

RESOLUTION NO. 305

by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING COMMITTEE

Seconded by Mr. Augustini

RESOLUTION AUTHORIZING THE WAIVING OF THE TIME REQUIREMENTS OF SECTION 76-4(c)(1) OF THE BROOME COUNTY CHARTER AND CODE.

WHEREAS, Section 76-4(c)(1) of the Broome County Charter and Code requires that municipalities participating in the Broome County Workers' Compensation Self-Insurance Program file a certified copy of a resolution by July 1st of each year with the Clerk of the Legislature if they wish to withdraw from the Plan, and

WHEREAS, the Town of Chenango adopted a resolution on June 19, 1996, withdrawing from the Broome County Workers' Compensation Self Insurance Plan, and

WHEREAS, the certified copy of the resolution was not filed with the County until July 11, 1996, and

WHEREAS, the County is willing to waive the July 1, 1996, deadline for the Town of Chenango for the purpose of this request to withdraw from the Workers' Compensation Self-Insurance Plan, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the acceptance of the Town of Chenango's request to withdraw from the Broome County Workers' Compensation Self-Insurance Plan which was filed on July 11, 1996, and be it

FURTHER RESOLVED, that the time limits of Section 76-4(c)(1) of the Broome County Charter and Code are hereby waived for this request, and be it

FURTHER RESOLVED, that the Town of Chenango will be permitted to withdraw from the Workers' Compensation Self-Insurance Plan effective January 1, 1997, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such

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agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

Carried. Ayes-17, Nays-1 (Coffey), Absent-1 (Hudak)

Mr. Lindsey moved, seconded by Mr. Pasquale to **adjourn** at approximately 4:38 P.M.

The adjournment **carried.** Ayes-18, Nays-0, Absent-1 (Hudak)

**BROOME COUNTY LEGISLATURE
REGULAR SESSION
AUGUST 15, 1996**

The Legislature convened at 4:02 P.M. with a call to order by the Chair, Arthur J. Shafer. The Clerk, Richard R. Blythe, read the fire exit announcement and called the Attendance Roll: Present-19 (Mrs. Coffey, while not present for the roll call, arrived a few minutes later.)

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

Mr. Lindsey moved, seconded by Mr. Pasquale, that the minutes of the Regular Session of July 18, 1996, be approved as prepared and presented by the Clerk. **Carried.** Ayes-18, Nays-0, Absent-1 (Mrs. Coffey)

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

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY EXECUTIVE

Letters from the County Executive, Timothy M. Grippen:

1. Nominating Jeffrey K. Davis to membership on Office for Aging Advisory Council.
2. Declaration of Public Emergency (Water main leak, MSA room of Governmental Plaza).

PRESENTATION OF PETITIONS, COMMUNICATIONS, NOTICES & REPORTS:

A. PETITIONS: NONE

B. COMMUNICATIONS:

1. Minutes from:

- a. Cornell Cooperative Extension
- b. EMC Solid Waste Committee
- c. Binghamton Regional Airport
- d. Local Early Intervention Coordinating Council
- e. Fire Advisory Board
- f. Industrial Development Agency (minutes and other various materials)
- G. Soil and Water Conservation District

2. List of Certified 1995 State Equalization Rates.

3. Letter opposing sale of "garden plots" in the Town of Dickinson.

4. Copy of letter from Broome County Clerk designating newspapers for publication of Notice of Newly Filed Limited Liability Companies.

5. Resolutions from Towns of Chenango and Sanford (Withdrawal from Broome County Workers' Compensation Self-Insurance Plan, effective January 1, 1997).

6. Decision and Order (Frank E. Kelley vs. Broome County).

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C. NOTICES: NONE

D. REPORTS:

1. 1995 Annual Reports:
 - a. Office of Emergency Services
 - b. Four County Library System
2. Monthly Reports:
 - a. Broome Community College (Above Minimum Hires, June 1996).
 - b. Department of Social Services (February, March 1996)
3. Second Quarterly Report of 1996 Sales Tax Collections.
4. List of Pending Projects (Quarterly Report) from Department of Public Works.
5. Department of Audit and Control: Single Audit Report (December 31, 1995).

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY LEGISLATURE

Letters from the Chair, Arthur J. Shafer:

1. Appointing Patrick F. O'Day as voting representative for David L. Lindsey and Chair of Public Safety and Emergency Services Committee, August 5, 1996.
2. Appointing James L. Holley as voting representative for William H. Miller, Community and Social Services Committee, August 6, 1996.
3. Appointing the following Legislators for Wayne L. Howard:
 - a. Louis P. Augostini as voting representative and Chair of County Administration, Economic Development and Planning Committee, August 7, 1996.
 - b. Louis P. Augostini as voting representative, Education, Culture

and Recreation Committee, August 8, 1996.
c.Patrick F. O'Day as voting representative, Finance Committee,
August 8, 1996.

Mr. Cahill moved, seconded by Mr. Whalen, to receive and file the above referenced report(s) and to authorize and direct the Clerk to index said report(s) in the 1996 JOURNAL OF PROCEEDINGS and to publish pertinent portions of said reports as may be directed by the Chair. **Carried.** Ayes-18, Absent-1 (Coffey)

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

Mr. Burger and Mr. Kavulich were designated by the Chair as participants in the 'short roll call' for the session.

Mr. Pasquale seconded the preferred agenda.

RESOLUTION HELD OVER FROM PREVIOUS SESSION (JULY 18, 1996)

RESOLUTION NO. 301 held over by Mr. Pasquale
by FINANCE COMMITTEE

Seconded by Mr. Wike

AUTHORIZING AN AGREEMENT WITH 81 FRONT STREET DEVELOPMENT, LLC FOR THE CONVEYANCE OF REAL PROPERTY COMMONLY KNOWN AS THE "GARDEN PLOTS"

At the request of Mr. Whalen, privilege of the floor was granted to Virginia Davis of Binghamton, NY to address the Legislature concerning the 'Garden Plot' property.

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Mr. Pasquale moved, seconded by Mr. Mather to **table** the resolution to the Regular Session of October 17, 1996. The tabling **lost**.

Ayes-5Cahill, Mather, Pasquale, Sweet & Whalen

Nays-14Augustini, Burger, Coffey, Holley, Howard, Hudak, Hull, Kavulich, Lindsey, Miller, O'Day, Schofield, Wike & Shafer

The resolution as presented **lost**.

Ayes-9Coffey, Howard, Hudak, Hull, Kavulich, Lindsey, Pasquale, Whalen & Shafer

Nays-10Augustini, Burger, Cahill, Holley, Mather, Miller, O'Day, Schofield, Sweet & Wike

RESOLUTIONS INTRODUCED AT THIS SESSION:

RESOLUTION NO. 306

by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING and FINANCE COMMITTEES

Seconded by Mrs. Hudak

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 9, 1996, ENTITLED: "A LOCAL LAW AMENDING THE BROOME COUNTY CHARTER AND ADMINISTRATIVE CODE IN CONNECTION WITH AWARD OF CONTRACTS FOR EXPERT WITNESS SERVICES FOR LITIGATION."

