

**BROOME COUNTY LEGISLATURE
REGULAR SESSION
THURSDAY, JULY 22, 1993**

The Legislature convened at 4:00 p.m. with a Call To Order by the Chairman, Arthur J. Shafer.

The Clerk, Richard R. Blythe, read the fire exit announcement and then called the Attendance roll: Present-15, Absent-4 (Legislators Brown, Malley, Pazzaglini & Wagstaff). Mr. Malley arrived shortly after the roll call.

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.

Mr. Augostini moved, seconded by Mr. Pasquale that the minutes of the June 17, 1993 Session be approved as prepared and as presented by the Clerk.

Carried. Ayes-15, Nays-0, Absent-4 (Brown, Malley, Pazzaglini & Wagstaff).

Written or oral presentations of the County Executive, Timothy M. Grippen:

Letters from the County Executive, Timothy M. Grippen:

- 1.Designating Budget Director, Timothy M. Costello, as Acting County Executive, July 3 - 11, 1993.
- 2.Nominating 3 persons to Environmental Management Council Board of Directors.
- 3.Nominating S. Garing to Resource Recovery Agency.
- 4.Nominating 14 persons to Broome-Tioga-Tompkins Private Industry Council.
- 5.Copy of letter to Community Gardeners Association regarding Town of Dickinson Garden Plot development.

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

COMMUNICATIONS:

1.Minutes from:

- | | |
|-------------------------------------|-------------------------------|
| a.Mental Health Advisory Board | h.Binghamton Regional Airport |
| b.Association of Towns and Villages | i.Waste Reduction Mgt. Team |

- c. Landfill Siting Committee
 - d. Public Library Board of Trustees
 - e. EMC Solid Waste Committee
 - f. Emerging Business Assistance Advisory Board
 - g. Land Use/Natural Resources Committee
 - j. Willow Point Nursing Facility
 - k. Cornell Cooperative Extension
2. Resolutions from:
 - a. Town of Nanticoke (Requesting breakdown of administrative costs for reassessment program)
 - b. Essex County (In support of Senator Ronald B. Stafford)
 - c. Environmental Management Council (Urging Broome County to provide Host Community Benefits package to Nanticoke Landfill Neighbors; Urging passage of State Environmentally Sound Packaging Act)
 - d. Allegany County (Exercise right of Self-Government regarding State Mandated Programs)
 3. Information provided by CASA regarding Robert Wood Johnson Foundation Grant.
 4. Draft guidelines implementing new Agricultural and Farmland Protection Program, including matching grants component.
 5. Town of Fenton Board comments regarding preliminary evaluation of eleven potential landfill sites.
 6. Rules for Classified Civil Service.
 7. Draft Public Health Assessment (Robintech, Inc./National Pipe Co.).
 8. Notification of filing (Solid Waste Management Plan).
 9. Preliminary evaluation of eleven potential landfill sites.
 10. 1993 Sales Tax Revenue Update.
 11. Letter from Campground Owners of New York, Inc. objecting to County Parks & Recreation advertising.
- REPORTS:** 1992 Annual Reports from Mental Health, Audit & Control, Computer Services, Veterans' Outreach Center, District Attorney. Financial Statements from Veterans' Outreach Center, Cooperative Extension, and Broome County.
- Mr. Lindsey Moved, seconded by Mr. Burger to receive and file the above noted reports and to publish any pertinent portions thereof in the 1992 Journal of Proceedings. **Carried.** Ayes-16, Nays-0, Absent-3 (Brown,

Pazzaglini & Wagstaff)

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY LEGISLATURE

Letters from the Chairman, Arthur J. Shafer:

- 1.Appointing Andrew Kavulich as voting representative for Audrey Taylor, Charter and Code Review Committee, July 12, 1993.
- 2.Appointing Vincent A. Pasquale and George Harbachuk as voting representatives for Audrey Taylor at Public Works and Transportation Committees, July 13 and 14, 1993.
- 3.Appointing Louis P. Augostini as Acting Chair for Wayne L. Howard, Environment Committee, July 13, 1993; appointing Wanda Hudak, Chris W. Burger, and Robert J. Warner as voting representatives for Wayne L. Howard at Environment, Public Works and Education, Culture and Recreation Committees, July 13 and 14, 1993.

The following resolutions (**204, 246, 247, 248 & 249**) that were tabled from prior sessions were again presented for consideration.

RESOLUTION NO. 204 by Environment and Finance Committees. Resolution granting a waiver of tipping fee(s) for disposal of flood related debris and flood damaged goods to individuals and businesses who sustained property damage as a result of the April, 1993 flooding in Broome County.

Lost. Ayes-9(Harris, Hudak, Kavulich, Lindsey, Malley, Pasquale, Schofield, Whalen & Shafer)

Nays-7(Augostini, Burger, Coffey, Harbachuk, Howard, Taylor & Warner)

Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 246 by County Administration, Economic Development & Planning and Finance Committees. Resolution authorizing renewal of agreement with Eastman Kodak Co. For lease agreement for Kodak 1575a copier/ fastback binder for 1993 through 1996.

Withdrawn by sponsoring committee.

RESOLUTION NO. 247 by County Administration, Economic Development & Planning and Finance Committees. Resolution authorizing

agreement with Eastman Kodak Co. For maintenance agreement for Kodak 1575a copier/fastback binder for 1993 through 1996. **Withdrawn** by sponsoring committee.

RESOLUTION NO. 248 by County Administration, Economic Development & Planning and Finance Committees. Resolution authorizing agreement with Eastman Kodak Co. For maintenance agreement for Kodak 300 AFB copier and computer forms feeder for general services for 1993 through 1996.

Withdrawn by sponsoring committee.

RESOLUTION NO. 249 by County Administration, Economic Development & Planning and Finance Committees. Resolution authorizing renewal of agreement with Eastman Kodak Co. For lease of Kodak 300 AFB copier for the Department of General Services for 1993 through 1996.

Withdrawn by sponsoring committee.

The following resolutions (**300 & 302**) that were heldover from the previous regular session were again presented for consideration.

RESOLUTION NO. 300 by Finance and Public Safety & Emergency Services Committees, heldover by Mr. Howard. Resolution authorizing increase in salary for the district attorney and authorizing a transfer of funds for said salary increase.

Mr. Schofield moved, seconded by Mr. Burger to table this resolution.

Tabled. Ayes-14, Nays-2 (Coffey & Malley),
Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 302 by Personnel, Public Safety & Emergency Services and Finance Committees, heldover by Mr. Malley. Resolution authorizing personnel change requests for the Sheriff's Department and budget transfer in connection therewith.

Mr. Warner moved, seconded by Mr. Malley to table this resolution.

Tabled. Ayes-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

Several resolutions were taken out of order, however for the sake of clarity, all resolutions are presented in numerical order. The preferred agenda was

presented and seconded by Mr. Warner.

RESOLUTION NO. 304

by Honorable James Malley

Seconded by Mr. Pasquale

**RESOLUTION ACCEPTING THE ENVIRONMENTAL
MANAGEMENT COUNCIL RESOLUTION ON SOURCE
SEPARATED COMPOSTING AND RECOMMENDING BROOME
COUNTY PROCEED WITH A PILOT PROGRAM DESIGNED TO
COMPOST SOURCE SEPARATED FOOD WASTE AND
UNRECYCLABLE PAPER**

WHEREAS, the Environmental Management Council's Ad Hoc Committee on Composting and the entire Environmental Management Council have previously adopted a resolution on source separated composting and recommends that Broome County proceed with plans to initiate a pilot program designed to compost source separated food waste and unrecyclable paper; and

WHEREAS, your sponsor recommends that this Legislature accept and adopt the Environmental Management Council resolution attached as Exhibit "A" and requests that the County proceed with plans to proceed to initiate a pilot program, now, therefore, be it

RESOLVED, that this County Legislature hereby accepts and adopts the Environmental Management Council's resolution on source separated composting as attached hereto as Exhibit "A", and be it

FURTHER RESOLVED, that the Broome County Legislature recommends that Broome County proceed with plans to initiate a pilot program designed to compost source separated food waste and recyclable paper.

Carried.

Ayes-13(Burger, Coffey, Harbachuk, Harris, Hudak, Kavulich, Lindsey,

Malley, Pasquale, Schofield, Taylor, Warner, & Whalen),

Nays-3(Augostini, Howard & Shafer),

Absent-3(Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 305

by County Administration, Economic Development & Planning and Finance Committees

Seconded by Mr. Warner

RESOLUTION AUTHORIZING THE BROOME COUNTY CHAMBER OF COMMERCE TO ACT AS THE AGENCY IN BROOME COUNTY FOR TOURISM AND CONVENTION PROMOTION FOR 1993.

WHEREAS, the Broome County Chamber of Commerce desires to act as the agency for tourism and convention promotion in Broome County, and

WHEREAS, the State of New York may make available grants for such tourism and convention promotion, and

WHEREAS, such grants are given to the County of Broome to fund the participating agency, and

WHEREAS, this County Legislature, by Resolution 256 of 1992, authorized the Broome County Chamber of Commerce to act as the agency in Broome County for tourism and convention promotion for the period January 1, 1993 through December 31, 1993, and

WHEREAS, it is necessary at this time to authorize the Broome County Chamber of Commerce to be the tourism and convention promoter in Broome County for 1994 so that the appropriate applications may be timely filed for New York State grant monies, now, therefore, be it

RESOLVED, that this County Legislature hereby names and authorizes the Broome County Chamber of Commerce to be the tourism and convention promoter in Broome County for the period of October 1, 1993 through December 31, 1994, and be it

FURTHER RESOLVED, that the Broome County Chamber of Commerce is hereby authorized to make application for any grants from the State of New York for tourism and convention promotion in Broome County, and be it

FURTHER RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the Broome County Chamber of Commerce to provide tourism and convention promotion in Broome County, and be it

FURTHER RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the Broome County Chamber of Commerce to provide tourism and convention promotion for Broome County

subject to funding by sources and matching funds by the Broome County Chamber of Commerce, which payment shall be made in accordance with said grants, and be it

FURTHER RESOLVED, that upon approval of said grants, the County Executive is authorized to execute any agreements, documents, or papers, approved as to form by the Department of Law, and the Commissioner of Finance and the Comptroller of Broome are authorized to establish the appropriate and necessary budget accounts to carry out the intent and purpose of this resolution, and be it

FURTHER RESOLVED, that the Broome County Chamber of Commerce shall submit a written report to this Legislature as to the disposition of said grant monies.

Carried. Ayes-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 306

by Public Works, Transportation and Finance Committees

Seconded by Mr. Warner

RESOLUTION AUTHORIZING AGREEMENT WITH MCFARLAND-JOHNSON ENGINEERS, INC., FOR ENGINEERING CONSTRUCTION INSPECTION SERVICES AT THE BINGHAMTON REGIONAL AIRPORT FOR 1993.

WHEREAS, the Commissioner of Public Works requests authorization for an agreement with McFarland-Johnson Engineers, Inc., for engineering construction inspection services at the Binghamton Regional Airport for 1993, at a cost not to exceed \$85,400.00, and

WHEREAS, said services are necessary as the Federal Aviation Administration has mandated that all airports upgrade their runway and taxiway signage to new standards by January 1, 1994, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with McFarland-Johnson Engineers, Inc., for engineering construction inspection services for the signage upgrade project at the Binghamton Regional Airport for 1993, and be it

FURTHER RESOLVED, that in consideration of said services, the

County shall pay the Contractor an amount not to exceed \$85,400.00 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 211029.4746.502214 (Engineering and Architectural 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-13(Augostini, Burger, Harbachuk, Harris, Howard, Hudak, Kavulich, Lindsey, Malley, Schofield, Taylor, Warner, & Shafer),
Nays-3(Coffey, Pasquale, Whalen),
Absent-3(Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 307

by Transportation, Public Works, and Finance Committees

Seconded by Mr. Warner

RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH MCFARLAND-JOHNSON ENGINEERS, INC. FOR CONSULTING ENGINEERING SERVICES FOR REHABILITATION OF THE MAIN TERMINAL APRON AT BINGHAMTON REGIONAL AIRPORT TO INCLUDE SUPPLEMENTAL AGREEMENT FOR DESIGN OF COLLECTION AND DISPOSAL SYSTEM FOR DE-ICING OPERATION FOR 1993.

WHEREAS, this County Legislature, by Resolution 110 of 1993, authorized an agreement with McFarland-Johnson Engineers, Inc. for Consulting Engineering Services for Rehabilitation of the Main Terminal Apron at Binghamton Regional Airport for 1993, at a cost not to exceed \$95,960.00, and

WHEREAS, it is necessary to authorize the amendment of said agreement to include the design of a collection and disposal system for the de-icing operation at the Binghamton Regional Airport as required by the New York State Department of Environmental Conservation, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an

amendment to the agreement with McFarland-Johnson Engineers, Inc. to include a supplemental agreement for the design of a collection and disposal system for the de-icing operation at the Binghamton Regional Airport for the period 1993, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$144,209.65 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 211011.4746.502224 (Architectural and Engineering Services), and be it

FURTHER RESOLVED, that Resolution 110 of 1993, 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.

