

sale of two properties deemed by the Department of Social Services to be surplus property, 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-B143 located on Deer Lake, 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, an auction for the designated properties was held and bid tabulation has been finalized by the director of Real Property Tax Services, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the conveyance of the parcels in the Town of Chenango, identified more particularly as parcel 6-4-A-N-7, located on Harmony Lane, and the parcel located in the Town of Windsor, identified more particularly as parcel 15-4-B143 located on Deer Lake, to the successful bidders in the 1992 auction as follows:

<u>Town</u>	<u>Tax Map #</u>	<u>Successful Bidder</u>	<u>Bid Amount</u>
Chenango	6-4-A-N-7	Eleanor Derzanovich P. O. Box 233 Chenango Bridge, NY 13745	\$ 600
Windsor	15-4-B143	Richard Griffith RD 4, Brooks Road Binghamton, NY 13905	\$ 225

and be it

FURTHER RESOLVED, that the Commissioner of Social Services 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 successful bidders in each case, together with other such documents as may be necessary to implement the intent of this Resolution.

Mrs. Wagstaff moved, seconded by Mr. Brown the following amendment: in place of Mr. Richard Griffith RD 4, Brooks Road Binghamton, NY 13905 add: Mr. Ike Goodrich Box 268 Port Crane , NY 13833. Amendment **Carried**. Ayes-18, Nays-0, Absent-1 (Pasquale). Resolution as amended **Carried**. Ayes-18, Nays-0, Absent-1 (Pasquale).

Mr. Lindsey moved, seconded by Mrs. Coffey to adjourn to the call of the Clerk at 4:30

p.m. **Carried**

**BROOME COUNTY LEGISLATURE  
REGULAR SESSION  
OCTOBER 15, 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-18, Absent-1 (Moppert).

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.

JOURNAL OF PROCEEDINGS

Mr. Pasquale moved, seconded by Mr. Warner that the minutes of the October 2, 1992 Special Session be approved as prepared and as presented by the Clerk. **Carried.** Ayes-18, Nays-0, Absent-1 (Moppert).

Written or oral presentations of the County Executive, Timothy M. Grippen:  
Presentation of Budget Message, Tentative 1993 Broome County Budget and Six Year Capital Improvement Program by the County Executive, Timothy M. Grippen

The following communications, notices and reports were presented to the County Legislature:

COMMUNICATIONS:

1. Minutes from: Binghamton Regional Airport; Cornell Cooperative Extension.
2. Letter of resignation from Timothy A. Natole, Resource Recovery Agency.
3. Letter from State Comptroller (Opinion on expenses of Board of Elections chargebacks to City and Towns).
4. Letter from County Executive, T. Grippen, regarding public emergency (Government Plaza entrance, Isbel St.)
5. Bond Anticipation Note Certificate, October 8, 1992.

REPORTS:

1. Benjamin Franklin Branch Library Report.
2. Audit of Stafcare of America (Americare).
3. Broome County Chamber of Commerce: Third Quarter Expense Report.

Mr. Pasquale moved, seconded by Mr. Greenmun to receive and file the above noted reports and to publish any pertinent portions thereof in the 1992 Journal of Proceedings. **Carried.**

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY LEGISLATURE

Presentation by Legislator David L. Lindsey:  
Letter of Commendation - Sandra Morris

Letters from the Chairman, Arthur J. Shafer:  
1. Appointing Wanda Hudak as voting representative for Wayne L. Howard, Public Works Committee, October 6, 1992.

- 2.Appointing Kathleen M. Greenmun and Michael P. Pazzaglini as voting representatives for Peter W. Yeager, Transportation Committee, October 5, 1992 and Finance Committee, October 8, 1992 respectively.
- 3.Appointing Kathleen M. Greenmun as voting representative for David L. Lindsey, Public Safety and Emergency Services Committee, October 7, 1992.

Mr. Howard introduced eight student interns that will be working with the Legislators for this fall semester.

Mr. Warner moved, seconded by Mr. Seeley to bring Resolution No. 436 off the table for consideration at this session. Carried by the following; Ayes-15, Nays-3, (Hudak, Kavulich, Yeager), Absent-1 (Moppert).

**RESOLUTION NO. 436**

by the Environment and Public Safety Committees

Seconded by Mr. Pazzaglini

**RESOLUTION AUTHORIZING ACCEPTANCE OF FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED BROOME COUNTY PUBLIC SAFETY COMPLEX AND AUTHORIZING ADDITIONAL ADMINISTRATIVE TASKS IN CONNECTION THEREWITH.**

Mr. Brown moved to **Table** Resolution 436 until Sunday, November 15, 1992, seconded by Mrs. Wagstaff. Motion to **Table Lost**; Ayes - 8, (Brown, Greenmun, Hudak, Lindsey, Kavulich, Pasquale, Wagstaff, Yeager) Nays-10, (Augostini, Bielecki, Coffey, Howard, Malley, Pazzaglini, Schofield, Seeley, Shafer, Warner) Absent-1 (Moppert).

Mr. Augostini moved, seconded by Mr. Pasquale to call the question. **Carried** by the following; Ayes-12, (Bielecki, Brown, Hudak, Kavulich, Lindsey, Yeager), Absent-1 (Moppert). Resolution 436 **Carried**. Ayes-12, (Augostini, Bielecki, Coffey, Howard, Malley, Pasquale, Pazzaglini, Schofield, Seeley, Wagstaff, Warner, Shafer), Nays-6 (Brown, Greenmun, Hudak, Kavulich, Lindsey, Yeager), Absent-1, (Moppert).

The following resolution heldover from the previous regular session was again presented for consideration:

**RESOLUTION NO. 427**

by Environment and Finance Committees

Seconded by Mr. Warner

**RESOLUTION AUTHORIZING AGREEMENT WITH WAYNE UTTER, FOR PURCHASE OF REAL PROPERTY IN THE TOWN OF BARKER**

WHEREAS, the Division of Solid Waste Management requests authorization for an agreement with Wayne Utter for purchase of real property located in the Town of Barker, Tax Map No. 4-43-S2, at a cost not to exceed \$86,000, and

WHEREAS, the purchase of said property is necessary for landfill operations at the Nanticoke Landfill, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Wayne Utter, 104 Dunham Hill Road, Binghamton, New York, 13905, for purchase of real property in the Town of Barker, Tax Map No. 4-43-S2, and be it

FURTHER RESOLVED, the County shall for said property an amount not to exceed \$86,000, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 230086.2002.206000 (Other Land Costs), and be it

FURTHER RESOLVED, that the County Attorney is instructed to include as a deed restriction that this property shall not be used for landfill purposes but shall be kept in a natural state as a buffer zone to protect surrounding land owners, 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. Mrs. Greenmun moved, seconded by Mr. Brown to delete the second whereas paragraph . Prior to voting on the amendment Mr. Yeager moved seconded by Mr. Malley to **table** the resolution to the November 5, 1992 Regular Session. Motion to **table Carried**. Ayes-17, Nays-1 (Greenmun), Absent-1 (Moppert).

The preferred agenda was presented at this time (Resolutions 437-459), seconded by Mr. Pazzaglini. The following were removed and heldover to the next session: 442 & 445. However, for the sake of clarity, resolutions are presented in numerical order.

**RESOLUTION NO. 437**

by Community & Social Services and Finance Committees

Seconded by Mr. Pazzaglini

**RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH THE FAMILY AND CHILDREN'S SOCIETY OF BROOME COUNTY, INC. FOR HOMEMAKER AND PARENT AIDE SERVICES FOR THE DEPARTMENT OF SOCIAL SERVICES FOR 1992.**

WHEREAS, this County Legislature, by Resolution 8 of 1992, authorized an agreement with the Family and Children's Society of Broome County, Inc., for

homemaker and parent aide services for the Department of Social Services at a cost not to exceed \$268,925, and

WHEREAS, it is necessary to authorize the amendment of said agreement due to the increased demand for homemaker and parent aide services, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with the Family and Children's Society of Broome County, Inc., 257 Main Street, Binghamton, New York, 13905 for homemaker and parent aide services for protective and preventive cases in connection with the Department of Social Services for support, training and education to at-risk parents on protective, preventive and foster care cases for the period January 1, 1992 through December 31, 1992, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$303,875 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 670067.4561.103000 (Purchase of Services), and be it

FURTHER RESOLVED, that Resolution 8 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. **Carried.** Ayes-18, Nays-0, Absent-1 (Moppert).

**RESOLUTION NO. 438**

by County Administration, Economic Development & Planning and Finance Committees

Seconded by Mr. Pazzaglini

**RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH GENERAL CODE PUBLISHERS CORPORATION FOR UPDATE OF COUNTY CHARTER AND CODE BOOK FOR 1993**

WHEREAS, this County Legislature, by Resolution 112 of 1990, authorized an agreement with General Code Publishers Corporation for codification and publication of the Broome County Administrative Code, Broome County Charter, Broome County Local Laws and Rules of Order at a cost not to exceed \$12,000, and

WHEREAS, this County Legislature, by Resolutions 211 of 1991 and 576 of 1991, authorized an agreement for semi-annual updating of this County book for 1991 and 1992, respectively, at a cost not to exceed \$4,000 for each year, and

WHEREAS, it is necessary at this time to authorize a renewal of the agreement with General Code Publishers Corporation to provide for semi-annual updating of this

County book for 1993, and

WHEREAS, said agreement would include the updating of the Charter and Code book as necessary to accurately indicate all modifications, additions and deletions of certain Broome County Government Laws and Resolutions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with General Code Publishers Corporation, 72 Hinchey Road, Rochester, New York, 14624 for update of the Broome County Administrative Code, Broome County Charter, Broome County Local Laws and Rules of Order for the period January 1, 1993 through December 31, 1993, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay General Code Publishers Corporation a cost not to exceed \$4,000 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 240028.4747.101000 (Other Fees for 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.** Ayes-18, Nays-0, Absent-1 (Moppert).

