory Committee
 - 2. Cortland County Beautification Council
 - 3. Cortland County Comprehensive Health Planning Board
 - 4. Cortland County Environmental Management Council
 - 5. Planning Board
 - 6. Planning Council
- D. The Department shall act as liason to the following Agencies, Boards, Commissions, Councils and Districts, and such other groups as the Legislature may direct:
 - 1. Areawide and Local Planning for Health Action
 - 2. Central New York Regional Planning Board
 - 3. Cortland County Industrial Development Agency
 - 4. Cortland County Soil and Water Conservation District
 - 5. District Fish and Wildlife Management Board
 - 6. District Forest Practice Board
 - 7. Empire Heartland Resource Conservation and Development Program
 - 8. Finger Lakes Basin Commission
 - 9. Southern Tier East Regional Planning and Development Board
 - 10. U.S. Soil Conservation Service

Section 4. Appointment and Qualification of Director

- A. The executive head of the Department shall be the Director of Planning who shall be appointed by the Legislature, on recommendation of its Planning Committee, for a term of five years. Prior to making its recommendation, the Committee shall consult with the Planning Council.

For purposes of this Local Law, the term of the incumbent Director shall be deemed to have commenced on October 21, 1974.

- B. The Director shall be in the unclassified civil service status and shall be removable only after a hearing for cause.
- C. The Director shall hold a Master's Degree in planning and shall have had five years of suitable planning experience. In addition, he shall have necessary credentials to insure maximum County participation in State and Federal planning programs.
- D. The Legislature, acting by resolution, must notify the Director of his reappointment or termination at least five months prior to the conclusion of his term. Upon termination, the County shall compensate the Director at his regular rate of compensation to the extent that such notice is deficient.

Section 5. Powers and Duties of the Director

The Director shall:

- A. Be generally responsible for operation of the Department.
- B. Prepare an annual work program for the Department in consultation with the Board for submission to the Council.
- C. Prepare the annual operational budget of the Department for submission to the Budget Officer, after review and comment by the Council.
- 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, he shall consult with the Cortland County Civil Service Commission and act within the guidelines of the Civil Service Law and the means authorized by the Legislature.
- F. Recommend consultants to the Council for their consideration within the means authorized by the Legislature.
- G. Prepare in consultation with the Board and/or any Advisory Committees constituted by the Board, 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.

- H. Make recommendations to the Board concerning those planning matters referred from municipalities pursuant to the General Municipal Law.
- I. Maintain adequate records of all matters filed with the Board and other agencies so assigned to the Department.
- J. 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.
- K. When authorized by Local Law, prepare the Capital Improvement Program for review by the Board prior to submission to the Budget Officer.
- L. Review and comment to the Budget Officer, after consultation with the Council, concerning any capital improvement project proposed by any member of the Legislature.
- M. Serve as spokesman for the Department in relations with government or quasi-government units and the public.
- N. Maintain liason with regional planning boards and planning boards in adjacent counties.
- O. 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.
- P. Conduct research into business and industrial conditions within the County and cooperate with groups organized for such purposes.
- Q. Have all the powers and perform all the duties now or hereafter conferred or imposed upon him by State Statute, Local Law or resolution of the County Legislature.
- R. Serve as the executive secretary to the council.

Section 6. Planning Board

- A. The Cortland County Planning Board, created by Resolution 83 of 1968 of the Cortland County Board of Supervisors shall be and hereby is continued.
- B. The Board shall consist of fourteen (14) members, eleven (11) to be appointed by the Legislature on the recommendation of its Chairperson, and the Chairperson

of the Legislature, the County Treasurer and the Superintendent of Highways, who shall serve as ex-officio members.

- C. Members appointed by the Legislature shall serve for a term of four (4) years. No appointed member shall serve more than two (2) consecutive terms. Whenever an appointed member is absent from five (5) consecutive meetings of the Board for any reason other than illness, his membership shall be terminated and a vacancy shall be deemed to exist. The Chairperson of the Board shall notify the Clerk of the Legislature in writing when such a vacancy exists. The Clerk of the Legislature shall notify the absent member in writing that his membership on the Board has been terminated.
- D. When a vacancy shall occur among the appointed membership other than by expiration of term, the Legislature, acting on the recommendation of its Chairperson, shall appoint a person to serve the unexpired portion of the term.
- E. New members appointed to the Board pursuant to subdivision B of this Section shall serve terms expiring June 30, 1977 and June 30, 1978 respectively.
- F. In order to obtain the broadest representation in terms of population, geographic distribution and interest in county planning, the Board shall include residents from the City, Villages and Towns. No more than five (5) appointed members of the Board shall reside in the City of Cortland. Further, no more than two (2) appointed members of the Board shall come from the same Village or Town.
- G. No more than six (6) appointed members of the Board shall be enrolled in the same political party.
- H. A majority of the appointed members of the Board shall constitute a quorum thereof.

