



**AGENDA**  
**WAYS & MEANS COMMITTEE**  
**Tuesday, June 16, 2020, 5:30PM**  
**Live Link: <https://youtu.be/A2NzCDRZHYY>**

**CALL TO ORDER:** By Hon. Christopher Petrus, Chair

**MEMBERS:** Legislators Keith Batman, Elane Daly, Andy Dennison (Vice Chair), Ryan Foley, Ben Vitale, and Tucker Whitman

**MINUTES TO APPROVE:** May 19, 2020

**APPOINTMENTS:** None

**PRESENTATION:** Melissa Clark from Abundant Solar and Chris Carrick from CNY Regional Planning and Development Board regarding update on the project, current status and recent changes

**DEPARTMENT UPDATES FOR COMMITTEE:**

- **Kelly Anderson (Real Property) –**
  - Village tax bills and rolls processed
  - Tentative Rolls and change notices processed
  - Exemption Impact Reports for all School Districts
  - BAR Training held for 40+ people
  - Board of Assessment Review hearings held in out 4 assessment towns
  - BAR changes in all towns have been coming in to be processed before Final Roll
  - Springport land values are in the process of being finalized for the 2021 reassessment
  - Ongoing inquiries and payments on tax foreclosure parcels
  - Updating 911 address assignment process
  - Updating and completing migration of GIS webserver
  
- **Jim Orman (Treasurer) –**
  - A. Crystal and Mary Beth have been working on obtaining additional Retiree Drug Subsidy funds to be returned to the County. They worked with a company and recently found we will be receiving an additional \$13,230 for 2014. We expect additional funds as they proceed towards 2019. This is great work!
  
  - B. Jennie and her team are to be commended trying to keep the tax collection process current. This is difficult with the building closed to the public but they are persevering. We can expect about 55% of our annual tax collections during the May – July time period. This will be an unprecedented challenge to our remaining staff.
  
  - C. Payroll and health insurance duties are also keeping up with their demands so far. This includes communication with all current and retired employees.
  
- **Lisa Lippoldt (Human Resources/Civil Service) –**

As part of the Steering committee, we are currently interviewing candidates for the County Highway Superintendent position this week and next week.

Furloughed individuals are being assessed for return work dates as the County begins to reopen based on the Governor's guidelines. We have been calling with follow up letters to any staff members we have been given the go ahead to bring back. Notifications have been sent to all employees requesting updated contact and emergency information to better communicate with staff.

Working with departments that have approved hiring needs for focused recruitment efforts for hard to fill positions. Human Resources and Civil Staff are still working predominantly remotely to maintain the less than 50% occupancy in the building without interruption.

CSEA contract has now been signed by all parties and is in the process of being printed by the union.

Approvals for the updated DSPA and SEACC contractual agreements changes and compensation plans are in final stages. Applications have still been coming into the County. Towns and Villages:

Application Total County: 23	Applications Total Towns and Villages: 14
Female: 34.8 %	Females: 42.9%
Male: 65.2%	Males: 57.1%

White: 60.9%  
Minorities: 8.7%  
No Answer: 30.4%

White: 64.3%  
Minorities: 14.3%  
No Answer: 21.4%

## **RESOLUTIONS:**

### **WAYS & MEANS:**

- 6-20-WM-1 Authorizing the budget transfer to cover the expenditures related to the appointment of the County Auditor
- 6-20-WM-2 Fixing Day and Notice of Public Hearing on a Local Law authorizing Purchase and Service Contracts to be awarded on the basis of best value pursuant to New York's General Municipal Law and Finance Law
- 6-20-WM-3 Requesting the State of New York to consider modifications to the New York State Employees Retirement System to provide incentives for early retirement
- 6-20-WM-4 Allocate insurance costs to departments that receive reimbursement

### **HEALTH & HUMAN SERVICES:**

- 6-20-HH-1 Authorizing the Public Health Director to carry out a budget modification in the WIC program budget.
- 6-20-HH-2 Authorizing the Chairman of the Legislature to create and the Director of Community Services to fill an Accountant position in the Department of Social Services due to a retirement.