Mrs. Hudak moved, seconded by Mr. Pasquale to call the question of the resolution. **Call of the question carried.**

Ayes-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

The resolution **Carried.** Ayes-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 308

by Education, Culture & Recreation, Environment and Finance Committees
Seconded by Mr. Warner

RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH TOWN OF UNION FOR LEASE AND DEVELOPMENT OF LITTLE CHOCONUT CREEK WATERSHED SITE NO. 2 IN THE TOWN OF UNION FOR 1993 THROUGH 2003.

WHEREAS, this County Legislature, by Resolution 112 of 1986, authorized an agreement with the Town of Union for the lease and development of the Little Choconut Creek Watershed Site No. 2 in the Town of Union, and

WHEREAS, it is necessary to authorize the amendment of said agreement to reflect a new contract period of August 1, 1993 through July 31, 2003, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with the Town of Union for the lease and development of the Little Choconut Creek Watershed Site No. 2 in the Town of Union for the period August 1, 1993 through July 31, 2003, and be it

FURTHER RESOLVED, that Resolution 112 of 1986, 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-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 309

by Education, Culture & Recreation and Finance Committees

Seconded by Mr. Warner

RESOLUTION INCREASING PETTY CASH FUNDS AT VARIOUS BROOME COUNTY PARKS.

WHEREAS, the Commissioner of Parks and Recreation has indicated the need to increase currently established petty cash funds at Grippen Ice Rink, Nathaniel Cole Park, Greenwood Park, Dorchester Park and for the construction crew, and

WHEREAS, the Commissioner of Finance has determined that petty cash funds should be increased at Grippen Ice Rink, Nathaniel Cole Park, Greenwood Park, Dorchester Park and the Parks and Recreation Construction Crew, now, therefore, be it

RESOLVED, that this County Legislature hereby increases the petty cash funds for the Department of Parks and Recreation as follows,

	<u>From</u>	<u>To</u>
Grippen Ice Rink	\$600.00	\$800.00
Nathaniel Cole Park	\$600.00	\$700.00
Greenwood Park	\$600.00	\$700.00
Dorchester Park	\$600.00	\$700.00
Construction Crew	\$200.00	\$500.00

and

FURTHER authorizes the Commissioner of Finance to transfer said additional amount to the petty cash funds here within established, and be it

FURTHER RESOLVED, that the County Comptroller is hereby authorized and directed to establish rules and procedures governing the use of the petty cash funds herewith created and increased, including, among other things, the requirement that at all times the petty cash allowance shall be fully accounted for in the form of cash on hand and receipted bills for purchases.

Carried. Ayes-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 310

by Health & Human Services and Finance Committees

Seconded by Mr. Warner

RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH LUCILLE S. GREGOIRE-KOBA FOR THE HEALTH DEPARTMENT EDUCATION FOR HANDICAPPED CHILDREN'S PROGRAM FOR 1993.

WHEREAS, this County Legislature, by Resolution 625 of 1992, authorized an agreement with Lucille S. Gregoire-Koba, for itinerant speech, occupational therapy and physical therapy services for the Health Department Education for Handicapped Children's Program, at a cost not to exceed \$9,000.00, and

WHEREAS, it is necessary to authorize the amendment of said agreement to increase the cost of said service in order to provide care for an additional client, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Lucille S. Gregoire-Koba, speech pathologist for provision of itinerant speech, occupational and physical therapy services 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 \$9,800.00, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480285.4715.101000 (Other Health and

Medical Services), and be it

FURTHER RESOLVED, that Resolution 625 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-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 311

by Health & Human Services and Finance Committees

Seconded by Mr. Warner

RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH VENDORS FOR THE HEALTH DEPARTMENT PHYSICALLY HANDICAPPED CHILDREN'S PROGRAM FOR 1993.

WHEREAS, this County Legislature, by Resolution 205 of 1993, authorized agreements with various vendors for the Health Department Physically Handicapped Children's Program for calendar year 1993, and

WHEREAS, it is necessary to authorize an additional agreement for the provision of surgical services in connection with the Physically Handicapped Children's Program, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with various vendors for the Health Department Physically Handicapped Children's Program for 1993 to include the following vendors:

<u>Vendor</u>	<u>Services</u>	<u>Term</u>
Harrison Center	Outpatient Surgery	
Suite 230-550 Harrison St.	Medical/Surgical	6/1/93-
Syracuse, New York 13202		12/31/93
		New - at Medicaid

Rate

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480145.4707.101000 (Medical and Hospital), and be it

FURTHER RESOLVED, that Resolution 205 of 1993, 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-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 312

by Personnel and Finance Committees

Seconded by Mr. Warner

RESOLUTION AUTHORIZING REVISION OF HOURLY RATE SCHEDULE FOR NON-UNION, TEMPORARY AND SEASONAL EMPLOYEES EFFECTIVE FOR 1993.

WHEREAS, this County Legislature, by Resolution 74 of 1993, authorized hourly rates for various non-union, temporary and seasonal employees for 1993, and

WHEREAS, it is requested at this time to amend the hourly rate schedule as indicated on Exhibit "A" attached hereto, now, therefore, be it

RESOLVED, that this County Legislature hereby amends the hourly rate schedule for non-union, temporary, seasonal and miscellaneous employees as set out in Exhibit "A" attached hereto, and be it

FURTHER RESOLVED, that the effective date of said amendments shall be January 1, 1993, unless otherwise indicated on Exhibit "A" attached hereto.

EXHIBIT "A"

SALARY SCHEDULE CHANGES

NON-UNION HOURLY, TEMPORARY, SEASONAL *
MISCELLANEOUS EMPLOYEES

The provisions of the Fair Labor Standards Act will apply to the positions listed on the schedule. All rates are effective January 1, 1993.

	Current	1993
<u>Department/Title</u>	<u>Hourly</u>	<u>Hourly</u>
	<u>Rate</u>	<u>Rate</u>
Planning/BMTS		
Traffic Counter	4.50	5.00

Lost. Ayes-5(Augostini, Coffey, Kavulich, Warner & Whalen)
Nays-11(Burger, Harbachuk, Harris, Howard, Hudak, Lindsey,
Malley, Pasquale, Schofield, Taylor, & Shafer)
Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 313

by Health & Human Services and Finance Committees

Seconded by Mr. Warner

**RESOLUTION AUTHORIZING AGREEMENT WITH
HARPURSVILLE CENTRAL SCHOOL FOR TRANSPORTATION
OF PRESCHOOL CHILDREN UNDER THE EDUCATIONALLY
HANDICAPPED CHILDREN PROGRAM, FOR 1992.**

WHEREAS, Public Health Director requests authorization for an agreement with Harpursville Central School for transportation for preschool children under the educationally handicapped children program for calendar year 1992, at a cost not to exceed \$4,177.80, and

WHEREAS, said services are necessary to provide for transportation in the Harpursville School District to the preschool programs and back home for children who are enrolled in the Educationally Handicapped Children Program with the Broome County Health Department, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Harpursville Central School District for transportation for preschool children for the Educationally Handicapped Children Program 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 \$4,177.80 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480285.4457.101000 (Subcontracted Program), 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-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 314

by Health & Human Services and Finance Committees
Seconded by Mr. Warner

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH HARPURSVILLE CENTRAL SCHOOL FOR TRANSPORTATION FOR PRESCHOOL CHILDREN IN THE EDUCATIONALLY HANDICAPPED CHILDREN PROGRAM FOR 1993.

WHEREAS, this County Legislature, by Companion Resolution authorizes an agreement with Harpursville Central School for transportation for preschool children in the Educationally Handicapped Children Program at a cost of \$4,177.80 for 1992, and

WHEREAS, said agreement expires by its terms on December 31, 1992, and it is desired at this time to renew said agreement on substantially similar terms and conditions with an increase in cost, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Harpursville Central School, Harpursville, NY 13787, for transportation for preschool children to the Educationally Handicapped Children Program for the period January 1, 1993 to 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 \$5,752.59 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480285.4457.101000 (Subcontracted Program), 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-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 315

by Education, Culture & Recreation Committee
Seconded by Mrs. Coffey

RESOLUTION RECOGNIZING THE SETON CATHOLIC CENTRAL HIGH SCHOOL GIRL'S VARSITY SOFTBALL TEAM FOR WINNING THE 1993 NEW YORK STATE ATHLETIC ASSOCIATION CLASS C GIRL'S SOFTBALL CHAMPIONSHIP.

WHEREAS, the 1993 Seton Catholic Central High School Girl's Varsity Softball Team finished the season with a 12-2 record prior to recent tournament play, and

WHEREAS, the Seton Catholic Saints entered Sectional Tournament competition with a 17-3 record and thereafter competed in Regional and State Softball Tournaments, and

WHEREAS, after winning the Section 4 Class C Softball Tournament the Saints advanced to Regional and then State competition and on June 12, 1993 defeated teams from Nanuet and Sandy Creek to become the New York State Athletic Association Class C Champion, and

WHEREAS, the Seton Catholic Central High School Girl's Varsity Softball Team is most deserving of public recognition for its achievements, now, therefore, be it

RESOLVED, that the Broome County Legislature stands ready to pay tribute to the 1993 Seton Catholic Central High School Girl's Softball Team for its recent success, and be it

FURTHER RESOLVED, that the Chairman of the County Legislature and the Clerk of the County Legislature are authorized to present appropriate Letters of Commendation to the members of the softball team, and be it

FURTHER RESOLVED, that the lawmakers serving on the Broome County Legislature hereby extend their congratulations and best regards to everyone on and associated with the Seton Catholic Central High School Girl's Varsity Softball Team, and wishes those individuals continued success in all future endeavors, and be it

FURTHER RESOLVED, that the following team members be commended:

Julie Stashko, Pitcher	Kathy Speicher, Catcher
Sarah Cardullo, Center Field	Joy Judski, First Base
Mary Ducey, Second Base	Regina Speicher, Short Stop
Kara Spolsky, Right Field	Therese Craparo, Catcher
Bridget Hogan, Left Field	Monica Striss, Right Field
Molly Kane, Left Field	Lisa Nesta, Center Field
Arianna Pescatore, Third Base	Colleen Smith, Left Field

Leesa Nagorny, Third Base Rean Wiggins, First Base
Mattithyah Hershowitz, Center Field
Barb Wilson, Manager Dave Ligeikis, Varsity Coach
Bob Clinton, Asst. Coach

Carried. Ayes-15, Nays-0, Absent-4 (Brown, Malley, Pazzaglini & Wagstaff)

RESOLUTION NO. 316

by Finance Committee

Seconded by Mr. Warner

RESOLUTION APPROVING SALE OF 1989 IN REM FORECLOSURE PROPERTY TO NEW OWNER.

WHEREAS, the County of Broome now owns certain parcels of real property by virtue of the completion of proceedings of foreclosure in rem for the year 1989, 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 of the laws, and

WHEREAS, the Director of Real Property Tax Services advises that the new owners of said property have requested to have the property sold back to them, and the Director and your sponsoring committee recommend that such request be granted based on the unusual circumstances of this case as reviewed and approved by your sponsoring committee, now, therefore, be it

RESOLVED, that the sale to the new owner of the parcel listed below for the amount as stated is hereby approved by this County Legislature based on the unusual circumstances of this case as determined by your sponsoring committee as well as the undue hardship to the new owner that the failure to approve such sale would cause: Town Tax Map No. Owner

& Address Sale Amount
Colesville 9-16-S4 Paul & Valli Barrett
\$2,118.78

RD #2 Box 208
Harpursville, NY 13787 and

be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to execute a quick claim deed,

approved as to form by the Department of Law, conveying the property listed above to the new owner in such case, together with other such documents as may be necessary to implement the intent of this resolution.

Carried. Ayes-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 317

by Finance Committee

Seconded by Mr. Warner

RESOLUTION AUTHORIZING THE SALE OF THE FORMER RIVERSIDE OIL COMPANY TO SIGNATURE SERIES.

WHEREAS, the Director of Real Property Tax Services requests this Legislature to authorize the sale of the former Riverside Oil Company located on Riverside Drive in the Town of Union Tax Map Numbers 3-G12-1 and 1-G12-02X to signature series for the sum of \$55,000.00, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the sale of the former Riverside Oil Company located on Riverside Drive in the Town of Union (Tax Map Numbers 3-G12-1 and 1-G12-02X) to signature series, 3 Perry Drive, Apalachin, NY 13732 c/o Lee C. Harchin, Esq. Senesky, Alenik, Stefansky and Poole, 249 Main Street, Johnson City, NY 13790, for the amount of \$55,000.00, and be it

FURTHER RESOLVED, that the revenues hereinabove authorized shall be credited to budget line 630004.0002.101000 (Gain from Sale - Tax Acquired Property), and be it

FURTHER RESOLVED, that said sale is contingent upon the following:

1. That as part of the purchase price, Signature Series agrees to personally defend and indemnify Broome County on all environmental legal claims that may be made subsequent to the date of sale against the County of Broome arising out of the ownership, use or occupation of said property by the County of Broome during its entire history of said ownership, occupation and use.
2. That said sale shall be further contingent upon the acceptance by Signature Series of the quick claim deed to said property with no warranties or guarantees.