**RESOLUTION NO. 439**

by County Administration, Economic Development and Planning and Finance Committees

Seconded by Mr. Pazzaglini

**RESOLUTION AUTHORIZING AND SETTING AN ADDITIONAL RATE FOR USE OF THE REMOTE ACCESS FOR THE COUNTY CLERK'S COMPUTER IMAGING SERVICE.**

WHEREAS, this County Legislature, by Resolution 643 of 1990, authorized and set a per-minute charge of \$.90 per minute for remote access of the County Clerk's computer imaging service, and

WHEREAS, it is desired at this time to authorize and set a yearly rate for unlimited remote access at a charge of \$3,900 per year, providing the party purchasing the service utilizes a CO-LAN or Direct Line Service, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the Broome County Clerk to charge a fee of \$3,900 per year for unlimited remote access of the County Clerk computer imaging service providing the party purchasing the service utilizes a CO-LAN or Direct Line Service, and be it

FURTHER RESOLVED, that monies received from the above-authorized services shall be paid to budget line 300012.0599.101000 (Remote Access Charge), 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.** Ayes-18, Nays-0, Absent-1 (Moppert).

**RESOLUTION NO. 440**

by County Administration, Economic Development & Planning and Finance Committees

Seconded by Mr. Pazzaglini

**RESOLUTION AUTHORIZING ADOPTION OF THE POLICIES AND PROCEDURES IN THE BROOME COUNTY PURCHASE PROCUREMENT PROCESS MANUAL.**

WHEREAS, Section 104-b of the General Municipal Law requires the governing board of every political subdivision, by resolution, to adopt internal policies and procedures governing all procurement of goods and services which are not required to be made pursuant to competitive bidding laws, and

WHEREAS, such internal policies and procedures are set forth in the Broome County Purchase Procurement Process Manual, dated September 4, 1992, a copy of which is contained in the records of the Clerk of the County Legislature, now, therefore, be it

RESOLVED, that the Broome County Legislature hereby adopts the policies and procedures set forth in the Broome County Purchase Procurement Process Manual, dated September 4, 1992, a copy of which is contained in the records of the Clerk of the County Legislature. **Carried.** Ayes-18, Nays-0, Absent-1 (Moppert).

**RESOLUTION NO. 441**

by Education, Culture & Recreation and Finance Committees

Seconded by Mr. Pazzaglini

**RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH COURT AND STATE COMPANY FOR LEASE OF SPACE FOR BROOME COUNTY PUBLIC LIBRARY**

WHEREAS, this County Legislature, by Resolution 324 of 1989, authorized an agreement with Court and State Company for lease of space at 122 State Street for a three year renewable term at a rental cost of \$8.00 per square foot of first floor space, \$3.00 per square foot of basement space, and \$6.00 per square foot for second floor space, with 3% per annum increase, and

WHEREAS, said agreement expires by its terms on September 30, 1992, and

WHEREAS, the Broome County Board of Trustees and the City of Binghamton recommend renewal of said lease agreement with the costs at the current rate as follows:

1. Basement floor space at \$3.18 per square foot;
2. First floor space at \$8.49 per square foot; and
3. Second floor space at \$6.37 per square foot;

effective October 1, 1992 and renewable with 0% increase for two additional years and otherwise on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Court and State Company for the lease of space at 122 State Street in connection with the Broome County Public Library under the following terms and conditions:

1. Basement space of 3,500 square feet at \$3.18 per square foot, effective October 1, 1992;
2. First floor space of 2,500 square feet at \$8.49 per square foot, effective October 1, 1992;
3. Second floor space of 2,000 square feet at \$6.37 per square foot, effective October 1, 1992;
4. Per annum increase of zero percent (0%) per square foot to replace the current provision of annual increases based upon the Consumer Price Index;
5. Payment of 28% of any heating costs of the landlord over \$7,500;
6. Payment of 28% of any increase in property taxes over the 1989 rate;
7. The term of this agreement shall be two years with an option to renew for one additional year with a 3% escalator in the cost per square foot;
8. Landlord will continue to assume responsibility for preparation of the second floor space for library offices;
9. Landlord will assume responsibility for all water and sewer charges; and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 841007.4422.304000 (Building & Land Rental) and 841007.4428.304000 (Taxes), 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.** Ayes-18, Nays-0, Absent-1 (Moppert).

**RESOLUTION NO. 442**

by Environment Committee

Seconded by Mr. Pazzaglini

**RESOLUTION ADOPTING AND APPROVING THE PHASE II EXCLUSIONARY SCREENING REPORT FOR THE BROOME COUNTY LANDFILL SITING STUDY**

WHEREAS, the Division of Solid Waste Management, in conjunction with Clark Engineers & Associates, has developed the Phase II Exclusionary Screening Report for the Broome County Landfill Siting Study, and

WHEREAS, the Phase II Exclusionary Screening Report will continue the outline of procedures and criteria necessary to site a new Broome County landfill, and

WHEREAS, it is desired that this Legislature adopt and approve the Phase II Exclusionary Screening Report attached hereto as Exhibit "A," now, therefore, be it

RESOLVED, that this County Legislature hereby adopts and approves the Phase II Exclusionary Screening Report for the Broome County Landfill Siting Study as attached hereto as Exhibit "A." **Heldover** by Mr. Pasquale.

**RESOLUTION NO. 443**

by Environment and Finance Committees

Seconded by Mr. Pazzaglini

**RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH PRECISION LABORATORIES FOR GEOSYNTHETIC TESTING AT THE NANTICOKE LANDFILL FOR THE DIVISION OF SOLID WASTE MANAGEMENT FOR 1992.**

WHEREAS, this County Legislature, by Resolution 142 of 1992, authorized an agreement with Precision Laboratories for geosynthetic testing at the Nanticoke Landfill for calendar year 1992, at a cost not to exceed \$7,180, and

WHEREAS, it is necessary to authorize the amendment of said agreement due to the need for additional testing required for Department of Environmental Conservation certification at an additional cost of \$2,750, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Precision Laboratories, 645 N. Main Street, Orange, California, 92668, to perform the additional testing necessary for DEC certification at the Nanticoke

Landfill for calendar year 1992, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$9,930 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 235036.4457.501245 (Subcontracted Program Expense) and 235036.4457. 501219 (Subcontracted Program Expense), and be it

FURTHER RESOLVED, that Resolution 142 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. **Carried.** Ayes-18, Nays-0, Absent-1 (Moppert).

**RESOLUTION NO. 444**

by Environment, County Administration, Economic Development & Planning and Finance Committees

Seconded by Mr. Pazzaglini

**RESOLUTION AUTHORIZING AGREEMENT WITH BOYLAN, BROWN, CODE, FOWLER, RANDALL & WILSON, ATTORNEYS AT LAW, FOR A TECHNICAL AND LEGAL REVIEW OF LANDFILL SITING STUDY PROCESS FOR 1992 THROUGH 1995.**

WHEREAS, the Division of Solid Waste Management requests authorization for an agreement with Boylan, Brown, Code, Fowler, Randall & Wilson, Attorneys at Law, for technical and legal review services for landfill siting study process for the period 1992 through 1995, at a cost not to exceed \$25,000, and

WHEREAS, said services are necessary to identify in a legally appropriate manner a preferred new landfill site, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Boylan, Brown, Code, Fowler, Randall & Wilson, Attorneys at Law, 900 Midtown Tower, Rochester, New York, 14604, for technical and legal review services for landfill siting study process, for the period 1992 through 1995, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$25,000 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 235036.4457.501200 (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.** Ayes-18, Nays-0, Absent-1 (Moppert).

**RESOLUTION NO. 445**

by Finance Committee

Seconded by Mr. Pazzaglini

**RESOLUTION AUTHORIZING AGREEMENT WITH HAWK ENGINEERING FOR THE TAX MAPPING PROJECT OF THE REAL PROPERTY TAX SERVICE FOR 1993**

WHEREAS, the Real Property Tax Service requests authorization for an agreement with Hawk Engineering for services in regard to the tax mapping project for 1993 at a cost not to exceed \$2,410,000, and

WHEREAS, said services are necessary in order to comply with the Supreme

Court order regarding the Broome County tax maps, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Hawk Engineering, P. O. Box 427, Binghamton, New York, 13902-0427, for services for the tax mapping project for 1993, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$2,410,000 for the term of this agreement, and be it

FURTHER RESOLVED, that this authorization is contingent upon funding being approved in the 1993 Budget and Capital Project and, should funding not be approved or only partial funding approved, that this authorization is null and void, the same as if it was never granted, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from the 1993 Capital Project, 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. **Heldover** by Mr. Schofield.

**RESOLUTION NO. 446**

by Finance Committee

Seconded by Mr. Pazzaglini

**RESOLUTION AUTHORIZING CANCELLATION OF REAL PROPERTY TAXES ON A PARCEL IN THE TOWN OF KIRKWOOD.**

WHEREAS, the Department of Real Property Tax Services requests authorization to clear the tax records of a certain parcel of real property in that said parcel does not exist but is actually a part of an adjoining parcel, now, therefore, be it

RESOLVED, that taxes will be cancelled on the following parcel of real property:

1. Town of Kirkwood, parcel 1-1-11-S4X, owner Helene Scoville, amount to be cancelled \$51.55, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is authorized to remove the above stated properties from the County tax rolls. **Carried.** Ayes-18, Nays-0, Absent-1 (Moppert).

**RESOLUTION NO. 447**

By Finance Committee

Seconded by Mr. Pazzaglini

**RESOLUTION FIXING THE DATE, TIME AND PLACE OF PUBLIC HEARING BY THE BROOME COUNTY LEGISLATURE ON THE 1993 TENTATIVE BUDGET.**

WHEREAS, the County Executive will present a tentative 1993 Budget to the members of the County Legislature, including a proposed budget, a capital program, and the budget message, now, therefore, be it

RESOLVED, that a Public Hearing on the tentative Broome County Budget for 1993 will be held on October 29, 1992 at 7:30 p.m. in the Legislative Chambers, Sixth Floor, County Office Building, Government Plaza, Hawley Street, Binghamton, New York, and the Clerk of this County Legislature is hereby authorized to publish notice of said Public Hearing in the official newspaper of the County pursuant to the provisions of the Broome County Charter. **Carried.** Ayes-18, Nays-0, Absent-1 (Moppert).