### **GOVERNMENT OPERATIONS:**

- 6-20-GO-1 Authorizing the Chairman of the Legislature and the Commissioners of the Cayuga County Board of Election to sign contract for NYS HAVA CARES Act Grant Program for the Board of Elections.

### **PLANNING:**

- 6-20-PL-1 Authorizing the addition of Real Property to the Cayuga County Agricultural District.
- 6-20-PL-2 **(ADDED 6/12/20)** Resolution authorizing amendment to Lease Agreement with Abundant Solar Power (CC3) LLC and authorize Execution of Power Purchase Agreement

### **PUBLIC WORKS:**

- 6-20-PW-1 Resolution to authorize License Agreement with A&M Catering to provide hospitality management of the Emerson Park Pavilion
- 6-20-PW-2 **(AMENDED @ PW)** Authorizing the hiring of limited seasonal staff for the Parks & Trails Department for the 2020 season
- 6-20-PW-3 Waiving fees for Emerson Park
- 6-20-PW-4 Authorization pursuant to NY Gen. Mun. Law § 6-d to appropriate from the Buildings Repair Reserve
- 6-20-PW-5 Authorizing the Purchasing Director and the Cayuga County Highway Superintendent to commit to purchase road salt beginning with the 2021-2022 winter season

### **JUDICIAL & PUBLIC SAFETY:**

- 6-20-JP-1 Authorization to fill Administrative Officer of Emergency Services due to a retirement.
- 6-20-JP-2 Authorize the Sheriff to fill one vacant Deputy Sheriff Sergeant Position in the Law Enforcement Division of the Cayuga County Sheriff's Office and resulting backfill position.

### **LEGISLATURE:**

- 6-20-LEG-1 Authorizing Cayuga County to sell former County Nursing Home to Auburn Community Hospital. **(2/3)**

### **ADJOURNMENT: Tuesday, July 21, 2020**

RESOLUTION NO. \_\_\_\_\_ June 23, 2020 AUD Budget Transfer

**Authorizing the budget transfer to cover the expenditures related to the appointment of the County Auditor**

BY: Hon. Christopher Petrus, Chairman of the Ways & Means Committee

WHEREAS, the Cayuga County Legislature adopted Local Law No 2 of 2019, amending Local Law 2 of 2009 – Establishing the Office of County Auditor; and

WHEREAS, Resolution 113-20 appointed John Chomyk to the Office of County Auditor for the remainder of the January 1, 2020 through December 31, 2021 term; and

WHEREAS, no appropriations were made in the 2020 budget for this position as it was unknown at the time the budget was prepared how the position would be filled; now, therefore, be it

RESOLVED, that the following transfers be made to cover the expenditures related to the appointment of the County Auditor:

<u>Account</u>			<u>Increase</u>	<u>Decrease</u>
County Auditor	A13201-51002	Part Time Salary	\$12,000	
County Auditor	A13201-58001	Social Security	\$920	
Legislature	A10104-54059	Prof Services		\$12,920

; and be it further

RESOLVED, that the Cayuga County Treasurer is hereby authorized and directed to make the journal and accounting entries necessary to implement the intent of this resolution.

**Ways & Means Committee**

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Christopher Petrus, Chair

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Keith Batman

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Elane Daly

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Andy Dennison

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Ryan Foley

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Benjamin Vitale

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Tucker Whitman

Co. Atty: \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ June 23, 2020

COA LL Best Value FIX

**FIXING DAY AND NOTICE OF PUBLIC HEARING ON A LOCAL LAW AUTHORIZING PURCHASE AND SERVICE CONTRACTS TO BE AWARDED ON THE BASIS OF BEST VALUE PURSUANT TO NEW YORK’S GENERAL MUNICIPAL LAW AND FINANCE LAW**

BY: Hon. Christopher Petrus, Chair, Ways & Means Committee

WHEREAS, N.Y. General Municipal Law § 103 and N.Y. Finance Law § 163 authorizes municipalities to purchase goods and services on the basis of best value; and

WHEREAS, after considerable deliberation and assessment, the Cayuga County Legislature is of the opinion that awarding contracts on the basis of best value is in the best interests of the county’s taxpayers; and