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-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 318

by Health & Human Services and Finance Committees

Seconded by Mr. Schofield

RESOLUTION AUTHORIZING AGREEMENT WITH MICHAEL W. SCHAFFER, FOR CONSULTANT SERVICES TO YESCAP FOR ADSIP PEER LEADERSHIP PROGRAM AND LEADERSHIP CONFERENCE FOR 1993-1994

WHEREAS, the Director of Drug Awareness Center requests authorization for an agreement with Michael W. Schaffer for consultant services to YESCAP for ADSIP Peer Leadership Program and Leadership Conference for 1993-1994 (Grant Year) at a cost not to exceed \$4,500.00, and

WHEREAS, said services are necessary to provide services under the YESCAP Grant for ADSIP Peer Leadership and Leadership Conference, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Michael W. Schaffer, 3623 Country Club Road, Endwell, NY, 13760, for consultant services to YESCAP for ADSIP Peer Leadership Program and Leadership Conference for 1993-1994, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$4,500.00 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 470062.4747.102733 (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-15, Nays-1 (Coffey), Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 319

by Finance Committee

Seconded by Mr. Warner

RESOLUTION AUTHORIZING SALE OF COUNTY PROPERTIES OF THE 1993 TAX SALE.

WHEREAS, the County of Broome now owns certain parcels of real property, and

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

WHEREAS, the director of Real Property Tax Service advises that a tax sale for 1993 was held and tabulation of all bids submitted was undertaken by the director of Real Property Tax Service, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the conveyance of certain real property to the successful bidders in the 1993 Broome County tax sale as follows:

<u>Town</u>	<u>Tax Map #</u>	<u>Successful Bidder</u>	<u>Bid</u>
Barker	2-1-5	Town of Barker Hyde Street P.O. Box 66 Castle Creek, NY 13744	\$500
Barker	50-20-S1	Orrin Pendell 273 Smith Hill Road Lisle, NY 13797	\$500
Binghamton	3-2-A-204X	Donald Wheeland 23 Harding Avenue Binghamton, NY 13903	\$100
Chenango	1-2-37	Vincent S. Lomonaco	\$200

		7 Duane Avenue Binghamton, NY 13903	
Chenango	5-2-6X	Emmerich J. Bares, Jr. 1404 Hawleyton Road Binghamton, NY 13903	\$7,000
Chenango	6-17-C-14A	Christopher R. Doetschman 124 Earl Road Vestal, NY 13850	\$13,100
Chenango	6-6-B-3S1	Keith & Lori Dutcher 25 Thomas Road Binghamton, NY 13901 <u>AND</u> David J. and Laura Evans 3 Thomas Road Binghamton, NY 13901	\$1,500
Chenango	6-24-B-24	Brian A. Bromka 208 Walton Street Syracuse, NY	\$41,000
Chenango	7-3-A-1 <u>AND</u> 7-3-A-2	Emmerich J. Bares, Jr. 1404 Hawleyton Road Binghamton, NY 13903	\$200
Chenango	7-3-A-127	Francis A. Fernan 22 Delevan Avenue Binghamton, NY 13903	\$150
Colesville	1-32-S5	Lora Merrell PO Box 42 1 Meade Road Tunnel, NY 13848	\$3,600

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Colesville	5-72	Joseph M. Pier 537 Colesville Road Binghamton, NY 13904	\$8,100
Colesville	5-6-4	Harold Tripp PO Box 425 Harpurville, NY 13787	\$1,000
Colesville	6-34-S7	Ronald Bailey 1480 Colesville Road Harpurville, NY 13787	\$3,100
Colesville	12-1-18S3	Mary & Russell Hendrickson 2516 Route 17 Harpurville, NY 13787	\$1,100
Conklin	1-2-1-S3	Donald Wheeland 23 Harding Avenue Binghamton, NY 13903	\$2,000
Conklin	1-2-1-S4	Donald Wheeland 23 Harding Avenue Binghamton, NY 13903	\$9,000
Conklin	1-2-1-S5	Donald Wheeland 23 Harding Avenue Binghamton, NY 13903	\$2,000
Conklin	1-5-A-126 AND 1-5-A-127 AND 1-5-A-128	Charles E. Little 31 Carol Court Conklin, NY 13748	\$300
Dickinson	1-4-10A	Vernon P. Elder 808 Broad Street Endicott, NY 13760	\$100

Dickinson	2-3-66	Anthony Nelson 8 Macomber Avenue Port Dickinson, NY	\$20,000
Fenton	8-8-4	Kimberly Dando 207 Crocker Hill Road Binghamton, NY 13904	\$1,500
Kirkwood	3-8-S1	Charles Fenson 231 Floral Avenue Johnson City, NY 13790	\$1,000
Kirkwood	4-3-3	Joyce Hawley 596 Phillips Road Windsor, NY 13865	\$600
Kirkwood	5-4	Walter Richard 174 Stratmill Road Binghamton, NY 13904	\$5,200
Kirkwood	7-5-S2	Vernon P. Elder 808 Broad Street Endicott, NY 13760	\$500
Kirkwood	9-1-3	Charles Fenson 231 Floral Avenue Johnson City, NY 13790	\$3,400
Lisle	4-1-5	Earl R. Sessions PO Box 212 Hunts Corners Road Lisle, NY 13797-0212	\$2,900
Maine	6-5-19	William H. Benjamin PO Box 297 Kirkwood, NY 13795	\$10

Maine	9-56X	Charles Fenson 231 Floral Avenue Johnson City, NY 13790	\$4,200
Maine	10-9-1X AND 10-9-1-S2	Charles Fenson 231 Floral Avenue Johnson City, NY 13790	\$1,110
Sanford	1-1-6	Vernon P. Elder 808 Broad Street Endicott, NY 13760	\$8,500
Sanford	1-1-68	William H. Benjamin PO Box 297 Kirkwood, NY 13795	\$500
Sanford	11-39-S2	Eugene F. Roma 701 Odell Avenue Endicott, NY 13760	\$1,500
Sanford	11-18	John Bertoni 805 John Street Endicott, NY 13760	\$1,000
Sanford	12-42-S2	Patrick Shannahan 2169 Farm to Market Road Johnson City, NY 13790	\$3,000
Sanford	14-1-25	Harold Seward 128 Haskins Road Kirkwood, NY 13795	\$50
Sanford	14-4-10	Mathew Jr. & Veronica Gorecki 155 Old Commack Road Kings Park, NY 11754	\$500

Sanford	14-4-10-S3X	Mathew Jr. & Veronica Gorecki 155 Old Commack Road Kings Park, NY 11754	\$1,500
Union	3-F2-04-S11	Denis Krissel 315 Boswell Hill Road Endicott, NY 13760	\$9,000
Union	3-H8-D4-11	Donald Wheeland 23 Harding Avenue Binghamton, NY 13903	\$17,000
Union	3-J7-F-10	Shannon L. Andrew 2510 North Street Endwell, NY 13760	\$10
Union	3-J8-H-15 AND 3-J8-H-16	Charles Fenson 231 Floral Avenue Johnson City, NY 13790	\$2,200
Union	3-M2-B-12 AND 3-M2-B-13	Rosemary Suwak 23 Stokes Avenue Binghamton, NY 13905	\$200
Vestal	15-6-3	John Ryer & Marie Davis 884 Powderhouse Road Binghamton, NY 13903	\$40,000
Windsor	1-1-105	William, Sidney & James Miller 178 Main Street Windsor, NY 13865	\$500
Windsor	7-42-S2	William H. Benjamin PO Box 297 Kirkwood, NY 13795	\$100

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.

LEGISLATIVE NOTE: Total amount of this resolution is \$ 220,530. Mr. Whalen requested and the Chair directed that the Clerk contact appropriate County officials and request totals in the future.

Carried. Ayes-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 320

by Transportation, Public Works and Finance Committees

Seconded by Mr. Warner

RESOLUTION AMENDING THE 1993 CAPITAL IMPROVEMENT PROGRAM

RESOLVED, that the 1993 Capital Improvement Program for the Aviation Department, is hereby amended as follows:

From:

Estimated Construction Cost

Code: C-22

Project Name: Replace Terminal Roof (North and South)

Total: \$200,000

State	\$0
Federal	-0-
County	\$200,000

How Financed

Year Start: 1993

YPU: 10

Bond 0

Current Revenue \$200,000

Description: rehabilitation of existing roof (3,500 square feet), exclusive of original building to include rehabilitation of second floor-east brick parapet wall to protect structure from water damage and safety hazards. May require asbestos abatement. Work will be completed during 1994 and will have no negative affect upon operating budget.

To:

Estimated Construction Cost

Code: C-22
Project Name: Replace Terminal Roof (North and South)
Total: \$115,000
State \$0
Federal -0-
County \$115,000

How Financed

Year Start: 1993
YPU: 10
Bond 0
Current Revenue \$115,000

Description: Rehabilitation of Terminal Roof, exclusive of original building to include repairs to roof membrane and selective replacement of flashing and to include rehabilitation of second floor-east brick parapet wall to protect structure from water damage and safety hazards. Work will be completed during 1994 and will have no negative affect upon operating budget.
and be it

FURTHER RESOLVED, that the 1993 Capital Improvement Program is hereby amended as follows:
Create:

Estimated Construction Cost

Code: C-TBA
Project Name: ADA/Jetaway Construction
Total: \$85,000
State \$0
Federal -0-
County \$85,000

How Financed

Year Start: 1993
YPU: 10
Bond 0
Current Revenue \$85,000

Description: Costs associated for the engineering and disassembly, relocation, installation and associated structural modifications to the aircraft parking ramp. **Carried.** Ayes-15, Nays-0, Absent-4 (Brown, Coffey, Pazzaglini & Wagstaff)

RESOLUTION NO. 321

by Transportation, Public Works, and Finance Committees

Seconded by Mr. Warner

RESOLUTION AUTHORIZING ACCEPTANCE OF FEDERAL AVIATION ADMINISTRATION AIRPORT IMPROVEMENT PROGRAM GRANT FOR THE BINGHAMTON REGIONAL AIRPORT AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH

WHEREAS, the Commissioner of Aviation requests authorization to accept a Federal Aviation Administration Airport Improvement Program Grant in the amount of \$284,724, and

WHEREAS, said grant program provides for the undertaking of an airport transportation infrastructure project pursuant to the Airport and Airway Safety and Capacity Expansion Act of 1987 this project to specifically provide for Binghamton Regional Airport signage improvements, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$284,724 from the Federal Aviation Administration, 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 \$284,724, 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-15, Nays-0, Absent-4 (Brown, Coffey, Pazzaglini & Wagstaff)

RESOLUTION NO. 322

by Transportation, Public Works, and Finance Committees

Seconded by Mr. Warner

RESOLUTION AUTHORIZING ACCEPTANCE OF FEDERAL AVIATION ADMINISTRATION AIRPORT IMPROVEMENT PROGRAM GRANT FOR THE BINGHAMTON REGIONAL AIRPORT AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH

WHEREAS, the Commissioner of Aviation requests authorization to accept a Federal Aviation Administration Airport Improvement Program Grant in the amount of \$671,947, and

WHEREAS, said grant program provides for the undertaking of an airport transportation infrastructure project pursuant to the Airport and Airway Safety and Capacity Expansion Act of 1987 this project specifically for terminal apron overlay and refurbishing the runway sweeper at the Binghamton Regional Airport, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$671,947 from the Federal Aviation Administration, 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 \$671,947, 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-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 323

by Finance, Transportation and Public Works Committees Seconded by Mr. Warner

RESOLUTION AMENDING THE 1992 CAPITAL IMPROVEMENT PROGRAM.

RESOLVED, that the 1992 Capital Improvement Program as previously amended by Resolution 92-155 for the Aviation Department is hereby amended as follows:

FROM:

Estimated Construction Cost

Code: C-166
Project Name: Vault Electrical Upgrade
Total: \$1,321,500
 State \$0
 Federal \$1,189,350
 County \$ 132,150

How Financed

Year Start: 1992
YPU: 10
Bond \$0
Current Revenue \$132,150
Description: Mandated replacement of runways 16-34 and 10-28 and taxiway lighting systems.