**RESOLUTION NO. 448**

by Education, Culture & Recreation and Finance Committees

Seconded by Mr. Pazzaglini

**RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH  
PIAKER & LYONS FOR AUDITING SERVICES OF BROOME  
COMMUNITY COLLEGE FINANCIAL ACCOUNTS FOR YEAR END 1992  
AND 1993**

WHEREAS, this County Legislature, by Resolution 403 of 1991, authorized an agreement with Piaker & Lyons for auditing services of Broome Community College financial accounts for the year ending August 31, 1991 in an amount not to exceed \$22,500, and

WHEREAS, Local Law Intro. No. 8, 1990, entitled: "A Local Law Amending the Broome County Charter and Administrative Code with Respect to Broome Community College" requires that an annual audit be conducted of the finances of Broome Community College and said auditor will be selected from a list of firms approved by the County Comptroller, and

WHEREAS, it is necessary at this time to undertake an audit at Broome Community College for the year ending August 31, 1992, and

WHEREAS, the County Comptroller and the Broome Community College Board of Trustees Finance and Facilities Committee have recommended a two-year extension to the existing contract, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves an audit of Broome Community College's financial records and accounts by the accounting firm Piaker & Lyons, P.C., 2521 Vestal Parkway East, Vestal, New York, 13850, for the years ending August 31, 1992 and August 31, 1993, and be it

FURTHER RESOLVED, that in consideration of said services, the College shall pay the Contractor an amount not to exceed \$23,600 for year ending August 31, 1992 and not to exceed \$23,600 for the year ending August 31, 1993, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made

from budget line 190686.4446 (Institutional 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.** Ayes-18, Nays-0, Absent-1 (Moppert).

**RESOLUTION NO. 449**

by Health Services and Finance Committees

Seconded by Mr. Pazzaglini

**RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH LOURDES HOSPITAL FOR LABORATORY SERVICES FOR THE HEALTH DEPARTMENT FOR 1993.**

WHEREAS, this County Legislature, by Resolution 598 of 1991, authorized an agreement with Lourdes Hospital for laboratory technologist services and laboratory test services in connection with the Health Department Sexually Transmitted Diseases Clinic for calendar year 1992, and

WHEREAS, said agreement expires by its terms on December 31, 1992, and it is desired at this time to renew said agreement for calendar year 1993 on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Lourdes Hospital, 169 Riverside Drive, Binghamton, New York, 13905 for laboratory services, including a technician at the Health Department during the Sexually Transmitted Diseases Clinic and the Employee Health and Chest Clinics and various tests in the laboratory for the period January 1, 1993 through December 31, 1993, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay Lourdes the following rates:

Laboratory Technologist Consulting Services	\$ 12.00 per hour
Gonorrhea Culture	2.75 per test
Rubella Titer	16.50 per test
RPR	8.50 per test
Chlamydia	19.00 per test
Blood Lead	16.60 per test
Hepatitis B Screen	53.00 per test
Pap Smear	7.75 per test
Pregnancy (Urine)	10.95 per test
Pregnancy (Serum Quant)	20.75 per test
Pregnancy (Serum Qual)	17.75 per test

Urinalysis	4.50 per test
Urine C & S	29.00 per test
CBC	9.00 per test
WBC and DIFF	8.00 per test
Stool Culture	29.00 per test
Stool O & P	12.00 per test
Rubella	16.50 per test
Chlamydia by DNA probe	19.00 per test
GC by DNA probe	3.50 per test
Chlamydia and GC by DNA probe	21.60 per test
Herpes Culture	33.31 per test
Herpes blood test by ELISA	35.24 per test
T Rank Smear	7.75 per test
FTA	7.50 per test,

total cost not to exceed \$13,218 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480228.4703.101055 (Lab 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.** Ayes-18, Nays-0, Absent-1 (Moppert).

**RESOLUTION NO. 450**

by Health Services and Finance Committees

Seconded by Mr. Pazzaglini

**RESOLUTION AUTHORIZING AGREEMENT WITH BROOME-DELAWARE-TIOGA BOCES FOR AN ADOLESCENT COMMUNITY SERVICES PROJECT FOR 1992 THROUGH 1993.**

WHEREAS, the Health Department requests authorization for an agreement with Broome-Delaware-Tioga BOCES for Adolescent Community Services Project for October 15, 1992 through June 30, 1993, at a cost not to exceed \$10,000, and

WHEREAS, said services are necessary to continue expansion of day care services at THE CENTER for teen parents who are enrolled in educational programs, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Broome-Delaware-Tioga BOCES, 435 Glenwood Road, Binghamton, New York, 13905-1699, for Adolescent Community Services Project, for the period October 15, 1992 through June 30, 1993, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made to budget line 480251.0464.102666 (Other Local Governments), 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.** Ayes-18, Nays-0, Absent-1 (Moppert).

**RESOLUTION NO. 451**

by Health Services and Finance Committees

Seconded by Mr. Pazzaglini

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

WHEREAS, the Health Department requests authorization to accept the Hoyt Foundation Special Project Grant for the Adolescent Community Services Project in the amount of \$45,736 for the period November 1, 1992 through August 31, 1993, and

WHEREAS, said grant program provides for the funding of three new positions to take on administrative, clinical and clerical duties of the Adolescent Community Services Project, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$45,736 from the Hoyt Foundation Special Project Grant for the Adolescent Community Services Project for the period November 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 provided that said budget transfers do not affect a personnel line. **Carried.** Ayes-18, Nays-0, Absent-1 (Moppert).

**RESOLUTION NO. 452**

by Health Services, Personnel and Finance Committees

Seconded by Mr. Pazzaglini

**RESOLUTION AUTHORIZING ACCEPTANCE OF THE MENTALLY ILL CHEMICAL ABUSER (MICA) INTENSIVE CASE MANAGEMENT PROGRAM GRANT FOR THE DEPARTMENT OF MENTAL HEALTH AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1992**

WHEREAS, the Department of Mental Health requests authorization to accept a MICA Intensive Case Management Grant in the amount of \$36,775 for the period November 1, 1992 through December 31, 1992, and

WHEREAS, said grant program provides for the implementation of services for individuals who maintain a dual diagnosis of mental illness and substance abuse,

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$36,775 from the New York State Office of Mental Health to implement a Mentally Ill Chemical Abuser Intensive Case Management Grant Program for the period November 1, 1992 through December 31, 1992, 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 \$36,775 for the period November 1, 1992 through December 31, 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, 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.** Ayes-18, Nays-0, Absent-1 (Moppert).

**RESOLUTION NO. 453**

by Health Services, Personnel and Finance Committees

Seconded by Mr. Pazzaglini

**RESOLUTION AUTHORIZING RENEWAL OF THE MENTALLY ILL CHEMICAL ABUSER (MICA) INTENSIVE CASE MANAGEMENT GRANT FOR THE DEPARTMENT OF MENTAL HEALTH AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1993.**

WHEREAS, this County Legislature, by companion resolution, authorized and

approved the MICA Intensive Case Management Grant and adopted a program budget in the amount of \$36,775 for the period November 1, 1992 through December 31, 1992, and

WHEREAS, said grant program provides for the implementation of services for individuals who maintain a dual diagnosis of mental illness and substance abuse,

WHEREAS, it is desired to renew said grant program for 1993 in the amount of \$217,773, now therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$217,773 from the New York State Office of Mental Health for the period -January 1, 1993 through December 31, 1993, 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 \$217,773 for the period January 1, 1993 through December 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.** Ayes-18, Nays-0, Absent-1 (Moppert).

**RESOLUTION NO. 454**

by Public Safety and Emergency Services and Finance Committees

Seconded by Mr. Pazzaglini

**RESOLUTION AUTHORIZING AN INCREASE IN PETTY CASH FUND FOR THE SHERIFF'S DEPARTMENT.**

WHEREAS, the Sheriff's Department currently has a petty cash fund which is inadequate for its current needs, and

WHEREAS, the department head has requested an increase of \$225.00 of said petty cash fund in order to have funds sufficient to meet its daily needs, and

WHEREAS, the Commissioner of Finance has determined that he petty cash fund should be increased by \$225.00, now, therefore, be it

RESOLVED, that this County Legislature hereby approves and increases the petty cash fund for the Sheriff's Department by \$225.00 to the total amount of **\$1,000**, and further authorizes the Commissioner of Finance to transfer \$225.00 to the petty cash fund previously established, and be it

FURTHER RESOLVED, that the administration of said funds shall be in accordance with those rules and procedures governing the use of petty cash funds created by the County Comptroller including, but not limited to, the requirement that at all times the petty cash allowance be fully accounted for in the form of cash on hand,

receipts and records. **Carried.** Ayes-18, Nays-0, Absent-1 (Moppert).

**RESOLUTION NO. 455**

by Public Safety & Emergency Services and Finance Committees

Seconded by Mr. Pazzaglini

**RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH THE  
ADIRONDACK-APPALACHIAN REGIONAL EMS COUNCIL FOR OFFICE  
AND EQUIPMENT RENTAL BY THE DEPARTMENT OF EMERGENCY  
SERVICES FOR 1992 THROUGH 1993**

WHEREAS, this County Legislature, by Resolution 350 of 1991, authorized an agreement with the Adirondack-Appalachian Regional EMS Council (AAREMS) for office space, furniture, copier access, telephone and FAX service in the Department of

Emergency Services Building located on the Broome Community College Campus for the period October 1, 1991 through March 31, 1992, providing \$540 in revenue to Broome County, and

WHEREAS, said agreement expired by its terms on March 31, 1992, and it is desired at this time to renew said agreement for the period April 1, 1992 through March 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 Adirondack-Appalachian Regional EMS Council, c/o Mark Zeek, Box 212, Main Street, Speculator, New York, 12164, to provide office space, furniture, copier access, telephone and FAX use for the period April 1, 1992 through March 31, 1993, and be it

FURTHER RESOLVED, that in consideration of said services, the Adirondack-Appalachian Regional EMS Council shall pay the Broome County Office for Emergency Services the sum of \$1,080, plus telephone and fax charges, for the term of this agreement, and, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made to revenue line 460006.0068.101000 (Other Public Safety Departmental Income), 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.** Ayes-18, Nays-0, Absent-1 (Moppert).