WHEREAS, there has been duly presented and introduced at a meeting of this County Legislature held on June 23, 2020, a proposed local law entitled:

A LOCAL LAW AUTHORIZING PURCHASE OF SERVICE CONTRACTS TO BE AWARDED ON THE BASIS OF BEST VALUE PURSUANT TO NEW YORK’S GENERAL MUNICIPAL LAW AND FINANCE LAW

; now, therefore be it

RESOLVED, that a public hearing shall be held concerning the proposed local law before the Cayuga County Legislature on Tuesday, July 28, 2020, at 6:00 P.M., at the Chambers of the Cayuga County Legislature, County Office Building, 160 Genesee Street, Auburn, New York, and also held electronically and broadcast live via YouTube at the following address: <https://youtu.be/grg6vAWceAg>, with members of the public directed to call in at 315-609-8182 to comment; and be it further

and be it further

RESOLVED, that the Clerk of the Cayuga County Legislature is hereby directed to give due legal notice of said public hearing as provided by statute.

**Ways & Means Committee**

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Christopher Petrus, Chair

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Keith Batman

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Elane Daly

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Andy Dennison

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Ryan Foley

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Benjamin Vitale

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Tucker Whitman

Co. Atty:\_\_\_\_\_

**LOCAL LAW NO.: \_\_\_\_\_ OF 2020**

**COUNTY OF CAYUGA, STATE OF NEW YORK  
A LOCAL LAW AUTHORIZING PURCHASE AND SERVICE CONTRACTS TO BE  
AWARDED ON THE BASIS OF BEST VALUE PURSUANT TO NEW YORK'S  
GENERAL MUNICIPAL LAW AND FINANCE LAW**

BE IT ENACTED by the County Legislature of Cayuga County, State of New York as follows:

**SECTION 1: LEGISLATIVE INTENT**

It is the intent of this Local Law, consistent with the powers granted to county government pursuant to County Law § 400(a), the Municipal Home Rule Law, and such other laws as may be applicable, to:

- A. General Municipal Law § 103 ("Section 103") sets forth the general rules applicable to the awarding of contracts for public works and contracts for purchase by a municipality.
- B. Section 103 requires that contracts for public work involving an expenditure of more than thirty-five thousand dollars and all purchase contracts involving an expenditure of more than twenty thousand dollars, shall be awarded by the appropriate officer, board or agency of a municipality to the lowest responsible bidder furnishing the required security after advertisement for sealed bids.
- C. Section 103 further provides that a municipality may award purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the labor law) on the basis of "best value," provided that the municipality implement such authority by local law.
- D. The Cayuga County Legislature hereby determines that it is in the best interest of the County of Cayuga and its residents for the appropriate officer, board or agency of Cayuga County, consistent with the purchasing policy established (and as may be amended from time to time) by the Legislature, to have the authority to award purchase contracts on the basis of "best value" as defined herein

**SECTION 2: DEFINITIONS**

For purposes of this Local Law, the following terms shall be deemed to have the meaning set forth:

- A. "Best value" shall mean the basis upon which a contract may be awarded after a competitive bid for the purchase of goods or services to the bidder which optimizes quality, cost and efficiency, among responsive and responsible bidders. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for bidders that are small businesses or certified minority- or women-owned business enterprises as defined in subdivisions one, seven, fifteen and twenty of § 310 of the Executive Law to be used in evaluation of offers for awarding of contracts for services. Factors that may be used to determine the "best value" and to award a contract to other than the lowest bidder, include, but are not limited to:
  - i. cost of maintenance for good(s) or service(s);

- ii. durability of good(s) or service(s);
  - iii. quality of good(s) or service(s); or
  - iv. product life of good(s) or service(s).
- B. "Purchasing Agent" shall mean the appropriate officer, board, legislative committee or agency of Cayuga County, consistent with or as defined by the Cayuga County Procurement Policy, established, and as may be amended from time to time, by the Cayuga County Legislature, to have the authority to award purchase contracts on the basis of "best value" as defined herein.

