



Cortland County Legislature

Special Meeting

Legislative Chambers
Cortland, NY 13045
<https://www.cortlandcountyny.gov>

~ Agenda ~

Thursday, July 17, 2025

6:00 PM

Board Room

Salute to the Flag

Roll Call

Attendee Name	Present	Absent	Late	Arrived
Legislator Douglas Bentley	☐	☐	☐	
Legislator Cathy Bischoff	☐	☐	☐	
Legislator Reed Cleland	☐	☐	☐	
Legislator Mitchel Eccleston	☐	☐	☐	
Minority Leader Beau Harbin	☐	☐	☐	
Majority Leader Paul Heider	☐	☐	☐	
Legislator Linda Jones	☐	☐	☐	
Legislator Dominick Mantella	☐	☐	☐	
Legislator William McGovern	☐	☐	☐	
Legislator Joseph Nauseef	☐	☐	☐	
Legislator Christopher Newell	☐	☐	☐	
Legislator Jason Prentice	☐	☐	☐	
Legislator Sandra Price	☐	☐	☐	
Legislator Ronald J. Van Dee	☐	☐	☐	
Legislator Keith VanGorder	☐	☐	☐	
Legislator Eugene Waldbauer	☐	☐	☐	
Chair of the Legislature Kevin Fitch	☐	☐	☐	

Resolutions

ON MOTION OF FITCH

AGENDA ITEM NO. 1

Appointment of the Cortland County Title VI Officer

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, there is a need for Cortland County to appoint a new Title VI Officer, NOW THEREFORE BE IT

RESOLVED, that Trisha R. Hiemstra, PE, be and hereby is appointed as the Title VI Officer for Cortland County effective immediately.

ON MOTION OF HEIDER

AGENDA ITEM NO. 2

Create Position of Chief Information Officer - Information Technology

WHEREAS, the needs of the agency will be better served by creating one full-time position of Chief Information Officer; AND

WHEREAS, the Department of Public Works Committee recommends the creation of this position; NOW THEREFORE BE IT

RESOLVED, that one full-time-time position of Chief Information Officer (Management Compensation Plan, off-scale, \$145, 000, pending jurisdictional classification), be created with approval to fill on July 18, 2025.

ON MOTION OF FITCH

AGENDA ITEM NO. 3

SEQRA Resolution of the County of Cortland, New York, Relating to the CNYNET Broadband Network Project

WHEREAS, the County Legislators of the County of Cortland, New York (the “County”) have determined that it is necessary for the County to undertake a project (the “Project”) commonly known as the CNYNET Broadband Network project that contemplates construction of a 275-mile open access network that will deliver essential broadband services to certain unserved and under-served rural communities, including certain areas in the County, and shall specifically consist of the acquisition and installation of telecommunication cables in existing highway or utility rights of way utilizing trenchless burial or aerial placement on existing poles, including all related construction, renovations, site improvements, furnishings, fixtures and equipment required for such purposes, environmental studies, architectural, legal and engineering fees, and all other necessary costs incidental to such work, all as more specifically described in the Short Form EAF attached hereto as Exhibit “A”; and

WHEREAS, the County is a local agency pursuant to the New York State Environmental Quality Review Act (“SEQRA”), ECL Section 8-0101, *et seq.*, and implementing regulations, 6 NYCRR Part 617 (the “Regulations”); and

WHEREAS, undertaking the Project is an Action as defined by SEQRA; and

WHEREAS, the County’s administration has reviewed the classifications of actions contained in the Regulations; and

NOW, THEREFORE BE IT RESOLVED ON JULY 17, 2025 BY THE COUNTY LEGISLATORS OF CORTLAND COUNTY, NEW YORK, AS FOLLOWS:

1. The County hereby determines that the Project constitutes a Type II Action pursuant to Part 617.5(c)(7) of the Regulations and as such is not subject to review under SEQRA.
2. This resolution shall take effect immediately.

ON MOTION OF BISCHOFF

AGENDA ITEM NO. 4

Bond Resolution of the County of Cortland, New York, Adopted on July 17, 2025, Authorizing a Broadband Telecommunications Infrastructure Project, at a Maximum Estimated Cost within Cortland County of \$7,854,387, and Authorizing the Issuance of Up to \$3,000,000 Bonds of Said County to Pay the Cost Thereof

WHEREAS, pursuant to General Municipal Law § 99-y a the County of Cortland, New York (the “County”) is authorized and empowered to establish, construct, and maintain broadband and related telecommunications infrastructure, or to contract for the construction and maintenance of such services with a corporation or nonprofit organization, and for the maintenance, care, and replacement of infrastructure in connection therewith, if such governing body finds that such facilities are necessary; AND