Section 7. Powers and Duties of the Board

The Board shall:

- A. establish by-laws for the conduct of its business.
- 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 County Legislature.

- C. As it deems necessary, create standing and special committees including members of the Board and/or interested persons in the community to assist it with various planning studies. Individual members of said committees shall be appointed by the Board on recommendation of its Chairperson.
- D. Create a special committee known as the Citizen's Advisory Committee to assist it in the preparation and revision of the Master Plan. The total membership of this committee shall not exceed eleven (11) members of which no more than three (3) members shall be from the Board. Individual members of the committee shall be appointed by the Board on recommendation of its Chairperson. Preference shall be given to members of the Citizen's Advisory Committee established by Resolution 326 of 1972 of the Cortland County Board of Supervisors.
- E. 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.
- F. 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 the General Municipal Law;
 - II) a summary of studies issued during the preceding year or an incorporation of said reports by reference.
- G. In consultation with the Director, encourage Planning Boards of the municipal subdivisions within the County on an advisory basis and, if deemed advisable, recommend to the Council execution of a formal contract for provision of technical services to one or more of said subdivisions.
- H. Assist the Director at his request, in any matters affecting funding of any major physical, economic, or administrative improvement deemed desirable.
- I. Provide a forum for citizen communication as it relates to planning.
- J. Engage in public education on planning matters within the means authorized by the Legislature.

Section 8. Planning Council Created

- A. The Cortland County Planning Council be and hereby is created and established.
- B. The Council shall have five (5) members. The Chairperson of the Committee, one other member of the Committee designated by the Chairperson of said Committee, the Chairman of the Board and the Vice-Chairman of the Board, shall serve as members. The fifth member shall be the Chairperson of the Legislature or his designee.
- C. The Chairperson of the Committee shall serve as Chairperson of the Council.

Section 9. Powers and Duties of the Council

The Council shall:

- A. Review and comment on the Department's annual budget as prepared by the Director, prior to submission of said budget to the Budget Officer.
- B. Review and comment on the Department's annual work program as prepared by the Director in consultation with the Board. Said review shall be completed within 30 days after submission of said program.
- C. Review and comment upon the Director's recommendations for hiring of consultants within the means authorized by the Legislature.
- D. Advise the Director, upon request, on matters relating to the administration of the Department.
- E. Serve as an instrument for improved communication between the County Legislature and the Board.
- F. Carry out such other related duties as the Legislature may prescribe from time to time.

Section 10. Conflict with Other Laws

- A. Nothing contained in this law shall be construed as authorizing the Department, the Board or the Council to supercede, 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 11. 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 judgement shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgement 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 12. 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.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

(Final adoption by local legislative body only.)

1. I hereby certify that the local law annexed hereto, designated as local law No.3..... of 1975....
 County
 City
 of the ~~Town~~ of Cortland was duly passed by Cortland County Legislature
 Village (Name of Legislative Body)
 on March 26, 1975 in accordance with the applicable provisions of law.

~~(Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer or repassage after disapproval.)~~

~~2. I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
 County
 City
 of the Town of was duly passed by
 Village (Name of Legislative Body)
 on 19..... not disapproved
 and was approved by the
 repassed after disapproval Elective Chief Executive Officer
 and was deemed duly adopted on 19....., in accordance with the applicable provisions of law.~~

~~(Final adoption by referendum.)~~

~~3. I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
 County
 City
 of the Town of was duly passed by the
 Village (Name of Legislative Body)
 on 19..... not disapproved
 and was approved by the
 repassed after disapproval Elective Chief Executive Officer
 on 19..... Such local law was submitted to the people by reason of a
 mandatory referendum and received the affirmative vote of a majority of the qualified electors voting
 permissive general
 thereon at the special election held on 19....., in accordance with the appli-
 cable provisions of law.~~

~~(Subject to permissive referendum and final adoption because no valid petition filed requesting referendum.)~~

~~4. I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
 County
 City
 of the Town of was duly passed by the on
 Village (Name of Legislative Body)
 19..... not disapproved
 and was approved by the on
 repassed after disapproval Elective Chief Executive Officer
 19..... Such local law being subject to a permissive referendum and no
 valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
 19....., in accordance with the applicable provisions of law.~~

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or if there be none the chairman of the board of supervisors, the mayor of a city or village, or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

~~(City local law concerning Charter revision proposed by petition.)~~

~~5. I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special election held on 19 became operative.~~

~~(County local law concerning adoption of Charter.)~~

~~6. I hereby certify that the local law annexed hereto, designated as Local Law No. of 197 of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

~~(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)~~

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph above.