TO:

Estimated Construction Cost

Code: C-166
Project Name: Vault Electrical Upgrade
Total: \$1,700,000
 State \$ 85,000

Federal	\$1,530,000
County	\$ 85,000

How Financed

Year Start:	1992
YPU:	10
Bond	\$0
Current Revenue	\$132,150

Description: Mandated replacement of runways 16-34 and 10-28 and taxiway lighting systems as well as purchase and installation of all runway and taxiway signs mandated by the FAA.

Carried. Ayes-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 324

by Finance, Transportation, and Public Works Committees

Seconded by Mr. Warner

RESOLUTION AMENDING THE 1993 CAPITAL IMPROVEMENT PROGRAM FOR THE MAIN TERMINAL APRON REHAB.

RESOLVED, that the 1993 Capital Improvement Program for the Aviation Department is hereby amended as follows:

FROM:

Estimated Construction Cost

Code:	C-231
Project Name:	Main Terminal Apron Overlay
Total:	\$1,100,000
State	\$55,000
Federal	\$ 990,000
County	\$ 55,000

How Financed

Year Start:	1993
YPU:	10
Bond	0
Current Revenue	\$110,000

Description: Rehabilitation of Main Terminal's apron to repair cracking and settling. This will include a surface overlay and the construction of one

concrete pad. Project will be staged and completed within 1993.

TO:

Estimated Construction Cost

Code: C-231

Project Name: Main Terminal Apron Overlay

Total:	\$1,100,000
State	\$ 55,000
Federal	\$ 990,000
County	\$ 55,000

How Financed

Year Start:	1993
YPU:	10
Bond	0
Current Revenue	\$110,000

Description: Rehabilitation of Main Terminal's apron to repair cracking and settling. This will include a surface overlay and the construction of one concrete pad, as well as the design and construction of Glycol Deicing Recovery System. Project will be completed in 1994.

Carried. Ayes-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 325

By Public Works and Finance Committees

Seconded by Mr. Warner

RESOLUTION AUTHORIZING RECISION OF RESOLUTION 107 OF 1993

WHEREAS, this County Legislature by resolution 107 of 1993, authorized an agreement with New York State Department of Transportation for replacement of Colesville Road Extension Bridge, at a cost not to exceed \$639,400.00 plus R.O.W. costs, and

WHEREAS, the New York State Department of Transportation has notified the Department of Public Works that this project is a Marchiselli Project which requires a specific agreement with New York State, and

WHEREAS, the Marchiselli Agreement will result in a substantial savings to Broome County, now, therefore, be it

RESOLVED, that this County Legislature hereby rescinds resolution 107 of 1993.

Carried. Ayes-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 326

By Public Works and Finance Committees

Seconded by Mr. Warner

RESOLUTION AUTHORIZING A MARCHISELLI AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR REPLACEMENT OF COLESVILLE ROAD EXTENSION BRIDGE.

WHEREAS, a project for CR313 over Conrail and New York State Route 11 BIN 3358680, for Broome County, P.I.N. 9750.78 funded for entitle 23 US Code, as amended, calls for the apportionment of the costs of such program to be borne at the ratio of %80 federal funds and %20 non-federal funds, and

WHEREAS, Broome County will be reimbursed 75% of the non-federal share, up to \$43,000 through the Marchiselli Program, and

WHEREAS, the County of Broome desires to advance the above project by making a commitment of %100 of the non-federal share of the costs of preliminary engineering and row incidentals, now, therefore, be it

FURTHER RESOLVED, that this County Legislature hereby approves the above subject project, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes the Department of Public Works of Broome County to pay %100 of the non-federal share of the costs of preliminary engineering and ROW incidentals work for the subject project or portions of the subject project that are not on the state highway system, and be it

FURTHER RESOLVED, that the sum of \$57,400.00 is hereby appropriated to cover the cost of participation in the above phase of the project, and the County of Broome is hereby authorized and directed to deposit with the State Comptroller prior to the award of the contract, and be it

FURTHER RESOLVED, that the payments hereinabove authorized

shall be made from budget line 035022.4746.501276 (Engineering and Architectural Svces.), and be it

FURTHER RESOLVED, that in the event the full non-federal share costs of the project exceeds the amount deposited with the Comptroller, the County of Broome shall deposit said excess amount immediately upon the direction of the Department of Transportation, and be it

FURTHER RESOLVED, that the Broome County Executive or his duly appointed representative be and is hereby authorized to execute all necessary agreements on behalf of the County of Broome with the New York State Department of Transportation approving of the above subject project and providing for the municipalities in the cost in the local share of the subject project, and be it

FURTHER RESOLVED, that a copy of this resolution be filed with the New York State Commissioner of Transportation, it being understood that upon completion of the above project, the Commissioner shall transmit to the Commissioner of Public Works a statement showing the actual costs and expenses of such work and shall notify the County of Broome of the amount if any to be returned to the County of Broome.

Carried. Ayes-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 327

By Public Works and Finance Committees

Seconded by Mr. Warner

RESOLUTION AUTHORIZING AGREEMENT WITH O'BRIEN AND GERE ENGINEERS, FOR CONSULTING ENGINEERING SERVICES FOR THE FLEET GARAGE TANK SITE FOR 1993 THROUGH 1994.

WHEREAS, the Commissioner of Public Works requests authorization for an agreement with O'Brien and Gere Engineers for consulting engineering services associated with the fleet garage tank site for the period August 1, 1993 through July 31, 1994, at a cost not to exceed \$18,176.00, and

WHEREAS, said services are necessary to determine the extent of work needed to repair the petroleum hydrocarbon compound leakage from the underground storage tank at the County fleet garage, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with O'Brien and Gere Engineers, 441 Commerce Road, Vestal,

NY 13850 for consulting engineering services associated with the fleet garage tank site for the period August 1, 1993 through July 31, 1994, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$18,176.00 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 035139.4746.501266 (Engineering and Architectural Svces.), 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-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 328

By Finance Committee

Seconded by Mr. Warner

RESOLUTION AUTHORIZING A CONTRACT WITH THE CENTER FOR GOVERNMENTAL RESEARCH, INC., FOR AN EFFICIENCY AND COST-SAVINGS STUDY OF SELECTED ASPECTS OF BROOME COUNTY GOVERNMENT

WHEREAS, the Chair of the Broome County Legislature has secured a proposal from the Center for Governmental Research, Inc., 37 South Washington Street, Rochester, NY 14608, and

WHEREAS, this proposal, attached as Exhibit "A" outlines a proposal to undertake an efficiency and cost-savings study of selected aspects of Broome County Government, and

WHEREAS, the Chair of the Legislature recommends that Broome County enter into an agreement with the Center for Governmental Research, Inc., for the study as outlined in Exhibit "A," not to exceed \$ 97,100, now therefore be it

RESOLVED, that this County Legislature hereby authorizes a contract with the Center for Governmental Research, Inc., 37 South Washington Street, Rochester, NY 14608 for an efficiency and cost-savings study of

selected aspects of Broome County Government, outlined in Exhibit "A," not to exceed \$ 97,100, as and be it

FURTHER RESOLVED, that said study will be completed and presented to this County Legislature in two phases, as outlined on the attached exhibit, the first no later than October 15, 1993, and the second no later than December 31, 1993, and be it

FURTHER RESOLVED, that the payment(s) hereinabove authorized shall be made from budget line 240010.4747.101000 (Other Fees For Services), and be it

FURTHER RESOLVED, that in order to provide funds for this contract, this County Legislature hereby approves the transfer of \$97,100 from budget line 900084.4752.101000 (contingent fund) to budget line 240010.4747.101000 (Other Fees For Services), and be it

FURTHER RESOLVED, that the County Executive or the duly authorized representative of the County Executive 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. Pasquale

RESOLUTION NO. 329

By Health & Human Services and Finance Committees

Seconded by Mr. Warner

RESOLUTION AUTHORIZING AGREEMENT WITH COURT AND HENRY STREET DEVELOPMENT, INC. FOR LEASE OF PREMISES AT ONE WALL STREET TO BROOME COUNTY HEALTH DEPARTMENT FOR 1993 THROUGH 1998.

WHEREAS, the Public Health Director requests authorization for an agreement with Court & Henry Street Development, Inc. for lease of premises at One Wall Street, Binghamton, NY for a five year period commencing on August 1, 1993 and terminating on July 31, 1998, said space consisting of approximately 23,120 square feet and

WHEREAS, it is requested that said lease provide for an option for a five year renewal upon the same terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Court & Henry Street Development, Inc. 151 Laurel Avenue,

Binghamton, NY, 13905 for the lease of 23,120 square feet of space at One Wall Street, Binghamton, NY payable as follows:

ANNUAL		SQUARE	ANNUAL	MONTHLY
<u>FROM</u>	<u>TO</u>	<u>FOOTAGE</u>	<u>RATE</u>	<u>RATE</u>
<u>RENTAL</u>				
8/1/93	7/31/94	23120	\$8.25	\$15,895.00
8/1/94	7/31/95	23120	\$8.25	\$15,895.00
8/1/95	7/31/96	23120	\$8.25	\$15,895.00
8/1/96	7/31/97	23120	\$8.50	\$16,376.67
8/1/97	7/31/98	23120	\$8.84	\$17,031.73

and be it

FURTHER RESOLVED, that said Lease shall be for a five-year term commencing August 1, 1993 and terminating on July 31, 1998, and be it

FURTHER RESOLVED, that said agreement shall provide for an option to renew said agreement for an additional five-year period at the following rate schedule:

ANNUAL		SQUARE	ANNUAL	MONTHLY
<u>FROM</u>	<u>TO</u>	<u>FOOTAGE</u>	<u>RATE</u>	<u>RATE</u>
<u>RENTAL</u>				
8/1/98	7/31/99	23120	\$9.19	\$17,706.07
8/1/99	7/31/00	23120	\$9.56	\$18,418.93
8/1/00	7/31/01	23120	\$9.94	\$19,151.07
8/1/01	7/31/02	23120	\$10.34	\$19,921.73
8/1/02	7/31/03	23120	\$10.75	\$20,711.67

and be it,

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480046.4422.101000 (Building and Land Rental), and be it

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

Carried. Ayes-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 330

By Transportation and Finance Committees
Seconded by Mr. Warner

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH STATE UNIVERSITY OF NEW YORK AT BINGHAMTON FOR BUS TRANSPORTATION OF SUNY STUDENTS FOR 1993 THROUGH 1996.

WHEREAS, this County Legislature, by Resolution 318 of 1991, authorized an agreement with SUNY Binghamton to furnish bus transportation for SUNY students during the 1991 to 1992 and 1992 to 1993 academic years, and

WHEREAS, that agreement expired by its terms at the end of the academic year 1992 to 1993 and it is desired at this time to renew said agreement said agreement on substantially similar terms and conditions, with an increase in revenue to Broome County, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with State University of New York at Binghamton for bus transportation for SUNY students as follows:

- 1.The term of the agreement shall be for the academic years 1993 to 1994, 1994 to 1995, and 1995 to 1996, Spring and Fall Semesters. The dates for the commencements and expiration of this agreement shall be established by SUNY Binghamton officials and the Department of Transportation.
- 2.Students may board the bus by showing a validated SUNY identification card. This system shall only be in effect during the Spring and Fall semesters. During Summer Sessions students shall be required to pay the appropriate fare when they board.
- 3.Payment to Broome County for services rendered shall be as follows:

<u>Academic Year</u>	<u>Formula</u>
1993/1994	*Current Base + CPI (Max CPI = 3.5%)
1994/1995	1993/1994 Amount + CPI (Max CPI = 4.0%)
1995/1996	1994/1995 Amount + (Max CPI = 4.0%)

and be it

FURTHER RESOLVED, that the revenue hereinabove authorized shall be credited to budget line 220004.0094.203000 (SUNY O.C.C. Contract), 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.

* LEGISLATIVE NOTE: Per Commissioner, the Current Base is \$202,800.

The Chair, at the request of several Legislators directed the Clerk to contact various department heads and the Department of Law and request that actual numbers be used instead of phrases such as "current base" in resolutions of this nature.

Carried. Ayes-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 331

By Transportation and Finance Committees

Seconded by Mr. Whalen

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH THE CITY OF BINGHAMTON SCHOOL DISTRICT FOR THE TRANSPORTATION OF STUDENTS DURING THE 1993-1994, 1994-1995, AND 1995-1996 SCHOOL YEARS.

WHEREAS, this County Legislature, by Resolution 349 of 1990, authorized an agreement with the City of Binghamton School District for the transportation of students during the 1990-1991, 1991-1992, and 1992-1993 school years, and

WHEREAS, said agreement expired by its terms on the last school day of the 1992-1993 school year, and it is desired at this time to renew said agreement on the terms and conditions hereinafter set forth, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a renewal of the agreement with the City of Binghamton School District for the

transportation of students for the next three school years at the rates as follows:

<u>Academic Year</u>	<u>Formula</u>
1993/1994	*Current Base + 1%
1994/1995	1993/1994 Amount + (CPI - 1 point)
1995/1996	1994/1995 Amount + CPI,

and be it

FURTHER RESOLVED, that the revenues hereinabove authorized shall be credited to budget line 220004.0095.203000 (Binghamton School District Contract), 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.