**RESOLUTION NO. 456**

by Public Safety & Emergency Services and Finance Committees

Seconded by Mr. Pazzaglini

**RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH SOUTHSIDE PET HOSPITAL FOR VACCINATION AND VETERINARIAN SERVICES FOR THE ANIMAL SHELTER FOR THE DEPARTMENT OF SECURITY FOR 1993.**

WHEREAS, this County Legislature, by Resolution 609 of 1991, authorized an agreement with the Southside Pet Hospital for vaccination and veterinarian services at the animal shelter for the calendar year 1992 at a cost of \$8,100, and

WHEREAS, said services are necessary for public health and humane treatment of strays and dogs running at large that are housed at the animal shelter, and

WHEREAS, said agreement expires by its terms on December 31, 1992, and it is desired at this time to renew said agreement for calendar year 1993 on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Southside Pet Hospital, 25 Webster Street, Binghamton, New York, 13905, for vaccination and veterinarian services at the animal shelter for the period January 1, 1993 through December 31, 1993, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$8,100 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480160.4742.101000 (Veterinarian Services) and from 031476.4742.101000 (Veterinarian 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.** Ayes-18, Nays-0, Absent-1 (Moppert).

**RESOLUTION NO. 457**

by Public Works and Finance Committees

Seconded by Mr. Pazzaglini

**RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH ENVIRONMENTAL PRODUCTS & SERVICES, INCORPORATED, FOR REMOVAL, DISPOSAL AND CLEANUP OF LEAKING UNDERGROUND GASOLINE TANKS AND INSTALLATION OF MONITORING WELLS FOR THE DEPARTMENT OF PUBLIC WORKS FOR 1992**

WHEREAS, this County Legislature, by Resolution 135 of 1992, authorized an agreement with Environmental Products & Services, Inc., for removal, disposal and cleanup of leaking underground gasoline tanks and installation of monitoring wells, at a cost of \$90,000, and

WHEREAS, it is necessary to authorize the amendment of said agreement for the purposes of another round of testing to be done as required by the State of New York and increasing the cost of said agreement, and

WHEREAS, the Department of Public Works has requested authorization for said amendments as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Environmental Products & Services, Inc., P. O. Box 315, Syracuse, New York, 13209-0315, for removal, disposal and cleanup of leaking underground gasoline tanks and installation of monitoring wells for the Department of Public Works for the calendar year 1992, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall

pay the Contractor an amount not to exceed \$95,000 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 035139.2011.502194 (Improvements/Alterations), and be it

FURTHER RESOLVED, that Resolution 135 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. **Carried.** Ayes-18, Nays-0, Absent-1 (Moppert).

**RESOLUTION NO.458**

by Transportation and Finance Committees

Seconded by Mr. Pazzaglini

**RESOLUTION AUTHORIZING ASSIGNMENT OF MILLER AVIATION, INCORPORATED, LEASE AT THE BROOME COUNTY AIRPORT AS COLLATERAL TO THE BINGHAMTON SAVINGS BANK**

WHEREAS, this County Legislature, by Resolutions 224 of 1981, 84 of 1983, 454 of 1986, and 188 of 1988, authorized a contract and lease agreement with Miller Aviation, Inc. for certain airport premises, including Hangar #3 at the Broome County Airport for the term July 1, 1981 through December 31, 1997, and

WHEREAS, Miller Aviation, Incorporated, is in the process of securing a loan to be used for capital improvements to Hangar #3 from Binghamton Savings Bank, and requests Broome County to grant an assignment of the existing lease to Binghamton Savings Bank as additional collateral for the afore-mentioned loan, and

WHEREAS, your sponsoring committee recommends that this County Legislature authorize this assignment, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the assignment of the Miller Aviation, Incorporated, lease involving certain airport premises known as Hangar #3 at the Binghamton Regional Airport for the purposes of allowing Binghamton Savings Bank to assume the afore-mentioned lease should Miller Aviation, Incorporated, default on said loan, and be it

FURTHER RESOLVED, that while this County Legislature hereby approves the assignment, said assignment will not relieve Miller Aviation, Incorporated, of all responsibilities and obligations of the existing lease, 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.** Ayes-18, Nays-0, Absent-1 (Moppert).

**RESOLUTION NO. 459**

by County Administration, Economic Development and Planning and Finance Committees

Seconded by Mr. Lindsey

**RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 15, 1992,  
ENTITLED: "A LOCAL LAW AMENDING THE BROOME COUNTY  
CHARTER AND ADMINISTRATIVE CODE, AS AMENDED, WITH REGARD  
TO THE MONETARY LIMIT ON BIDDING REQUIREMENTS."**

RESOLVED, that Local Law Intro. No. 15, 1992, entitled:

"A Local Law amending the Broome County Charter and Administrative Code, as amended, with regard to the monetary limit on bidding requirements," be and the same hereby is adopted and approved in accordance with the Municipal Home Rule Law and applicable statutes and laws pertaining thereto.

**Local Law Intro. No. 15, 1992**

A Local Law amending the Broome County Charter and Administrative Code, as amended, with regard to the monetary limit on bidding requirements.

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

SECTION 1. Section 1202 of Local Law No. 9, 1968, (Broome County Charter), as amended, be and hereby is amended and changed to read as follows:

**§ 1202. Execution of contracts.**

All contracts, except for the purchase of equipment, supplies, materials and services incidental thereto, shall be executed on behalf of the county by the County Executive in accordance with the provisions of this Article. Whenever such contract involves the expenditure of more than [seven] twenty thousand dollars [(\$7,000.)] (\$20,000.), which is the sum fixed by the General Municipal Law of the State of New York as the monetary limit above which the competitive bidding process must be employed, except contracts for the acquisition of real property, the contracts shall be awarded to the lowest responsible bidder in a manner as set forth in the

Administrative Code. A copy of each contract, when executed, shall be filed with the Comptroller, together with a copy of the local law, resolution or ordinance of the County Legislature upon which the right to make such contract rests, other than the annual appropriation act.

SECTION 2. The second paragraph of Section 1203 of Local Law No. 4, 1976, (Broome County Administrative Code), as amended, be and hereby is amended and changed to read as follows:

Whenever a public works contract involves the expenditure of more than [seven] twenty thousand dollars [(\$7,000.)] (\$20,000.), which is the sum fixed by the General Municipal Law of the State of New York as the monetary limit above which the competitive bidding process must be employed, the contract shall be awarded to the lowest responsible bidder by sealed bids or proposals made in compliance with a public notice published at least once in a newspaper designated by the Board of Acquisition and Contract at least ten (10) days prior to the day on which such sealed bids are to be opened. Such advertisements shall contain a statement of the time and place when and where all bids received pursuant to such notice will be publicly opened and read. The Board of Acquisition and Contract or its designated representative or representatives shall open the bids publicly at the time and place specified and shall make a record of such bids in form and detail prescribed by the Board of Acquisition and Contract. The successful bidder must give security for the faithful performance of his contract, the adequacy and sufficiency of which shall be approved by the Board of Acquisition and Contract. In cases where two (2) or more responsible bidders, furnishing the required security, submit identical bids as to price, the Board of Acquisition and Contract may award the contract to any of such bidders. The Board of Acquisition and Contract may, in its discretion, by majority vote, reject all bids and re-advertise for new bids in the manner prescribed by this section.

SECTION 3. The fourth paragraph of Section 1203 of Local Law No. 4, 1976, (Broome County Administrative Code), as amended, be and hereby is amended and changed to read as follows:

The Board of Acquisition and Contract may award contracts for the construction, reconstruction, repair, maintenance or alteration of any public works or improvements in excess of [seven] twenty thousand dollars [(\$7,000.)] (\$20,000.), which is the sum fixed by the General Municipal Law of the State of New York as the monetary limit above which the competitive

bidding process must be employed without the taking of public bids required in this section in the following cases only:

- (A) When the County Executive has declared a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting the life, health or safety of inhabitants of the County of Broome require immediate action which cannot await competitive bidding.
- (B) When, by resolution, the County Legislature has determined it to be impracticable to advertise for such bids.
- (C) When, through some accident or other unforeseen circumstances, the heating, air-conditioning, ventilation, lighting, plumbing, machinery, equipment or other apparatus of any county building or parts thereof shall be rendered unusable and in need of immediate repair by reason of the elements or other unforeseen emergency, as determined by the County Executive.

SECTION 4. That Section 1204 of Local Law No. 4, 1976, (Broome County Administrative Code), as amended, be and hereby is amended and changed to read as follows:

**§ 1204. Approval of purchases of equipment.**

In any case where the purchase of an item or items of equipment involves the expenditure of more than [five] ten thousand dollars [(\$5,000.)] (\$10,000.), said purchase shall be approved and the contract therefor awarded by the Board of Acquisition and Contract.

SECTION 5. Except as otherwise amended, Local Law No. 9, 1968, (Broome County Charter) and Local Law No. 4, 1976, (Broome County Administrative Code), as amended, shall remain in full force and effect.

SECTION 6. This Local Law shall take effect upon its filing with the Secretary of State.

Material underlined is added, Material in [brackets] is deleted.

Mr. Brown moved, seconded by Mrs. Greenmun an amendment to delete the amount

[\$20,000] where it appears through out the resolution and insert the amount \$15,000. Amendment **Carried**. Ayes-11 (Augustini, Bielecki, Brown, Greenmun, Howard, Hudak, Lindsey, Pazzaglini, Schofield, Seeley, Wagstaff), Nays-7 (Coffey, Kavulich, Malley, Pasquale, Warner, Yeager, Shafer), Absent-1 (Moppert). Resolution as amended **Carried**. Ayes-18, Nays-0, Absent-1 (Moppert).