Robert C. Henning
Clerk of the Board of Supervisors, City, Town or Village Clerk or Officer
designated by Local/Legislative Body

Date: March 27, 1975

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK

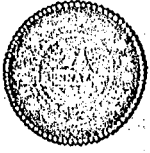
COUNTY OF CORTLAND

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]
(Title of Officer) County Attorney

County
City of Cortland
Town
Village

Dated: March 27, 1975



CORTLAND COUNTY LEGISLATURE
COURT HOUSE CORTLAND, N. Y. 13045

TELEPHONE (607) 756-2808

JAMES R. O'MARA, CHAIRMAN
ALBERT C. KENNEY, CLERK
WALTER A. SPENCER, JR., DEPUTY CLERK

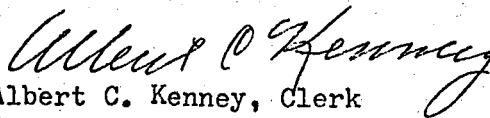
March 28, 1975

State Comptroller
Alfred E. Smith Office Bldg
Albany, New York 12225

Dear Sir:

I am enclosing herewith one (1) copy of Local Law No. 3
for the year 1975 for filing in your office.

Very truly yours,


Albert C. Kenney, Clerk
Cortland County Legislature

/p
Encl:

MARIO M. CUOMO
Secretary of State



MAURICE FLASTERSTEIN
Administrative Director

STATE OF NEW YORK
DEPARTMENT OF STATE
162 WASHINGTON AVENUE
ALBANY, NEW YORK 12231

April 1, 1975

Mr. Albert C. Kenney, Clerk
Cortland County Legislature
Court House
Cortland, New York 13045

Dear Sir:

Please be advised that Local Law No. 3
of 1975 of the County of Cortland
was received and filed on March 31, 1975.

We enclose herewith additional forms for the filing of
local laws for your future use.

Very truly yours,

Barry F. Bohan
Director
State Records and Law Bureau

cc: State Comptroller
Division of Municipal Affairs

G115-006



STATE OF NEW YORK
DEPARTMENT OF AUDIT AND CONTROL
ALBANY

ARTHUR LEVITT
STATE COMPTROLLER

IN REPLYING REFER TO

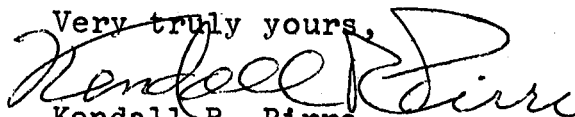
April 11, 1975

Mr. Albert C. Kenney, Clerk
Cortland County Legislature
Court House
Cortland, New York 13045

Dear Sir:

I hereby acknowledge receipt as of March 31, 1975
of certified copy of Local Law No. 3
of 1975 for the County of Cortland
which copy is being filed in this office.

Very truly yours,


Kendall R. Pirro
Associate Attorney

KRP: js

PUBLIC NOTICE

PLEASE TAKE NOTICE that a public hearing will be held on Local Law No. 3 for the year 1975 for the County of Cortland, said Local Law creating a Department of Planning in the County of Cortland, continuing the Cortland County Planning Board and creating the Cortland County Planning Council. Said hearing will be held at 10:30 A.M. on March 26, 1975 at the County Legislature Chambers in the Cortland County Court House, Cortland, New York.

PLEASE TAKE FURTHER NOTICE that at the time and place above mentioned, all persons interested will be afforded an opportunity to be heard.

BY ORDER OF THE CORTLAND COUNTY
LEGISLATURE

By

Albert P. Kenney
Clerk

Jurisdiction: Cortland County
 Jurisdictional Class: Non-competitive
 Adopted: 10/20/05
 Revised: 4-26-21

DIRECTOR OF PLANNING

DISTINGUISHING FEATURES OF THE CLASS:

The work involves responsibility for planning, administering and supervising activities in the Office of Planning. The position involves responsibility for the oversight and coordination of a comprehensive planning program of a County by providing technical assistance to municipalities in areas such as land usage, business retention, and water resource management. The position also involves representing the County on a variety of planning related organizations and boards. Work is performed under the administrative direction of the County Administrator and the general direction of the County Legislature. Supervision is exercised over subordinate staff. Does related work as required.