RESOLVED, that Local Law Intro. No. 9, 1996, entitled: "Local Law Amending the Broome County Charter and Administrative Code in

Connection with Award of Contracts for Expert Witness Services for Litigation", be and the same hereby is adopted and approved in accordance with the Broome County Charter and Administrative Code and all the applicable statutes and laws pertaining thereto.

LOCAL LAW INTRO. NO. 9, 1996.

**A LOCAL LAW AMENDING THE BROOME COUNTY
CHARTER AND ADMINISTRATIVE CODE IN
CONNECTION WITH AWARD OF
CONTRACTS FOR EXPERT WITNESS
SERVICES FOR LITIGATION.**

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

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

(N) To award all contracts for professional services where the amount involved exceeds two thousand five hundred dollars (\$2,500.00), except that the award of contracts for expert witness services for litigation shall be in accordance with the provisions of the Broome County Purchase Procurement Process Manual.

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

§A1202. Approval of Professional Service Contracts.

The Board of Acquisition and Contract shall award all contracts

for professional services involving expenditures of two thousand five hundred dollars (\$2,500.00) or less, except that the award of contracts for expert witness services for litigation shall be in accordance with the provisions of the Broome County Purchase Procurement Process Manual.

SECTION 3. This local law shall be effective upon filing with the Secretary of State.

Note: Material in brackets [] is deleted.

Material underlined is added.

Carried.

RESOLUTION NO. 307

by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING COMMITTEE

Seconded by Mr. Pasquale

RESOLUTION AMENDING THE BROOME COUNTY PURCHASE PROCUREMENT PROCESS MANUAL IN RELATION TO CONTRACTS FOR EXPERT WITNESS SERVICES FOR LITIGATION.

WHEREAS, this County Legislature, by Resolution 440 of 1992, adopted the policies and procedures set forth in the Broome County Purchase Procurement Process Manual, dated September 4, 1992, and

WHEREAS, the Comptroller recommends the amendment thereof to facilitate the award by the County Attorney, the District Attorney or the Public Defender of contracts for expert witness services for use in litigation, and

WHEREAS, the such procedure would promote confidentiality to

protect the interest of the County or the client of the Public Defender, now, therefore, be it

RESOLVED, that Section 20.D.(5) (Professional Services Contracts) of the Broome County Purchase Procurement Process Manual, adopted by Resolution 440 of 1992, is hereby amended by adding at the end thereof the following:

The County Attorney, District Attorney, or Public Defender may award any contract for expert witness services for use in litigation.

Upon the completion of such litigation or public disclosure of the use of such professional services or at such earlier time as in the judgment of the County Attorney, District Attorney, or Public Defender, such public disclosure would not be prejudicial to the interest of the County or the client of the Public Defender, whichever is earlier, the County Attorney, District Attorney or Public Defender, as the case may be, shall report to the Board of Acquisition and Contract identifying such expert witness services and the litigation requiring such services and stating the amount paid therefor. A similar report shall be made within thirty (30) days after any further payments are made for such services, and be it

FURTHER RESOLVED, that Resolution 440 of 1992, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that this Resolution shall be effective on the effective date of Local Law Intro. No. 9 of 1996.

Carried.

RESOLUTION NO. 308

by COMMUNITY & SOCIAL SERVICES COMMITTEE

Seconded by Mr. Pasquale

RESOLUTION CONFIRMING APPOINTMENT OF JEFFREY K. DAVIS TO MEMBERSHIP OF THE BROOME COUNTY OFFICE FOR AGING ADVISORY COUNCIL.

WHEREAS, Timothy M. Grippen, Broome County Executive, pursuant to the powers vested in him by Resolutions 165 of 1973 and

397 of 1981, has duly designated and appointed, pending confirmation by this Legislature, Jeffrey K. Davis to membership on the Broome County Office for Aging Advisory Council, for a term expiring December 31, 1998, and

WHEREAS, it is desired at this point in time, in accordance with the provisions of Resolutions 165 of 1973 and 397 of 1981, to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Resolutions 165 of 1973 and 397 of 1981, does hereby confirm the appointment of Jeffrey K. Davis, 39 Timber Bluff Court, Binghamton, New York, 13903, to membership on the Broome County Office for Aging Advisory Council in accordance with his appointment by the County Executive.

Carried.

RESOLUTION NO. 309

by PUBLIC SAFETY & EMERGENCY SERVICES and FINANCE COMMITTEES

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING TERMINATION OF AGREEMENT WITH ADIRONDACK-APPALACHIAN REGIONAL EMS COUNCIL FOR OFFICE AND EQUIPMENT RENTAL LOCATED AT THE OFFICE OF EMERGENCY SERVICES FOR 1996 THROUGH 1997 AND AUTHORIZING A SIMILAR AGREEMENT WITH SUSQUEHANNA REGIONAL EMS COUNCIL FOR 1996.

WHEREAS, this County Legislature by Resolution 165 of 1996, authorized renewal of an agreement with Adirondack-Appalachian Regional EMS Council for office space, furniture, copier access, telephone and fax service in the Office of Emergency Services Building located in the Public Safety Facility for the period April 1, 1996 through March 31, 1997, with revenue to Broome County at the annual rate of \$1,890.00 plus copier, telephone and fax charges, and

WHEREAS, Adirondack-Appalachian Regional EMS Council,

which has been sponsoring the SAREMS Program which has been operating in such space, desires to terminate such sponsorship and to terminate said lease as of June 30, 1996, and

WHEREAS, Susquehanna Regional EMS Council desires to lease such space for the operation of a similar program to be operated by SREMS, Inc., for the period July 1, 1996 through December 31, 1996, and

WHEREAS, the Director of Emergency Services recommends the termination of the agreement with Adirondack-Appalachian Regional EMS Council as of June 30, 1996, and the authorization of an agreement with Susquehanna Regional EMS Council for the period July 1, 1996 through December 31, 1996, at the same annual rate of revenue, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the termination of the agreement with Adirondack-Appalachian Regional EMS Council for office space, furniture, copier access, telephone and fax use in the Public Safety Facility as of June 30, 1996, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with Susquehanna Regional EMS Council, 897 Front Street, Binghamton, New York, 13905, for office space, furniture, copier access, telephone and fax use in the Public Safety Facility (Room 117) for the period July 1, 1996 through December 31, 1996, and be it

FURTHER RESOLVED, that in consideration of said services, the Susquehanna Regional EMS Council shall pay the Broome County Office of Emergency Services the sum of \$945.00, plus copier, telephone and fax charges, for the term of this agreement, and be it

FURTHER RESOLVED, that the revenue hereinabove authorized shall be credited to revenue line 460006.0068.101000 (Other Public Safety Departmental Income), and be it

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

purpose of this Resolution.

Carried.

RESOLUTION NO. 310

by HEALTH SERVICES and FINANCE COMMITTEES

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING RENEWAL OF THE HEALTH DEPARTMENT WOMEN, INFANTS AND CHILDREN (WIC) PROGRAM GRANT AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1996 THROUGH 1997.