* LEGISLATIVE NOTE: Per Commissioner, the Current Base is \$143,799

The Chair, at the request of several Legislators directed the Clerk to contact various department heads and the Department of Law and request that actual numbers be used instead of phrases such as "current base" in resolutions of this nature.

Carried. Ayes-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 332

By Public Safety & Emergency Services and Finance Committees

Seconded by Mr. Burger

A RESOLUTION RETAINING THE SERVICES OF SPECIAL COUNSEL FOR THE COUNTY OF BROOME, NEW YORK, IN CONNECTION WITH THE ISSUANCE OF APPROXIMATELY \$40,000,000 CERTIFICATES OF PARTICIPATION IN CONNECTION WITH THE FINANCING OF THE NEW COUNTY JAIL.

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

Section 1. The law firm of Willkie Farr & Gallagher, bond counsel of

New York City, is hereby retained to represent the County of Broome, New York as special counsel, in connection with the issuance of approximately \$40,000,000 certificates of participation (the "Certificates") for purposes of financing the new County jail, upon the following conditions:

- a) such firm shall render the usual services customary in the trade for special counsel to render, including the review of proceedings (including proceedings undertaken in compliance with the State Environmental Quality Review Act) for the issuance of certificates of participation, and all other services necessary to effectuate the issuance of the obligations herein described pursuant to Section 109-b of the General Municipal Law and the regulations of the State Comptroller promulgated in connection therewith, consisting of, but not limited to, the following services:
 1. Drafting and review of the resolution authorizing the installment purchase contract.
 2. Drafting and review of the resolution authorizing the private sale of Certificates (if this route is chosen).
 3. Assistance with evaluation of financing alternatives.
 4. Drafting and review of the lease purchase agreement.
 5. Drafting and review of the trust indenture.
 6. Review of the purchase contract for the Certificates.
 7. Drafting and review of a Closing Certificate with respect to the Certificates, which document acts as a guarantee of signatures, a receipt for the purchase price, and a no litigation certificate.
 8. Drafting and review of an Arbitrage Certificate with respect to the Certificates.
 9. Review of the Official Statement prepared in connection with the sale of the certificates, including guidance and supervision with respect to all those steps necessary to insure that such Official Statement is drafted and disseminated in accordance with Securities and Exchange Commission Rule 15c2-12;
 10. Completion and filing of I.R.S. information form 8038.G.
 11. Drafting and review of the General Certificate necessary in connection with the closing of the Certificates as well as all other closing documents necessary in compliance with the terms of the purchase contract for the Certificates.
 12. Drafting of the certificate of the chief fiscal officer approving the

acceptance of the above listed grant programs for the period July 1, 1993 through June 30, 1996, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" for the Title IIC 82% program in the total amount of \$448,715.00 for the period July 1, 1993 through June 30, 1996, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "B" for the Title IIC 8% program in the total amount of \$34,225.00 for the period July 1, 1993 through June 30, 1996, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "C" for the Title IIA 8% program in the total amount of \$61,596.00 for the period July 1, 1993 through June 30, 1996, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "D" for the Title IIA 77% program in the total amount of \$667,808.00 for the period July 1, 1993 through June 30, 1996, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "E" for the Title IIA 5% older worker program in the total amount of \$49,442 for the period July 1, 1993 through June 30, 1996, 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 representative is hereby authorized to execute any budget transfers within the budgetary limits as set out in Exhibits "A", "B", "C", "D", and "E" as attached hereto provided that said budget transfers do not affect a personnel line.

Carried. Ayes-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 334

By Finance and Education, Culture and Recreation Committees.

Seconded by Mr. Burger

RESOLUTION ADOPTING THE BUDGET FOR BROOME COMMUNITY COLLEGE FOR 1993 THROUGH 1994.

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

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

WHEREAS, pursuant to the Broome County Charter and Administrative Code, Article XXIII A, Broome Community College has submitted a proposed budget for the year commencing September 1, 1993 and ending August 31, 1994, and

WHEREAS, the Broome Community College Board of Trustees expects to receive grant monies in the amount of \$1,858,196 for the year commencing September 1, 1993 and ending August 31, 1994, and

WHEREAS, on July 15, 1993, a public hearing was held on this proposed budget and the Budget Message submitted by the County Executive and copies of the proposed budget and the Budget Message had been available for inspection and/or procurement for at least seven days prior to this hearing pursuant to this County's Charter and Administrative Code, now, therefore, be it

RESOLVED, that the proposed budget of Broome Community College in the amount of \$29,312,924 be and hereby is adopted for said Broome Community College for the year commencing September 1, 1993 and ending August 31, 1994, and be it

FURTHER RESOLVED, that Broome County shall provide \$4,628,640 as an appropriation for its annual contribution to the support of Broome Community College's operating and maintenance expenditures, and be it

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

SUMMARY OF BROOME COMMUNITY COLLEGE BUDGET

Fiscal Year September 1, 1993 through August 31, 1994
 Operating Grant

	<u>Budget</u>	<u>Activities</u>	<u>Totals</u>
Appropriations:	\$27,454,728	\$1,858,196	\$29,312,924
Estimated Revenues:			
Various Grant Revenues		\$1,858,196	\$ 1,858,196
Misc. Offsets to Expenses	1,330,566		1,330,566
State Sources	9,069,960		9,069,960
Student Sources	9,706,807		9,706,807
Sponsor Sources:			
Broome's Contribution	4,628,640		4,628,640
Other Counties	1,258,910		1,258,910
Out of State Students	782,745		782,745
Appropriated Fund Balance	<u>782,745</u>		<u>782,745</u>

Total Revenues: \$27,454,728 \$1,858,196 \$29,312,924

and be it

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

Mr. Pasquale moved, seconded by Mr. Whalen that the resolution be amended to increase Broome County's contribution by \$150,000 and decrease the Appropriated Fund Balance by \$150,000.

Mr. Pasquale moved, seconded by Mr. Kavulich to call the question on the amendment.

The question was **called**. Ayes-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

The amendment **Lost**.

Ayes-7 (Burger, Harbachuk, Harris, Kavulich, Pasquale, Taylor, Whalen)

Nays-9(Augostini, Coffey, Howard, Hudak, Lindsey, Malley, Schofield, Warner & Shafer)

Absent-3 (Brown, Pazzaglini & Wagstaff)

Mr. Augostini moved, seconded by Mr. Pasquale to call the question on the resolution.

The question was **called**. Ayes-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

The resolution **Carried**. Ayes-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 335

By Personnel and Public Safety & Emergency Services

Seconded by Mr. Howard

RESOLUTION AUTHORIZING THE HIRING OF ONE FULL-TIME DEPUTY SHERIFF ABOVE THE MINIMUM SALARY.

RESOLVED, that in accordance with a request from the Sheriff's Department as contained in PDR #93-407 this County Legislature authorizes the hiring of one (1) full-time Deputy Sheriff, Ungraded, Union Code O5 (Deputy Sheriff Benevolent Association) at an annual salary of \$26,419 (9.2% or \$2,228) above the minimum, at budget line 450072.1000, effective February 8, 1993.

LEGISLATIVE NOTE: This resolution pertains to the hiring of James M. Reif.

Mr. Kavulich moved, seconded by Mr. Warner to change the effective date of the resolution to August 1, 1993.

The amendment **carried**.

Ayes-12(Augostini, Coffey, Harbachuk, Harris, Howard, Hudak, Kavulich, Malley, Pasquale, Taylor, Warner, Whalen),

Nays-4 (Burger, Lindsey, Schofield & Shafer),

Absent-3 (Brown, Pazzaglini & Wagstaff)

The resolution as amended **carried**.

Ayes-12(Burger, Harbachuk, Harris, Howard, Kavulich, Lindsey, Malley, Schofield, Taylor, Warner, Whalen & Shafer),

Nays-4 (Augostini, Coffey, Hudak & Pasquale),

Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 336

By Finance and Education Committees
 Seconded by Mr. Warner

RESOLUTION AMENDING THE 1988 CAPITAL IMPROVEMENT PROGRAM.

RESOLVED, that the 1988 Capital Improvement Program is hereby amended as follows:

FROM:

Estimated Construction Cost:					
<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>State</u>	<u>Fed.</u>	<u>County</u>
E-65	Titchener Hall	\$2,800,000	\$1,400,000	\$0	\$1,400,000
How Financed:					
<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current Revenue</u>		
1988	20	\$1,330,000	\$70,000		

TO:

Estimated Construction Cost:					
<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>State</u>	<u>Fed.</u>	<u>County</u>
E-65	Titchener Hall	\$4,306,000	\$2,153,000	\$0	\$2,153,000
How Financed:					
<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current Revenue</u>		
1988	20	\$4,236,000	\$70,000		

Carried. Ayes-15, Nays-1 (Whalen), Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 337

By Environment Committee
 Seconded by Mr. Warner

RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE ENVIRONMENTAL MANAGEMENT COUNCIL BOARD OF DIRECTORS.

WHEREAS, Timothy M. Grippen, Broome County Executive, pursuant

to the powers vested in him by Resolution No. 277, adopted September 21, 1971 and the provisions of Resolution No. 64, 1973, Resolution No. 366, adopted December 21, 1976 and Resolution No. 341, adopted October 1, 1980, has duly designated and appointed, pending confirmation by this Legislature, the following named individuals to membership on the Environmental Management Council Board of Directors for a two year term:

<u>NAME</u>	<u>TERM EXPIRING</u>
Frank Cardullo 678 West Chenango Road Binghamton, NY 13905 Member at Large	12/31/94 New appointment
Steven King 901 Underwood Road Vestal, NY 13850 Member at Large	12/31/94 New appointment
Jeffrey Oliver 41 North Louisa St. Binghamton, NY 13901 Town of Dickinson CAC Rep.	12/31/94 New appointment

and

WHEREAS, it is desired at this point in time, in accordance with the provisions of Resolution No. 277, adopted September 21, 1971 and the provisions of Resolution No. 64, 1973, Resolution No. 366, adopted December 21, 1976 and Resolution No. 341, adopted October 1, 1980, to confirm said appointments, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Resolution No. 277, adopted September 21, 1971 and the provisions of Resolution No. 64, 1973, Resolution No. 366, adopted December 21, 1976 and Resolution No. 341, adopted October 1, 1980, does hereby confirm the appointments of the above-named individuals to membership on the Environmental Management Council Board of Directors in accordance with their appointment by the County Executive.

Carried. Ayes-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 338

By Finance and Public Works Committees

Seconded by Mr. Warner

RESOLUTION AMENDING THE 1993 CAPITAL IMPROVEMENT PROGRAM.

RESOLVED, that the 1993 Capital Improvement Program is hereby amended as follows:

FROM:

		Estimated Construction Cost:			
<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>State</u>	<u>Federal</u>	<u>County</u>
D331	Colesville Road Extension Bridge	\$740,600			\$740,600
		How Financed:			
	<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current</u>	
<u>Revenue</u>	1993	20	\$740,600		

TO:

		Estimated Construction Cost:			
<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>State</u>	<u>Federal</u>	<u>County</u>
D331	Colesville Road Extension Bridge	\$740,600	\$43,000		\$697,600
		How Financed:			
	<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current</u>	
<u>Revenue</u>	1993	20	\$740,600		

Carried. Ayes-15, Nays-0, Absent-4 (Brown, Coffey, Pazzaglini & Wagstaff)

RESOLUTION NO. 339

By Environment Committee

Seconded by Mr. Warner

RESOLUTION ADOPTING SCOPE OF WORK FOR THE SOLID WASTE COMPOSTING FACILITY

WHEREAS, this County Legislature , by Resolution No. 251 of 1993,

adopted the Broome County Solid Waste Management Plan (SWMP), and

WHEREAS, Section 9 and 10 of the SWMP direct the Environmental Management Council (EMC) of Broome County to administer an in-depth study mixed waste/mixed organics composting to determine if it is technically and economically feasible for Broome County, and

WHEREAS, the EMC's staff and volunteers, the Commissioner of the Broome County Department of Planning and Economic Development, and the Broome County Division of Solid Waste Management, in consultation with the Chairman of the Legislature's Environment Committee, have prepared a Proposed Scope of Work for the Composting Feasibility Study, attached hereto as Exhibit "A", and

WHEREAS, the objectives of the proposal include compiling the composting feasibility study, providing public information on composting, and building consensus about how to manage the organic waste remaining in Broome County's waste stream, and

WHEREAS, the proposal recommends a coordinated approach, which includes formation of a Compost Study Steering Committee comprised of representatives from EMC/Planning, Division of Solid Waste Management, and the Environment Committee of the Legislature to oversee completion of the feasibility study, now, therefore, be it

RESOLVED, that the County Legislature hereby accepts and adopts the scope of work as attached hereto as Exhibit "A", and be it

FURTHER RESOLVED, that the Broome County Legislature recommends that Broome County proceed with activities called for therein.

