

FURTHER RESOLVED, that in accordance with a request from the Department of Mental Health, in order to provide funds for the aforementioned PCR# 92-260, as requested by BT# 4133, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	Index	Sub-	Project	<u>Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	470013	4702		101000	Mental Exams	\$ 96,161
TO :	470013	1000		101000	Salaries - FT	\$ 96,161

and be it

FURTHER RESOLVED, that in accordance with a request from the Department of Mental Health, as contained in PCR# 92-262, this County Legislature hereby authorizes the change of one (1) full-time Staff Psychologist (licensed) position at budget line 470013.1000, minimum salary \$45,520, Grade 29, to one (1) full-time Staff Psychologist (unlicensed) position at budget line 470013.1000, Salary \$32,547, Grade 23, Union CSEA, effective June 22, 1992, and be it

FURTHER RESOLVED, that in accordance with a request from the Department of Mental Health, as contained in PCR# 92-376, this County Legislature hereby authorizes the hiring above minimum of one (1) full-time Staff Psychologist (unlicensed) position at budget line 470013.1000, Grade 23, Union CSEA, salary \$38,500, effective June 22, 1992.

**Carried** by the following: Ayes-14; Nays-2 (Augostini, Warner); Absent-3 (Howard, Hudak, Moppert).

Mr. Pasquale moved, seconded by Mr. Augostini to adjourn to the call of the Clerk at 6:40 p.m. Carried.

**BROOME COUNTY LEGISLATURE  
REGULAR SESSION  
THURSDAY, JULY 16, 1992**

The Legislature convened at 4:00 p.m. Called to order by the Chairman, Arthur J. Shafer.

The Clerk, Richard R. Blythe, read the fire exit announcement and then called the attendance roll: Present-15; Absent-4 (Greenmun, Bielecki, Coffey, Pazzaglini). Mrs. Coffey, Mr. Bielecki and Mr. Pazzaglini arrived shortly after the roll was called.

The Chairman, Mr. Shafer, led the members of the Legislature in the Pledge of Allegiance to the Flag, followed by a moment of silent meditation.

Invocation was delivered by Reverend Robert Lanton, Jr. from the United

Methodist Churches of Triangle and Whitney Point.

Mr. Pasquale moved, seconded by Mr. Moppert that the minutes of the June 18, 1992 Regular Session, June 25, 1992 Special Session and July 7, 1992 Special Session be approved as prepared and as presented by the Clerk. Carried.

Written or oral presentations of the County Executive, Timothy M. Grippen:  
Nominating Clifford R. Thomas to membership on the Alcoholic Beverage Control Board.

A presentation was made by Gerald Smith, County Historian, of an autographed document (a card) of President Abraham Lincoln, presenting a commission to John Lloyd Broome.

"The gift of the card was made to the Broome County Board of Supervisors, the predecessors of today's legislature, and it was their wish that it should be placed in the law library in the Courthouse. It was part of the items belonging to the County government until several years ago, when it inadvertently removed from County possession. Several months ago, it made its way back into my possession, and today I have the pleasure of returning that item back to the Broome County Legislature, along with the original presentation letter and the original resolution accepting the gift and indicating the Board's wishes.

The letter is still in its original frame, but both the office of the Legislative Clerk and my office as County Historian are currently seeking estimates and locating funding to conserve and properly frame these documents together for future generations to enjoy. Once conserved, a proper location will be found to secure the document from any possible damage from the environment or persons to safeguard its existence.

John Lloyd Broome served in the military and fought in both the Mexican War and the Civil War, twice being wounded and was responsible for the capture of New Orleans and the action on the Mississippi River.

He was the grandson of John Broome after whom Broome County is named. Broome died in 1888 and was buried here, in Broome County.

On May 14, 1919 the United States Ship Broome was commissioned. This ship was named in honor of Lt. Col. John Lloyd Broome.

Upon the commission of the ship in 1919, Broome's granddaughter, Josephine Keyworth Broome, presented the presentation card which served to bring Lt. Col. Broome back into service during the Civil War. The presentation card was written and signed by Abraham Lincoln, and was stored in a Navy clerk's desk for 20 years until it was represented to Broome in the 1880's.

The ship, the Broome, served as part of the Navy fleet from 1919 until she was decommissioned in 1946 and sold, having served as escort for many missions across

the Atlantic in World War II.

I thank you for your time and interest in the small, but important piece of our local history and the history of this body."

Legislative Notes: See also Supervisors' Proceedings of 1919, pgs. 63 and 81, for letter from Josephine Keyworth Broome & Supervisors report respectively.

The following communications were presented to the County Legislature:

Minutes from: Mental Health Advisory Board; Cornell Cooperative Extension; Public Library Board; Ambulance Advisory Board.

Resolutions: Tioga and Wayne Counties (Request Mandate Relief Lobbying Day); Tioga County (Opposing Charge of \$1.00 per month for Paging Devices); Ontario County (Opposing State Department of Health Trauma Protocols).

Letter from Administrator of Agricultural Districts Program advising receipt of materials for Agricultural District #4 and plans for on-site review.

Defense Finance and Accounting Service Proposal submitted by Broome County Industrial Development Agency.

Motion for Reconsideration of Commissioner Jorling's decisions (December 18, 1991 and April 7, 1992) regarding proposed Resource Recovery Facility.

Mr. Moppert moved, seconded by Mr. Pasquale to receive and file the following reports and to publish any pertinent portions therein in the Journal of Proceedings. Carried by the following: Ayes-18; Nays-0; Absent-1 (Greenmun).

The following reports were presented to the County Legislature:

Division of Solid Waste Management: 1991 Annual Report; Copy of letter from Director of Solid Waste Management, J. Kowalchuk, regarding section in Annual Report (Illegal Dumping Law).

Department of Social Services: 1991 Annual Report; Monthly Reports (February, March, April 1992); Copy of April 1992 monthly report from Howard Schultz, Deputy County Attorney.

Broome Community College: Annual Audited Financial Statement ending August 31, 1991; Above Minimum Hires (May 1992).

Comprehensive Annual Financial Report ending December 31, 1991.

Audit of the Adolescent Community Service Project grant contract.

Report of Examination: Catskill Regional Off-Track Betting Corporation (Fiscal year ending December 31, 1990).

Written or oral presentations of the County Legislature:

MRB Group - Court Space Project

Letters from the Chairman, Arthur J. Shafer:

Appointing David L. Lindsey as voting representative for Robert J. Warner, Education, Culture and Recreation Committee, June 25, 1992.

Appointing David L. Lindsey as voting representative for Wayne L. Howard, Environment Committee, July 7, 1992.

Appointing Roger V. Brown as voting representative for Wayne L. Howard, Public Works Committee, July 7, 1992.

The following resolution was brought back for reconsideration:

**RESOLUTION NO. 193** by Public Works and Education, Culture and Recreation Committees which was tabled at the May 21, 1992 regular session, was brought back for reconsideration upon motion by Mr. Seeley, seconded by Mr. Pasquale. Carried by the following: Ayes-14; Nays-4 (Bielecki, Hudak, Warner, Yeager); Absent-1 (Greenmun). Mr. Bielecki moved, seconded by Mrs. Wagstaff to table the resolution until the August session of the Legislature. Motion failed by the following roll call: Ayes-9 (Augostini, Bielecki, Brown, Hudak, Moppert, Pazzaglini, Wagstaff, Warner, Yeager); Nays-9 (Coffey, Howard, Kavulich, Lindsey, Malley, Pasquale, Schofield, Seeley, Shafer); Absent-1 (Greenmun). Mr. Pasquale then requested the floor to allow Mr. Svarney to speak. Carried. Mr. Yeager moved, seconded by Mr. Warner to amend the resolution adding a new Section 4 which would "Require Mr. Svarney to pay the cost of rip-rap not to exceed \$2,500 at locations prescribed by the local Soil and Water Conservation District with regard to this site". Mrs. Coffey moved, seconded by Mr. Pazzaglini to call the question on the amendment. Carried by the following: Ayes-17; Nays-1 (Brown); Absent-1 (Greenmun). Amendment **failed** by the following: Ayes-4 (Bielecki, Howard, Warner, Yeager); Nays-14; Absent-1 (Greenmun). Mr. Schofield moved, seconded by Mr. Pasquale to call the question on the Resolution as presented. Carried. Resolution as presented **carried** by the following: Ayes-13; Nays-5 (Bielecki, Hudak, Wagstaff, Warner, Yeager); Absent-1 (Greenmun).

**RESOLUTION NO. 264** by Environment Committee, encouraging State Legislation regarding 1972 Quality Bond Act, which was held over at the June 18, 1992 regular session at the request of Mr. Pasquale, was again presented for consideration. Mr. Pasquale moved, seconded by Mrs. Coffey to **table** Resolution 240 until the August 20, 1992 Regular Legislative Session. Carried.

**RESOLUTION NO. 287** by Public Works and Finance Committees, regarding Public Works project-Terrace Drive and Woodside Avenue, Town of Conklin, which was held over at the June 18, 1992 session at the request of Mr. Malley, was again

presented for consideration. Mr. Brown moved, seconded by Mr. Malley to amend the resolution to indicate "an unlisted" action in place of Type II action. Carried. Resolution as amended **carried** by the following: Ayes-18; Nays-0; Absent-1 (Greenmun).

**RESOLUTION NO. 288** by Public Works and Finance Committees, regarding Public Works project-Hyde Street, Town of Chenango, which was held over at the June 18, 1992 session at the request of Mr. Brown, was again presented for consideration. Mr. Brown moved, seconded by Mrs. Wagstaff to amend the resolution to change the phrase "Type II" to "an unlisted" throughout the resolution. Amendment carried.

Resolution as amended **carried** by the following: Ayes-18; Nays-0; Absent-1 (Greenmun).

**RESOLUTION NO. 292** by County Administration, Economic Development and Planning Committee, regarding taxes on mail order goods, which was held over at the June 18, 1992 session at the request of Mr. Yeager, was again presented for consideration. **Carried** by the following: Ayes-15; Nays-3 (Coffey, Hudak, Moppert); Absent-1 (Greenmun).