### SECTION 3: DEPARTMENT OF BUILDINGS AND GROUNDS

On and after the effective date of this Local Law, the Purchasing Agent may award purchase contracts, including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Labor Law Article 8, on the basis of best value, as defined in State Finance Law § 163, to a responsive and responsible bidder

- A. Where the basis for award is the best value offer, the Purchasing Agent shall document in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which whenever possible, shall be quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.
- B. Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by the Purchasing Agent in their determination of best value.
- C. The election to award any such contract on the basis of best value shall be made by the Purchasing Agent in consultation with the Department Head and appropriate Legislative committee. In the event that no such election is made, purchase contracts will continue to be awarded to the lowest responsible bidder furnishing any required security in accordance with the Cayuga County Procurement Policy.
- D. Notwithstanding the appointive authority of the Cayuga County Legislature, the Legislature may, by resolution, delegate administrative authority and general oversight of the Superintendent of Buildings and Grounds to a County Administrator or Deputy, the Chairman of the Legislature, or the Chairman of the Oversight Committee to which the Superintendent of Buildings and Grounds shall report.

SECTION 4: SAVINGS CLAUSE. If any portion of this Law shall be adjudged by the courts to be invalid, it is the intention of the Legislature that said judgment shall not affect the remainder thereof if the remainder is sufficient to carry out the intent of this Law.

SECTION 5: EFFECTIVE DATE. This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

RESOLUTION NO. \_\_\_\_\_

June 23, 2020

LEG ReqStateModERS

**REQUESTING THE STATE OF NEW YORK TO CONSIDER MODIFICATIONS TO THE NEW YORK STATE EMPLOYEES RETIREMENT SYSTEM TO PROVIDE INCENTIVES FOR EARLY RETIREMENT**

BY: Hon. Christopher Petrus, Chair, Ways & Means Committee  
Hon. Keith Batman, Legislator, District 7

WHEREAS, the COVID-19 pandemic has had, and will continue to have, an unprecedented impact on local, state and national economies; and

WHEREAS, the citizens of New York State are and will continue to face financial challenges; and

WHEREAS, counties throughout New York State in response will need to control property tax levies; and,

WHEREAS, counties throughout New York State will experience significant decline in sales tax and other revenue, may experience expanded needs for social services and safety net programs, and may need to function with reduced revenue from the state; and

WHEREAS, to confront these growing financial pressures, counties will need to look at labor costs; and

WHEREAS, early retirement of long-time employees and replacement with new hires may ease some of the financial pressure on counties and other municipalities; and,

WHEREAS, counties and other local municipalities have little control over the rules governing early retirement which, if properly incentivized, may allow for early retirement of long-time employees with little or no cost to the Employees Retirement System and savings to counties and other municipalities; now, therefore be it

RESOLVED, the Cayuga County Legislature calls upon the State of New York to form a working group to consider how modifications in the New York State Retirement System might provide for counties and other local municipalities to lower their labor costs and present proposals to the Assembly, Senate, and Governor of the State of New York; and be it further

RESOLVED, that the Clerk of the Cayuga County Legislature is hereby directed to send a copy of this Resolution to the Governor of the State of New York, and the Assemblyman and Senators serving Cayuga County residents.

**Ways & Means Committee**

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Christopher Petrus, Chair

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Keith Batman

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Elane Daly

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Andy Dennison

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Ryan Foley

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Benjamin Vitale

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Tucker Whitman

Co. Atty: \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

6/23/20

**ALLOCATE INSURANCE COSTS TO DEPARTMENTS THAT RECEIVE REIMBURSEMENT**

BY: Hon. Christopher Petrus, Chairman of the Ways & Means Committee

WHEREAS, during the process for the 2020 County Budget, insurance costs for Liability, Property, Professional and Automobile in the General Fund (A) were placed in Account A10144-54131 (Legislative Contracts, Contractual, Insurance); and

WHEREAS, actual amounts have been received for insurance costs and these actual amounts will be charged to departments that receive reimbursement; now, therefore, be it

RESOLVED, that the following transfers be made to/from account A10144-54131 (Legislative, Contracts, Insurance):