Mr. Howard moved, seconded by Mr. Pasquale to add the Environment Committee to TSK I-13 in the exhibit, joining with the Public Works Committee in approving a consultant.

The amendment **carried**. Ayes-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

The resolution as amended **Carried**.

Ayes-15, Nays-1 (Augustini), Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 340

By Finance and Public Works Committees

Seconded by Mr. Warner

BUDGET NOTE RESOLUTION DATED: (date of adoption to be filled in on original)

RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,098,750 BUDGET NOTES OF THE COUNTY OF BROOME TO PAY THE COST OF THE CONSOLIDATED LOCAL STREET & HIGHWAY IMPROVEMENT PROGRAM (CHIPS) HIGHWAY CAPITAL PROJECTS.

WHEREAS, the State of New York previously advised Broome County that the County was eligible for Consolidated Local Street & Highway Improvement Program (CHIPS) funding for County Highway Capital Projects, and

WHEREAS, the State had provided Broome County with an allocation of \$1,098,750 to Broome County for the 1993-94 State Fiscal Year, and

WHEREAS, the State has been enjoined by the Courts from distributing the CHIPS funds during the pendency of certain litigation concerning this funding, and

WHEREAS, it is a benefit to Broome County to continue these highway capital projects, and

WHEREAS, the 1993 budget did not contemplate the injunction preventing the payment of the State CHIPS allocation, and

WHEREAS, in order to meet the unanticipated cost of said Highway Capital Projects, it is necessary to authorize the issuance of budget notes of the County of Broome in an amount not to exceed \$1,098,750, now, therefore, be it

RESOLVED, by this County Legislature of the County of Broome, New York, that pursuant to Section 29.00 of the Local Finance Law, the Commissioner of Finance be and is hereby authorized to issue and sell budget notes of the County of Broome in an amount not to exceed \$1,098,750 which shall mature in the year 1994, and which shall be included in the annual tax levies as provided by Section 29.00 of the Local Finance Law, the proceeds of which, to the amount of par value thereof, to be used by the Commissioner of Finance to the extent necessary to meet deficiencies arising out of the State's inability to distribute CHIPS funding.

Heldover by Mr. Augostini.

RESOLUTION NO. 341

BY County Administration, Economic Development and Planning Committee

Seconded by Mr. Warner

RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME-TIOGA TOMPKINS PRIVATE INDUSTRY COUNCIL.

WHEREAS, Timothy M. Grippen, Broome County Executive, pursuant to the powers vested in him by Resolution No. 337, adopted September 13, 1983 has duly designated and appointed, pending confirmation by this Legislature, the following named individuals to membership on the Broome-Tioga-Tompkins Private Industry Council for a three year term:

<u>NAME</u>	<u>TERM EXPIRING</u>
Barbara Felton 11 Main Street Johnson City, NY 13790 (Private Sector)	New appointment 12/31/95
Sharon Salimi 3201 Vestal Parkway E. Vestal, NY 13850 (Private Sector)	New appointment 12/31/95
Steve Cruty 2 Gaines Street Binghamton, NY 13905 (Private Sector)	New appointment 12/31/95
Austin George 1 Link Drive Binghamton, NY 13904 (Private Sector)	New appointment 12/31/95
Wilbert Cheeks 100 Susquehanna Street	New appointment

Apt. A-5 Binghamton, NY 13901 (Private Sector)	12/31/95
Derrick Span Broome County Urban League Inc. 43 Carroll Street Binghamton, NY 13901 (Community Based Org.)	New appointment 12/31/95
Tom Hoke 835 Front Street Binghamton, NY 13905 (Public Assistance Agency)	New appointment 12/31/95
Wanda Kucera 203 Patio Drive Endwell, NY 13760 (Public Employment)	Re-appointment 12/31/95
Betsy Pretriyk 304 Riverside Drive Binghamton, NY 13905 (Private Sector)	Re-appointment 12/31/95
Lauren Massey 1 Spurr Avenue Binghamton, NY 13903 (Private Sector)	Re-appointment 12/31/95
Mark Turner 717 Echo Road Vestal, NY 13850 (Economic Development)	Re-appointment 12/31/95
Ronald Reagan 38 Clark Street	Re-appointment

Binghamton, NY 13905 12/31/95
(Organized Labor)

Brian Ingraham Re-appointment
PO Box 230
Binghamton, NY 13905 12/31/95
(Vocational Rehabilitation)

Laurence Kiley Re-appointment
827 Placek Drive
Johnson City, NY 13790 12/31/95
(Public Education)

and

WHEREAS, it is desired at this point in time, in accordance with the provisions of Resolution No. 337, adopted September 13, 1983 to confirm said appointments, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Resolution No. 337, adopted September 13, 1983 does hereby confirm the appointments of the above-named individuals to membership on the Broome-Tioga-Tompkins Private Industry Council in accordance with their appointment by the County Executive.

Carried. Ayes-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 342

By County Administration, Economic Development and Planning
and Charter Review Committees

Seconded by Mr. Warner

**RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 8, 1993,
ENTITLED: "A LOCAL LAW AMENDING THE BROOME
COUNTY CHARTER AND ADMINISTRATIVE CODE IN
ACCORDANCE WITH RECOMMENDATIONS OF THE BROOME
COUNTY CHARTER AND ADMINISTRATIVE CODE REVIEW
COMMITTEE."**

RESOLVED, that Local Law Intro. No. 8, 1993, entitled: "A Local Law Amending the Broome County Charter and Administrative Code in Accordance with Recommendations of the Broome County Charter and

Administrative Code Review Committee," 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. 8, 1993

A LOCAL LAW AMENDING THE BROOME COUNTY CHARTER AND ADMINISTRATIVE CODE IN ACCORDANCE WITH RECOMMENDATIONS OF THE BROOME COUNTY CHARTER AND ADMINISTRATIVE CODE REVIEW COMMITTEE.

Be it enacted as follows:

SECTION 1. In section C105 of the Broome County Charter, the definition of Executive Division is hereby amended to read as follows:

EXECUTIVE DIVISION - Includes but is not limited to the Division of Budget and Research [,Division of Computer Services and Division of Solid Waste Management] and such other divisions of the Executive Department as may be hereinafter authorized.

SECTION 2. Section C203 of the Broome County Charter is hereby amended by adding at the end thereof the following subparagraph (O):

(O)To contract for the services of one or more private attorneys in cases where the County Legislature, by majority vote, which shall not be subject to veto, determines that there is a conflict between the County Legislature and another department or unit of county government such that the County Attorney cannot adequately defend the interests of the County Legislature.

SECTION 3. The first sentence of the second paragraph of § C209 of Article II of the Broome County Charter is hereby amended to read as follows:

Within [five (5)] twenty (20) days after the taking of effect of a local law, the Clerk of the County Legislature shall file a certified copy thereof in the

Office of the County Clerk, and three (3) copies in the office of the Secretary of State.

SECTION 4. The Broome County Charter is hereby amended by adding, after Article III-A thereof, the following Articles III-B, III-C, and III-D:

ARTICLE III-B
Department of Solid Waste Management

§ C301-B.Department of Solid Waste Management; Commissioner; appointment.

There shall be a Department of Solid Waste Management headed by a Commissioner who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive.

§ C302-B. Powers and duties.

The Commissioner of Solid Waste Management shall have such duties as prescribed in the Administrative Code and by the County Executive or Legislature.

§ C303-B.Deputies.

The Commissioner of Solid Waste Management shall appoint such deputies as may be authorized by the County Legislature. All such deputies shall be in the exempt class of the civil service and shall serve at the pleasure of the Commissioner of Solid Waste Management.

ARTICLE III-C
Department of Computer Services

§ C301-C.Department of Computer Services; Commissioner; appointment.

There shall be a Department of Computer Services headed by a Commissioner who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive.

§ C302-C. Powers and duties.

The Commissioner of Computer Services shall:

(A)Have such powers and duties as prescribed in the Administrative Code and by the County Executive or the County Legislature.

(B)Supervise, control and administer all of the computer services of the county; develop and maintain an efficient and flexible use of the county's computer resources; establish procedures for the effective utilization of computer services by the several departments and units of county government.

§ C303-C. Deputies.

The Commissioner of Computer Services shall appoint such deputies as may be authorized by the County Legislature. All such deputies shall be in the exempt class of the civil service and shall serve at the pleasure of the Commissioner of Computer Services.

ARTICLE III-D

Central Food and Nutrition Services

§ C301-D.Department of Central Food and Nutrition Services; Commissioner; appointment.

There shall be a Department of Central Food and Nutrition Services headed by a Commissioner who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive.

§ C302-D.Powers and duties.

The Commissioner of Central Food and Nutrition Services shall perform such duties as are prescribed in the Administrative Code or by the County Legislature or the County Executive.

§ C303-D.Deputies.

The Commissioner of Central Food and Nutrition Services shall appoint such deputies as may be authorized by the County Legislature. All such deputies shall be in the exempt class of the civil service and shall serve at the pleasure of the Commissioner.

SECTION 5. Section C302(G) of the Broome County Charter is hereby amended to read as follows:

(G)Examine and approve or disapprove the sufficiency of sureties on the official bond[s] and undertaking[s] of the Director[s] of the Division of Budget and Research[, Division of Computer Services and the Commissioner of General Services]. The sufficiency of sureties of all other official bonds and undertakings shall be examined and approved or disapproved by the County Legislature.

SECTION 6. Section C304 of the Broome County Charter is hereby amended to read as follows:

§ C304.Deputy County Executive[s]; appointment; duties.

The County Executive may appoint [three (3)] a Deputy County Executive[s, subject to confirmation by the County Legislature], who shall hold office at the pleasure of the County Executive. Such appointment shall not be subject to confirmation by the County Legislature. The Deputy County Executive[s] shall have the authority to act generally for and in place of the County Executive. The appointment [and confirmation] of a Deputy County Executive[s] shall be in the same manner as the appointment [and confirmation] of the heads of departments or other administrative units.

[The County Executive shall designate, in writing, a Deputy County Executive who shall be a Deputy for Administration, a Deputy County Executive who shall be a Deputy for Physical Services and a Deputy County Executive who shall be a Deputy for Human Services, without impairing their authority to act generally for and in place of the County Executive. Such designation shall be made, in writing, at the time of appointment, and no appointment shall be valid unless said designation is made. A change in designation shall be made in the same manner as an appointment and shall be subject to confirmation by the County Legislature in the same manner as an appointment.]

The County Executive may designate, in writing, the order of succession among the Deputy County Executives for performing the duties of the County Executive during the latter's inability to perform by reason of absence from the county or disability. Such designation shall be filed with the Clerk of the County Legislature, and any such designation may be revoked or modified, in writing, at any time by the County Executive by filing with the Clerk of the Legislature a revocation or a new designation. In the event that the County Executive does not designate an order of succession among the Deputy County Executives, then the order of succession shall be first, the Deputy for Administration; second, the Deputy for Physical Services; and third, the Deputy for Human Services.]

SECTION 7. Section C306 of the Broome County Charter is hereby amended to read as follows:

§ C306. Acting County Executive; how designated; when to act; appointment; duties.

The County Executive may designate, in writing, one (1) or more appointive department or executive division heads to perform the duties of the County Executive as hereinafter provided. Such appointment, with the order of succession specified, shall be filed with the Clerk of

the County Legislature, and any such designation may be revoked at any time by the County Executive by filing a new designation with the Clerk of the County Legislature.

The Acting County Executive shall perform the duties of the County Executive:

- (1) If no Deputy County Executive[s have] has been appointed pursuant to §C304 herein and the County Executive is unable to perform his/her duties by reason of absence from the county or disability; or
- (2) If a Deputy County Executive[s have] has been appointed pursuant to §C304 herein and both the County Executive and Deputy County Executive[s] are unable to perform their duties by reason of absence from the county or disability.

In the event that no acting County Executive has been designated, the County Legislature may designate an appointive department or executive head to perform the duties of the County Executive as provided hereinabove.

SECTION 8. The Broome County charter is hereby amended by deleting §§ C309 and C310 in their entirety.

SECTION 9. The first paragraph of § C311 of the Broome County Charter is hereby amended to read as follows:

Except as otherwise provided in this Charter, the County Executive shall appoint to serve at [his] the pleasure of the County Executive, or for such term as may be specified in this Charter, the head of every department or other administrative unit not administered by an elective official. The appointment by the County Executive of the head of each department or other administrative unit shall be subject to confirmation by the County Legislature, except for the Division of

Budget and Research[,Department of General Services, Division of Solid Waste Management and Division of Computer Services].