**RESOLUTION NO. 293** by County Administration, Economic Development and Planning Committee, Local Law Intro. 5, 1992 Mandatory Source Separation of Solid Waste, which was held over at the June 18, 1992 session at the request of Mr. Malley, was again presented for consideration. Resolution No. 293 was **withdrawn**.

The preferred agenda was introduced at this time (Resolutions No. 308-327), seconded by Messrs. Malley and Pazzaglini. Separate consideration was requested on Resolutions 309 and 323. For the sake of clarity all resolutions are presented in numerical order. The preferred agenda carried by a roll call of: Ayes-18; Nays-0; Absent-1 (Greenmun).

**RESOLUTION NO. 308**

By Community and Social Services and Finance Committees.

Seconded by Messrs. Malley and Pazzaglini.

**RESOLUTION AUTHORIZING REVISION OF CHILD ABUSE PREVENTION AND EDUCATION ONGOING GRANT AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH.**

WHEREAS, this County Legislature, by Resolution 105 of 1989, as amended by Resolutions 240 and 504 of 1990, 202 of 1991, and 39 of 1992, authorized the continued participation by the Youth Bureau in the Child Abuse Prevention and

Education Program and adopted a program budget in connection therewith in the total amount of \$51,149.89, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Youth Bureau's Child Abuse Prevention and Education Program in the total amount of \$56,109.89, and be it

FURTHER RESOLVED, that this County Legislature hereby adopts and approves the revised program budget annexed hereto as Exhibit "A" in the total amount of \$56,109.89, and be it

FURTHER RESOLVED, that Resolution Nos. 105 of 1989, 240 and 504 of 1990, 202 of 1991, and 39 of 1992, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to execute any such agreements, documents or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to extend the terms of the grant agreement for the purpose of expending any unexpected grant funds, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to execute any budget transfers within the budgetary limits as set out in Exhibit "A" as attached hereto provided that said budget transfers do not affect a personnel line.

**Carried** by the following: Ayes-18; Nays-0; Absent-1 (Greenmun).

**RESOLUTION NO. 309**

By Community and Social Services and Finance Committees.

Seconded by Messrs. Malley and Pazzaglini.

**RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A FRONT END DETECTION SYSTEM FOR THE DEPARTMENT OF SOCIAL SERVICES, ESTABLISHING PERSONNEL POSITIONS AND AUTHORIZING BUDGET TRANSFERS IN CONNECTION THEREWITH**

WHEREAS, Chapter 41 of New York State Laws of 1992 mandated a Front End Detection System (FEDS) in each Social Services district in New York State, and

WHEREAS, a Front End Detection System is a procedure designed to identify intentionally fraudulent or inadvertently erroneous information supplied by an applicant for assistance before the applicant is found eligible for benefits, and

WHEREAS, when implemented statewide, a Front End Detection System will significantly reduce the number of instances of client fraud, and

WHEREAS, in order to implement a Front End Detection System, this County Legislature must authorize the modification of the 1992 Broome County Budget, Department of Social Services section, to fund this program and to establish personnel positions in connection therewith, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the establishment of a Front End Detection System for the Department of Social Services, and be it

FURTHER RESOLVED, that in accordance with a request from the Department of Social Services, as contained in PCR# 92-281, PCR# 92-282, and PCR# 92-283, this County Legislature hereby authorizes the creation of one (1) full-time Quality Control Coordinator position at budget line 670042.1000, minimum salary \$23,607, Grade 17; two (2) full-time Senior Social Welfare Examiner positions at budget line 670042.1000, minimum salary \$19,057, Grade 13; and one (1) full-time Keyboard Specialist position at budget line 670042.1000, minimum salary \$14,580, Grade 8, effective July 1, 1992, and be it

FURTHER RESOLVED, that in accordance with a request from the Department of Social Services, in order to provide funds for the Front End Detection

System, as requested by BT Nos. 4229 and 4230, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index</u>	<u>Sub-Project</u>			<u>Amount</u>	
	<u>Code</u>	<u>object</u>	<u>Code</u>	<u>Title</u>		
DECREASE:	670141	4586	103000	Home Relief		\$ 12,178
	670141	0320	103000	HR-State Aid	6,089	
INCREASE:	670042	1000	103000	Salaries - FT	\$ 39,139	
	670042	8010	103000	Retirement	981	
	670042	8030	103000	Social Security	2,996	
	670042	8040	103000	Workers' Comp.	1,275	
	670042	8050	103000	Life Ins.	60	
	670042	8060	103000	Health Ins.	3,732	
	670042	8063	103000	Disability	132	
	670042	8070	103000	Unemployment	394	
	670018	0308	103000	Soc.Svc.Adm.(S)	6,088	
	670018	0392	103000	Soc.Svc.Adm.(F)	36,532	

and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried** by the following: Ayes-18; Nays-0; Absent-1 (Greenmun).

**RESOLUTION NO. 310**

By County Administration, Economic Development and Planning Committees.  
 Seconded by Messrs. Malley and Pazzaglini.

**RESOLUTION REQUESTING THAT NEW YORK STATE ASSOCIATION OF COUNTIES TO ORGANIZE A MANDATE RELIEF LOBBYING DAY FOR 1992.**

WHEREAS, this County Legislature hereby requests that the New York State Association of Counties organize a Mandate Relief Lobbying Day, and

WHEREAS, said lobbying day would be designed to have representatives from each county join in Albany for a meeting with State Legislative leaders to be heard on the mandates imposed on counties by New York State and the accompanying financial implications of these mandates, now, therefore, be it

RESOLVED, that this County Legislature hereby requests the New York State Association of Counties to organize a Mandate Relief Lobbying Day, and be it

FURTHER RESOLVED, that the Clerk of this Legislature is hereby ordered to send certified copies of this Resolution to Edwin L. Crawford, Executive Director of the New York State Association of Counties.

**Carried** by the following: Ayes-18; Nays-0; Absent-1 (Greenmun).

**RESOLUTION NO. 311**

By County Administration, Economic Development and Planning Committee.

Seconded by Messrs. Malley and Pazzaglini.

**RESOLUTION CONFIRMING APPOINTMENT OF CLIFFORD R. THOMAS TO MEMBERSHIP ON THE ALCOHOLIC BEVERAGE CONTROL BOARD**

WHEREAS, Timothy M. Grippen, Broome County Executive, pursuant to the powers vested in him by the provisions of Section 31 of the Alcoholic Beverage Control Law and Article XXIV of the Broome County Charter, has duly designated and appointed, pending confirmation by this Legislature, Clifford R. Thomas, 2 French Court, Binghamton, New York, 13904, to membership on the Alcoholic Beverage Control Board, for a term expiring April 30, 1994, and

WHEREAS, it is desired at this point in time, in accordance with the provisions of Section 31 of the Alcoholic Beverage Control Law and Article XXIV of the Broome County Charter, to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Section 31 of the Alcoholic Beverage Control Law and Article XXIV of the Broome County Charter, does hereby confirm the appointment of Clifford R. Thomas to membership on the Alcoholic Beverage Control Board in accordance with his appointment by the County Executive.

**Carried** by the following: Ayes-18; Nays-0; Absent-1 (Greenmun).

**RESOLUTION NO. 312**

By County Administration, Economic Development and Planning and Finance Committees.

Seconded by Messrs. Malley and Pazzaglini.

**RESOLUTION AUTHORIZING REVISION OF THE OFFICE OF EMPLOYMENT AND TRAINING JOB TRAINING PARTNERSHIP ACT TITLE IIA 6% INCENTIVE AWARD PROGRAM AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1991 THROUGH 1992.**

WHEREAS, this County Legislature, by Resolution 245 of 1991, and Resolutions 43 and 208 of 1992, authorized and approved, through the Office of Employment and Training, the 6% Incentive Award Program for the period July 1, 1991 through June 30, 1992, in the amount of \$82,945, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Office of Employment and Training Job Training Partnership Act 6% Incentive Award for the period July 1, 1991 through June 30, 1992, and be it

FURTHER RESOLVED, that this County Legislature hereby adopts and approves the revised program budget annexed hereto as Exhibit "A" in the total amount of \$88,263 for the period July 1, 1991 through June 30, 1992, and be it

FURTHER RESOLVED, that Resolution 245 of 1991 and Resolutions 43 and 208 of 1992, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to execute any such agreements, documents or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to execute any budget transfers within the budgetary limits as set out in Exhibit "A" as attached hereto provided that said budget transfers do not affect a personnel line.

**Carried** by the following: Ayes-18; Nays-0; Absent-1 (Greenmun).

**RESOLUTION NO. 313**

By County Administration, Economic Development and Planning and Finance Committees.

Seconded by Messrs. Malley and Pazzaglini.

**RESOLUTION AUTHORIZING AGREEMENT WITH AMERITECH CREDIT CORPORATION FOR DYNIX LIBRARY SYSTEM FOR THE DEPARTMENT OF COMPUTER SERVICES AND THE BROOME COUNTY PUBLIC LIBRARY FOR 1992 THROUGH 1998.**

WHEREAS, the Department of Computer Services requests authorization for an agreement with Ameritech Credit Corporation for DYNIX Library System for the Broome County Public Library and its branches for the period August 1, 1992 through January 30, 1998, at a cost not to exceed \$54,000 per year, and

WHEREAS, the DYNIX Library System is necessary for the library computer system, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Ameritech Credit Corporation, 2550 W. Golf Road, Rolling Meadows, IL 60008, for the DYNIX Library System for the period August 1, 1992 through June 30, 1998, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$54,000 per year for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 370007.4516.101000 (Hardware Rental), and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried** by the following: Ayes-18; Nays-0; Absent-1 (Greenmun).

**RESOLUTION NO. 314**

By Education, Culture and Recreation and Finance Committees.

Seconded by Messrs. Malley and Pazzaglini.