<u>Account</u>			<u>Increase</u>	<u>Decrease</u>
Mental Health, Admin	A43104-54040	Prof Liab	\$39,668	
	A43104-54114	Gen Liab	\$5,128	
Mental Health, ICM	A43134-54039	Auto Ins	\$1,470	
	A43134-54040	Prof Liab	\$3,238	
	A43134-54114	Gen Liab	\$419	
Human Services	A60104-54039	Auto Ins	\$12,917	
	A60104-54114	Gen Liab	\$7,034	
Public Health	A40104-54039	Auto Ins	\$5,510	
	A40104-54114	Gen Liab	\$6,895	
Insurance	A10144-54131	Insurance		\$82,279

and, be it further

RESOLVED, that the Cayuga County Treasurer is hereby authorized and directed to make the journal and accounting entries necessary to implement the intent of this resolution.

**Ways & Means Committee**

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Christopher Petrus, Chair

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Keith Batman

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Andy Dennison

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Ryan Foley

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Benjamin Vitale

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Tucker Whitman

Co. Atty: \_\_\_\_\_



RESOLUTION NO. \_\_\_\_\_

6-23-20

PB AMEND SOLAR LEASE &amp; AUTH PPA

**RESOLUTION AUTHORIZING AMENDMENT TO LEASE AGREEMENT WITH ABUNDANT SOLAR POWER (CC3) LLC AND AUTHORIZE EXECUTION OF POWER PURCHASE AGREEMENT**

By: Hon. Christopher Petrus, Chair, Ways and Means Committee

**WHEREAS**, Cayuga County approved County Resolution 165-16 on April 21, 2016, authorizing the execution of an Inter-municipal Cooperation Agreement with the Central New York Regional Planning and Development Board (RPDB) under which the County would become a Participating Organization in the SolarizeCNY Initiative, a program of the RPDB which aims to make it easier and more affordable for municipalities to develop and use solar energy to offset municipal energy use and costs; and

**WHEREAS**, in furtherance of its participation in the Solarize CNY Initiative, the County Legislature adopted Resolution No. 400-18 authorizing a Lease Agreement with Abundant Solar Power (CC3) LLC (“Abundant Solar”) for the purpose of developing a Community Distributed Generation (“CDG”) solar project (the “Facility”, and together with the “Property”, the “Project”) on approximately 25 acres of unused County land (the “Property”) that will produce 6.5 MW of renewable solar power for Cayuga County residents, as well as Cayuga County government and other municipal governments within Cayuga County; and

**WHEREAS**, Cayuga County and Abundant Solar executed a Lease Agreement on March 8, 2019 (“Lease”) wherein the County agreed to lease the Property to Abundant Solar for \$1 per year for a period of twenty-five (25) years and further agreed to enter into a power purchase agreement whereby the County would be able to purchase electrical power from Abundant Solar and receive certain environmental credits that will result in savings on the County’s purchase of electricity; and

**WHEREAS**, following the execution of the Lease, Abundant Solar submitted an application to NYSEG for permission to make an interconnection to NYSEG’s distribution network and was informed that that due to the limitations of NYSEG’s infrastructure, the capacity of the Project needed to be reduced from 6.5 MW to 5.6 MW; and

**WHEREAS**, following the execution of the Lease, the Public Service Commission and New York State Energy Research Development Authority (“NYSERDA”) have made substantial changes to the regulations affecting solar projects; and

**WHEREAS**, in particular, NYSERDA has reduced the environmental credits applicable to “anchor customers” such as the County while increasing the credits available to “mass market” customers (i.e., county residents) which has caused Abundant to Solar to revise the business model for the Project; and

**WHEREAS**, as a result of the changes to the value of the credits applicable to the County, Abundant Solar is proposing to reduce the County’s allocation of power produced by the Project from 40% to 20%, thereby increasing the allocation available to residential customers; and

**WHEREAS**, due to these changes in circumstance that were outside the control of either the County or Abundant Solar, Abundant Solar has requested several amendments to the Lease as well as changes to the proposed Power Purchase Agreement (“PPA”) and has been negotiating the same with the County Attorney; and