WHEREAS, this County Legislature, by Resolutions 434 of 1995 and 160 of 1996, authorized and approved the Health Department Women, Infants and Children (WIC) Program Grant and adopted a program budget in the amount of \$797,086 for the period October 1, 1995 through September 30, 1996, and

WHEREAS, said program grant is a special supplemental food program for women, infants and children, and

WHEREAS, it is desired to renew said program grant for the period October 1, 1996 through September 30, 1997, in the amount of \$807,508, now therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves the Health Department Women, Infants and Children (WIC) Program Grant for the period October 1, 1996 through September 30, 1997, 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 \$807,508 for the period October 1, 1996 through September 30, 1997, 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.

RESOLUTION NO. 311

by HEALTH SERVICES, PERSONNEL and FINANCE COMMITTEES

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING RENEWAL OF THE HEALTH DEPARTMENT DENTAL SEALANT GRANT AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1996 THROUGH 1997.

WHEREAS, this County Legislature, by Resolutions 405 of 1995, and 4 of 1996, authorized and approved the Broome County Health Department Dental Sealant Project Grant Program for the period October 1, 1995 through September 30, 1996 and adopted a program budget in the amount of \$46,000.00, and

WHEREAS, this grant program promotes good oral hygiene to Broome County school children by providing dental exams, cleanings,

sealants and educational services, and

WHEREAS, the Broome County Health Department recommends renewal of said program grant for the period October 1, 1996 through September 30, 1997 in the amount of \$46,000.00, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the Health Department Dental Health Sealant Project Grant for the period October 1, 1996 through September 30, 1997, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit A in the amount of \$46,000.00, 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.

RESOLUTION NO. 312

by HEALTH SERVICES and FINANCE COMMITTEES

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH FREDERICK JOHNSON, D.D.S., FOR DENTAL SUPERVISION AND SCREENING SERVICES IN CONNECTION WITH THE BROOME COUNTY HEALTH DEPARTMENT DENTAL SEALANT PROJECT GRANT FOR

1996 THROUGH 1997.

WHEREAS, this County Legislature, by Resolution 439 of 1995, authorized an agreement with Frederick Johnson, D.D.S., for dental supervision, direction of dental hygienist, and screening services for the Broome County Health Department Dental Sealant Project Grant for the period November 6, 1995 through September 30, 1996, at a cost of \$40.00 per hour, total cost not to exceed \$2,700.00, and

WHEREAS, said services are necessary to provide dental supervision, direction of dental hygienist, and screening services for the Broome County Health Department Dental Sealant Grant operated during the school year for children of low socio-economic status, and

WHEREAS, said agreement expires by its terms on September 30, 1996, and it is desired at this time to renew said agreement for the period October 1, 1996 through September 30, 1997, on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Frederick Johnson, D.D.S., Broome Community College Dental Hygiene Clinic, P.O. Box 1077, Binghamton, New York, 13902, for dental supervision, direction of dental hygienist, and screening services in connection with the Broome County Health Department Dental Sealant Project grant for the period October 1, 1996 through September 30, 1997, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay Dr. Johnson at a rate of \$40.00 per hour, total amount not to exceed \$1,500.00 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480301.4715.104XXX (Other Professional 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.

RESOLUTION NO. 313

by FINANCE and PUBLIC WORKS COMMITTEES Seconded by
Mr. Cahill

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY
ON FRONT STREET, TOWN OF DICKINSON FROM R. G.
INGERSOLL WAITE.**

WHEREAS, this County Legislature by Resolution 91 of 1996 found the acquisition of the property of R. G. Ingersoll Waite known as 881 Front Street, Town of Dickinson (Tax Map 1-6-3), to be "de minimis" in nature and therefore, exempt from the public hearing requirement of the Eminent Domain Law and authorized the acquisition by purchase or condemnation of said real property for a price not to exceed \$75,800 for the re-designed entrance to Broome Community College and the Public Safety Facility and other County facilities, and

WHEREAS, following negotiations with R. G. Ingersoll Waite, the Superintendent of Highways recommends that this County Legislature authorize the purchase of said property for a price not to exceed \$95,000, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the acquisition by purchase of the real property of R. G. Ingersoll Waite, 11704 Lytle Street, Wheaton, Maryland, 20902, known as 881 Front Street, Town of Dickinson, (0.53± acres; Tax Map 1-6-3), for a price not to exceed \$95,000, said funds to be paid from the Public Safety Facility capital project, Budget Line 035113.2001.501234 (Original Acquisitions), and be it

FURTHER RESOLVED, that Resolution 91 of 1996 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.

Held over under the 'Rules' by Mrs. Coffey.

RESOLUTION NO. 314

by COMMUNITY & SOCIAL SERVICES, PERSONNEL and FINANCE COMMITTEES

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING REVISION OF HOME ENERGY ASSISTANCE PROGRAM (HEAP) GRANT AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1995 THROUGH 1996.

WHEREAS, this County Legislature, by Resolutions 418 of 1995, and 114 of 1996, authorized the continued participation by the Office for Aging in the Home Energy Assistance Program (HEAP) Grant for the period October 1, 1995 through September 30, 1996, and adopted a program budget in connection therewith in the total amount of \$16,649.00, 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 for Aging Home Energy Assistance Program (HEAP) for the period October 1, 1995 through September 30, 1996, in the total amount of \$18,540.00, 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 \$18,540.00 for the period October 1, 1995 through September 30, 1996, and be it

FURTHER RESOLVED, that Resolutions 418 of 1995 and 114 of 1996, to the extent consistent herewith, shall remain in full force and

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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.

RESOLUTION NO. 315

by COMMUNITY & SOCIAL SERVICES, PERSONNEL and FINANCE COMMITTEES

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING REVISION OF OFFICE FOR AGING IIC1 CONGREGATE NUTRITION PROGRAM AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1996.

WHEREAS, this County Legislature, by Resolution 527 of 1995, authorized the continued participation by the Office for Aging in the IIC1 Congregate Nutrition Program for the calendar year 1996 and adopted a program budget in connection therewith in the total amount of \$646,892.00, 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 for Aging IIC1 Congregate Nutrition Program for

the period January 1, 1996 through December 31, 1996, in the total amount of \$666,246.00, 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 \$666,246.00 for the period January 1, 1996 through December 31, 1996, and be it

FURTHER RESOLVED, that Resolution 527 of 1995, 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.

RESOLUTION NO. 316

by COMMUNITY & SOCIAL SERVICES and FINANCE COMMITTEES

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING REVISION OF OFFICE FOR AGING IIC2 NUTRITION PROGRAM FOR THE HOMEBOUND AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1996.

WHEREAS, this County Legislature, by Resolution 528 of 1995, authorized the continued participation by the Office for Aging in the

IIIC2 Nutrition Program for the Homebound for the calendar year 1996 and adopted a program budget in connection therewith in the total amount of \$412,726.00, 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 for Aging IIIC2 Nutrition Program for the Homebound for the period January 1, 1996 through December 31, 1996, in the total amount of \$426,214.00, 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 \$426,214.00 for the period January 1, 1996 through December 31, 1996, and be it

FURTHER RESOLVED, that Resolution 528 of 1995, 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.