**RESOLUTION AMENDING RESOLUTION 441 OF 1981, ENTITLED "RESOLUTION AUTHORIZING COUNTY PARTICIPATION IN THE BRANDYWINE CREEK PL-566 WATERSHED PLAN FOR FLOOD PREVENTION"**

WHEREAS, this County Legislature, by Resolution 346 of 1978, authorized the filing of a pre-application for Federal assistance with regard to the development of a Brandywine Creek flood retarding structure, and

WHEREAS, this Legislature, by Resolution 441 of 1981, authorized the County's participation in the Brandywine Creek PL-566 Watershed Plan, and

WHEREAS, Resolution 441 of 1981 estimated the total cost of said project as \$757,660, of which Broome County would only be responsible for land acquisition costs which were estimated at \$63,000 of which it was anticipated the County would receive fifty percent (50%) reimbursement from the State of New York, and

WHEREAS, it is now estimated that the total estimated cost of the project is now estimated at \$1,500,000, plus land acquisition costs, and the County's share of the cost will be \$220,000 for land acquisition costs and there is no anticipated reimbursement from the State of New York, and

WHEREAS, the County's share of the cost has been appropriated in the 1991 Capital Improvement Program, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the amendment of

Resolution 441 of 1981 to increase the total estimated cost of the Brandywine Creek PL-566 Watershed Plan from \$757,660 to \$1,500,000, and be it

FURTHER RESOLVED, that said Resolution is further amended to increase the County's share for land acquisition from \$63,000 with fifty percent (50%) reimbursement to \$220,000 with no New York State reimbursement, and be it

FURTHER RESOLVED, that Resolution 441 of 1981 to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the County of Broome is hereby authorized to acquire all rights, titles and interest in real property in Broome County necessary for the construction and operation of this project and that if agreement cannot be reached with the owners of the real property involved, condemnation proceedings are hereby authorized to be instituted by the County Executive under the provisions of the Eminent Domain Procedure Law to acquire said rights, title and interest in real property needed for this project, and be it

FURTHER RESOLVED, that this County Legislature hereby determines that the Brandywine Creek PL-566 Watershed Project is exempt from compliance with the public hearing requirements of the New York State Eminent Domain Procedure Law based upon the exemption set forth in Subdivisions (a) and (c) of Section 206 of said Eminent Domain Procedure Law.

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried** by the following: Ayes-18; Nays-0; Absent-1 (Greenmun).

**RESOLUTION NO. 315**

By Education, Culture and Recreation, Personnel and Finance Committees.

Seconded by Messrs. Malley and Pazzaglini.

**RESOLUTION AUTHORIZING THE MODIFICATION OF THE BROOME COUNTY BUDGET WITH RESPECT TO THE LIBRARY AND PERSONNEL CHANGE REQUEST IN CONNECTION THEREWITH**

WHEREAS, by Resolution 452 of 1991, this County Legislature hereby authorized and established the Broome County Budget, including the Broome County Public Library, for calendar year 1992, and

WHEREAS, due to reduced funding from the City of Binghamton, due to branch closing(s) and eventual branch mergers, it is necessary to modify the Broome County Library budget as indicated on the attached Exhibit "A," and

WHEREAS, in connection with the modification of the Library budget, it is also necessary to eliminate certain part-time library positions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the modification of

the Broome County Library budget for 1992 as indicated on the attached Exhibit "A," and be it

RESOLVED, that Resolution 452 of 1991, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that in accordance with a request from the Broome County Public Library, as contained in PCR# 92-273, this County Legislature hereby authorizes the elimination of two (2) part-time library clerk positions at budget line 842005.1500, minimum salary \$6.6855 per hour, Grade 6; and two (2) part-time page positions at budget line 842005.1500, minimum salary \$4.30 per hour, Grade N/A, effective May 1, 1992, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried** by the following: Ayes-18; Nays-0; Absent-1 (Greenmun).

**RESOLUTION NO. 316**

By Environment and Finance Committees.

Seconded by Messrs. Malley and Pazzaglini.

**RESOLUTION AUTHORIZING AN AGREEMENT WITH SHUMAKER CONSULTING SERVICES FOR SURVEY OF NEW MONITORING WELLS AT THE NANTICOKE LANDFILL FOR THE DIVISION OF SOLID WASTE MANAGEMENT FOR 1992.**

WHEREAS, the Division of Solid Waste Management requests authorization for an agreement with Shumaker Consulting Services for a survey of new monitoring wells at the Nanticoke Landfill for 1992 at a cost not to exceed \$2,500, and

WHEREAS, said services are necessary to comply with New York State Department of Environmental Conservation requirements, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Shumaker Consulting Services, 423 Commerce Road, P.O. Box 427, Vestal, New York, 13851-0427, for a survey of new monitoring wells at the Nanticoke Landfill for the Division of Solid Waste Management, for 1992, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$2,500, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 235036.4457.501245 (Subcontracted Program Expense), and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to

implement the intent and purpose of this Resolution.

**Carried** by the following: Ayes-18; Nays-0; Absent-1 (Greenmun).

**RESOLUTION NO. 317**

By Finance Committee.

Seconded by Messrs. Malley and Pazzaglini.

**RESOLUTION AUTHORIZING REMOVAL OF CERTAIN PARCELS FROM THE 1989 IN REM FORECLOSURE AND AUTHORIZING CANCELLATION OF REAL PROPERTY TAXES ON PARCELS IN THE TOWNS OF COLESVILLE AND MAINE**

WHEREAS, the Director of Real Property Tax Services advises that the below listed parcels are presently on the 1989 foreclosure list, and

WHEREAS, for the reasons hereinafter set forth it is necessary to authorize the removal of these parcels from the 1989 in rem foreclosure, and

WHEREAS, the County of Broome owns certain parcels of real property taken by virtue of condemnation proceedings and it is necessary to clear the tax records of these parcels of real property, now, therefore, be it

RESOLVED, that the below listed parcels should be removed from the 1989 in rem foreclosure:

<u>TOWN</u>	<u>PARCEL</u>	<u>PROPERTY OWNER</u>	<u>REASON</u>
Binghamton	2-2-21	James Tallo	Bankruptcy
Binghamton	2-7-B-16	Peter Kisuule	Bankruptcy
Binghamton	2-7-B-17	Peter Kisuule	Bankruptcy
Conklin	6-1-22	Marcella Ferguson	Bankruptcy
Kirkwood	5-4-26	Vermont Terminal Corp.	Bankruptcy
Union	1-G13-B-425	Betty De Groat	Bankruptcy
Union	1-H13-T-5	Elizabeth Covey	Bankruptcy
Union	1K13-R8-28	John & Barbara Nyschot	Bankruptcy
Union	3-J6-901-5	D & J Motels LTD	Bankruptcy
Windsor	2-56	Peter Cafferty	Bankruptcy
Colesville	X-X	Helen Shirley	Parcel does not exist



**RESOLUTION NO. 318**

By Finance Committee.

Seconded by Messrs. Malley and Pazzaglini.

**RESOLUTION APPROVING SALE OF 1988 IN REM FORECLOSURE PROPERTIES TO FORMER OWNERS**

WHEREAS, the County of Broome now owns certain parcels of real property by virtue of the completion of proceedings and foreclosure in rem for year 1988, and

WHEREAS, this County Legislature has heretofore authorized the Director of Real Property Tax Service to sell such properties in conformity with procedures established by this Legislature and in accordance with all applicable laws, and

WHEREAS, the Director of Real Property Tax Services advises that the former owners of certain properties have requested to have the properties sold back to them, and the Director and your sponsoring committee recommend that such requests be granted based on the unusual circumstances of each such case as reviewed and approved by your sponsoring committee, now, therefore, be it

RESOLVED, that the sale back to the former owners of the parcels listed below for the amounts as stated is hereby approved by this County Legislature based on the unusual circumstances of each such case, as determined by your sponsoring committee as well as the undue hardship to the former owners that the failure to approve such sales would cause:

<u>TOWN</u>	<u>TAX MAP #</u>	<u>FORMER OWNER</u>	<u>SALE AMOUNT</u>
Colesville	12-1-18S3	GARY CHAMPAN RD #2, Box 88B Harpursville, NY 13787	\$ 2,359.66
Union	3-J8-E-9ROY & JANE LINNELL	10,435.35 3516 Mary Street Endwell, NY 13760	
Windsor 7,045.81	3-2-A-16S-1	WAYNE & MICHELLE CHAPMAN  RD #1, Box 258 Windsor, NY 13865	

and, be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to execute quit claim deeds, approved as to form by the Department of Law, conveying the properties listed above to the former owners in each such case, together with other such documents as may be necessary to implement the intent of this Resolution.

**Carried** by the following: Ayes-18; Nays-0; Absent-1 (Greenmun).

**RESOLUTION NO. 319**

By Finance Committee.

Seconded by Messrs. Malley and Pazzaglini.

**RESOLUTION AUTHORIZING SALE OF SURPLUS COUNTY PROPERTIES LOCATED IN THE TOWN OF CHENANGO AND TOWN OF WINDSOR**

WHEREAS, the Department of Social Services has deemed two properties, one located in the Town of Chenango, identified more particularly as parcel 6-4-A-N-7 located on Harmony Lane, and one located in the Town of Windsor, identified more particularly as parcel 15-4-A143 located on Deer Lake, are surplus properties and request that such properties be put up for public sale, and

WHEREAS, the Director of Real Property Tax Services has advised that it would be in the County's best interest to sell such surplus property, now, therefore, be it

RESOLVED, that this County Legislature hereby determines that the properties hereinabove listed are no longer necessary for public use by the County of Broome, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes the Director of Real Property Tax Service to advertise sale of and to sell the properties listed above, and be it

FURTHER RESOLVED, that said sales shall be in conformity with the procedures established by this Legislature for the sale of property.

**Carried** by the following: Ayes-18; Nays-0; Absent-1 (Greenmun).

**RESOLUTION NO. 320**

By Finance Committee.

Seconded by Messrs. Malley and Pazzaglini.

**RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR THE OFFICE FOR AGING AND COUNTY EXECUTIVE**

RESOLVED, that in accordance with a request from the Office for Aging, in order to provide funds for part-time salaries and health insurance, as requested by BT# 4314, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

<u>Index</u>	<u>Sub-</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>	
<u>Code</u>	<u>object</u>	<u>Code</u>	<u>Title</u>		
FROM:760546		1600	102564	Salaries - Temp.	\$ 615.34
760546	4614	102564	Other Chgbk. Exp.	150.00	
760546	8030	102564	FICA	100.00	
760546	8040	102564	Workers' Comp.	46.83	
TO :760546	1500	102564	Salaries - PT	\$ 410.94	
760546	8060	102564	Health Ins.	501.23	

and be it

FURTHER RESOLVED, that in accordance with a request from the Office for Aging, in order to provide funds for full-time and temporary salaries due to reclassification study, as requested by BT# 4317, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

<u>Index</u>	<u>Sub-</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>	
<u>Code</u>	<u>object</u>	<u>Code</u>	<u>Title</u>		
FROM:760538		4614	102563	Other Chgbk. Exp.	\$ 410
TO :760538	1000	102563	Salaries - FT	\$ 320	
760538	1600	102563	Salaries - Temp.	90	

and be it

FURTHER RESOLVED, that in accordance with a request from the Office for Aging, in order to provide funds for salaries and benefits due to reclassification

study, as requested by BT# 4313, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

Index	Sub-	Project	<u>Title</u>	<u>Amount</u>	
<u>Code</u>	<u>object</u>	<u>Code</u>			
FROM:760413		4625	102560	Food Srv. Chgbk.	\$ 2,151
TO :760413	1000	102560	Salaries - FT	\$ 913	
760413	1500	102560	Salaries - PT	134	
760413	1600	102560	Salaries - Temp.	446	
760413	8030	102560	Social Security	580	
760413	8063	102560	Disability Ins.	78	

and be it

FURTHER RESOLVED, that in accordance with a request from the County Executive, in order to provide funds for out of title pay due to retirement, another staff person received out of title pay for a short time, as requested by BT# 4400, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

Index	Sub-	Project	<u>Title</u>	<u>Amount</u>	
<u>Code</u>	<u>object</u>	<u>Code</u>			
FROM:230037		1000	101000	Salaries - FT	\$ 342
TO :230037	1910	101000	Out of Title Pay	\$ 342	

**Carried** by the following: Ayes-18; Nays-0; Absent-1 (Greenmun).

**RESOLUTION NO. 321**

By Finance Committee.

Seconded by Messrs. Malley and Pazzaglini.

**RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR WILLOW POINT NURSING HOME AND SHERIFF'S DEPARTMENT.**

RESOLVED, that in accordance with a request from Willow Point Nursing Home, in order to provide funds for temporary help for transition period of food service change to new system, as requested by BT# 3835, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

Index	Sub-	Project	<u>Title</u>	<u>Amount</u>	
<u>Code</u>	<u>object</u>	<u>Code</u>			
FROM:160119		1000	204000	Salaries - FT	\$26,100
160119	1500	204000	Salaries - PT	13,500	
TO :160119	1600	204000	Salaries - Temp	\$19,600	
160119	2110	204000	Office Furniture	20,000	

and be it

FURTHER RESOLVED, that in accordance with a request from the Sheriff's

Department, in order to provide funds for the increased need for temporary help due to increased population, as requested by BT# 4403, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

<u>Index</u>	<u>Sub-</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>	
<u>Code</u>	<u>object</u>	<u>Code</u>			
FROM:450056		1000	101000	Salaries - FT	\$36,000
TO :450023	1600	101000	Salaries - Temp	\$36,000	

**Carried** by the following: Ayes-18; Nays-0; Absent-1 (Greenmun).

**RESOLUTION NO. 322**

By Health Services and Finance Committees.

Seconded by Messrs. Malley and Pazzaglini.

**RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH REHABILITATION SERVICES, INCORPORATED, FOR PHYSICAL THERAPY AND OCCUPATIONAL THERAPY FOR THE HEALTH DEPARTMENT HOME HEALTH SERVICES FOR 1992.**

WHEREAS, this County Legislature, by Resolution 533 of 1992, authorized an agreement with Rehabilitation Services, Inc., for physical therapy and occupational therapy services for the Broome County Health Department Home Health Services program at a total cost for occupational therapy not to exceed \$2,000, and for a total cost for physical therapy not to exceed \$5,506, and

WHEREAS, it is necessary to authorize the amendment of said agreement to allow for an increase in total cost due to increased need of services and inability of other therapists to provide services, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Rehabilitation Services, Inc., 33 Mitchell Avenue, Binghamton, New York, 13903, for physical therapy and occupational therapy services for calendar year 1992, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay Rehabilitation Services, Inc. a total cost not to exceed \$7,828 for occupational therapy, and \$11,506 for physical therapy services, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 480061.4706.101045 (Rehabilitation and Therapy Services) and 480061.4706.101046 (Rehabilitation and Therapy Services) and be it

FURTHER RESOLVED, that Resolution 533 of 1991, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried** by the following: Ayes-18; Nays-0; Absent-1 (Greenmun).

**RESOLUTION NO. 323**

By Health Services and Finance Committees.

Seconded by Messrs. Malley and Pazzaglini.

**RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH TRINITY MEMORIAL CHURCH FOR THE HEALTH DEPARTMENT ADOLESCENT COMMUNITY SERVICES PROJECT PROPERTY LEASE FOR 1992 THROUGH 1993**

WHEREAS, this County Legislature, by Resolution 179 of 1992, authorized a property lease with Trinity Memorial Church for the Health Department Adolescent Community Services Project at a cost of \$1,584 rent, \$3,418 utilities, and \$70 security monitoring services for the period April 1, 1992 through August 31, 1992, and

WHEREAS, said property lease is necessary to administrate the Department of Health Adolescent Community Services Project which operates The Center, an adolescent facility designed to meet various needs of Broome County youth, and

WHEREAS, it is desired at this time to renew said agreement for the period September 1, 1992 through August 31, 1993 on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Trinity Memorial Church, 44 Main Street, Binghamton, New York, 13905, for the lease of space for the period September 1, 1992 through August 31, 1993, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor, \$4,300 rent, \$6,500 utilities, and security monitoring services \$160, for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be

made from budget line 480251.4422.102000 (Rent), 480251. 4425.102000 (Water), 480251.4426.102000 (Heat), 480251.4427.102000 (Electric), and 480251.4458.102000 (Security), and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried** by the following: Ayes-15; Nays-3 (Augostini, Hudak, Seeley); Absent-1 (Greenmun).

**RESOLUTION NO. 324**

By Health Services and Finance Committees.

Seconded by Messrs. Malley and Pazzaglini.

**RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH THE YWCA FOR CROSSROAD SERVICES FOR THE HEALTH DEPARTMENT ADOLESCENT COMMUNITY SERVICES PROJECT FOR 1992 AND 1993.**

WHEREAS, this County Legislature, by Resolution 181 of 1992, authorized an agreement with the Binghamton YWCA for services associated with the YWCA Crossroads Program, a residency program for women 16-21 years of age, for the period April 1, 1992 through August 31, 1992 at a cost not to exceed \$7,292, and

WHEREAS, said services are necessary to provide housing for 30 young women and implement an outreach program pursuant to the goals and objectives of the Health Department Adolescent Community Services Project, and

WHEREAS, said agreement expires by its terms on August 31, 1992 and it is desired at this time to renew said agreement for the period September 1, 1992 through August 31, 1993 on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with the YWCA, 80 Hawley Street, Binghamton, New York, 13901, for services associated with the YWCA Crossroads program, a residency program for women 16-21 years of age, for the period September 1, 1992 through August 31, 1993, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the YWCA an amount not to exceed \$17,500, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480251.4457.102000 (Subcontracted Program Expense), and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to

implement the intent and purpose of this Resolution.

**Carried** by the following: Ayes-18; Nays-0; Absent-1 (Greenmun).

**RESOLUTION NO. 325**

By Health Services and Finance Committees.

Seconded by Messrs. Malley and Pazzaglini.

**RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENTS WITH VARIOUS VENDORS FOR THE HEALTH DEPARTMENT EDUCATION FOR HANDICAPPED CHILDREN'S PROGRAM FOR 1990, 1991 AND 1992.**

WHEREAS, this County Legislature, by Resolution 177 of 1992, authorized agreements with various vendors to provide services for the Health Department Education for Handicapped Children's Program for 1990, 1991 and 1992, and

WHEREAS, said agreements were for vendors to provide itinerant speech, equipment, medication, occupational and physical therapy, special education, medical services and transportation for the Health Department's Education for Handicapped Children's Program, and

WHEREAS, it is necessary to authorize the amendment of certain agreements for 1992 as indicated on Exhibit "A" to allow for increase of total costs for certain vendors due to increased need for services, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the amendment of the agreements with the various vendors as indicated on the attached Exhibit "A," for the services, costs and terms indicated, and be it

FURTHER RESOLVED, that Resolution 177 of 1992, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480285.4715.101000 (Other Health & Medical Services), and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**EXHIBIT A**

<u>Vendor</u>	<u>Services</u>	<u>Term</u>	<u>Amount not to Exceed</u>
Marjorie Kaufman 35 Leslie Avenue Conklin, NY 13748	Speech	07/01/91 - 12/31/92	\$27.00 per ½ hr. nte \$2,500 (1991) nte \$13,000 (1992)
Emily Rose 4728 Deerfield Place Vestal, NY 13850	Speech	07/01/91 - 12/31/92	\$27.00 per ½ hr. nte \$4,000 (1991) nte \$18,000 (1992)
Mona Wysocki P. O. Box 286 Whitney Pt., NY 13862	Speech	07/01/91 - 12/31/92	\$27.00 per ½ hr. nte \$2,500 (1991) nte \$14,000 (1992)

**Carried** by the following: Ayes-18; Nays-0; Absent-1 (Greenmun).

**RESOLUTION NO. 326**

By Public Safety and Emergency Services and Finance Committees.  
Seconded by Messrs. Malley and Pazzaglini.