\*\* The Department of Law was directed by the Chairman to provide suitable companion language throughout. Their response is as follows and is incorporated into the body of the Local Law:

In SECTION 1. delete line in brackets: [~~Twenty, (\$20,000.)~~], which is the sum fixed by the General Municipal Law of the State of New York as the monetary limit above which the competitive bidding process must be employed,) and add fifteen, and (\$15,000.),

In SECTION 2. delete line in brackets: [~~Twenty, (\$20,000.)~~], which is the sum fixed by the General Municipal Law of the State of New York as the monetary limit above which the competitive bidding process must be employed,) and add fifteen, and (\$15,000.)

In SECTION 3. delete line in brackets: [~~Twenty, (\$20,000.)~~], which is the sum fixed by the General Municipal Law of the State of New York as the monetary limit above which the competitive bidding process,) and add fifteen, and (\$15,000.)

**RESOLUTION NO. 460**

by County Administration, Economic Development & Planning and Finance Committees

Seconded by Mr. Howard

**RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 16, 1992, ENTITLED: "A LOCAL LAW AMENDING THE BROOME COUNTY CHARTER IN RELATION TO SUBMISSION BY THE COUNTY EXECUTIVE AND THE DIRECTOR OF BUDGET AND RESEARCH OF THE BUDGET AND PROPOSED DEPARTMENTAL AGENCY BUDGETS."**

RESOLVED, that Local Law Intro. No. 16, 1992, entitled: "A Local Law amending the Broome County Charter in relation to submission by the County Executive and the Director of Budget and Research of the Budget and Proposed Departmental Agency Budgets," 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. 16, 1992**

**A LOCAL LAW AMENDING THE BROOME COUNTY CHARTER IN  
RELATION TO SUBMISSION BY THE COUNTY EXECUTIVE AND  
THE DIRECTOR OF BUDGET AND RESEARCH OF THE BUDGET  
AND PROPOSED DEPARTMENTAL AGENCY BUDGETS**

SECTION 1. The first paragraph of Section 603 of Article VI of the Broome County Charter is hereby amended to read as follows:

§ 603. Proposed budget and capital program by County Executive.

The County Executive shall submit to the Clerk of the County Legislature, on or before the [15th] first day of October of each year, for consideration by such Board, a proposed budget for the ensuing fiscal year and capital program for the next six (6) fiscal years.

SECTION 2. Subdivisions (A), (C), and (D) of Section 602 of Article VI of the Broome County Administrative Code are hereby amended to read as follows:

(A)Submission of capital program requests. On or before [April 1] March 15 in each year, or such earlier date as the Director of Budget and Research may prescribe, and upon receipt of at least fifteen (15) days' written notice of the Director, the administrative heads shall furnish to the Commissioner of Planning a description, justification and estimate for each project in the capital program which he proposes for development during one (1) or more of the ensuing six (6) fiscal years. Each capital project request shall show recommended priority; development time schedule; estimated useful life, in years; estimated cost for planning, site or right-of-way, construction, equipment and other features; status of plans and land acquisition; anticipated effect of the project on an annual operating budget; proposed method of paying for the project; possible sources of financial aid; recommended expenditures, by years, including total expenditures remaining beyond the six-year period of the capital program, if any; and such other information as the Director may prescribe.

(C)The Commissioner of Planning shall review the capital project requests submitted by

the administrative heads. His review shall include consideration of comprehensive plans for the county and for any affected municipality therein. On or before July [15] 1, the Commissioner shall forward his comments and recommendations regarding each proposed capital project to the Director of Budget and Research. On or before [August 1] July 15, the Director of Budget and Research shall forward to the Capital Program Advisory Committee all departments' capital requests for the ensuing six (6) fiscal years, as well as the comments and recommendations of the Commissioner of Planning. The Director shall submit his own comments and recommendations to the Capital Program Advisory Committee on or before [September 1] August 15. The Committee shall consider all requested capital projects and, on or before September [15] 1, shall submit its recommendations to the County Executive.

(D)Proposed capital program. On or before [October 1] September 15, the Director of Budget and Research shall prepare and submit to the County Executive a proposed capital program for the next six (6) fiscal years, arranged in such manner as to indicate the order or priority of each project, and to state for each project:

(1)A description of the proposed project and the estimated total cost thereof.

(2)The proposed method of financing, indicating the amount proposed to be financed by direct budgetary appropriation or duly established reserve funds; the amount, if any, estimated to be received from the federal and/or state governments; and the amount to be financed by the issuance of obligations, showing the proposed type or types of obligations, together with the period of probable usefulness for which they are proposed to be issued.

(3)An estimate of the effect, if any, upon operating costs of the county within each of the three (3) fiscal years following completion of the project.

SECTION 3. Subdivision (A) of Section 603 of Article VI of the Broome County Administrative Code is hereby amended to read as follows:

(A)On or before [August 1] July 15, or such earlier date as the Director of Budget and Research may prescribe, the administrative head or authorized agency receiving county funds pursuant to contract or otherwise during the current fiscal year, or any other authorized agency applying for county

funds, shall furnish to the Director an estimation of revenues and expenditures of his respective administrative unit or authorized agency for the ensuing fiscal year, exclusive of any capital projects. The estimate shall show the sources of revenues and itemize the character and object of expenditures, together with any additional information as the Director shall prescribe.

SECTION 4. Subdivision (D) of Section 603 of Article VI of the Broome County Administrative Code shall be relettered as subdivision (E), and a new subdivision (D) shall be added to read as follows:

(D)On or before September 1, the Director of Budget and Research shall furnish to the Clerk of the County Legislature, for review by the County Legislature, a copy of the estimations and other information, including sources of revenue and itemization of the character and object of expenditures, submitted by administrative heads and authorized agencies.

SECTION 5. Subdivision (C)(3) of Section 604 of Article VI of the Broome County Administrative Code shall be amended to read as follows:

(3)An estimate of the anticipated receipts from delinquent taxes, which shall not exceed the amount received in cash from delinquent taxes during the last [five (5)] ~~six (6)~~ months of the most recently completed fiscal year and the first [seven (7)] ~~six (6)~~ months of the current fiscal year, provided that delinquent taxes shall include the proceeds of the collection of all taxes levied or relieved by the County Legislature for any year preceding the current fiscal year, together with interest and penalties thereon, the sale of property sold for such taxes and the redemption of property sold for such taxes and bid in by the county, but shall not include the proceeds of any such collection, sale or redemption occurring during the fiscal year for which such taxes were originally levied.

SECTION 6. Subdivision (G) of Section 604 of Article VI of the Broome County Administrative Code shall be amended to read as follows:

(G)Submission to the County Legislature. On or before the [15th] ~~first~~ day of October of each year, the County Executive shall submit to the Clerk of the County Legislature and make available to the public the tentative budget, including both the operation and maintenance expense budget and the capital budget, for the ensuing fiscal year, the proposed

appropriation resolution as prescribed in Subsection (F) of this section and the capital program for the ensuing six (6) fiscal years, together with an accompanying budget message as prescribed by § C604 of Article VI of the Charter. The County Legislature will proceed to consider the same and hold a public hearing and adopt a budget in a manner provided by Article VI of the Charter and the provisions of this Code.

SECTION 7. This Local Law shall take effect immediately upon its filing with the Secretary of State.

Material in [brackets] is deleted, Material underlined is added. **Heldover** by Mr. Malley.

**RESOLUTION NO. 461**

by County Administration, Economic Development & Planning and Finance Committees

Seconded by Mrs. Wagstaff

**RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 17, 1992, ENTITLED: "A LOCAL LAW AMENDING THE BROOME COUNTY CHARTER AND ADMINISTRATIVE CODE IN RELATION TO APPROVAL OF CONTRACTS FOR PROFESSIONAL SERVICES."**

RESOLVED, that Local Law Intro. No. 17, 1992, entitled: "A Local Law amending the Broome County Charter and Administrative Code in relation to approval of Contracts for Professional Services," 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. 17, 1992**

A LOCAL LAW AMENDING THE BROOME COUNTY CHARTER AND ADMINISTRATIVE CODE IN RELATION TO APPROVAL OF CONTRACTS FOR PROFESSIONAL SERVICES

SECTION 1. Subparagraph (N) of Section 203 of the Broome County Charter is hereby amended to read as follows:

(N)To award all contracts for professional services where the amount involved exceeds [one thousand dollars (\$1,000.)] two

thousand five hundred dollars (\$2,500.).

SECTION 2. Section 1202 of the Broome County Administrative Code is hereby amended to read as follows:

§ 1202. Approval of professional service contracts.

The Board of Acquisition and Contract shall award all contracts for professional services involving expenditures of [one thousand dollars (\$1,000.)] two thousand five hundred dollars (\$2,500.), or less.

SECTION 3. This Local Law shall take effect immediately upon its filing with the Secretary of State.

Material in [brackets] is deleted, Material underlined is added. **Carried.** Ayes-18, Nays-0, Absent-1 (Moppert).

**RESOLUTION NO. 462**

by County Administration, Economic Development & Planning and Public Safety & Emergency Services Committees

Seconded by Mrs. Coffey

**RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 11, 1992, ENTITLED, "A LOCAL LAW REPEALING LOCAL LAW NO. 7, 1983, AND ESTABLISHING THE PROCEDURES FOR LOCAL ENFORCEMENT OF THE UNIFORM FIRE PREVENTION AND BUILDING CODE."**

RESOLVED, that Local Law Intro. No. 11, 1992, entitled: "A Local Law Repealing Local Law No. 7, 1983, and Establishing the Procedures for Local Enforcement of the Uniform Fire Prevention and Building Code," be and the same hereby is adopted and approved in accordance with the Broome County Charter, the Municipal Home Rule Law, and all the applicable statutes and laws pertaining thereto.