**WHEREAS**, the Legislature wishes to demonstrate its continued support of the development of clean, renewable energy in Cayuga County and to recognize the benefit of creating an opportunity for residents and municipalities within Cayuga County to purchase locally sponsored and sourced clean, renewable solar energy from this Community Distributed Generation Facility; now therefore be it

**RESOLVED**, that the Cayuga County Legislature hereby approves the Amended Lease for Abundant Solar as follows:

1. That the Initial Term of the Amended Lease shall be thirty (30) years from the Commencement of Operations Date;
2. That Abundant Solar shall pay rent from the effective date of the Lease (March 3, 2019) through the Commencement of Operations Date in the amount of \$12,000 per year;
3. That in the event that the County elects to terminate the PPA prior to the expiration of the Initial Term or any Extended Term of the Agreement, Abundant Solar shall be allowed to continue occupying the Property, provided it pays rent in the amount of \$39,088 per year, with a 2% annual escalator;
4. The County may deem the Project “abandoned” and terminate the Amended Lease if the Project is not completed within the “Construction Term” (18 months from commencement of construction) or

extended construction term (additional 12 mos. if requested); or in the event Abundant stops producing electricity for a period of a year;

5. Abundant Solar shall provide a removal bond in the amount of \$30 per KW (approx. \$168,000) to secure removal of the facility in the event of lease termination;

And it is further,

**RESOLVED**, that the Cayuga County Legislature hereby approves the execution of a Power Purchase Agreement as follows:

1. That the Initial Term of the PPA shall be thirty (30) years;
2. That the County may terminate the PPA prior to the expiration of the Initial Term or any Extended Term without penalty upon sixty(60) days' notice to Abundant Solar;
3. In the event the County terminates the PPA, Abundant Solar may continue to operate the Facility provided it pays rent in accordance with the terms of the Amended Lease;

And it is further,

**RESOLVED**, that the Chair of the Cayuga County Legislature is hereby authorized and directed to execute and deliver the Amended Lease Agreement and Power Purchase Agreement between Cayuga County and Abundant Solar Power (CC3) LLC pending and subject to, the final review and approval of such Agreements by the County Attorney and the Chair of the Cayuga County Legislature as to appropriate form and content; and

**RESOLVED**, that the Chair of the Cayuga County Legislature is hereby authorized and directed to execute and deliver such other and further documents and instruments as may be necessary to carry out the intention of this Resolution and upon such forms as be approved by the County Attorney; and

**RESOLVED** that this resolution shall be effective upon approval.

**Ways & Means Committee**

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Christopher Petrus, Chair

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Keith Batman

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Elane Daly

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Andy Dennison

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Ryan Foley

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Benjamin Vitale

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Tucker Whitman

Co. Atty:\_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

6/23/20

PT Limited Seasonal Staff 6 20- AMENDED

**AUTHORIZING THE HIRING OF LIMITED SEASONAL STAFF FOR THE PARKS & TRAILS DEPARTMENT FOR THE 2020 SEASON**

By: Hon. Tucker Whitman, Chair, Public Works Committee  
Hon. Christopher Petrus, Chair Ways and Means Committee

**Whereas**, it is necessary to hire minimal staff the summer season; and

**Whereas**, to provide the services and operations designated essential and approved by the Hiring Committee, which will include: four (4) Laborers (ticket booth), four (4) Lifeguards, two (2) Head Lifeguards, one (1) Maintenance Crew Leader, six (6) Park Security Guards, one (1) Supervising Park Security Guard and three (3) Cleaners as recommended by the Hiring Committee or as otherwise provided by law; now, therefore, be it

**Resolved**, that the Parks Maintenance Supervisor is hereby authorized to hire up to seventeen (22) seasonal positions as stated above, to be paid as follows:

Maintenance Crew Leaders	\$13.35/hr.
Park Security Guards	\$13.35/hr.
Supervising Park Security Guard	\$18.35/hr.
Cleaners	\$13.35/hr.

and be it further

**Resolved**, that the funding for the above-stated positions shall be paid from appropriated funds in the 2020 Emerson Park Budget Account A71101-51005 (Seasonal Salaries) for a total not to exceed the budgeted amount of \$86,296.80.