**RESOLUTION AUTHORIZING AN INCREASE IN THE DAILY BOARDING FEE FOR THE BROOME COUNTY DOG SHELTER**

WHEREAS, this County Legislature, by Resolution 571 of 1987, as amended by Resolution 458 of 1990, set fees for the Broome County Dog Shelter, including dog redemption, adoption, sign-over and boarding fees, and

WHEREAS, currently there is only a daily boarding fee for dogs that are impounded more than one time within a one-year period, and

WHEREAS, it is desired at this time, due to increasing costs associated with boarding dogs, to charge a boarding fee of \$5.00 per day per dog for any dog brought to the Broome County Dog Shelter beginning with the first impoundment of the dog, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the charging of boarding fees for animals at \$5.00 per day per animal beginning with the first impoundment, and be it

FURTHER RESOLVED, that Resolutions 571 of 1987 and 458 of 1990, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried** by the following: Ayes-18; Nays-0; Absent-1 (Greenmun).

**RESOLUTION NO. 327**

By Public Works and Finance Committees.

Seconded by Messrs. Malley and Pazzaglini.

**RESOLUTION AUTHORIZING AGREEMENT WITH LEONARD J. ROBILOTTI & ASSOCIATES FOR ARCHITECTURAL AND ENGINEERING SERVICES REQUIRED FOR THE BROOME COUNTY COURTHOUSE DOME RESTORATION PROJECT**

WHEREAS, the Department of Public Works requests authorization for an agreement with Leonard J. Robilotti & Associates for architectural and engineering services necessary for the Broome County Courthouse dome restoration project for a two year term at a cost not to exceed \$185,000, and

WHEREAS, said architectural and engineering services are necessary for restoration of the Broome County Courthouse dome, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Leonard J. Robilotti & Associates, 1 Commercial Alley, Binghamton, New York, 13901, for architectural and engineering services for the Broome County Courthouse dome restoration project for a two year term, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$185,000 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 035121.4746.501251 (Architect and Engineering Services), and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried** by the following: Ayes-18; Nays-0; Absent-1 (Greenmun).

The regular agenda was presented at this time.

**RESOLUTION NO. 328**

By Environment Committee.

Seconded by Mr. Seeley.

**RESOLUTION DIRECTING INITIATION OF ENVIRONMENTAL REVIEW OF LOCAL LAW INTRO. NO. 12, 1992, REQUIRING MANDATORY SOURCE SEPARATION OF SOLID WASTE PRODUCED IN BROOME COUNTY AND RENDERING "NEGATIVE DECLARATION" WITH RESPECT THERETO**

WHEREAS, this County Legislature has pending before it Local Law No. 12, 1992, "Requiring mandatory source separation of solid waste produced in Broome County", and

WHEREAS, the adoption of such a Local Law may have an impact on the environment, and

WHEREAS, it is hereby determined that the adoption of such an amendment to the local law is subject to the requirements of the State Environmental Quality Review Act (SEQRA), and it is therefore, necessary to initiate procedures with respect thereto, now, therefore, be it

RESOLVED, that this County Legislature hereby declares its intention to seek "Lead Agency" status with respect to the environmental review of Local Law No. 12, 1992, which law would require mandatory source separation of solid waste produced in Broome County, and be it

FURTHER RESOLVED, that this County Legislature, based on the

environmental assessment form annexed hereto as Exhibit "A" hereby determines and declares that the adoption of the proposed amendment to the local law will not have significant effect on the environment, and be it

FURTHER RESOLVED, that this County Legislature hereby adopts the "Negative Declaration" annexed hereby as Exhibit "A".

At the request of Mr. Yeager, Resolution No. 328 was **held over** under the rule.

**RESOLUTION NO. 329**

By County Administration, Economic Development and Planning and Environment Committees.

Seconded by Mrs. Coffey.

**RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 12, 1992,  
ENTITLED: "A LOCAL LAW REQUIRING MANDATORY SOURCE  
SEPARATION OF SOLID WASTE PRODUCED IN BROOME COUNTY,  
NEW YORK."**

WHEREAS, the County finds that the New York Solid Waste Management Act of 1988 requires all municipalities to adopt a local law or ordinance by September 1, 1992, requiring separation of recyclable and reusable material from all other solid waste, and

WHEREAS, removal of certain materials from the solid waste stream through recycling will decrease the flow of solid waste to landfills, aid in the conservation of valuable resources, and reduce the required capacity or extend the useful life of existing and proposed solid waste management facilities, and

WHEREAS, methods of solid waste management emphasizing source reduction, recycling, recovery, and conversion of solid wastes are essential to the long-range preservation of the health, safety and well-being of the public, to the economic productivity and environmental quality of Broome County, and to the conservation of resources, now, therefore, be it

RESOLVED, Broome County declares that the purpose of this Local Law is to encourage, facilitate, and mandate the source separation of recyclable materials on the part of each and every household, business and institution within Broome County, and be it

FURTHER RESOLVED, that the Broome County Mandatory Recycling Law serves to provide for the establishment, implementation, and enforcement of practices and procedures pursuant to achievement of maximum feasible recycling, to be applicable to all waste generators within Broome county, and be it

FURTHER RESOLVED, that Local Law Intro. No. 12, 1992, entitled: "A Local Law requiring mandatory source separation of solid waste produced in Broome County, New York," be and the same hereby is adopted and approved in accordance with the Broome County Charter and all the applicable statutes and laws pertaining thereto.

LOCAL LAW INTRO. NO. 12, 1992

**A LOCAL LAW REQUIRING MANDATORY SOURCE SEPARATION AND RECYCLING OF SOLID WASTE IN BROOME COUNTY, NEW YORK**

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

**SECTION I. DEFINITIONS**

- 1.01 Terms as used or referred to in this Local Law, unless a different meaning clearly appears from the context, are as defined in Section 6 NYCRR Part 360, Solid Waste Management Facilities as amended.
- 1.02 For the purpose of this local law, the term "public facility" shall refer to any facility allowing public access, including but not limited to parks, recreational facilities, shopping centers, shopping malls, office buildings, restaurants, hospitals, schools, and churches.

1.03 For the purpose of this law, "source separation" shall mean that recyclables shall be maintained and placed for collection separately from refuse intended for disposal.

1.04 For the purpose of this local law, the term "authorized agent of the County" shall refer to waste haulers permitted by Broome County.

**SECTION II. SOURCE SEPARATION REQUIRED**

2.01 Source separation shall be required of each and every generator within Broome County producing solid waste destined for a disposal facility within Broome County, and by any generator outside of Broome County, where such waste will be processed or disposed in a Broome County solid waste management facility.

2.02 Materials that must be source separated include: paper, glass, metals, plastics, leaves, yard wastes, wood waste, construction and demolition debris, tires, batteries (wet and dry cell), and household hazardous waste.

2.03 For the purpose of this local law, the term "recyclable material" shall mean those materials that must be source separated, as defined in Section 2.02, with the exception of household hazardous waste.

2.04 Each and every waste hauler, public and private, providing waste collection services in the County of Broome shall be required to provide curbside or dropoff collection of source separated recyclables for all units serviced by the hauler.

**SECTION III. PREPARATION OF RECYCLABLES AND OTHER SOURCE SEPARATED MATERIALS FOR CURBSIDE COLLECTION**

3.01 Nothing in this local law is intended to prevent any waste generator from making arrangements for the reuse, private collection, sale or donation of recyclables; provided, however, that records shall be kept of all such collections of recyclables.

3.02 From the time any person places any recyclable materials at or near any curb, sidewalk, or street for purposes of collection by a permitted hauler, those recyclable materials shall be considered the property of the County or its authorized agent. No person who

is not acting under authority of the County or its authorized agent shall collect, pick up, remove, or cause to be collected, picked up, or removed, any recyclable materials so placed for collection. Each such unauthorized collection, pick up or removal shall constitute a separate violation of this local law.

In the event that a hauler has refused to collect certain recyclable materials because they have not been placed or treated in accordance with the provisions of this local law, the person responsible for initially placing those materials for collection may and shall remove those materials from any curb, sidewalk, or street in accord with the provisions of this local law.

3.03 Recyclable materials shall be placed separately from any non-recyclable solid waste placed for collection. Recyclable materials shall be prepared in conformance with current County practices and standards.

No person shall place any recyclable materials at or near any curb, sidewalk, or street for purposes of collection unless the following requirements are satisfied:

- (a) Newspapers shall be piled and securely tied in bundles, with no individual bundle weighing more than 50 pounds, or placed in brown paper grocery bags strong enough to contain them.
- (b) Magazines and mixed papers shall be bundled and securely tied with string, or placed in brown paper grocery bags.
- (c) Corrugated cardboard shall be flattened, folded, and securely tied in bundles no larger than 48 inches by 48 inches by 18 inches in size, and weighing no more than 50 pounds, or placed in brown paper grocery bags.
- (d) Brown paper grocery bags shall be flattened, folded, and securely tied in bundles no larger than 36 inches by 36 inches by 18 inches in size, and weighing no more than 50 pounds, or placed in brown paper grocery bags.
- (e) Glass bottles, jugs, and jars shall be clean and shall have all lids, foil, styrofoam,

and other plastic removed. Paper labels may be left on bottles, jugs, and jars.

(f)Metals shall be pure and clean with paper labels removed. Any fabric on lawn furniture shall be removed before the aluminum is placed for recycling.

(g)The above listed recyclable materials shall be placed for collection in a clearly marked recyclables container, in the manner prescribed by the County. Properly prepared recyclables may be placed in the same recyclables container. Large bundles that do not fit in the recyclables container must be marked "RECYCLE" in large letters and shall not be placed in the same container as non-recyclable materials.

(h)All leaves and yard waste shall be separated from solid waste. This section does not prohibit private composting, or on-site disposal of yard waste by an individual, in compliance with existing laws and regulations.