SECTION 10. The third paragraph of § C311 of the Broome County Charter is hereby amended to read as follows:

All appointments shall be in writing, signed by the County Executive and filed in the office of the Clerk of the County Legislature and the County Clerk within ten (10) days after the date of appointment. [No such appointee shall hold office beyond the term of the County Executive by whom the appointment was made, except that, unless removed, he shall continue to serve until his successor is appointed and has qualified or until an interim appointment is made, unless otherwise provided in this Charter.] Each said appointment shall expire on December 31 of the year in which a County Executive is elected. Each appointee whose appointment has thus expired may continue to serve, unless removed, until a successor, who may be said appointee, is appointed and confirmed, an interim appointment is made, or 90 days have elapsed, which ever is sooner, unless otherwise provided in this Charter.

SECTION 11. Article VIII of the Broome County Charter is hereby amended to read as follows:

ARTICLE VIII

Department of Mental [Health] Hygiene

§ C801.Department of Mental [Health] Hygiene; Commissioner; appointment; qualifications.

There shall be a Department of Mental [Health] Hygiene, headed by a Commissioner who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive.

The Commissioner of Mental [Health] Hygiene shall be appointed on the basis of [his] administrative experience and [his] qualifications for the duties of this office. Such qualifications shall meet the standards fixed by the State Commissioner of Mental Hygiene.

§ C802.Powers and duties.

The Commissioner of Mental [Health] Hygiene shall have all the powers and perform all the duties now or hereafter conferred or imposed upon a Director of Community [Mental Health] Services or Community [Mental Health] Services Board[s] by law. [He] The Commissioner shall perform such other and related duties as shall be required or delegated to [him] the Commissioner by the County Executive or County Legislature.

§ C803.[Mental Health Advisory] Community Services Board.

There shall be in the Department a [Mental Health Advisory] Community Services Board. The Chair[man] of the County Legislature shall be a member of this Board. The members of the [Mental Health Advisory] Community Services Board shall be appointed in the manner as provided by the Administrative Code.

§ C804.Organization of the department.

The Department of Mental [Health] Hygiene shall be organized into such Divisions and Bureaus as shall be prescribed in the Administrative Code.

SECTION 12. The first paragraph of § C1201 of the Broome County Charter is hereby amended to read as follows:

There shall be a Board of Acquisition and Contract which shall consist of the County Executive, [the Commissioner of Public Works and] the Chair[man] of the County Legislature and the Minority Leader of the County Legislature, or their designees as provided in § A1201 of Article XII of the Administrative Code. The Commissioner of Public Works shall be a member ex officio, without voting power except when

servicing in place of the County Executive pursuant to § A1201 of the Administrative Code.

SECTION 13. The introductory clause of § C1702 of the Broome County Charter is hereby amended to read as follows:

The County Attorney shall, subject to the provisions of Section C203(0) of Article II of this Charter:

SECTION 14. Article XVII of the Broome County Charter is hereby amended by adding at the end thereof the following § C1704:

§ C1704. Division of Risk and Insurance.

There shall be in the Department of Law a Division of Risk and Insurance, headed by a Director, who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Attorney.

The Director shall have such powers and duties as prescribed in the Administrative Code and by the County Executive, the County Attorney, or the County Legislature.

SECTION 15. Section C2604 of the Broome County Charter is hereby amended to read as follows:

§ C2604. Classified service; exemptions.

All positions in all departments, officers, institutions and agencies of the county shall be in the classified service, except those held by the following: (1) elective officers; (2) heads of departments; (3) members of all boards, commissions and committees; and (4) the Commissioner of Jurors. For the purpose of this section, the heads of the divisions within the Executive Branch, including but not limited to Budget and Research, [the Department of General Services, the Division of Computer Services, and the Division of Solid Waste Management,] shall be deemed to be heads of departments. The following positions in

the classified service shall be included in the exempt class: (1) deputies who are authorized to act generally for and on behalf of their principals; (2) the confidential secretary to any officer or department head; (3) calendar clerk; (4) Personnel Officer; (5) Assistant District Attorneys; (6) Assistant County Attorneys; (7) Assistant Public Defenders; and (8) contractors and their employees engaged to perform specified services.

SECTION 16. In Section A105 of the Broome County Administrative Code, the definition of Executive Division is hereby amended to read as follows:

EXECUTIVE DIVISION - Includes but is not limited to the Division[s] of Budget and Research [and Solid Waste Management, the Department of General Service, and the Division of Computer Services] and such other divisions of the Executive Department as may be hereinafter authorized.

SECTION 17. Section A203(H) of the Broome County Administrative Code is hereby amended to read as follows:

(H)To fix the amount of bonds of officers and employees paid from county funds and to examine and approve or disapprove the sufficiency of sureties on all official bonds or undertakings of county officers and employees, except [those] that for Director of Budget and Research[, Director of Computer Services and Commissioner of General Services].

SECTION 18. The Broome County Administrative Code is hereby amended by adding, after Article III-A thereof, the following Articles III-B, III-C, and III-D:

ARTICLE III-B

Department of Solid Waste Management

§ A301-B.Department of Solid Waste Management; Commissioner;

appointment.

The Department of Solid Waste Management shall be headed by a Commissioner. The method of appointment of a Commissioner shall be as provided in § C301-B of Article III-B of the Charter.

§ A302-B Powers and duties.

The Commissioner of Solid Waste Management shall, in addition to the powers and duties set forth in the Code and Charter, perform such other and related duties as the County Executive or County Legislature may require.

The Commissioner of Solid Waste Management shall:

- (A) Supervise all of the county's materials-recovery programs, including reuse, recycling and reduction programs.
- (B) Supervise the operation and maintenance of the county's sanitary landfills and solid waste disposal facilities, excluding resource recovery.
- (C) Supervise the implementation of all charges or user fees imposed or fixed by the County Legislature for solid waste disposal or handling.
- (D) Supervise and coordinate all engineering studies for the county's solid waste management operations, excluding resource recovery.
- (E) Notwithstanding any local law or resolution of the County Legislature, procure, evaluate and select for the Legislature's consideration such firms as may be necessary to furnish professional services in connection with the county's solid waste management programs, excluding resource recovery.
- (F) Serve as the liaison between the County Executive and the Broome County Resource Recovery Agency.

§ A303-B.Deputies.

The Commissioner of Solid Waste Management shall appoint such deputies as may be authorized by the County Legislature.

ARTICLE III-C

Department of Computer Services

§ A301-C.Department of Computer Services; Commissioner; appointment.

The method of appointment of the Commissioner of Computer Services shall be as provided in § C301-C of Article III-C of the Charter. The Commissioner shall be in the unclassified service of the civil service.

§ A302-C. Powers and duties.

The Commissioner of Computer Services shall:

(A)Have such power and duties as prescribed in the Charter and Administrative Code and by the County Executive or the County Legislature.

(B)Supervise, control and administer all of the computer services of the county; develop and maintain an efficient and flexible use of the county's computer resources; establish procedures for the effective utilization of computer services by the several departments and units of county government.

(C)Give a surety bond to the county pursuant to Article III, § C302(G) of the Charter. The bond shall be approved as to form by the County Attorney and as to the sufficiency of surety by the County Legislature and filed with the Department of Records.

ARTICLE III-D

Central Food and Nutrition Services

§ A301-D. Department of Central Food and Nutrition Services; Commissioner; appointment.

The Department of Central Food and Nutrition Services shall be headed by a Commissioner. The method of appointment of a Commissioner shall be as provided in § C301-D of Article III-D of the Charter.

§ A302-D. Powers and duties.

The Commissioner of Central Food and Nutrition Services shall:

(A) Provide all necessary food, dietary and nutrition services to Willow Point Nursing Facility, the Main Jail and Barracks, Senior Centers, and other county facilities.

(B) Organize, direct and oversee the planning, purchasing, preparation and delivery of nutritionally balanced and palatable foods from the Central Food Production Center to consumption units and contract locations in the most efficient and cost-effective manner.

(C) Develop food service policies, objectives and practices and serve as the liaison for food services within the county.

SECTION 19. Section A302(L) of the Broome County Administrative Code is hereby amended to read as follows:

(L) Examine and approve or disapprove the sufficiency of sureties on official bonds and undertakings of the Director[s] of the Division of Budget and Research [and Division of Computer Services and the Commissioner of General Services].

SECTION 20. Section A304 of the Broome County Administrative Code is hereby amended to read as follows:

§ A304. Deputy County Executive[s] and Acting County Executive.

The acts performed by the Deputy County Executive[s], if appointed, and/or Acting County Executive, pursuant to §§ C304 and C306 of Article III of the Charter, shall have the same force and effect as if performed by the County Executive. Pursuant to §§ C304 and C306 of Article III of the Charter, the Deputy County Executive[s] and/or Acting County Executive shall have and exercise all the powers of the County Executive except the power of removal as provided in § A309 of this Code.

SECTION 21. Section A305-A of the Broome County Administrative Code is hereby amended to read as follows:

§ A305-A. Bond of Commissioner of General Services.

The Commissioner of General Services and such of [his] the Deputies, officers and employees thereof, as the County Legislature shall require shall each give a surety bond to the county conditioned for the faithful performance of [his] their duties. Each bond shall be approved as to form by the County Attorney and as to the sufficiency of surety by the County [Executive] Legislature and filed with the Department of Records.

SECTION 22. The Broome County Administrative Code is hereby amended by deleting §§ A307 and A308 in their entirety.

SECTION 23. Section A309 of the Broome County Administrative Code is hereby amended to read as follows:

§ A309. Administrative heads; interim appointment.

(A) Except as otherwise provided in the Charter, the County Executive

shall appoint, to serve at [his] the pleasure of the County Executive, or for such term as may be specified in the Charter, the head of every administrative unit not administered by an elective official. The appointment by the County Executive of the head of each administrative unit shall be subject to confirmation by the County Legislature, except for the Division of Budget and Research[, Department of General Services, Division of Solid Waste Management and Division of Computer Services]. The County Executive may appoint one (1) [year] head for two (2) or more departments or other administrative units, subject to any and all requirements as to qualifications and confirmation, or the County Executive may [himself] so serve without such confirmation and without additional salary for so serving.

SECTION 24. Article VIII of the Broome County Administrative Code is hereby amended to read as follows:

ARTICLE VIII

Department of Mental [Health] Hygiene

§ A801.Department of Mental [Health] Hygiene; Commissioner, appointment; qualifications.

There shall be a Department of Mental [Health] Hygiene headed by a Commissioner. The method of choosing and the qualifications of the Commissioner [as well as his qualifications] shall be as provided in § C801 of Article VIII of the Charter.

§ A802.Powers and duties.

The Commissioner of Mental [Health] Hygiene shall have all the powers and duties and shall be subject to all the obligations and liabilities heretofore and hereafter lawfully granted or imposed by the Charter, this Code, local law, ordinance or resolution of the County Legislature, order or direction of the County Executive or any applicable provision of any act of the State Legislature not inconsistent with the Charter and

Code. Such powers and duties, obligations or liabilities shall include, but shall not be limited to, any powers, duties, obligations or liabilities granted or imposed upon a Director of Community [Mental Health] Services [and upon] or Community [Mental Health] Services Board[s], except as otherwise provided by the Charter and Code.

The Commissioner of Mental [Health] Hygiene shall be in charge of and coordinate the Mental Health Clinic, alcohol and drug abuse programs and all other facilities, services and programs relating to community mental [health] hygiene heretofore or hereafter established by the County Legislature.

§ A803.Reports.

On or before March 1 in each year, the Commissioner of Mental [Health] Hygiene shall make an annual report for the immediately preceding calendar year, covering generally the work of [his] the department. The Commissioner shall make such other reports at such times as may be required by the County Legislature, County Executive, Mental Hygiene Law or other applicable law and the New York State Department of Mental Hygiene. All reports shall be filed with the Clerk of the County Legislature and the County Executive.

§ A804.[Mental Health Advisory] Community Services Board.

There shall be a [Mental Health Advisory] Community Services Board, consisting of the Chair[man] of the County Legislature and fourteen (14) other members, all of whom shall be residents of Broome County.

Except for the Chair[man] of the County Legislature, members of the [Mental Health Advisory] Community Services Board shall be appointed by the County Executive, subject to the approval of the County Legislature, for a period of four (4) years, except that of those first appointed, five (5) shall be appointed for two-year terms, five (5) for three-year terms and four (4) for four-year terms. If the County Executive fails to fill a vacancy on the [Mental Health Advisory] Community Services Board within sixty (60) days after a vacancy

occurs by expiration of term, a member may continue [his] in office for a period not to exceed sixty (60) days or until an appointment is made thereto. All vacancies filled for unexpired terms shall be only for the period of the unexpired term.

The [Mental Health Advisory] Community Services Board shall elect each year, on or before the 15th day of January, a Chair[man], Vice Chair[man] and Secretary.

Meetings of such Board shall be held at the call of the Chair[man] of the [Mental Health Advisory] Community Services Board, the Commissioner or the County Executive on at least three (3) days' written notice, mailed to the last known address of such Board members. The [Mental Health Advisory] Community Services Board shall adopt rules of procedure for the conduct of its meetings and shall establish the regular meeting dates.