**LOCAL LAW INTRO. NO. 11, 1992**

A LOCAL LAW REPEALING LOCAL LAW NO. 7, 1983, AND ESTABLISHING PROCEDURES FOR THE LOCAL ENFORCEMENT OF THE UNIFORM FIRE PREVENTION AND BUILDING CODE.

Be it enacted, by the Legislature of the County of Broome, as follows:

SECTION 1. IDENTIFICATION OF THE INDIVIDUAL OR DEPARTMENT RESPONSIBLE FOR LOCAL ENFORCEMENT OF THE UNIFORM CODE.

A. Administration

**The Commissioner of Public Works is hereby designated as Code Enforcement Official to administer and enforce the Uniform Fire Prevention and Building Code with respect to:**

- 1) Building, premises and equipment in the custody of, or activities relating thereto undertaken by**
  - a. the County**
  - b. any special purpose unit of government created by or for the benefit of the County**
  - c. the Off-Track Betting Corporation whenever such buildings, premises, equipment or activities are located or occur within the County.**
- 2) Any other buildings, premises, activities or equipment for which the County is accountable for enforcing the Uniform Fire Prevention and Building Code by reason of state law or regulation.**

B. Duties and Powers of Code Enforcement Official

1. Except as otherwise specifically provided by law, ordinance, rule or regulation, or except as herein otherwise provided, the Commissioner shall administer and enforce all of the provisions of laws, ordinances, rules and regulations applicable to plans, specifications, or permits for the construction, alteration and repair of buildings and structures, **or the installation and use of materials and equipment therein, or the location, use and occupancy thereof for all buildings, premises and equipment or activities within the authority of the Code Enforcement Official as set forth in section 1A above.**
2. The Commissioner shall promulgate the rule and regulations subject to the approval of the County Legislature to secure the intent and purposes of this local law and the proper enforcement of the laws, ordinances, rules and regulations governing building plans, specifications, construction, alteration or repairs. The Commissioner shall publish all rules and

regulations at least 14 days prior to the effective date thereof in a newspaper of general circulation within the areas that the County of Broome has the responsibility for enforcement of said code.

C. Acting Code Enforcement Official

In the absence of the code enforcement official, or in the case of his inability to act for any reason, the County Executive shall have the power to designate a person to act on behalf of the code enforcement official and to exercise all the powers conferred upon him by this ordinance.

D. Appointment of Inspectors

The Code Enforcement Official may appoint one inspector or more as the need may arise to act under his/her supervision and direction and to exercise any portion of the powers and duties of the Code Enforcement Official, as he/she shall be directed to do.

E. Contracts

The Broome County Legislature does hereby establish the authority of the Code Enforcement Official to negotiate a renewable one year contract with a qualified private firm to provide specific services relative to the administration of the New York State Uniform Fire Prevention and Building Code. The negotiated contract shall be approved by a majority vote of the Broome County Legislature.

The contractor shall perform inspections as provided for in this local law and shall review applications for building permits and

certificates of occupancy and shall advise the Code Enforcement Official when such permits or certificates of occupancy should be issued.

F. Review Board

Where practicable difficulties or unnecessary hardship may result from enforcement of the strict letter of any provision of the Uniform Code, applications for variances consistent with the spirit of the Code may be made to the regional Board of Review in accordance with Part 450 of the New York Code of Rules and Regulations entitled "Uniform Code: Board of Review" as promulgated by the New York Department of State. The Code Enforcement Official shall maintain a copy of such rules and regulations for public inspection and shall obtain and retain a copy of all decisions rendered by the Board of Review pertaining to matters affecting the County of Broome.

SECTION 2. BUILDING PERMITS

A. Permits

**1. Except as hereinafter provided, no person, firm, corporation, association or other organization shall commence the erection, construction, enlargement, alteration, improvement, relocation, removal or demolition of any building, structure or equipment within the authority of the Code Enforcement Official as set forth in Section 1, nor install solid fuel heating equipment within buildings or structures subject to such authority without first having obtained a permit from the Code Enforcement Official.**

2. No permit shall be required for:

- a) necessary repairs which do not materially affect structural feature;
- b) alterations to existing buildings, provided that the alterations:
  - i) cost less than \$10,000;
  - ii) do not materially affect structural features;
  - iii) do not affect fire/life safety features such as smoke detectors, sprinklers, required fire separations and exits;
  - iv) do not involve the installation or extension of electrical systems; and
  - v) do not include the installation of solid fuel burning heating appliances and associated

- chimneys and flues;
  - c)small noncommercial structures **less than 140 square feet in area** not intended for use by one or more persons as quarters for living, sleeping, eating or cooking, for example, a small storage building; and
  - d)nonresidential farm buildings, including barns, sheds, poultry houses and other buildings used directly and solely for agricultural purposes.
- 3.The application for a building permit, and its accompanying documents, shall contain sufficient information to permit a determination that the intended work accords with the requirements of the Uniform Code.
- 4.The form of the permit and application therefore shall be prescribed by resolution of the Broome County Legislature. The application shall be signed by the owner (or his authorized agent) of the building or work, and shall contain at least the following:
- a)name and address of owner;
  - b)identification and/or description of the land on which the work is to be done;
  - c)description of use or occupancy of the land and existing or proposed building;
  - d)description of the proposed work;
  - e)estimated cost of the proposed work;
  - f)statement that the work shall be performed in compliance with the Uniform Code and applicable State and local law, ordinances and regulations; and
  - g)required fee.
- 5.Such application shall be accompanied by such documents, drawings, plans (including plot plan) and specifications as the applicant shall deem adequate and appropriate for compliance with this local law, or as the Enforcement Officer may require as being necessary or appropriate in his judgment. The applicant may confer with the Enforcement Officer in advance of submitting his application to discuss the Enforcement Officer's requirements for same.
- 6.Any plans (including plot plan) or specifications which comprise a portion of the application, whether submitted subsequently upon requirement by the Enforcement Officer, shall be stamped with the seal of an architect or professional engineer or land surveyor licensed in this State, and shall in all respect comply with Section 7209 and 7307 of the Education Law of the State of New York as same may be amended from time to

time.

7. Applicant shall notify the Enforcement Officer of any changes in the information contained in the application during the period for which the permit is in effect. A permit will be issued when the application has been determined to be complete and when the proposed work is determined to conform to the requirements of the Uniform Code. The authority conferred by such permit may be limited by conditions, if any, contained therein.
8. A building permit issued pursuant to this local law shall be prominently displayed on the property or premises to which it pertains.
9. A building permit issued pursuant to this local law may be suspended or revoked if it is determined that the work to which it pertains is not proceeding in conformance with the Uniform Code or with any condition attached to such permit, or if there has been misrepresentation or falsification of a material fact in connection with the application for the permit.
10. A building permit issued pursuant to this local law shall expire **two (2) years** from the date of issuance or upon the issuance of a certificate of occupancy (other than a temporary certificate of occupancy), whichever occurs first. The permit may, upon written request, be renewed for successive one-year periods provided that:
  - a) the permit has not been revoked or suspended at the time the application for renewal is made;
  - b) the relevant information in the application is up to date; and
  - c) the renewal fee is paid.

### SECTION 3. CERTIFICATES OF OCCUPANCY OR COMPLIANCE

#### A. Certificates of Occupancy

1. No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the Code Enforcement Officer.
2. No existing building hereafter enlarged, extended or altered, or upon which work has been performed which required the issuance of a building permit shall

be occupied or used for more than 30 days after the completion of the alteration or work unless a certificate of occupancy shall have been issued.

- 3.No change shall be made in the occupancy of an existing building unless a certificate of occupancy authorizing such change shall have been issued.
- 4.When, after final inspection, it is found that the proposed work has been completed in accordance with the applicable law, ordinances, rules or regulations, and also in accordance with the application, the Code Enforcement Officer shall issue a certificate of occupancy. If it is found that the proposed work has not been properly completed, the Code Enforcement Officer shall not issue a certificate of occupancy and shall order the work completed in conformity with the building permit and in conformity with the applicable building regulations.
- 5.A certificate of occupancy shall be issued, where appropriate, within thirty days after written application therefore is made.
- 6.The certificate of occupancy shall acknowledge that the work has been completed and that the proposed use and occupancy is in conformity with the provisions of the applicable laws, ordinances, rules and regulations, and shall specify the use or uses and the extent therefore to which the building or structure or its several parts may be put to use.
- 7.Upon request, the Code Enforcement Officer may issue a temporary certificate of occupancy for building or structure, or part thereof, before the entire work covered by the building permit shall have been completed provided such portions as have been completed may be occupied safely without endangering life or the public health and welfare. A temporary certificate of occupancy shall remain effective for a period not exceeding three months from its date of issuance. For good causes the Code Enforcement Officer may allow a maximum of two extensions for periods not exceeding three months each.

#### SECTION 4. INSPECTIONS

##### A. Inspections

- 1.Work for which a building permit has been issued under this local law shall be inspected for approval prior to enclosing or covering any portion thereof and upon completion of each state of construction including, but not limited to, building location, site preparation, excavation, foundation, framing, superstructure, electrical, plumbing, and heating and air conditioning. It shall be the responsibility of the owner,

applicant, or his agent to inform the Code Enforcement Officer that the work is ready for inspection and to schedule such inspection.

2. Existing buildings not subject to inspection under subdivision 1 of this section shall be subject to periodic **fire/life safety** inspections for compliance with the Uniform Code in accordance with the following schedule: all areas of public assembly as defined in the Uniform Code, all buildings or structures containing areas of public assembly, and the common areas of multiple dwellings - every **twelve** months; all buildings or structures open to the general public - every twelve months; all other buildings - every 24 months. Notwithstanding any requirement of this subdivision to the contrary, no regular periodic inspections of occupied dwelling units shall be required provided, however, that this shall not be a limitation on inspections conducted at the invitation of the occupant or where conditions on the premises threaten or present a hazard to public health, safety, or welfare.