(i)Construction and demolition debris (specifically, bricks, concrete, and other masonry; wood; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles; asphaltic pavement; rock; glass and plastics that are not concealed in a manner that conceals other wastes; electrical wiring and components containing no hazardous liquids; and, metals that are incidental to any of the above) shall be separated from other solid waste.

Construction and demolition waste must be further separated into the following three categories:

- 1)Aggregate: bricks, concrete, asphaltic, and other masonry materials, soil and rock;
- 2)Non-processible: metals, including wiring; plumbing fixtures, etc.; and,
- 3)Processible: other construction and demolition materials, including wood and wood wastes, wall coverings,

plaster, drywall, non-recyclable glass and plastics, tree stumps oversized branches, etc.

(j) All household hazardous wastes as defined by the official County Household Hazardous Waste Management Plan shall be separated from solid waste. It shall be unlawful to place such material at the curb, sidewalk, or street for collection by a solid waste hauler. Such materials shall be stored for disposal at a household hazardous waste collection, or taken to household hazardous waste collection facility as may be designated by the Director of the Division of Solid Waste Management, pursuant to Section 10 of this local law.

(k) Household generated medical waste may be placed with regular refuse, provided it is prepared in the following manner:

1) Sharps: Needles, syringes, lancets, IVs, pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, culture dishes, and other broken or unbroken glassware that were in contact with infectious agents, must be placed in a metal can, with the lid secured with heavy duty tape.

2) Other household generated medical wastes: Soiled bandages, disposable sheets, medical gloves, tubing and IV bags, must be placed in a sealed plastic or metal container, or securely fastened, leakproof plastic bag before being placed with other refuse.

Failure to handle household generated medical wastes in the manner prescribed shall constitute a violation of this local law.

Regulated medical waste from other than household sources may not be placed with regular refuse. Such waste must be placed in a red bag or container for collection by a permitted

regulated medical waste hauler, or transported to a permitted regulated medical waste disposal facility by the generator or its authorized employee, pursuant to 6 NYCRR Part 364. Commingling of regulated medical waste, from other than a household source, in regular refuse shall constitute a violation of this local law.

Use of red bags for wastes other than regulated medical waste is prohibited, and shall constitute a violation of this local law.

3.04 Waste haulers shall not be responsible for collection of waste materials which have not been placed or prepared in accord with this local law. In the event of non-collection of waste or recyclable materials, the hauler shall provide written notification of reason for non-collection.

3.05 The responsible generator shall immediately remove and properly prepare and dispose of all materials refused for collection, taking all measures necessary to properly and legally restore all disturbed land and surface to the condition existing prior to deposition, or reimburse the County or other municipal entity for same.

#### **SECTION IV. MULTI-FAMILY BUILDINGS AND COMPLEXES**

4.01 Apartment complexes, condominium complexes, cooperative apartments, hotels, motels, and bungalow or resort colonies shall be required to establish a private drop off program for the source separation of recyclable materials for collection and transportation to a recycling facility, where curbside collection is not practiced or desired.

4.02 The owner and/or manager of every multi-family apartment building or condominium within the County shall provide and maintain, in a neat and sanitary condition, recycling drop offs to receive all recyclable materials generated by residents of the building or complex. In cases where a condominium association exists, the condominium association shall be responsible for provision and maintenance of the recycling drop off(s). It shall be the tenant's responsibility to separate designated recyclable

materials from the solid waste and deposit the recyclables in the drop off(s), in the manner prescribed by facility management.

4.03 The owner or manager of every multi-family building or complex shall arrange for the collection and/or transportation of all recyclable materials to a material recovery facility or secondary materials market.

**SECTION V.COMMERCIAL AND INDUSTRIAL WASTE AND RECYCLABLES**

5.01 All commercial/industrial/institutional solid waste collected by either municipal or private haulers shall be source separated and delivered to an appropriate facility for disposition, as may be designated by the County.

5.02 All recyclable commercial/industrial/institutional by-products shall be source separated, and delivered to an appropriate facility for the expressed purpose of processing for sale to a secondary materials market. Nothing in this section shall prevent generators from marketing these materials directly to an end use market, secondary materials market, or secondary materials broker.

**SECTION VI.PENALTIES: WASTE GENERATORS**

6.01 Failure to comply with this local law by any person shall be an offense punishable as provided.

6.02 Each day of violation of this local law shall constitute a separate offense.

6.03 The waste hauler shall maintain the right to refuse collection of solid waste and/or recyclables due to a lack of source separation or proper preparation on the part of the waste generator. In such a case, the hauler shall affix a notice to the waste material which clearly states the reason for non-collection.

6.04 Individuals convicted of a first offense under this local law shall be subject to a fine of not less than 25 (\$25) and not more than 50 dollars (\$50). Conviction of a second offense within one year of the first offense shall be punishable by a fine of not less than fifty

(\$50) nor more than one hundred dollars (\$100). Conviction of subsequent offense(s) within one year of the first offense shall be punishable by a fine of at least one hundred (\$100) and not more than two hundred dollars (\$200). In addition to the penalties listed above, anyone convicted of an offense under the provisions of this local law shall be subject to a civil penalty to recover cost of enforcement and prosecution, including but not limited to attorney's fees, court costs, and site clean up cost, if applicable.

6.05 Any company, partnership, corporation, municipality, or entity other than an individual person convicted of a first offense as provided for by this law shall be subject to a fine of not less than 200 (\$200) and not more than 1000 dollars (\$1,000) and/or revocation of solid waste collection and disposal permits. Conviction of subsequent offenses shall be punishable by a fine of not less than 1000 (\$1,000) and not more than 2000 dollars (\$2,000). Any such entity convicted of an offense under the provisions of this law shall also be subject to a civil penalty to recover the cost of enforcement and prosecution, including by not limited to attorneys fees, court costs, and site clean up cost, if applicable. In addition, the County Attorney may also maintain an action or proceeding in the name of Broome County, in a Court of competent jurisdiction, to complete compliance with, or to restrain by injunction, such violation.

**SECTION VII. PENALTIES: WASTE HAULERS**

7.01 Failure of any hauler to comply with this local law shall be an offense punishable as provided.

7.02 Each day of violation of this local law shall constitute a separate offense.

7.03 Violation of any section of this local law shall be punishable by a fine not in excess of 1000 dollars (\$1,000) and/or revocation of the hauler's landfill user's permit, or any combination thereof. In addition, the violation of any section of this law shall be subject to civil penalty imposed by the County to recover cost associated with enforcement and prosecution, including but not limited to reasonable attorney's fees, court cost, and site clean

up cost, if applicable. And, in addition, Broome County may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with, or to restrain by injunction any violation of this local law.

**SECTION VIII.SOLID WASTE DISPOSAL ON PUBLIC PROPERTY**

8.01All public facilities within the County of Broome shall provide public refuse receptacles for solid waste disposal by facility users and employees.

8.02There shall be provided separate public receptacles for recyclables. Such containers shall be clearly marked "RECYCLE" and a list of recyclable items shall accompany said public refuse receptacle. There shall be an adequate number of clearly marked and accessible public receptacles for recyclable materials in order to facilitate recycling.

8.03All recyclable materials shall be placed in separate public recycling receptacles. The responsibility to separate recyclables from non-recyclables shall be placed on the facility user.

8.04a)Parks may, in lieu of providing separate public receptacles for recyclables, require that park patrons take their recyclable materials with them upon leaving the park. The municipalities shall post signs at all park entrances advising the public of the rule. Park patrons shall be responsible for removing the recyclables from the park and disposing of them in accordance with Section III of this local law.

b)Notwithstanding the provisions of this paragraph, concession stands within the park providing food or other items packaged in recyclable containers shall provide both refuse and recyclable containers to conform with this section.

8.05It shall be a violation of this law for any person to place or to cause to be placed any material other than a recyclable in or near a public receptacle designated for recyclable materials.

8.06It shall also be a violation of this law for any person to place or to cause to be

placed any recyclable material in or near a public refuse receptacle designated for non-recyclable materials.

8.07 Any person, including employees of public facilities, convicted of a violation of this section shall be subject to a fine of up to fifty dollars (\$50), or community service.

8.08 The proprietor of any public facility, convicted of a violation of this section, shall be subject to a fine of up to two hundred dollars (\$200), or community service. Each day of violation shall constitute a separate offense.

**SECTION IX: ENFORCEMENT**

9.01 All provisions of this local law shall be enforced by the Broome County Security Division, or may be enforced by a Municipal Code Enforcement Official or other appropriate enforcement agencies.

**SECTION X. REPORTING TO THE DIRECTOR**

10.01 All waste haulers, and any other person or entity that collects, transports and/or markets recyclables must maintain monthly records of all recyclable material not delivered to the County recycling facility or County landfill. These records must include the following:

The total tonnage, by material, of recyclable material collected.

The total tonnage, by material, of recyclable material delivered to each and every materials recovery facility, secondary materials market, secondary materials broker, or end use market.

Weight slips from the broker or end market will fulfill this requirement.

10.02 Reports containing the information required in this Section shall be compiled and delivered to the Director of the Division of Solid Waste Management on an annual basis. Reports shall be filed with the Director no later than January 31 of the subsequent year of filing.

10.03A "collection vehicle permit" must be obtained by each waste hauler annually for each and every collection vehicle operating in Broome County. To obtain a collection vehicle permit, a hauler must certify that it will not deliver any solid waste that is generated outside of Broome County, or any household hazardous waste, liquid waste, sewage or sludge or any other unacceptable material banned by State regulations or County law to a County solid waste management facility not designated to accept it.

10.04 Waste haulers shall display a permit sticker on each and every collection vehicle, and any other identification as may be required by the Director.

10.05 Each waste hauler shall retain for no less than five years the records and documents required pursuant to this local law and shall make such documents available upon the request of the Director or law enforcement officers.

#### **SECTION XI. SEVERABILITY**

11.01 If any section, subsection, phrase, sentence or portion of this local law is for any reason held invalid or unconstitutional or found to be illegal by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

#### **SECTION XII. PRIORITY**

12.01 Pursuant to Section 1 of chapter 675 of the Laws of 1982 of the State, this local law takes precedence over and shall supersede any inconsistent provisions of any local law enacted by any municipality within the County.