WHEREAS, in December of 2020, the Central New York Regional Planning and Development Board (CNY RPDB) commissioned a study to determine rural area broadband capacity and explore opportunities for possible broadband expansion and such study concluded that approximately 265.3 miles of roads in the County do not have cable or fiber optic infrastructure impacting 1,509 households; AND

WHEREAS, in November of 2024, New York State announced that a grant (the “Grant”) was awarded to CNY RPDB through the “ConnectALL Municipal Infrastructure Grant Program” to pay the cost of constructing a broadband project consisting of a regional fiber network serving locations throughout the County to remedy the lack of high-speed internet access in rural areas; AND

WHEREAS, CNY RPDB has represented to the County that ConnectALL’s Municipal Infrastructure Program is funded by the U.S. Department of the Treasury under the American Rescue Plan’s Capital Projects Fund; AND

WHEREAS, CNY RPDB has further represented to the County that the provisions of the Grant require CNY RPDB to finance the cost of construction, such that grant proceeds will be transferred to CNY RPDB in the form of progress payments during the course of construction of the proposed broadband system; AND

WHEREAS, CNY RPDB has requested the County to finance the cost of acquisition, construction and installation of the proposed broadband system and has represented that the County shall be reimbursed for such costs with proceeds of the Grant at the completion of construction of the broadband system; AND

WHEREAS, the County is a local agency pursuant to the New York State Environmental Quality Review Act (“SEQRA”), ECL Section 8-0101, *et seq.*, and implementing regulations, 6 NYCRR Part 617 (the “Regulations”); AND

WHEREAS, by resolution previously adopted on July 17, 2025, the County Legislature reviewed the classifications of actions contained in the Regulations together with a Short Form EAF that described the Project (as defined below) in detail and determined that the Project constitutes a Type II Action pursuant to Part 617.5(c)(7) of the Regulations, and as such is not subject to review under SEQRA; AND

WHEREAS, the County Legislature now intends to authorize undertaking and financing the proposed broadband system.

NOW, THEREFORE BE IT RESOLVED ON JULY 17, 2025 BY THE COUNTY LEGISLATORS OF CORTLAND COUNTY, NEW YORK (by favorable vote of not less than two thirds of said Legislature), AS FOLLOWS:

Section 1. For the class of object or purpose of undertaking the acquisition, construction and installation of a broadband project consisting of a regional fiber network serving certain locations throughout the County, including all related construction, renovations, site improvements, furnishings, fixtures and equipment required for such purposes, environmental studies, architectural, legal and engineering fees, and all other necessary costs incidental to such work (collectively, the "Project"), in and for the County, there are hereby authorized to be issued up to \$3,000,000 bonds and notes, including renewal thereof, of the County pursuant to the provisions of the Local Finance Law. Undertaking the Project is hereby approved. It is hereby determined that the requirements of SEQRA have been met. It is further determined that the Project is necessary for purposes of General Municipal Law § 99-y.

Section 2. It is hereby determined that the maximum estimated cost of the class of objects or purposes of the Project within Cortland County is \$7,854,387 and that the plan for the financing thereof is by the issuance of up to \$3,000,000 serial bonds hereby authorized to be issued pursuant to this bond resolution and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable, and the subsequent reimbursement of the County from proceeds of the Grant and any other state and/or federal assistance available or to any revenues available for such purpose from any other source.

Section 3. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such years and such debt service payments may be made in substantially level or declining amounts as may be authorized by law. All the taxable real property within the County shall be subject to the levy of ad valorem taxes sufficient to pay the principal of and interest on said bonds, subject to applicable statutory limitations.

Section 4. Subject to the provisions of the Local Finance Law and the approval of the County Attorney, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the County's Director of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by the County's Director of Finance, consistent with the provisions of the Local Finance Law.

Section 5. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the County's Director of Finance, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the County's Director of Finance shall determine consistent with the provisions of the Local Finance Law.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of Cortland County, New York, by the manual or facsimile signature of the County's Director of Finance and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested to by the manual or facsimile signature of the County Clerk. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent.

Section 7. The bonds authorized hereunder, and any bond anticipation notes issued in anticipation of the sale of such bonds, shall be includable in gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”).