**Public Works Committee**

**Ways & Means Committee**

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Tucker Whitman, Chair

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Christopher Petrus, Chair

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Andy Dennison

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Keith Batman

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Ryan Foley

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Elane Daly

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Timothy Lattimore

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Andy Dennison

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Ryan Foley

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Paul Pinckney

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Benjamin Vitale

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Benjamin Vitale

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Tucker Whitman

Co. Atty: \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ 6/23/20

LEG Authorize Sale Nursing Home

**Authorizing Cayuga County to sell former County Nursing Home to Auburn Community Hospital. (2/3)**

By: Cayuga County Legislature

**WHEREAS**, Cayuga County owns a parcel of land and the improvements located thereon formerly known as the Cayuga County Nursing Home located at 7451 County House Road, in the City of Auburn, Town of Sennett (herein “Nursing Home”) which has been closed for a number of years; and

**WHEREAS**, as a result of such closure, the Cayuga County Legislature by Resolution No. 196 – 17, determined that the Nursing Home, is no longer necessary for public use by the County of Cayuga, and therefore determined it to be surplus real property; and

**WHEREAS**, pursuant to Chapter 353 of the Sessions Laws of 2017, the New York Legislature authorized the County of Cayuga to sell the Nursing Home to the **Auburn Community Hospital**, a general hospital licensed under Article 28 of the New York Public Health Law, with a principal address at 17 Lansing Street, Auburn, New York 13021 (the “Hospital”) for adequate consideration; and

**WHEREAS**, the Hospital has expressed an interest in acquiring such real property and improvements and has offered to purchase the same at a price of \$500,000; and

**WHEREAS**, the Cayuga County Legislature finds that it is in the public interest complete the sale of the real property, improvements, and any personal property formerly used for the Nursing Home to Auburn Community Hospital; and

**WHEREAS**, the Cayuga County Legislature and the Hospital have each obtained an appraisal of the Nursing Home property and improvements and reviewed the same; and

**WHEREAS**, based upon a review of both appraisals, the Cayuga County Legislature finds that a purchase price of \$500,000 is good and sufficient consideration for this transaction; and

**WHEREAS**, the Cayuga County Legislature has determined that the County shall serve as lead agency to conduct an environmental review of the proposed transaction pursuant to the State Environmental Quality Review Act, as codified under Article 8 of the Environmental Conservation Law and the Regulations promulgated thereunder (6 NYCRR 617, *et seq.*) (collectively herein, “SEQRA”);

**NOW, THEREFORE, BE IT**

**RESOLVED:**

Based upon a review of the proposed purchase and sale transaction, the Cayuga County Legislature hereby:

- (i) Affirms the status of the County as Lead Agency for the environmental review of the transaction, within the meaning of, and for all purposes of complying with SEQRA;
- (ii) Finds and determines that the transaction constitutes the reuse of a residential or commercial structure, or of a structure containing a mixed use of residential or commercial uses, where such use is permitted under the applicable zoning law or ordinance, including permitted by special use permit, and therefore qualifies as a Type II action which requires no further environmental review (See, 6 NYCRR 617.5[c][18]).

**RESOLVED**, that the Cayuga County Legislature hereby authorizes the sale of all that certain tract or parcel of land, consisting of 7.368 acres of land, together with the improvements thereon, being known as the former Cayuga County Nursing Home, located at 7451 County House Road, City of Auburn, in the Town of Sennett, and being a portion of the

property commonly referred to as Tax Map No. 102.00-19-15.2 and being more particularly described in Exhibit "A" annexed hereto; and be it further

**RESOLVED**, that the Chair of the Legislature be and the same is hereby authorized to execute and deliver a Purchase and Sale Agreement, deed and such other and further documents and instruments as may be necessary to carry out the intent of this Resolution and upon such forms as may be approved by the County Attorney; and it is further

**RESOLVED**, that this Resolution take effect immediately.

**Ways & Means Committee**

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Christopher Petrus, Chair

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Keith Batman

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Elane Daly

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Andy Dennison

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Ryan Foley

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Benjamin Vitale

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Tucker Whitman

Co. Atty: \_\_\_\_\_