**SECTION XIII.EFFECTIVE DATE**

13.01 All sections of this local law shall take effect throughout the County of Broome on July 1, 1992.

Chairman Shafer ruled Resolution No. 329 to be automatically **held over** under the rule.

**RESOLUTION NO. 330**

By Finance Committee.

Seconded by Mr. Malley.

**RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH WILLIAM MERCER, INCORPORATED, FOR HEALTH CARE CONSULTING SERVICES FOR THE DEPARTMENT OF RISK AND INSURANCE FOR 1992 THROUGH 1993**

WHEREAS, this County Legislature, by Resolution 280 of 1991, authorized an agreement with William Mercer, Inc., for consulting, auditing and actuarial services for the Department of Risk and Insurance for the period July 1, 1991 through July 1, 1992 at a cost not to exceed \$38,000, and

WHEREAS, said services are necessary for the efficient and affective administration of this County's Health Benefits Program, and

WHEREAS, said agreement expired by its terms on July 1, 1992, and it is desired at this time to renew said agreement for the period July 1, 1992 through June 30, 1993 on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with William Mercer, Inc., 1166 Avenue of the Americas, New York, New York, 10036, for consulting, auditing and actuarial services in connection with this County's Health Benefit Program for the period July 1, 1992 through June 30, 1993, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay William Mercer, Inc., an amount not to exceed \$27,000 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 050047.4724.601000 (Actuarial Consultant), and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried** by the following: Ayes-17; Nays-0; Absent-2 (Greenmun, Hudak).

**RESOLUTION NO. 331**

By Finance and Education, Culture and Recreation Committees.

Seconded by Mrs. Wagstaff.

**RESOLUTION ADOPTING THE BUDGET FOR BROOME COMMUNITY COLLEGE FOR 1992 THROUGH 1993.**

WHEREAS, Broome Community College receives funding from four major areas: Broome County Government, tuition, and State aid as well as miscellaneous offset revenue for its specific and general expenses, and

WHEREAS, New York State law sets ceilings for tuition charges and State aid to ensure an equitable distribution of financial responsibility among sponsoring local government, students and State government, and

WHEREAS, pursuant to the Broome County Charter and Administrative Code, Article XXIII A, Broome Community College has submitted a proposed budget for the year commencing September 1, 1992 and ending August 31, 1993, and

WHEREAS, the Broome Community College Board of Trustees expects to receive grant monies in the amount of \$1,044,261 for the year commencing September 1, 1992 and ending August 31, 1993, and

WHEREAS, on July 7, 1992, a public hearing was held on this proposed budget and the Budget Message submitted by the County Executive and copies of the proposed budget and the Budget Message had been available for inspection and/or procurement for at least seven days prior to this hearing pursuant to this County's Charter and Administrative Code, now, therefore, be it

RESOLVED, that the proposed budget of Broome Community College, as corrected and amended in the amount of \$26,886,557, be and hereby is adopted for said Broome Community College for the year commencing September 1, 1992 and ending August 31, 1993, and be it

FURTHER RESOLVED, that Broome County shall provide \$4,530,000 as an appropriation for its annual contribution to the support of Broome Community College's operating and maintenance expenditures, and be it

FURTHER RESOLVED, that the above adopted budget, as corrected and amended, is summarized as follows:

SUMMARY OF BROOME COMMUNITY COLLEGE BUDGET

Fiscal Year September 1, 1992 through August 31, 1993

	Operating	Grant		
	<u>Budget</u>	<u>Activities</u>	<u>Totals</u>	
<b>Appropriations:</b>	\$26,886,557	\$1,044,261	\$27,930,818	
<b>Estimated Revenues:</b>				
Various Grant Revenues		\$1,044,261	\$ 1,044,261	
Misc. Offsets to Expenses	1,371,566		1,371,566	
State Sources	8,597,097		8,597,097	
Student Sources	8,820,940		8,820,940	
Sponsor Sources:				
Broome's Contribution	4,530,000		4,530,000	
Other Counties	1,270,700		1,270,700	
Out of State Students	602,950		602,950	
Appropriated Fund Balance	<u>1,693,304</u>		<u>1,693,304</u>	
<b>Total Revenues:</b>	<b>\$26,886,557</b>	<b>\$ 1,044,261</b>	<b>\$27,930,818</b>	

and be it

FURTHER RESOLVED, that the Budget Director is hereby authorized, empowered and directed to correct any modifications, changes, and/or typographical errors, including additions, and to file same with the Clerk of the Broome County Legislature.

At the request of Mr. Schofield, Resolution No. 331 was **held over** under the rule. Chairman Shafer indicated that he would call a Special Session for July 30, 1992 at 4:30 p.m. to consider this resolution.

**RESOLUTION NO. 332**

By Finance and Public Works Committee.

Seconded by Mrs. Hudak.

**RESOLUTION AMENDING THE 1982 CAPITAL IMPROVEMENT PROGRAM AND AUTHORIZING A TRANSFER OF FUNDS IN CONNECTION THEREWITH**

RESOLVED, that the 1982 Capital Improvement Program is hereby amended as follows:

FROM:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost</u>		
			<u>State</u>	<u>Federal</u>	<u>County</u>
G-63	Hooper Road Safety Program	\$77,000	\$0	\$0	\$77,000

How Financed

<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current Revenue</u>
1982	15	\$65,000	\$12,000

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost</u>		
			<u>State</u>	<u>Federal</u>	<u>County</u>
G-63	Hooper Road Safety Program	\$78,425.45	\$0	\$0	\$78,425.45

How Financed

<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current Revenue</u>
1982	15	\$65,000	\$13,425.45

and be it

FURTHER RESOLVED, that in accordance with a request from the Department of Public Works, in order to transfer funds from Engineering Division budget to 1982 G-63 Hooper Road Safety Program in order to make final payment on construction and construction inspection phase, as requested by BT# 4117, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index</u>	<u>Sub-</u>	<u>Project</u>	<u>Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	030023	4359	101000	Computer Software	\$ 1,425.45	
	030528	0227	501050	Trf. fr. Gen. Fund	1,425.45	
TO :	930024	9004	101000	Trf. to Capital	\$ 1,425.45	
	030528	2013	501050	Roads	1,425.45	

**Carried** by the following: Ayes-17; Nays-0; Absent-2 (Greenmun, Coffey).

**RESOLUTION NO. 333**

By Finance, County Administration, Economic Development and Planning and Public Works Committees.

Seconded by Mr. Brown.

**RESOLUTION AMENDING THE 1989 CAPITAL IMPROVEMENT PROGRAM AND AUTHORIZING THE TRANSFER OF FUNDS IN CONNECTION THEREWITH**

RESOLVED, that the 1989 Capital Improvement Program is hereby amended as follows:

FROM:

		Estimated Construction Cost			
<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>State</u>	<u>Federal</u>	<u>County</u>
Z-83	Property Inventory	\$1,901,880	\$417,500	\$0	\$1,484,380
		How Financed			
		<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current Revenue</u>
		1989	5	\$1,901,880	\$0

TO:

		Estimated Construction Cost			
<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>State</u>	<u>Federal</u>	<u>County</u>
Z-83	Property Inventory	\$1,907,440	\$417,500	\$0	\$1,489,940
		How Financed			
		<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current Revenue</u>
		1989	5	\$1,901,880	\$5,560

and be it

FURTHER RESOLVED, that in accordance with a request from the Department of Real Property Tax Services, in order to provide funds for the aforementioned project, as requested by BT# 3746, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Sub-object</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	900183	4326	101000	Fuel/Heat Supply	\$ 5,560
	630020	0227	501216	Trns.fr.Gen.Fund	5,560
TO :	930024	9004	101000	Trns. to Capital	\$ 5,560
	630020	4726	501216	Contract Data Proc.	5,560

**Carried** by the following: Ayes-17; Nays-0; Absent-2 (Greenmun, Coffey).

**RESOLUTION NO. 334**

By Finance, Education, Culture and Recreation and Public Works Committees.

Seconded by Mr. Warner.

**RESOLUTION AMENDING THE 1991 CAPITAL IMPROVEMENT PROGRAM.**

RESOLVED, that the 1991 Capital Improvement Program is hereby amended as follows:

FROM:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost</u>		
			<u>State</u>	<u>Federal</u>	<u>County</u>
J201	Brandywine Creek Acquisition	\$100,000	\$0	\$0	\$100,000
How Financed					
		<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current Revenue</u>
		1991	30	\$0	\$100,000

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost</u>		
			<u>State</u>	<u>Federal</u>	<u>County</u>
J201	Brandywine Creek Acquisition	\$220,000	\$0	\$0	\$220,000
How Financed					
		<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current Revenue</u>
		1991	30	\$120,000	\$100,000

At the request of Mr. Lindsey, Resolution No. 334 was **held over** under the rule.

**RESOLUTION NO. 335**

By Finance, Environment and Public Works Committees.

Seconded by Mr. Seeley.

**BOND RESOLUTION DATED JULY 16, 1992.**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF \$200,000 SERIAL BONDS OF THE COUNTY OF BROOME, NEW YORK, TO PAY THE COST OF A PLANNING STUDY FOR A SOLID WASTE COMPOST FACILITY**

BE IT RESOLVED, by the County Legislature of the County of Broome, New York, as follows:

Section 1. The following are the classes of objects or purposes or specific objects or purposes to be financed by the County of Broome, New York, pursuant to this resolution, the maximum estimated costs thereof, and the subdivisions of Section 11.00(a) of the Local Finance Law and periods of probable usefulness applicable thereto:

Project Code	<u>Project Name/P.P.U./L.F.L. §11.00(a)</u>	Maximum Estimated Cost
M-125	Construction of a Compost Facility at Nanticoke Landfill, being a specific object or purpose; 25 years; subdivision 62.	\$ 200,000

Section 2. SEQR DETERMINATION: It is hereby declared to be the intent of this County Legislature that construction of M-125 shall not commence until all steps have been undertaken under the New York State Environmental Quality Review Act ("SEQR") to ensure that said proposed projects are in compliance with the provisions thereof and, to this end, it is hereby determined that, until such compliance has been accomplished, the only obligation which shall be issued pursuant to this resolution shall be to provide funds for engineering, architectural and legal fees, including studies, surveys and testing of the site thereof, which will, at best, assist in the SEQR compliance process. Notwithstanding the forgoing, it is hereby determined that no further resolution of this County Legislature shall be required in order to permit the issuance of obligations pursuant to this resolution once these proposed projects have been determined to be in compliance with the provisions of SEQR.