RESOLUTION NO. 317

by COMMUNITY & SOCIAL SERVICES and FINANCE COMMITTEES

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING REVISION OF BROOME COUNTY OFFICE FOR AGING IIB INFORMATION AND REFERRAL PROGRAM AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1996.

WHEREAS, this County Legislature, by Resolution 522 of 1995, authorized the continued participation by the Office for Aging in the IIB Information and Referral Program for the calendar year 1996 and adopted a program budget in connection therewith in the total amount of \$253,879.00, 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 for Aging IIB Information and Referral Program for the period January 1, 1996 through December 31, 1996, in the total amount of \$269,709.00, 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 \$269,709.00 for the period January 1, 1996 through December 31, 1996, and be it

FURTHER RESOLVED, that Resolution 522 of 1995, 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

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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.

RESOLUTION NO. 318

by COMMUNITY & SOCIAL SERVICES and FINANCE COMMITTEES

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING RENEWAL OF SOCIAL INTEGRATION FOR THE BLIND GRANT FOR OFFICE FOR AGING AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1996 THROUGH 1997.

WHEREAS, this County Legislature, by Resolution 419 of 1995, authorized and approved the renewal of the Social Integration for the Blind Grant and adopted a program budget in the amount of \$7,530.00 for October 1, 1995 through September 30, 1996, and

WHEREAS, it is desired to renew said grant program for the period October 1, 1996 through September 30, 1997, in the amount of \$7,530.00, now therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$7,530.00 from the State of New York Department of Social Services for the period October 1, 1996 through September 30, 1997, 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 \$7,530.00 for the period October 1, 1996 through September 30, 1997, 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.

RESOLUTION NO. 319

by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING and FINANCE COMMITTEES

Seconded by Mrs. Coffey

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 10, 1996, ENTITLED: "A LOCAL LAW AMENDING CHAPTER 125 OF THE BROOME COUNTY CHARTER AND CODE ESTABLISHING FEES FOR THE LEGISLATIVE CLERK'S OFFICE."

WHEREAS, the Clerk of the Legislature requests authorization to implement a \$2.00 fee for copies of the Guide to County, City, Town and Village Officials, and

WHEREAS, said fee is necessary to cover the costs of additional copies of the Guide to County, City, Town and Village Officials which may be requested by non-governmental agencies, now, therefore, be it

RESOLVED, that Local Law Intro. No. 10, 1996, entitled, "A Local Law Amending Chapter 125 of the Broome County Charter and Code Establishing Fees for the Legislative Clerk's Office", be and the same hereby is adopted and approved in accordance with the Broome County Charter and Municipal Home Rule Law and all the applicable statutes and laws pertaining thereto, and be it

FURTHER RESOLVED, that the revenue hereinabove authorized

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shall be credited to budget line 240010.0207.101000 (Minor Sales, Other).

LOCAL LAW INTRO. NO. 10, 1996
A LOCAL LAW AMENDING CHAPTER 125 OF THE BROOME
COUNTY CHARTER AND CODE
ESTABLISHING FEES FOR THE LEGISLATIVE CLERK'S
OFFICE.

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

Section 1. Chapter 125 of the Broome County Charter and Code is hereby amended to add a new Article IX to read as follows:

Article IX. Legislative Clerk Fees

- §125-24 a) There shall be a fee of \$2.00 per book for copies of the Guide to County, City, Town and Village Officials. This fee shall not apply to the first copy of the Guide requested by a person or organization.
- b) This fee shall not apply to the State of New York, its political subdivisions, agencies or instrumentalities.

Section 2. This Local Law shall take effect April 1, 1997.
Carried.

RESOLUTION NO. 320
by PUBLIC WORKS and FINANCE COMMITTEES

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING AGREEMENT WITH O'BRIEN & GERE ENGINEERS, INC., FOR ENVIRONMENTAL ENGINEERING SERVICES IN CONNECTION WITH DEMOLITION OF THE JAIL BARRACKS FOR 1996 AND 1997.

WHEREAS, the County Engineer/Commissioner of Public Works requests authorization for an agreement with O'Brien & Gere Engineers, Inc., for environmental engineering services in connection with the demolition of the Broome County Jail Barracks for the period September 3, 1996 through August 31, 1997, at a cost not to exceed \$64,123.00, and

WHEREAS, said services are necessary to comply with environmental laws and regulations relating to asbestos and lead contamination in connection with said demolition, and

WHEREAS, the County Engineer/Commissioner of Public Works further requests that the normal engineering consultant services procurement process be waived because of the unique qualifications of O'Brien & Gere Engineers, Inc., as a result of its preparation of the preliminary investigation of the Jail Barracks for asbestos contamination while acting as sub-consultant to MRB Group, the architect for the Public Safety Facility, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with O'Brien & Gere Engineers, Inc., 441 Commerce Road, Vestal, New York, 13850, for environmental engineering services in connection with the demolition of the Broome County Jail Barracks for the period September 3, 1996 through August 31, 1997, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$64,123.00 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 035121.4746.501234 (Engineering & Architectural Services), and be it

FURTHER RESOLVED, that for the purposes of such agreement,

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the normal engineering consultant services procurement process is hereby waived, 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.

RESOLUTION NO. 321

by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING and FINANCE COMMITTEES

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING AGREEMENT WITH ANDY WALKER'S AUCTIONS UNLIMITED FOR AUCTIONEERING SERVICES FOR THE PURCHASING DIVISION, FOR ANNUAL AUCTION SCHEDULED FOR SEPTEMBER 7, 1996, AT GRIPPEN PARK IN ENDICOTT, NEW YORK AND RELATED SERVICES.

WHEREAS, the Purchasing Division requests authorization for an agreement with Andy Walker's Auctions Unlimited for auctioneering services for the annual auction of surplus supplies, equipment, materials and vehicles on September 7, 1996, at a cost of \$800 for expenses and 6.9 percent of the auctioneer's gross receipts, exclusive of sales taxes, for Broome County Government, and

WHEREAS, all political subdivisions of Broome County shall be eligible to offer surplus supplies, materials, equipment and vehicles for sale at the auction, and

WHEREAS, all political subdivisions, including Broome Community College, shall pay a fee of 9.4 percent of the auctioneer's gross receipts attributable to its property, exclusive of sales taxes, with 6.9 percent of said fee payable to auctioneer and 2.5 percent to Broome County, ~~and~~

~~WHEREAS, the Purchasing Agent also requests authorization for an agreement with Andy Walker's Auctions Unlimited for services in disposing of surplus property at the old Jail Barracks, Jail Administration Garage, and downtown Jail for a commission of 6.9 percent, now, therefore, be it~~