Section 8. The following additional matters are hereby determined and declared:

- () Pursuant to subdivision 109 of Section 11.00 of the Local Finance Law, the period of probable usefulness of the Project is 10 years; and
- () Current funds are required by the Local Finance Law to be provided prior to the issuance of the bonds and any notes issued in anticipation thereof authorized by this resolution; and
- () The County reasonably expects to reimburse itself for expenditures made out of the County’s General Fund for the Project from the proceeds of the bonds or notes herein authorized.
- () This resolution is a declaration of official intent to reimburse for purposes of Treasury Regulation Section 1.150-2.
- () The bonds authorized herein are not being issued for an assessable improvement.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- a) Such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- c) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of such County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

ON MOTION OF BISCHOFF

AGENDA ITEM NO. 5

**Resolution of the County of Cortland, New York, Adopted on July 17, 2025, Authorizing the
Execution and Delivery of an Intermunicipal Agreement Relating to a Broadband
Telecommunications Infrastructure Project**

WHEREAS, pursuant to General Municipal Law § 99-y a, the County is authorized and empowered to establish, construct, and maintain broadband and related telecommunications infrastructure, or to contract for the construction and maintenance of such services with a corporation or nonprofit organization, and for the maintenance, care, and replacement of infrastructure in connection therewith, if such governing body finds that such facilities are necessary; AND

WHEREAS, in December of 2020, the Central New York Regional Planning and Development Board (CNY RPDB) commissioned a study to determine rural area broadband capacity and explore opportunities for possible broadband expansion and such study concluded that approximately 265.3 miles of roads in the County do not have cable or fiber optic infrastructure impacting 1,509 households; AND

WHEREAS, in November of 2024, New York State announced that a grant (the “Grant”) was awarded to CNY RPDB through the “ConnectALL Municipal Infrastructure Grant Program” to pay the cost of constructing a broadband project consisting of a regional fiber network serving certain locations throughout the County, including all related construction, renovations, site improvements, furnishings, fixtures and equipment required for such purposes, environmental studies, architectural, legal and engineering fees, and all other necessary costs incidental to such work (collectively, the “Project”) to remedy the lack of high-speed internet access in rural areas; AND

WHEREAS, CNY RPDB has represented to the County that ConnectALL’s Municipal Infrastructure Program is funded by the U.S. Department of the Treasury under the American Rescue Plan’s Capital Projects Fund; AND

WHEREAS, CNY RPDB has further represented to the County that the provisions of the Grant require CNY RPDB to finance the cost of construction, such that grant proceeds will be transferred to CNY RPDB upon completion of construction of the Project; AND

WHEREAS, CNY RPDB has requested the County to finance the cost of acquisition, construction and installation of the proposed broadband system and has represented that the County shall be reimbursed for such costs with proceeds of the Grant; AND

WHEREAS, the County is a local agency pursuant to the New York State Environmental Quality Review Act (“SEQRA”), ECL Section 8-0101, *et seq.*, and implementing regulations, 6 NYCRR Part 617 (the “Regulations”); AND

WHEREAS, by resolution previously adopted on July 17, 2025, the County Legislature reviewed the classifications of actions contained in the Regulations together with a Short Form EAF that described the Project in detail and determined that the Project constitutes a Type II Action pursuant to Part 617.5(c)(7) of the Regulations, and as such is not subject to review under SEQRA; AND

WHEREAS, by resolution previously adopted on July 17, 2025, the County Legislature approved a Bond Resolution that authorized undertaking the Project and further authorized the issuance of bonds and notes to finance the cost of the Project; AND

WHEREAS, the County Legislature now intends to authorize an intermunicipal agreement relating to the Project; and

NOW, THEREFORE BE IT RESOLVED ON JULY 17, 2025 BY THE COUNTY LEGISLATORS OF CORTLAND COUNTY, NEW YORK (by favorable vote of a majority of said Legislature), AS FOLLOWS:

Section 1. The County Legislature hereby determines to:

(a) execute the Intermunicipal Agreement, in substantially the form presented to this meeting with such amendments or modifications as the County Attorney approves, provided no such amendment or modification materially alters the risk to the County, and undertake the Project pursuant to the terms of the IMA; and

(b) execute and deliver all other certificates and documents required in connection with Intermunicipal Agreement and the Project, including any other documents as may be required to accomplish the Project (collectively, the “IMA Documents”).

Section 2. Subject to the approval of the County Attorney, the Chairman of the County Legislature is hereby authorized, on behalf of the County, to execute (by manual or facsimile signature) and deliver the IMA Documents, on such terms and conditions as shall be consistent with this resolution and approved by the Chairman of the County Legislature, the execution thereof by the Chairman of the County Legislature constituting conclusive evidence of such approval.

Section 3. Subject to the approval of the County Attorney, the Chairman of the County Legislature is hereby authorized and directed for and in the name and on behalf of the County to do all acts and things required or provided by the provisions of the IMA, and to execute and deliver all IMA Documents, and to do all such further acts and things as may be necessary or in the opinion of the Chairman of the County Legislature acting on behalf of the County, desirable and proper to effect the purposes of this resolution and to cause compliance by the County with all of the terms, covenants, and provisions of the IMA Documents binding upon the County.