The [Mental Health Advisory] Community Services Board shall have and exercise the powers and duties conferred or imposed upon such Board by the Charter and Code. The [Mental Health Advisory] Community Services Board shall, at the request of the Commissioner of Mental [Health] Hygiene, and may, on its own initiative, make recommendations and suggestions, in writing, to the Commissioner of Mental [Health] Hygiene, County Executive or the County Legislature relative to the qualifications and duties of the deputies, officers or employees of the Department. The [Mental Health Advisory] Community Services Board may also make recommendations and suggestions to the County Legislature relative to the operation of services and facilities in the community mental [health] hygiene programs. The members of such Board shall receive no salary or compensation for their services, but shall, within the appropriations provided therefor, be entitled to actual and necessary disbursements and expenses in performing the duties of their office.

§ A805.Organization of department.

The Commissioner of Mental [Health] Hygiene shall organize the

Department of Mental [Health] Hygiene, under the supervision of the County Executive, in such manner as may be necessary to perform and direct such mental health functions, programs, commitments, services and/or facilities as may be provided within the budgetary appropriations therefor by the County Legislature.

§ A806 Deputies.

The Commissioner of Mental [Health] Hygiene may, when such positions are authorized by the County Legislature, and within the budgetary appropriations provided therefor, appoint to serve at [his] the pleasure of the Commissioner such Deputies as [he] may be deemed necessary for the performance of [his] the duties of the Department.

The Commissioner of Mental [Health] Hygiene shall designate a Deputy or Deputies to whom shall be delegated all the powers and duties of the Commissioner of Mental [Health] Hygiene and shall have the authority to act generally for and in place of said Commissioner. The designation or designations shall be in writing and filed in the Department of Records, and copies thereof shall be filed with the County Executive and with the Clerk of the Legislature.

SECTION 25. The first paragraph of § A1201 of the Broome County Administrative Code is hereby amended to read as follows:

[There shall be a Board of Acquisition and Contract which shall consist of the County Executive, the Commissioner of Public Works and the Chairman of the County Legislature, or their designees.] The Board of Acquisition and Contract shall have all the powers and duties in relation to the acquisition of real property and the approval and execution of contracts as are set forth in §§ A1202, A1203, A1204, A1205 and A1206 of this Article. When the County Executive is unable to attend a meeting of the Board of Acquisition and Contract, the Deputy County Executive or the Commissioner of Public Works may be designated by the County Executive to serve in place of the County Executive. When the Chair of the County Legislature or the Minority Leader of the County Legislature is unable to attend such a

meeting, any County Legislator designated by the Chair or the Minority Leader, as the case may be, shall serve in place thereof.

SECTION 26. Article XVII of the Broome County Administrative Code is hereby amended by adding at the end thereof the following § A1705:

§ A1705. Division of Risk and Insurance.

The method of appointment of the Director of Risk and Insurance shall be as provided in § C1704 of the Charter. The Director shall:

(A)Be responsible for administration and implementation of all self-insurance programs of the county including the workers compensation program for Broome County and participating municipalities.

(B)Be responsible for procurement of necessary insurance where risks are not covered by self-insurance.

(C)Develop and administer safety and wellness programs to reduce the risk of county liability.

(D)Investigate all claims against the county and settle such claims within the limits of authority established from time to time by the County Legislature.

SECTION 27. The first sentence of the second paragraph of § A2604 of the Broome County Administrative Code is hereby amended to read as follows:

For the purpose of this section, the heads of the Divisions within the Executive Branch, including but not limited to Budget and Research[, Computer Services, Solid Waste Management and the Department of General Services], shall be deemed to be heads of departments.

SECTION 28. Upon the effectiveness of this local law, the personnel,

property, functions and operations of the existing Division of Solid Waste Management shall be immediately transferred to and shall become the personnel, property, functions and operations of the Department of Solid Waste Management, and the incumbent Director of Solid Waste Management shall become the Commissioner of Solid Waste Management with all powers and duties thereof as if appointed and confirmed in accordance with the provisions of Article III of the Charter.

SECTION 29. Upon the effectiveness of this local law, the personnel, property, functions and operations of the existing Division of Computer Services shall be immediately transferred to and shall become the personnel, property, functions and operations of the Department of Computer Services, and the incumbent Director of Computer Services shall become the Commissioner of Computer Services with all powers and duties thereof as if appointed and confirmed in accordance with the provisions of Article III of the Charter.

SECTION 30. Upon the effectiveness of this local law, the personnel, property, functions and operations of the existing Division of Central Food and Nutrition Services shall be immediately transferred to and shall become the personnel, property, functions and operations of the Department of Central Food and Nutrition Services, and the incumbent Director of Central Food and Nutrition Services shall become the Commissioner of Central Food and Nutrition Services with all powers and duties thereof as if appointed and confirmed in accordance with the provisions of Article III of the Charter.

SECTION 31. Upon the effectiveness of this local law, the personnel, property, functions and operations of the existing Department of Risk and Insurance shall be immediately transferred to and shall become the personnel, property, functions and operations of the Division of Risk and Insurance, and the incumbent Manager of Risk and Insurance shall become the Director of Risk and Insurance with all powers and duties thereof as if appointed and confirmed in accordance with the provisions of Article III of the Charter.

SECTION 32. Wherever appearing in the Broome County Charter or the Broome County Administrative Code, the word "Chairman" shall be changed to "Chair," the word "he" shall be changed to "he/she," the word "him" shall be changed to "him/her," the word "his" shall be changed to "his/her", the word "himself" shall be changed to "himself/herself," the word "fireman" shall be changed to "firefighter," and the word "firemen" shall be changed to "firefighters." In § C2610 of the Broome County Charter the term "three-man" is hereby deleted.

SECTION 33. This local law shall become effective following approval by the voters at a referendum to be held at the next general election.

[bracketed] material is deleted

underlined material is added

Heldover by Mr. Augostini.

RESOLUTION NO. 343

By County Administration, Economic Development & Planning and Finance Committees

Seconded by Mr. Warner

RESOLUTION AUTHORIZING REVISION OF THE OFFICE OF EMPLOYMENT AND TRAINING JOB TRAINING PARTNERSHIP ACT TITLE IIB SUMMER YOUTH PROGRAM AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1992 THROUGH 1993.

WHEREAS, this County Legislature, by Resolution 206 of 1993, authorized and approved the Office of Employment and Training Job Training Partnership Act IIB Summer Youth Program and adopted a program budget in connection therewith in the total amount of \$854,788 for the period October 1, 1992 through September 30, 1993, and

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

RESOLVED, that this County Legislature hereby authorizes a revision of the Office of Employment & Training Job Training Partnership Act IIB Summer Youth Program for the period October 1, 1992 through September

30, 1993 in the total amount of \$1,020,579, and be it

FURTHER RESOLVED, that this County Legislature hereby adopts and approves the revised program budget annexed hereto as Exhibit "A" in the total amount of \$1,020,579 for the period October 1, 1992 through September 30, 1993, and be it

FURTHER RESOLVED, that Resolution 206 of 1993, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

Carried. Ayes-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 344

By County Administration, Economic Development & Planning
and Charter Review Committees Seconded by Mr. Warner

**RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 9, 1993,
ENTITLED: "A LOCAL LAW AMENDING THE BROOME
COUNTY CHARTER AND ADMINISTRATIVE CODE TO
INCREASE THE TERMS OF OFFICE OF COUNTY LEGISLATORS
TO FOUR YEARS AND TO IMPOSE A LIMIT OF THREE
CONSECUTIVE TERMS."**

RESOLVED, that Local Law Intro. No. 9, 1993, entitled: "A Local Law Amending the Broome County Charter and Administrative Code to Increase the Terms of Office of County Legislators to Four Years and to Impose a

Limit of Three Consecutive Terms," 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. 9, 1993

A LOCAL LAW AMENDING THE BROOME COUNTY CHARTER AND ADMINISTRATIVE CODE TO INCREASE THE TERMS OF OFFICE OF COUNTY LEGISLATORS TO FOUR YEARS AND TO IMPOSE A LIMIT OF THREE CONSECUTIVE TERMS.

Be it enacted as follows:

SECTION 1. Section C202 of the Broome County Charter is hereby amended to read as follows:

§ C202. Terms of office.

Beginning with those members of the County Legislature elected at the general election in 1994 to take office on January 1, 1995, [T]the terms of office of the members of the County Legislature shall be for [two (2)] four (4) years and shall begin on the first day of January immediately succeeding their election.

Any person who has been elected to three (3) consecutive terms of four (4) years as a member of the County Legislature shall be ineligible to serve thereafter as a member thereof until the expiration of one (1) full term following the expiration of the third consecutive term to which such person was elected.

Service as a member as a result of appointment or election to fill an unexpired term shall not disqualify a person from being thereafter elected to three consecutive full terms.

SECTION 2. Section A202 of the Broome County Administrative Code is hereby amended to read as follows:

§ A202. Terms of office.

The terms of office of [a] the members of the County [Legislator] Legislature shall be [for two years and shall begin on the first day of

January immediately succeeding his election] as specified in § C202 of the Charter.

SECTION 3. This Local Law shall become effective following approval by the voters at a referendum to be held at the next general election.

[bracketed] material is deleted

underlined material is added

Heldover by Mr. Augustini

RESOLUTION NO. 345

By Health and Human Services and Finance Committees

Seconded by Mr. Warner

RESOLUTION AUTHORIZING ACCEPTANCE OF 413 FLUORESCENT LIGHT BULBS FOR NEW YORK STATE ELECTRIC & GAS DIRECT INSTALL PROGRAM BY THE WILLOW POINT NURSING FACILITY.

WHEREAS, the Administrator of Willow Point Nursing Facility requests authorization to accept 413 fluorescent light bulbs for the New York State Electric & Gas Direct Install Program for 1993 at no cost to the County, and

WHEREAS, said program provides for energy efficiency measures promoted by New York State Electric & Gas to inform customers of technology available for wattage reductions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of 413 fluorescent light bulbs from New York State Electric & Gas by the Willow Point Nursing Facility for 1993 at no cost to the County, 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-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 346

By Education, Culture & Recreation Committee

Seconded by Mr. Warner

**RESOLUTION AUTHORIZING AMENDMENT OF
COMPENSATION RATE AND TRAVEL REIMBURSEMENT RATE
FOR DIRECTORS OF THE SOIL AND WATER CONSERVATION
DISTRICT.**

WHEREAS, this County Legislature by Resolution 84 of 1978, as amended by resolution 155 of 1982, established the compensation rate for Directors of the Soil and Water Conservation District to be \$20.00 per day for all members except those who are also members of the Broome County Legislature and established the reimbursement rate for travel for Directors of the Soil and Water Conservation District to be \$.20 per mile, and

WHEREAS, Board of Directors of the Soil and Water Conservation District has requested an increase in the Director's compensation rate to \$35.00 per day and an increase in the reimbursement rate for travel for Directors to \$.28 per mile, now, therefore, be it

RESOLVED, that the rate of wage to be paid Directors of the Soil and Water Conservation District except those who are also members of the Broome County Legislature shall be \$35.00 per day, and be it

FURTHER RESOLVED, that all Directors of the Soil and Water Conservation District except those who are also members of the Broome County Legislature shall be reimbursed for travel at the rate of \$.28 per mile.

Carried. Ayes-15, Nays-1 (Hudak), Absent-3 (Brown, Pazzaglini & Wagstaff)

RESOLUTION NO. 347

By County Administration, Economic Development and Planning and Finance Committees

Seconded by Mr. Warner

**RESOLUTION AUTHORIZING AN AMENDMENT TO
RESOLUTION NO. 82 OF 1993 REGARDING AGREEMENTS WITH
CERTAIN LAW FIRMS REPRESENTING BROOME COUNTY
LAWSUITS COMMENCED BY THE TOWN OF DICKINSON.**

WHEREAS, by Resolution 82 of 1993, this Legislature authorized the hiring of tow law firms to defend Broome County in litigation commenced against the County by the Town of Dickinson, and

WHEREAS, it is necessary to authorize an amendment of said resolution due to increased cost, and

WHEREAS, on the advice of the County Attorney, it has been determined that additional monies need to be allocated to compensate these law firms in representing the County of Broome regarding this litigation, now, therefore, be it

RESOLVED, that Resolution 82 of 1993 is amended to reflect an additional \$23,535.11 for a total not to exceed \$53,535.11 to be paid to these law firms in consideration of their services in representing the County, and be it

FURTHER RESOLVED, that payments herein authorized shall be made from budget line 035113.4736.501234 (Legal Charges), and be it

FURTHER RESOLVED, that the County Executive or his daily authorized 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. Warner.

Mr. Warner moved, seconded by Mrs. Taylor to **adjourn**, at 5:41 P.M.,
Carried. Ayes-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)