RESOLVED, that this County Legislature hereby authorizes an agreement with Andy Walker's Auctions, Unlimited, 134 Elaine Drive, Binghamton, New York, 13905, for auctioneer services for the September 7, 1996, auction, and be it

FURTHER RESOLVED, that in consideration of auction services, the Contractor shall retain \$800 for advertising, mailing and other expenses, plus 6.9 percent of the auctioneer's gross receipts for the term of this agreement, and be it

FURTHER RESOLVED, that Andy Walker's Auctions Unlimited will pay the Broome County Parks Department, from auction proceeds, an amount not to exceed \$500 for clean up and tipping fees, and be it

~~FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with said Andy Walker's Auctions Unlimited for services in disposing of surplus property at the old Jail Barracks, Jail Administration Garage, and downtown Jail for a commission of 6.9% for the period from the effective date of this resolution through December 31, 1996, and be it~~

FURTHER RESOLVED, that the revenue received from the auctions shall be credited to various budget lines, and be it

~~FURTHER RESOLVED, revenues received from disposal of surplus property at the Jail Barracks shall be credited to budget line 450023.0205.101000 (Sale of Scrap & Excess Materials), and be it~~

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

Mr. Miller moved, seconded by Mr. Wike to remove all references to the

auction at the Jail Barracks and related facilities.

The amendment **carried.** Ayes-16, Nays-3 (Coffey, Kavulich & Whalen)

The resolution as amended, **carried.**

RESOLUTION NO. 322

by FINANCE, PUBLIC WORKS and HEALTH SERVICES COMMITTEES

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR THE DEPARTMENTS OF FACILITIES MANAGEMENT, DRUG AWARENESS CENTER, HIGHWAYS, HEALTH, MENTAL HEALTH AND PROBATION.

RESOLVED, that in accordance with a request from the Department of Facilities Management, in order to provide funds for overtime. Additional manpower was required to clear snow and ice during the past harsh winter and "one time only" tasks such as the assembly and arrangement of PSF furniture depleted Facilities Management Overtime and created a large backload of work orders, therefore, as requested by BT# 9752, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index</u>	<u>Sub-</u>	<u>Project</u>	
	<u>Code</u>	<u>object</u>	<u>Code</u> <u>Title</u>	<u>Amount</u>
FROM:	060087	1000	101000 Full-time salaries	
				\$24,079
	060038	4427	101000 Electric Current	
				\$36,271
TO :	060004	1700	101000 Overtime	
				\$58,600

060079 1700 101000 Overtime
\$ 750

060087 1700 101000 Overtime
\$ 1,000

and be it

FURTHER RESOLVED, that in accordance with a request from the Drug Awareness Center, in order to provide funds to balance various fringe benefit line items, as requested by BT# 10104, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index</u>	<u>Sub-</u>	<u>Project</u>		
	<u>Code</u>	<u>object</u>	<u>Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	470062	8060	102938	Health Insurance	\$
	195				
TO :	470062	8010	102938	Retirement	\$
	159				
	470062	8063	102938	Disability Insurance	\$

36

and be it

FURTHER RESOLVED, that in accordance with a request from the Highway Department , in order to provide funds for Out of Title pay required for employee supervising workfare clients, as requested by BT# 9918, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index</u>	<u>Sub-</u>	<u>Project</u>		
	<u>Code</u>	<u>object</u>	<u>Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	080036	1000	302000	Salaries, Full-time	
	\$ 1,500				

TO : 080036 1910 302000 Out of Title \$
1,500

FURTHER RESOLVED, that in accordance with a request from the Health Department , in order to provide funds for temporary nursing positions and contract therapies to increase our capacity to service clients as part of a preferred provider arrangement with local hospital, as requested by BT# 10750, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index</u>	<u>Sub-</u>	<u>Project</u>		
	<u>Code</u>	<u>object</u>	<u>Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	480061	4715	101000	Other Health & Medical	
					\$ 8,000
	480004	4705	101000	Personal Care Aid Services	
					\$35,892
TO :	480061	1600	101000	Salaries, Temporary	
					\$17,541
	480061	1900	101000	Salaries, Shift Diff	\$
100					
	480061	4448	101000	Advertising/Promotion	
					\$ 300
	480061	4706	101000	Rehab & Therapies	
					\$ 6,000
	480061	4766	101000	State Revenue Refund	\$
1,000					
	480061	8010	101000	State Retirement	\$
263					
	480061	8030	101000	Social Security	\$
1,342					

	480061	8040	101000	Worker's Compensation	
	\$	403			
	480004	1900	101000	Salaries, Shift Diff	\$
100					
	480004	4710	101000	Home Health Aide Services	
	\$	10,795			
	480004	4715	101000	Other Health & Medical	
	\$	6,048			

FURTHER RESOLVED, that in accordance with a request from the Department of Mental Health, in order to provide funds for increased hours for part-time position to cover for absent employee, as requested by BT# 10763, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index</u>	<u>Sub-</u>	<u>Project</u>		<u>Amount</u>
	<u>Code</u>	<u>object</u>	<u>Code</u>	<u>Title</u>	
FROM:	470013	1000	101000	Salaries, Full-Time	
	\$	1,958			
TO :	470013	1500	101000	Salaries, Part-Time	
	\$	1,958			

FURTHER RESOLVED, that in accordance with a request from the Department of Probation, in order to provide funds in order for grant to match state claims, as requested by BT# 9120, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index</u>	<u>Sub-</u>	<u>Project</u>		<u>Amount</u>
	<u>Code</u>	<u>object</u>	<u>Code</u>	<u>Title</u>	

FROM: 280057 4461 102915 Mileage \$
15

TO : 280057 8040 102915 Workers Compensation
\$ 15

Carried.

RESOLUTION NO. 323

by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT &
PLANNING and FINANCE COMMITTEES

Seconded by Mr. Pasquale

**RESOLUTION AUTHORIZING REVISION OF THE BROOME
COUNTY OFFICE OF EMPLOYMENT AND TRAINING JOB
TRAINING PARTNERSHIP ACT (JTPA) GRANT AND
ADOPTING A REVISED PROGRAM BUDGET IN
CONNECTION THEREWITH FOR 1996 THROUGH 1999.**

WHEREAS, this County Legislature, by Resolution 199 of 1996,
authorized the Office of Employment and Training in various Job
Training Partnership Act (JTPA) grant program for the period July 1,
1996 through June 30, 1999, and adopted a program budget in
connection therewith, and

WHEREAS, it is necessary at this time to revise said grant
programs to reflect an increase in grant appropriations for Title IIA5%
Older Workers grant and Title IIA8% Education Coordination grant,
now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a
revision of the Office of Employment and Training Job Training
Partnership Act (JTPA) grant programs for the period July 1, 1996
through June 30, 1999, and be it

FURTHER RESOLVED, that this County Legislature hereby
adopts and approves the revised program budgets annexed hereto as

Exhibit "F" and Exhibit "G", and be it

FURTHER RESOLVED, that Resolution 199 of 1996, 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 "F" and Exhibit "G" as attached hereto provided that said budget transfers do not affect a personnel line.

Carried.