Section 4. It is hereby found and determined that all formal actions of the County concerning and relating to the adoption of this resolution were adopted in an open meeting of the County; and that all deliberations of the County and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements.

Section 5. Due to the complex nature of this transaction, the County hereby authorizes the Chairman of the County Legislature to approve, execute and deliver such further agreements, documents and certificates as the County may be advised by the County Attorney to be necessary or desirable to effectuate the foregoing, such approval to be conclusively evidenced by the execution of any such agreements, documents or certificates by the Chairman of the County Legislature acting on behalf of the County.

Section 6. This resolution shall take effect immediately.

ON MOTION OF BISCHOFF

AGENDA ITEM NO. 6

Authorizing Advancement of An Amount Not To Exceed \$250,000 To CNYNET, Inc. For The Purpose of Commencing the Broadband Telecommunications Infrastructure Project

WHEREAS, in December of 2020, the Central New York Regional Planning and Development Board (CNY RPDB) commissioned a study to determine rural area broadband capacity and explore opportunities for possible broadband expansion, and such study concluded that approximately 265.3 miles of roads in the County do not have cable or fiber optic infrastructure impacting 1,509 households; AND

WHEREAS, in November of 2024, New York State announced that a grant (the “Grant”) was awarded to CNY RPDB through the “ConnectALL Municipal Infrastructure Grant Program” to pay the cost of constructing a broadband project consisting of a regional fiber network serving locations throughout the County to expand high-speed internet access in rural areas; AND

WHEREAS, CNY RPDB has represented to the County that ConnectALL’s Municipal Infrastructure Program is funded by the U.S. Department of the Treasury under the American Rescue Plan’s Capital Projects Fund; AND

WHEREAS, CNY RPDB has further represented to the County that the provisions of the Grant require CNY RPDB to finance the cost of construction, such that grant proceeds will be transferred to CNY RPDB in the form of progress payments during the course of construction of the proposed broadband system; AND

WHEREAS, CNY RPDB has requested that Cayuga and Cortland Counties finance the cost of acquisition, construction, and installation of the proposed broadband system and has represented that the County shall be fully reimbursed for such costs with proceeds of the Grant; AND

WHEREAS, the County is a local agency pursuant to the New York State Environmental Quality Review Act (“SEQRA”), ECL Section 8-0101, et seq., and implementing regulations, 6 NYCRR Part 617 (the “Regulations”); AND

WHEREAS, by Resolution No. _____-25, previously adopted on July 17, 2025, the County

Legislature reviewed the classifications of actions contained in the Regulations together with a Short Form EAF that described the Project in detail and determined that the Project constitutes a Type II Action pursuant to Part 617.5(c)(7) of the Regulations, and as such is not subject to review under SEQRA; AND

WHEREAS, pursuant to General Municipal Law § 99-y a, the County Legislature by Resolution No. ____-25 adopted on July 17, 2025, authorized a broadband telecommunications infrastructure project and authorized the issuance of up to \$3,000,000 in bond anticipation notes of said County to pay the costs thereof; AND

WHEREAS, Resolution No. ____-25, adopted on July 17, 2025, authorized the execution and delivery of an Intermunicipal Agreement relating to the Broadband Telecommunications Infrastructure Project (herein after “Project”); AND

WHEREAS, implementation of the Project requires that the parties, Cortland County, Cayuga County, and CNY RPDB, enter into various agreements including, pertaining and not limited to, intermunicipal agreements, the creation of a local development corporation (LDC), CNYNET, Inc., and infrastructure construction; AND

WHEREAS, CNY RPDB and Empire State Development (ESD) will revise the Grant Development Agreement to incorporate the LDC, CNYNET, Inc., into the Project; AND

WHEREAS, Cortland County will have an ownership interest in the Project until either CNY RPDB or CNYNET repay Cortland County an amount equal to the sums expended by Cortland County bonding for the Project plus interest and expenses; AND

WHEREAS, CNY RPDB, requires the advance of \$250,000.00, which will be reimbursed by the Grant, to commence the Project and permit the filing of certain permits with the various utility companies along the proposed Project route; NOW THEREFORE BE IT

RESOLVED, the Chair of the Cortland County Legislature, and the Director of Finance, subject to the approval of the County Attorney, are authorized to advance the funds to CNYNET, Inc. in an amount not to exceed \$250,000.00 from the County’s unappropriated fund balance to commence the Project and permit the filing of certain permits with the various utility companies along the proposed Project route; AND BE IT FURTHER

RESOLVED, that the monies will be spent on capital assets and project costs pursuant to the Grant Development agreement only, and not on operating expense costs; AND BE IT FURTHER

RESOLVED, that the Director of Finance be and hereby is authorized and directed to make the journal and accounting entries required to implement the intent of this Resolution.

Adjourn