Section 3. The maximum estimated cost of the aforesaid object or purpose is \$200,000, and the plan for the financing thereof is by the issuance of \$200,000 serial bonds of said County, hereby authorized to be issued therefore.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner 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 said Commissioner 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 and also including the consolidation with other issues, shall be determined by the Commissioner of Finance, the chief fiscal office 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 Commissioner of Finance shall determine consistent with the provisions of the Local Finance Law.

Section 6. The faith and credit of said County of Broome, New York, 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 bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1)Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

- 2)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, suite or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3)Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution, which takes effect upon its approval by the County Executive, shall be published in full in The Press & Sun Bulletin, which is the only newspaper having a general circulation in the County, together with a notice of the Clerk of the County Legislature on substantially the form provided in Section 81.00 of the Local Finance Law.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.103-18(f). 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.

Mr. Moppert moved, seconded by Mr. Pasquale to call the question on the resolution. Carried by the following: Ayes-13; Nays-4 (Bielecki, Malley, Wagstaff, Yeager); Absent-2 (Coffey, Greenmun). Resolution **carried** by the following: Ayes-15; Nays-2 (Bielecki, Yeager); Absent-2 (Coffey, Greenmun).

**RESOLUTION NO. 336**

By Health Services, Personnel, County Administration, Economic Development and Planning and Finance Committees.

Seconded by Mrs. Wagstaff.

**RESOLUTION AUTHORIZING RENEWAL OF ADOLESCENT COMMUNITY SERVICES PROJECT GRANT FOR THE HEALTH DEPARTMENT AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1992 THROUGH 1993.**

WHEREAS, this County Legislature, by Resolution 182 of 1992, authorized and approved the Adolescent Community Services Project Grant for the Health Department and adopted a program budget in connection therewith in the amount of \$138,391 for the term April 1, 1992 through August 31, 1992, and

WHEREAS, said grant program provides direct primary health care, counseling, health education, case management, information and referral services to Broome County adolescents and parent support services, parent education, child care services to infants and toddlers of adolescents enrolled in education or job training programs at The Center, and provides a contract with the YWCA Crossroads Program for housing, and

WHEREAS, it is desired to renew said grant program for the period September

1, 1992 through August 31, 1993 in the amount of \$384,777, now therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$236,700 from the New York State Department of Social Services for the period September 1, 1992 through August 31, 1993, with the remaining portion of said budget to come from revenue, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$384,777 for the period September 1, 1992 through August 31, 1993, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to execute any budget transfers within the budgetary limits as set out in Exhibit "A" as attached hereto provided that said budget transfers do not affect a personnel line.

**Carried** by the following: Ayes-14; Nays-3 (Augostini, Seeley, Warner); Absent-2 (Coffey, Greenmun).

**RESOLUTION NO. 337**

By Personnel and Finance Committees.

Seconded by Mr. Lindsey.

**RESOLUTION AUTHORIZING THE PAYMENT OF MOVING EXPENSES OF BROOME COUNTY NEW EMPLOYEE RONALD S. KAMNIK, M.D., FORENSIC PSYCHIATRIST, AT THE MENTAL HEALTH DEPARTMENT**

WHEREAS, this County Legislature, by Resolution 25 of 1992, adopted Local Law Intro. No. 10 of 1991, entitled "A Local Law Authorizing the Payment of Moving Expenses for New County Employees," and

WHEREAS, said Local Law authorized the County Legislature to authorize the payment of reimbursement of necessary and actual relocation expenses of new employees upon the submission of appropriate documentation, and

WHEREAS, the Department of Mental Health requests this Legislature to authorize the payment of relocation expenses of Ronald S. Kamnik, M.D., who was recently hired to fill a vacant psychiatrist position in the Department of Mental Health, and

WHEREAS, your sponsoring committee hereby requests this authorization, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the payment or reimbursement of necessary and actual relocation expenses of Ronald S. Kamnik, M.D., up to \$2,000 upon the submission of the appropriate documentation as required in the aforementioned Local Law, and be it

FURTHER RESOLVED, that in accordance with a request from the Department of Mental Health, in order to reimburse Dr. Kamnik's moving expenses, as requested by BT# 4139, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

Index Sub- Project					
<u>Code</u>	<u>object</u>	<u>Code</u>	<u>Title</u>	<u>Amount</u>	
FROM:470013		4702	101000 Mental Exams		\$ 2,000
TO :470013	4462	101000	Travel, Hotel & Meals		\$ 2,000

Mr. Yeager moved, seconded by Mr. Pasquale to call the question on the resolution. Carried. Resolution **carried** by the following: Ayes-11; Nays-5 (Augostini, Wagstaff, Warner, Yeager, Shafer); Absent-3 (Coffey, Greenmun, Lindsey).

Chairman Shafer stepped down from the Chair and presented the gavel to Mr. Augostini. Mr. Augostini presided through adjournment.

**RESOLUTION NO. 338**

By Public Safety and Emergency Services, Finance and Public Works Committees.  
Seconded by Mr. Shafer.

**RESOLUTION AUTHORIZING AND APPROVING THE FINAL COURT FACILITIES CAPITAL IMPROVEMENT PLAN**

WHEREAS, a Court Space Management Team, members of which represent the County Executive, Legislature, Office of Court Administration and various County departments, was organized with the intent to develop county space options that would comply with the New York State Office of Court Administration (OCA) Guidelines for Courts, and

WHEREAS, the Management Team is recommending two options, A and AA, be considered for the final capital improvement plan that must be forwarded, under signature of the County Executive, to the Office of Court Administration for their approval, a copy of said plan has been filed with the Clerk of this Legislature, and

WHEREAS, the Management Team is recommending that the two options remain open until the completion of an Environmental Impact Statement (EIS) for both options, in that if the preferred option AA does not survive the SEQRA review process and Option A did survive, the alternate, Option A, would be able to be advanced to completion, and

WHEREAS, the Management Team recommends that this County Legislature approve the final court facilities capital improvement plan as on file with this Legislature, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves the final court facilities capital improvement plan as on file with the Legislature, and be it

FURTHER RESOLVED, that this County Legislature hereby directs that the Clerk of this County Legislature provide certified copies of this Resolution to be included with the final Capital Improvement Plan to the New York State Office of Court Administration.

At the request of Mr. Augostini, Resolution No. 338 was **held over** under the rule.

**RESOLUTION NO. 339**

By Public Works and Finance Committees.

Seconded by Mr. Pasquale.

**RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH EMJ/McFARLAND JOHNSON ENGINEERS, INCORPORATED, FOR ENGINEERING SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS WINDSOR BRIDGE REHABILITATION, DESIGN AND CONSTRUCTION PHASES FOR 1992.**

WHEREAS, this County Legislature, by Resolution 79 of 1992, authorized an agreement with EMJ/McFarland Johnson Engineers, Inc., for engineering services for the Department of Public Works Windsor Bridge rehabilitation, design and construction phases, at a cost not to exceed \$132,400, and

WHEREAS, it is necessary to authorize the amendment of said agreement to increase the contract amount by \$29,250 for additional construction administration services necessary to complete this project, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with EMJ/McFarland Johnson Engineers, Inc., P. O. Box 1980, Binghamton, New York, 13902, for engineering services for the Department of Public Works Windsor Bridge rehabilitation, design and construction phases for 1992, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$161,650, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 035022.4746.501254 (Architect and Engineering Services), and be it

FURTHER RESOLVED, that Resolution 79 of 1992, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

Mr. Yeager moved, seconded by Mr. Malley to call the question on the resolution. Carried by the following: Ayes-13; Nays-2 (Bielecki, Seeley); Absent-4 (Coffey, Greenmun, Lindsey, Moppert). Resolution as presented **carried** by the following: Ayes-14; Nays-1 (Warner); Absent-4 (Coffey, Greenmun, Lindsey, Moppert).

**RESOLUTION NO. 340**

By Transportation and Finance Committees.

Seconded by Mr. Malley.

**RESOLUTION AUTHORIZING ACCEPTANCE OF A NEW YORK STATE DEPARTMENT OF TRANSPORTATION GRANT TO BE USED FOR THE PURCHASE OF AN ARFF VEHICLE AND SNOW PLOW WITH MATERIAL SPREADER AND THE REHABILITATION OF THE ENTRANCE/EGRESS ROAD FOR THE DEPARTMENT OF AVIATION AT BINGHAMTON REGIONAL AIRPORT**

WHEREAS, the Department of Aviation requests authorization to accept a New York State Grant in the amount of \$56,541 from the New York State Department of Transportation to be used to purchase one (1) ARFF vehicle and snow plow with material spreader and the rehabilitation of the entrance/egress road at the Binghamton Regional Airport, and

WHEREAS, said grant will provide 75% of the non-federal share of the aforementioned project costs, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$56,541 from the New York State Department of Transportation for the purchase of an ARFF vehicle and snow plow with material spreader and the rehabilitation of the entrance/egress road at Binghamton Regional Airport, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to execute any budget transfers within the budgetary limits, provided that said budget transfers do not affect a personnel line.

**Carried** by the following: Ayes-15; Nays-0; Absent-4 (Greenmun, Coffey, Lindsey, Moppert).

Mr. Malley moved, seconded by Mr. Seeley to adjourn to the call of the Clerk at

7:34 p.m. Carried.