TYPICAL WORK ACTIVITIES: (Illustrative only)

Serves as project manager in special and ongoing planning projects including land usage, business retention and water resource management;
 Evaluates effectiveness of projects under development and issue instructions governing their progress;
 Prepares the departmental budget, the annual work plan and oversees the work of department employees;
 Develops policies, procedures and programs for the County's community and economic development functions to enhance economic growth and activities consistent with the goals of the County;
 Develops and implements programs in conjunction with the County Chamber of Commerce to retain, restore and expand the commercial and industrial tax base and attract new businesses to the area;
 Represents the interests of the County in local, regional and State organizations;
 Coordinates activities with surrounding counties and works with community and citizen groups to foster the development of an appropriate business climate;
 Provides information and technical assistance in planning and development as requested by municipal officials, county departments, businesses and others;
 Gathers statistics and completes reports.
 May review and stamp plan sets for County departments if qualified.

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS:

Thorough knowledge of the methods and techniques used in economic and community development, municipal planning and promotional activities;
 Thorough knowledge of Federal and State programs related to the economic development and planning process;
 Thorough knowledge of business and economic conditions of the county;

Good knowledge of Federal, State and local laws and policies as they relate to economic development;

DIRECTOR OF PLANNING – contd.

2

Good knowledge of the general principles, terminology and practices used in municipal and community planning;

Ability to plan and supervise the work of others;

Ability to prepare and deliver presentations in a clear, concise and articulate manner;

Ability to operate a personal computer and utilize common office software programs;

Ability to communicate effectively both orally and in writing;

Ability to establish and maintain effective working relationships with others;

Physical condition commensurate with demands of the position.

MINIMUM QUALIFICATIONS: Either:

- (a) Possession of a Master's degree in planning, public administration, architecture, engineering, environmental studies or a closely related field and two (2) years of experience in planning or economic development; or
- (b) Possession of a Bachelor's degree or higher in planning, architecture, engineering, environmental studies or a closely related field and three (3) years of experience as defined in (a); or
- (c) An equivalent combination of training and experience as defined by the limits of (a), (b) and (c).

Note: Degree must have been awarded by a college or university accredited by a regional, national, or specialized agency recognized as an accrediting agency by the U.S. Department of Education/U.S. Secretary of Education. If the degree was awarded by an educational institution outside of the United States and its territories, applicant must provide independent verification of equivalency. A list of acceptable companies who provide this service can be found at <http://www.cs.ny.gov/jobseeker/cfm>. Applicants must pay the required evaluation fee.

LOCAL LAW NUMBER ~~3~~ —1975— of 2022
 (As amended by Local Law No. 3 of 1979, Local Law No. 6 of 1995,
~~Local Law No. 3 of 2000, and Local Law No. 6 of 2019)~~

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
~~A LOCAL LAW AMENDING THE LAW CREATING A DEPARTMENT OF PLANNING IN THE COUNTY OF CORTLAND AND, CONTINUING THE CORTLAND COUNTY PLANNING BOARD~~

Be it enacted by the County Legislature of the County of Cortland, State of New York, as follows:

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 ~~and Councils~~ as requested.
- C. The Department shall act as liaison to agencies, boards, and commissions, ~~and councils,~~

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 ~~Planning~~ 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 personnel¹. 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 County 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 ~~shall~~ 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-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 County 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 County 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 County 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 ~~Council~~ 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.

Amend Tentative 2023 County Budget Detail

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
<u>Resolution 232-22</u>		
A43115.54815.4208	Contracted Agencies	\$ 100,000.00
A19905.91000	Appropriated Fund Balance	\$ 100,000.00
<u>Create Grant Administrator Position in Office of County Administrator</u>		
A12305.51005	Personnel Services	\$ 55,315.00
A12305.58020	Retirement	\$ 7,744.10
A12305.58030	FICA	\$ 4,231.60
A12305.58040	Workers Comp	\$ 2,045.00
A12305.58060	Health Insurance	\$ 17,023.44
A12305.58062	Dental Insurance	\$ 90.24
A12305.58065	Visions Insurance	\$ 19.60
A19905.91000	Appropriated Fund Balance	\$ 86,468.98
<u>Cortland Agricultural Corporation thru Co-op Extension</u>		
A87505.54815	Contracted Agencies	\$ 6,500.00
A19905.91000	Appropriated Fund Balance	\$ 6,500.00
<u>Soil and Water Conservation District</u>		
A87105.54815	Contracted Agencies	\$ 11,344.00
A19905.91000	Appropriated Fund Balance	\$ 11,344.00
<u>TC3 Deferred Maintenance</u>		
A24955.54780	Sponsor Contributions - Deferred Maintenance	\$ 88,920.00
A24955.54780	Sponsor Contributions - Additional base Aid	\$ 95,000.00
A19905.91000	Appropriated Fund Balance	\$ 183,920.00