#### B. Inspectors

1. The inspections required by Section 4(A) of this local law must be performed by the Code Enforcement **Official or inspectors approved by the Code Enforcement Official**. The Code Enforcement Officer is authorized to order, in writing, the correction of any condition in violation of the Uniform Code found in, on, or about any building. Such orders shall be served in person upon a responsible party or his authorized agent or by registered mail sent to the address of a responsible party set forth in any relevant application for a permit or in any relevant certificate. The order shall set forth the time within which the condition must be corrected. A responsible party who fails to correct the condition within the specified time shall be subject to a penalty as set forth in Section 6(B) of this local law.
2. A person subject to inspection under Section 4(A) may be required by the Code Enforcement Officer to have such inspection performed at his own cost and expense by a competent inspector acceptable to the Code Enforcement Officer. Such inspector may be a registered architect, licensed professional engineer, other certified code enforcement officer, or other person whose experience and training has been demonstrated to the satisfaction of the Code Enforcement Officer. Any person required by the Code Enforcement Officer to have an inspection performed at his own cost and expense shall not be assessed the fees

otherwise prescribed by this local law.

## SECTION 5. RECORD KEEPING

### A. Department Records and Reports

- 1.The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by him including all applications received, plans approved, permits and certificates issued, fees charged and collected, inspection reports, all rules and regulations promulgated by the County, and notices and orders issued. All such reports shall be public information, open to public inspection during normal business hours.
- 2.The Code Enforcement Officer shall annually submit to the Broome County Legislature a written report of all business conducted.

## SECTION 6. REMEDIES

### A. Stop-Work Orders

- 1.Whenever the Code Enforcement Officer has reasonable grounds to believe that work on any building or structure is proceeding without a permit, or is otherwise in violation of the provisions of any applicable law, code, ordinance or regulation, or is not in conformity with any of the provisions of the application, plans or specifications on the basis of which a permit was issued, or is being conducted in an unsafe and dangerous manner, he shall notify either the owner of the property or the owner's agent or the person, firm or corporation performing the work to immediately suspend all work. In such instance, any and all persons shall immediately suspend all related activities until the stop-work order has been duly rescinded.
- 2.Such stop-work order shall be in writing on a form prescribed by the Code Enforcement Officer and shall state the reasons of the stop-work order, together with the date of issuance. The stop-work order shall bear the signature of the Code Enforcement Officer or that of an assistant and shall be prominently posted at the work site.

### B. Penalties for Violation of Building Permit

- 1.It shall be unlawful for any person, firm or corporation to construct, alter, repair,

move, equip, use or occupy any building or structure or portion thereof in violation of any provision of the New York State Uniform Fire Prevention and Building Code, or any amendment hereafter made thereto, as well as any regulation or rule promulgated by the County Legislature, or to fail to comply with a notice, order or directive of the Code Enforcement Officer, or to construct, alter, repair, move or equip any building or structure or part thereof in a manner not permitted by an approved building permit.

2. Any person, firm or corporation, who or which fails to comply with a written notice or order of the Code Enforcement Officer within a fixed time, and any owner, building, architect, tenant, contractor, subcontractor, construction superintendent or their agents, or any other person taking part or assisting in the construction, alteration, repair, movement or equipping or use of any building, who shall violate this section or any provision of the New York State Uniform Fire Prevention and Building Code, or any lawful notice, order, directive, permit or certificate of the Code Enforcement Officer, shall be subject to a fine of not more than \$25.00 for each day that the violation continues. Prior to the imposition of a fine, a violator shall be given a reasonable period of time to correct the violation. If after such time the violation still exists, then an appropriate fine of not more than \$25.00 per day shall be imposed for each day the violation continues.
3. Any action or proceeding in the name of the County of Broome may be commenced in any court of competent jurisdiction to compel compliance with, or restrain by injunction the violation of any provisions of the New York State Uniform Fire Prevention and Building Code, this local law, or any rule or regulation relating thereto. Such remedy shall be in addition to any other penalties prescribed by law.

## SECTION 7. FEES

### A. Fees for Building Permits

#### 1. New Construction:

- i) Each 1,000 square feet of area  
or fractions thereof. \$ 200

#### 2. Additions, Alterations and Renovations:



f) Fees for Certificates of Occupancy or Completion:

No fee shall be charged for the issuance of a certificate of occupancy or compliance when such certificate is issued for a structure or project for which a building or demolition permit has been previously issued. In all other circumstances, a fee in accordance with the schedule specified in subdivision (e) of this section will be collected prior to the issuance of a certificate of occupancy or compliance.

g) Refunds:

If an application for a building or demolition permit is withdrawn prior to the commencement of a review of such application, the applicant may receive a refund of 100 percent of the fee paid. If a review of an application has been commenced prior to its withdrawal, or if an application is not approved after review, the applicant may receive a refund of 50 percent of the fee paid, provided no work has commenced. If work has commenced, and the application is withdrawn or not approved, any fees paid shall not be refunded.

h) Waiver of fees:

The Commissioner of Public Works may waive any fee or a portion thereof if it is established that the payment of such fee will cause unnecessary hardship or that the waiver of the fee would be in the best interests of the County.

SECTION 8. SEPARABILITY

If any section, provision or part thereof, in this local law, or the application thereof to any person or circumstances, is adjudged invalid or unconstitutional by a Court of competent jurisdiction, then such adjudication shall not affect the validity of the remainder of the local law or the validity of the local law as a whole or any sections, provisions or part thereof, not so adjudged invalid or unconstitutional and the application of the local law or any sections, provisions or part thereof, to other persons or circumstances shall not be affected by said adjudication.

SECTION 9. THAT LOCAL LAW NO. 7, 1983 BE AND HEREBY IS REPEALED.

SECTION 10. THAT THIS LOCAL LAW SHALL TAKE EFFECT FOLLOWING A PUBLIC HEARING BEFORE THE COUNTY EXECUTIVE IN THE MANNER PROVIDED BY LAW. **Carried.** Ayes-18, Nays-0, Absent-1 (Moppert).

**RESOLUTION NO. 463**

by Environment and Finance Committees

Seconded by Mr. Warner

**RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH WEHRAN ENVIROTECH FOR DIVISION OF SOLID WASTE MANAGEMENT FOR LANDFILL REMEDIATION DESIGN SERVICES OF THE COLESVILLE LANDFILL FOR 1991 THROUGH 1993**

WHEREAS, this County Legislature, by Resolution 233 of 1991, as amended by Resolution 266 of 1992, authorized an agreement with Wehran Envirotech for landfill remediation design services of the Colesville Landfill for the Division of Solid Waste Management for the period 1991 through 1993, at a cost of \$255,639, and

WHEREAS, it is necessary to authorize the amendment of said agreement to include a boundary survey as required by DEC in the scope of work and increasing the cost of said agreement, and

WHEREAS, the Division of Solid Waste Management has requested authorization for said amendments as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Wehran Envirotech, 666 East Main Street, P. O. Box 2006, Middletown, New York, 10940 for landfill remediation design services of the Colesville Landfill for the period 1991 through 1993, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$260,304, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 035014.4746.501103 (Engineering & Architectural Services) and 035014.4746.501128 (Engineering & Architectural Services), and be it

FURTHER RESOLVED, that Resolution 233 of 1991, as amended by Resolution 266 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. **Carried.** Ayes-17, Nays-1 (Greenmun), Absent-1 (Moppert).

**RESOLUTION NO. 464**

by Finance Committee

Seconded by Mr. Warner

**RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR THE DISTRICT ATTORNEY'S OFFICE, AVIATION DEPARTMENT AND HEALTH DEPARTMENT**

RESOLVED, that in accordance with a request from the District Attorney's Office, in order to provide funds for temporary student assistant, as requested by BT# 2833, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

<u>Index Code</u>	<u>Subobject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>	
FROM:	330001	4442	101000	Photographic Exp.	\$ 350
TO :	330001	1600	101000	Salaries - Temp	\$ 350

and be it

FURTHER RESOLVED, that in accordance with a request from the Department of Aviation, in order to provide funds for part-time and temporary salaries, as requested by BT# 2975, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

<u>Index Code</u>	<u>Subobject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>	
FROM:	210203	1000	101000	Salaries - FT	\$ 4,560
TO :	210203	1500	101000	Salaries - PT	\$ 2,860
	210203	1600	101000	Salaries - Temp	1,700

and be it

FURTHER RESOLVED, that in accordance with a request from the Department

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of Health, in order to provide funds for temporary salaries, as requested by BT# 4776, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

<u>Index Code</u>	<u>Subobject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>	
FROM:	480251	1500	102666	Salaries - PT	\$ 1,000
TO :	480251	1600	102666	Salaries - Temp	\$ 1,000

**Carried.** Ayes-17, Nays-1 (Wagstaff), Absent-1 (Moppert).

**RESOLUTION NO. 465**

by Public Safety and Emergency Services and Finance Committees

**RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH PRISON HEALTH SERVICES, INCORPORATED, FOR PROFESSIONAL MEDICAL SERVICES TO THE JAIL FACILITIES OF THE SHERIFF'S DEPARTMENT FOR 1992 THROUGH 1993**

WHEREAS, this County Legislature, by Resolution 277 of 1992, authorized an agreement with Prison Health Services, Inc., for professional medical services to the jail facilities of the Sheriff's Department at a cost of \$600,000 for the period July 1, 1992 through June 30, 1993, and

WHEREAS, it is necessary to authorize the amendment of said agreement to include costs above the \$600,000 base cost of the services to be provided, and

WHEREAS, the Sheriff's Department has requested authorization for said amendments as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Prison Health Services, Inc., for professional medical services to the jail facilities of the Sheriff's Department 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 the Contractor \$644,000 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 450023.4715.101000 (Other Health & Medical Services), and be it

FURTHER RESOLVED, that Resolution 277 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. **Carried.** Ayes-17, Nays-1 (Hudak), Absent-1 (Moppert).