RESOLUTION NO. 324

by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING and FINANCE COMMITTEES

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING REVISION OF OFFICE OF EMPLOYMENT AND TRAINING JOB TRAINING PARTNERSHIP ACT TITLE III DEFENSE DIVERSIFICATION PROJECT (JTPA TITLE III DDP) PROGRAM GRANT AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1995 THROUGH 1997.

WHEREAS, this County Legislature, by Resolution 246 of 1995, authorized the Office of Employment and Training Job Training Partnership Act Title III Defense Diversification Program (JTPA Title III

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DDP) Grant for the period January 1, 1995 through June 30, 1996, and adopted a program budget in connection therewith in the total amount of \$832,000, and

WHEREAS, it is necessary at this time to revise said program to reflect a decrease in grant appropriations and to extend the term of grant, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the revision of the Job Training Partnership Act III Defense Diversification Program Grant for the period January 1, 1995 through September 30, 1997, in the total amount of \$332,000, 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 \$332,000 for the period January 1, 1995 through September 30, 1997, and be it

FURTHER RESOLVED, that Resolution 246 of 1995, 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.

RESOLUTION NO. 325

by HEALTH SERVICES and FINANCE COMMITTEES

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING RENEWAL OF THE BROOME COUNTY DRUG AWARENESS CENTER STUDENT ASSISTANCE PROGRAM GRANT FROM THE UNION-ENDICOTT SCHOOL DISTRICT, AUTHORIZING AN AGREEMENT WITH THE UNION-ENDICOTT SCHOOL AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1996 THROUGH 1997.

WHEREAS, this County Legislature, by Resolution 373 of 1995, authorized and approved the operation of the Broome County Drug Awareness Center Student Assistance Program for the Union-Endicott School District for the period September 1, 1995 through August 31, 1996, and adopted a program budget in the amount of \$26,945, and

WHEREAS, it is desired to renew said grant for the period September 1, 1996 through August 31, 1997, in the amount of \$29,650, now therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with and approves acceptance of \$29,650 from the Union-Endicott School District for the Broome County Drug Awareness Center Student Assistance Program for the period September 1, 1996 through August 31, 1997, 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 \$29,650 for the period September 1, 1996 through August 31, 1997, 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

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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.

RESOLUTION NO. 326

by HEALTH SERVICES and FINANCE COMMITTEES

Seconded by Mrs. Coffey

RESOLUTION AUTHORIZING RENEWAL OF STUDENT ASSISTANCE PROGRAM GRANT FROM DEPOSIT CENTRAL SCHOOL DISTRICT FOR THE DRUG AWARENESS CENTER AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1996 THROUGH 1997.

WHEREAS, this County Legislature, by Resolution 502 of 1995, authorized and approved the acceptance of the Student Assistance Program Grant from Deposit Central School District for the Drug Awareness Center and adopted a program budget in the amount of \$43,200 for the period September 1, 1995 through June 30, 1996, and

WHEREAS, said grant program provides student assistance programs and counseling services for grades K-12, and

WHEREAS, it is desired to renew said grant for the period September 1, 1996 through June 30, 1997, in the amount of ~~\$30,445~~ **\$55,685**, now therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with and approves acceptance of ~~\$30,445~~ **\$55,685** from the Deposit Central School District for the Student Assistance Program for the period September 1, 1996 through June 30, 1997, 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 ~~\$30,445~~ **\$55,685** for the period September 1, 1996

through June 30, 1997, 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.

Mrs. Sweet moved, seconded by Mr. Holley to increase the amount of authorized funding and revenues from \$30,445 to \$55,685 and to increase the number of Student Assistant Counselors in the exhibit from one to two. The amendment **carried**.

The resolution as amended, **carried**.

RESOLUTION NO. 327

by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING and FINANCE COMMITTEES

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING RENEWAL OF OFFICE OF EMPLOYMENT AND TRAINING JOB TRAINING PARTNERSHIP ACT (JTPA) TITLE IIA 5% INCENTIVE GRANT PROGRAM AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1995 THROUGH 1998.

WHEREAS, this County Legislature, by Resolution 245 of 1995, authorized and approved the Office of Employment and Training Job Training Partnership Act Title IIA 5% Incentive Grant and adopted a

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program budget in the amount of \$40,565 for the period July 1, 1994 through June 30, 1997, and

WHEREAS, said grant program provides for employment and training programs and services for eligible residents of Broome, Tioga and Tompkins Counties, and

WHEREAS, it is desired to renew said grant program for the period July 1, 1995 through June 30, 1998, in the amount of \$38,436, now therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$38,436 from New York State Department of Labor for the Office of Employment and Training Job Training Partnership Act (JTPA) Title IIA 5% Incentive Grant Program for the period July 1, 1995 through June 30, 1998, 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 \$38,436 for the period July 1, 1995 through June 30, 1998, 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.

RESOLUTION NO. 328

by EDUCATION, CULTURE & RECREATION and FINANCE COMMITTEES

Seconded by Mr. Augustini

RESOLUTION AUTHORIZING AGREEMENT WITH SYRACUSE SUPPLY CO. FOR LEASE OF TRACK LOADER.

WHEREAS, the Commissioner of Parks and Recreation requests authorization for a lease agreement with Syracuse Supply Co. for the lease of Caterpillar 963 Track Loader for the period August 19, 1996 through October 31, 1996, at a cost not to exceed \$20,588.00, and

WHEREAS, said services are necessary to assist in the Watershed Sediment Removal Phase I project, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Syracuse Supply Co., 294 Ainsley Drive, P.O. Box 37, Syracuse, New York, 13205-0037, for lease of Caterpillar 963 Track Loader with 3 cubic yard bucket, for the period August 19, 1996 through October 31, 1996, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$20,588.00 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 545012.4511.502265 (County Rentals-Machinery), 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.

Held over under the 'Rules' by Mr. Miller.

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RESOLUTION NO. 329

by HEALTH SERVICES and FINANCE COMMITTEES

Seconded by Mr. Pasquale

**RESOLUTION AUTHORIZING AGREEMENT WITH
BROOME COUNTY HEAD START FOR CLASSROOM AIDE
SERVICES FOR THE HEALTH DEPARTMENT
EDUCATIONALLY HANDICAPPED CHILDREN'S PROGRAM
FOR 1996.**

WHEREAS, the Acting Public Health Director requests authorization for an agreement with Broome County Head Start for classroom aide services for the Health Department Educationally Handicapped Children's Program for the period September 4, 1996 through December 31, 1996, and

WHEREAS, said services are necessary to provide classroom aides for eligible clients of the Health Department Educationally Handicapped Children's Program, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Broome County Head Start, 56-58 Whitney Avenue, Binghamton, New York, 13902, for classroom aide services for the Health Department Educationally Handicapped Children's Program, for the period September 4, 1996 through December 31, 1996, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$9.00/hour, total amount not to exceed \$6,500.00 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480285.4749.101000 (Classroom Aides), 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.

RESOLUTION NO. 330

by COMMUNITY & SOCIAL SERVICES, PERSONNEL and FINANCE COMMITTEES

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING RENEWAL OF DEPARTMENT OF SOCIAL SERVICES DAY CARE HOMES REGISTRATION GRANT AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1996 THROUGH 1997.

WHEREAS, this County Legislature, by Resolution 323 of 1995, authorized the acceptance by the Department of Social Services a Day Care Homes Registration Program Grant from the New York State Department of Social Services in the amount of \$61,700 for the period August 1, 1995 through July 31, 1996, and

WHEREAS, it is desired to renew said grant program in the amount of \$61,700, now therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$61,700 from the New York State Department of Social Services for a Day Care Homes Registration Program for the period August 1, 1996 through July 31, 1997, 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 \$61,700 for the period August 1, 1996 through July 31, 1997, 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

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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.

RESOLUTION NO. 331

by PERSONNEL and PUBLIC SAFETY & EMERGENCY SERVICES COMMITTEES

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUESTS FOR THE LIBRARY AND DEPARTMENT OF SECURITY SERVICES.

RESOLVED, that in accordance with a request from the Library, as contained in PCR# 96-421, this County Legislature hereby authorizes the **change** of one (1) full-time Sr. Library Clerk position at budget line L841007.1000, minimum salary \$16,642, Grade 08, Union Code 30 (CSEA) and to one (1) full-time Library Clerk position at budget line L841007.1000, minimum salary \$14,952, Grade 06, Union Code 30 (CSEA) effective August 25, 1996, and be it

FURTHER RESOLVED, that in accordance with a request from the Department of Security Services, as contained in PCR# 96-401, this County Legislature hereby authorizes the **change** of one (1) full-time Assistant Director of Security position at budget line A060003.1000, minimum salary \$29,610, Grade 20, Union Code 09 (Admin) and to one (1) full-time Administrative Manager of Security Services position at budget line A060003.1000, minimum salary \$29,610, Grade 20, Union

Code 09 (Admin), effective September 1, 1996, and be it **Carried.**

RESOLUTION NO. 332

by FINANCE COMMITTEE

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING SALE OF COUNTY PROPERTY FROM THE 1996 TAX SALE AUCTION (1992 IN REM FORECLOSURE)

WHEREAS, the County of Broome by 1996 Permanent Resolution Number 264 authorized the sale of many county properties which the County owned as a result of the 1992 in rem tax foreclosure action, 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 one parcel was inadvertently omitted from the prior listing and tabulation of all bids submitted, and

WHEREAS, the Director of Real Property Tax Service now requests authorization to convey this property to the successful bidder, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the conveyance of certain real property to the successful bidder in the 1996 Broome County tax sale auction as follows:

TAX MAP NO.

TOWN OF WINDSOR

SUCCESSFUL BIDDER

BID

4 - 9

Dana Ramey

\$200

1259 Trim Street

Windsor, NY 13865

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

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deed, approved as to form by the Department of Law, conveying the property listed above to the successful bidder together with other such documents as may be necessary to implement the intent of this Resolution.

Carried.

RESOLUTION NO. 333

by FINANCE, PERSONNEL and COUNTY ADMINISTRATION,
PLANNING & ECONOMIC DEVELOPMENT COMMITTEES

Seconded by Mr. Pasquale

**RESOLUTION AUTHORIZING PERSONNEL CHANGE
REQUESTS AND BUDGET TRANSFER TO RESTORE
FUNDING FOR THE COMMISSIONER OF PLANNING AND
ECONOMIC DEVELOPMENT IN THE 1996 BUDGET.**

WHEREAS, the Supreme Court of the State of New York, Hon. Robert W. Coutant, presiding, has ordered that the position of the Commissioner of Planning and Economic be restored and has awarded the plaintiff, Frank E. Kelley back pay, benefits, and counsel fees, now, therefore be it

RESOLVED, that in accordance with a request from the County Executive, this County Legislature hereby authorizes the restoration of funding to the position of Commissioner of Planning and Economic Development at budget line A440016.1000, at an annual salary of \$46,915, Grade K, Union Code 02 (Admin), effective January 1, 1996, and be it

FURTHER RESOLVED, that in accordance with a request from the County Executive, in order to provide funds for the restoration of funding to the positions of Commissioner of Planning and Economic Development, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

Index	Sub-	Project
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	<u>Code</u>	<u>object</u>	<u>Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	900084	4752	101000	Contingent Account	
					\$46,910
	360008	4722	101000	Audit Fees	
					\$10,243
TO :	440016	1000	101000	Salaries, Full-Time	
					\$46,915
	440016	8010	101000	Retirement	\$
1,595					
	440016	8030	101000	Social Security	\$
3,589					
	440016	8040	101000	Workers Compensation	
\$ 638					
	440016	8050	101000	Life Insurance	
\$ 22					
	440016	8060	101000	Health Insurance	\$
4,394					

and be it,

FURTHER RESOLVED, that the budget officer be and he is hereby authorized, empowered, and directed to correct any modifications, changes, additions and/or typographical errors not effecting the substance of this resolution and that the budget officer if further directed, after making such corrections, to file same with the Clerk of the County Legislature.

Carried.

RESOLUTION NO. 334

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by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING AND FINANCE COMMITTEES

Seconded by Mr. Mather

RESOLUTION AUTHORIZING THE HIRING OF COUNSEL WITH RESPECT TO PENDING LITIGATION.

WHEREAS, there is litigation pending against the County by three employees, and

WHEREAS, this Legislature has previously authorized an agreement with Pearis, Resseguie, Kline, Barber and Lebous to represent the Legislative defendants, and

WHEREAS, this Legislature has requested that the firm Pearis, Resseguie, Kline, Barber and Lebous be retained to represent the County of Broome as a party defendant in this litigation, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Pearis, Resseguie, Kline, Barber and Lebous, 1001 Press Building, Binghamton, New York 13901, to represent the County of Broome in the legal action initiated by these three employees, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$125.00 per hour for out of court time and \$160.00 per hour for in court time for Ferris Lebous; \$150.00 per hour for out of court time and \$175.00 per hour for in court time for Stuart Pearis and Herb Kline; \$95.00 per hour for out of court time and \$120.00 per hour for in court time for associates; \$75.00 per hour for paralegals and \$35.00 per hour for secretarial time plus reasonable and necessary costs and disbursements, and it is

FURTHER RESOLVED, that a contract, approved as to form by the County Attorney and executed by the County Executive, is hereby authorized for said employment, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 390005.4736.101000 (Legal Charges and Fees), and be it

FURTHER RESOLVED, that this contract will be effective July 18, 1996.

Held over under the 'Rules' by Mr. Pasquale.

RESOLUTION NO. 335

by FINANCE and COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING COMMITTEES

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING THE WAIVING OF THE TIME REQUIREMENTS OF SECTION 76-4(c)(1) OF THE BROOME COUNTY CHARTER AND CODE.