**RESOLUTION NO. 466**

by Education, Culture & Recreation, Public Safety & Emergency Services and Finance Committee

Seconded by Mrs. Wagstaff

**RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A TRUST AND AGENCY ACCOUNT FOR THE BROOME COUNTY STOP-DWI PROGRAM'S STOP-DWI HOLIDAY CLASSIC BASKETBALL TOURNAMENT.**

WHEREAS, the Broome County STOP-DWI Program and the Broome County Parks Department are co-sponsoring a STOP-DWI Holiday Classic Basketball Tournament for high school boys to be held at the end of December, 1992, and

WHEREAS, the Broome County STOP-DWI Program requests that this County Legislature establish a trust and agency account for the STOP-DWI Holiday Classic Basketball Tournament, for use in tracking revenue and expenses for the STOP-DWI Holiday Classic, and

WHEREAS, the Commissioner of Finance has determined that such trust and agency account is warranted, now, therefore, be it

RESOLVED, that this County Legislature hereby approves and authorizes the establishment of a trust and agency account for the Broome County STOP-DWI Program Holiday Classic Basketball Tournament, said account will be administered by the STOP-DWI Program Coordinator, and be it

FURTHER RESOLVED, that the funds to be administered by this account will be any funds received as donations or revenue and to pay any administrative expenses incurred in connection with the Annual Broome County STOP-DWI Program Holiday Classic Basketball Tournament, and be it

FURTHER RESOLVED, that the administration of said funds shall be in accordance with those rules and procedures governing the use of trust and agency accounts created by the County Comptroller including, but not limited to, the requirement that at all times the trust and agency account be fully accounted for in the form of cash on hand, receipts and records. **Carried.** Ayes-18, Nays-0, Absent-1 (Moppert).

Mr. Pazzaglini moved, seconded by Mr. Pasquale to suspend the rules to allow voting on Resolutions 467-471 as one. **Carried.** Ayes-18, Nays-0, Absent-1 (Moppert).

**RESOLUTION NO. 467**

by Education, Culture & Recreation, Public Safety & Emergency Services and Finance Committees

Seconded by Mr. Pazzaglini and Mr. Pasquale

**RESOLUTION AUTHORIZING AGREEMENT WITH CHARLES TARRICONE FOR TOURNAMENT DIRECTOR SERVICES FOR THE BROOME COUNTY STOP-DWI HOLIDAY CLASSIC BASKETBALL TOURNAMENT FOR 1992.**

WHEREAS, the Broome County STOP-DWI Program and the Broome County Parks Department are co-sponsoring a STOP-DWI Holiday Classic Basketball Tournament for high school boys to be held at the end of December, 1992, and

WHEREAS, the Broome County STOP-DWI Program requests authorization for an agreement with Charles Tarricone for tournament director services for the STOP-DWI Holiday Classic Basketball Tournament for calendar year 1992, at a cost not to exceed \$5,000, and

WHEREAS, said services are necessary to oversee the planning, development and operation of this tournament which will showcase some of Section IV's top high school basketball teams against top-flight teams from across the United States and to promote the Broome County STOP-DWI Program's drunk driving message during the 1992 holiday season, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Charles Tarricone, for tournament director services for the STOP-DWI Holiday Classic Basketball Tournament for 1992, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay Mr. Tarricone an amount not to exceed \$5,000, plus authorized expenses as approved by the STOP-DWI Program Coordinator, for his services for the 1992 Tournament, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from the STOP-DWI Program Holiday Classic Basketball Tournament Trust and Agency account previously established by companion resolution, 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.** Ayes-18, Nays-0, Absent-1 (Moppert).

**RESOLUTION NO. 468**

by Education, Culture & Recreation, Public Safety & Emergency Services and Finance Committees

Seconded by Mr. Pazzaglini and Mr. Pasquale

**RESOLUTION AUTHORIZING AGREEMENT WITH THE HOLIDAY INN-ARENA FOR LODGING AND MEALS FOR OUT-OF-TOWN BASKETBALL TEAMS FOR THE STOP-DWI HOLIDAY CLASSIC BASKETBALL TOURNAMENT FOR 1992.**

WHEREAS, the Broome County STOP-DWI Program and the Broome County Parks Department are co-sponsoring a STOP-DWI Holiday Classic Basketball Tournament for high school boys to be held at the end of December, 1992, and

WHEREAS, the Broome County STOP-DWI Program requests authorization for an agreement with the Holiday Inn-Arena for lodging and meals for traveling teams for the STOP-DWI Holiday Classic Basketball Tournament scheduled to be held December 27 - December 30, 1992 at the Broome County Arena, at a cost not to exceed \$25,000, and

WHEREAS, said services are necessary to provide lodging and meal requirements, including a formal banquet, for the various out-of-town teams involved in the tournament, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the Holiday Inn-Arena, Hawley Street, Binghamton, New York, 13901, for lodging for traveling teams and meals, including a formal banquet, in connection with the STOP-DWI Holiday Classic for 1992, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay Holiday Inn-Arena an amount not to exceed \$25,000 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from the STOP-DWI Program Holiday Classic Basketball Tournament Trust and Agency account previously established by companion resolution, 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.** Ayes-18, Nays-0, Absent-1 (Moppert).

**RESOLUTION NO. 469**

by Education, Culture & Recreation Public Safety & Emergency Services and Finance Committees

Seconded by Mr. Pazzaglini and Mr. Pasquale

**RESOLUTION AUTHORIZING AGREEMENT WITH THE BROOME COUNTY ARENA FOR THE STOP-DWI HOLIDAY CLASSIC FOR 1992.**

WHEREAS, the Broome County STOP-DWI Program and the Broome County Parks Department are co-sponsoring a STOP-DWI Holiday Classic Basketball

Tournament for high school boys to be held at the end of December, 1992, and

WHEREAS, it is desired to enter into a contract with the Broome County Arena for use of its facility to hold the majority of the games scheduled for this tournament at a cost not to exceed \$6,000, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the Broome County Arena for use of its facility for the Broome County STOP-DWI Program Holiday Classic Basketball Tournament for December 28 through December 30, 1992, and be it

FURTHER RESOLVED, that in consideration of said services, the Parks & Recreation Department shall receive an amount not to exceed \$6,000 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from the Broome County STOP-DWI Program Holiday Classic Basketball Tournament Trust and Agency account previously established by companion resolution, 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.** Ayes-18, Nays-0, Absent-1 (Moppert).

**RESOLUTION NO. 470**

by Education, Culture & Recreation, Public Safety & Emergency Services and Finance Committees

Seconded by Mr. Pazzaglini and Mr. Pasquale

**RESOLUTION AUTHORIZING AGREEMENT WITH HUBIE BROWN FOR KEYNOTE SPEAKER SERVICES FOR THE BROOME COUNTY STOP-DWI PROGRAM HOLIDAY CLASSIC BASKETBALL TOURNAMENT BANQUET FOR 1992**

WHEREAS, the Broome County STOP-DWI Program and the Broome County Parks Department are co-sponsoring a STOP-DWI Holiday Classic Basketball Tournament scheduled for December 27 through December 30, 1992, and

WHEREAS, as part of this event, there will be a tournament banquet and it is desired that the keynote speaker be Hubie Brown, who is nationally recognized not only for his involvement with basketball, but also his stance on drug abuse and testing of professional athletes, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Hubie Brown, for keynote speaker services for the Broome County STOP-DWI Program Holiday Classic Basketball Tournament opening banquet scheduled for Sunday evening, December 27, 1992, and be it

FURTHER RESOLVED, that in consideration of said keynote speaker services, the County shall pay Hubie Brown an amount not to exceed \$1,500 for services, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from the Broome County STOP-DWI Program Holiday Classic Basketball Tournament Trust and Agency account previously established by companion resolution, 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.** Ayes-18, Nays-0, Absent-1 (Moppert).

**RESOLUTION NO. 471**

by Education, Culture & Recreation, Public Safety & Emergency Services and Finance Committees

Seconded by Mr. Pazzaglini and Mr. Pasquale

**RESOLUTION AUTHORIZING ESTABLISHMENT OF THE BROOME COUNTY STOP-DWI PROGRAM STOP-DWI HOLIDAY CLASSIC GRANT AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH**

**FOR 1992 THROUGH 1993**

WHEREAS, the Broome County STOP-DWI Program and the Broome County Parks Department are co-sponsoring a STOP-DWI Holiday Classic Basketball Tournament for high school boys to be held at the end of December, 1992, and

WHEREAS, the Broome County STOP-DWI Program requests authorization to establish the STOP-DWI Holiday Classic Grant to administer the STOP-DWI Holiday Classic Basketball Tournament for the period October 1, 1992 through March 1, 1993, in the amount of \$48,500, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves the establishment of the STOP-DWI Holiday Classic Grant in the amount of \$48,500 for the period October 1, 1992 through March 1, 1993, 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 \$48,500 for the period October 1, 1992 through March 1, 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.** Ayes-18, Nays-0, Absent-1 (Moppert).

**RESOLUTION NO. 472**

by County Administration, Economic Development & Planning Committee

Seconded by All Members

**RESOLUTION AUTHORIZING THE PLACEMENT OF THE CHRISTOPHER COLUMBUS QUINCENTENNIAL CELEBRATION MEMORIAL ON THE BROOME COUNTY COURTHOUSE LAWN**

WHEREAS, this County Legislature, by Resolution 344 of 1992, authorized and appointed Louis Augustini, Wanda Hudak, Vincent Pasquale, Michael Pazzaglini and Daniel Schofield to serve on the Christopher Columbus Quincentennial Celebration Siting Committee for the placement of a memorial to Christopher Columbus, and

WHEREAS, this Siting Committee hereby recommends that a monument consisting of a stone memorial and a bust of Christopher Columbus be placed on the west side of the Broome County Courthouse lawn, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the placement of a stone bust monument of Christopher Columbus to be placed on the west side of the Broome County Courthouse lawn, at a more specific location to be determined by the Commissioner of Public Works, and be it

FURTHER RESOLVED, this resolution shall take effect immediately. **Carried.** Ayes-18, Nays-0, Absent-1 (Moppert).

Mr. Pasquale moved, seconded by Mr. Augustini to adjourn to the call of the Clerk at 5:53 p.m. **Carried.**