WHEREAS, Section 76-4(c)(1) of the Broome County Charter and Code requires that municipalities participating in the Broome County Workers' Compensation Self-Insurance Program file a certified copy of a resolution by July 1st of each year with the Clerk of the Legislature if they wish to withdraw from the Plan, and

WHEREAS, the Town of Sanford adopted a resolution on July 29, 1996, withdrawing from the Broome County Workers' Compensation Self Insurance Plan, and

WHEREAS, the certified copy of the resolution was not filed with the County until August 1, 1996, and

WHEREAS, the County is willing to waive the July 1, 1996, deadline for the Town of Sanford for the purpose of this request to withdraw from the Workers' Compensation Self-Insurance Plan, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the acceptance of the Town of Sanford's request to withdraw from the Broome County Workers' Compensation Self-Insurance Plan which was filed on August 1, 1996, and be it

FURTHER RESOLVED, that the time limits of Section 76-4(c)(1) of the Broome County Charter and Code are hereby waived for this request, and be it

FURTHER RESOLVED, that the Town of Sanford will be permitted to withdraw from the Workers' Compensation Self-Insurance

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Plan effective Jan. 1, 1997, 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.

RESOLUTION NO. 336

by HEALTH SERVICES and FINANCE COMMITTEES

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH HOLLY SENSENIG, MSW, TO SERVE AS FACILITY LIAISON BETWEEN DRUG AWARENESS CENTER AND MAXIMUS, INC., FOR 1996 THROUGH 1998.

WHEREAS, this County Legislature, by Resolution 192 of 1996, authorized an agreement with Holly Sensenig, MSW, to serve as facility liaison between the Drug Awareness Center and Maximus, Inc., for the term February 13, 1996 through September 24, 1998, at a cost of \$20.00 pr hour, total amount not to exceed \$5,000, and

WHEREAS, it is necessary to authorize the amendment of said agreement due to the unexpected volume of cases referred to Drug Awareness Center, and

WHEREAS, the Director of Drug Awareness Center has requested authorization for said amendment as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Holly Sensenig, MSW, 19 Beacon Street, Binghamton, New York, 13901, to act as facility liaison for the period February 13, 1996 through September 24, 1998, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$20.00 per hour, total amount not to exceed \$20,000, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 470021.4449.101000 (Other Operational Expense), and be it

FURTHER RESOLVED, that Resolution 192 of 1996, 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.**

RESOLUTION NO. 337

by FINANCE and COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING COMMITTEES

Seconded by Mr. Kavulich

RESOLUTION AUTHORIZING COUNTY SALES AND USE TAX CLOTHING AND FOOTWEAR EXEMPTION FOR THE PERIOD COMMENCING JANUARY 18, 1997 AND ENDING JANUARY 24, 1997.

WHEREAS, the New York State Tax Law was recently amended to provide for an exemption from the State's sales and compensating use taxes for certain clothing and footwear for the week commencing January 18, 1997 and ending January 24, 1997, and

WHEREAS, this County Legislature desires to provide for an exemption from the County sales and compensating use taxes for certain clothing and footwear for the week commencing January 18, 1997 and ending January 24, 1997, now, therefore, be it

RESOLVED, this County Legislature hereby authorizes an exemption from the County sales and compensating use taxes imposed on receipts from sales of and consideration given or contracted to be given for purchases of clothing and footwear exempt from state sales and compensating use taxes pursuant to New York State Tax Law 1115(a)(30), and be it

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FURTHER RESOLVED, that this resolution shall take effect immediately and shall apply only to sales made and uses occurring during the period commencing January 18, 1997 and ending January 24, 1997, although made or occurring under a prior contract, and be it

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

Mr. Howard moved, seconded by Mr. Pasquale to **call the question** on the resolution. The call of the question **carried**.

The resolution **carried**. Ayes-18, Nays-1 (Coffey)

RESOLUTION NO. 338

by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING and FINANCE COMMITTEES

Seconded by Mr. Pasquale

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 12, 1996, ENTITLED: "A LOCAL LAW AMENDING THE BROOME COUNTY WORKERS' COMPENSATION SELF-INSURANCE PLAN".

RESOLVED, that Local Law Intro. No. 12, 1996, entitled: "A Local Law Amending the Broome County Workers' Compensation Self-Insurance Plan" be and the same hereby is adopted and approved in accordance with the Broome County Charter, the Municipal Home Rule Law, and all the applicable statutes and laws pertaining thereto.

LOCAL LAW INTRO. NO. 12, 1996.

A LOCAL LAW AMENDING CHAPTER 76 OF THE BROOME COUNTY CHARTER AND CODE REGARDING THE BROOME COUNTY WORKERS' COMPENSATION SELF-INSURANCE PLAN.

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

follows:

Section 1. Commencing January 1, 1997, Section 76-14(a) of Chapter 76 of the Broome County Charter and Code is hereby amended to read as follows:

(1)[One-third (1/3)] Thirty-five percent (35%) of the total revenue for the plan shall be generated based upon assessed valuation. Each participant's share shall be calculated by determining the participant's percentage of total assessed valuation within the plan and multiplying that percentage of assessed valuation by the total amount of revenue to be generated by assessed valuation. The county's percentage of total assessed valuation shall [not] include the assessed valuation contained within municipalities not participating in this self-insurance plan.

(2)[One-third (1/3)] Sixty-five percent (65%) of the total revenue for the plan shall be generated based on experience. Each participant's share shall be calculated by determining the participant's percentage of the average claims paid for the preceding five (5) years, which average claims paid shall be known as the "experience factor," and multiplying that percentage by the total amount of revenue to be generated by experience. The increase in the experience factor used to determine the participant's share pursuant to this subsection shall be limited to the greater of five thousand dollars (\$5,000) or twenty percent (20%) of the amount used for the experience factor for the prior year.

[(3)One-third (1/3) of the total revenue for the plan shall be generated based upon payroll. A participant's payroll shall be divided based on job classifications

established by the Plan Administrator. Said classifications will be filed with the Clerk of the Legislature and shall be come effective ninety (90) days later unless rescinded or modified by the County Legislature. The total payroll for each classification shall be multiplied by the premium factor for these categories as set forth in the New York Workers' Compensation and Employer's Liability Manual. In addition, for those municipalities covering volunteer fireman and volunteer ambulance companies, an additional charge will be added to their contribution for volunteer fireman and voluntary ambulance companies, which charge will be computed based on the premium factor for these categories as set forth in the New York Workers' Compensation and Employer's Liability Manual.]

Section 2. That this Local Law shall take effect upon filing with the Secretary of State.

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

Prior to consideration of the resolution, the Clerk noted the following message of necessity from the County Executive which allows a waiver of the requirement that the proposed local law be on the Legislator's desks for seven days.

LETTER FROM THE BROOME COUNTY EXECUTIVE August 13, 1996

Hon. Arthur Shafer, Chairman - Broome County Legislature

Dear Art:

The Legislature has been provided with Local Law Intro. No. 12, 1996, entitled A Local Law Amending the Broome County Workers' Compensation Self-Insurance Fund. This Local Law changes the formula for apportioning the Fund to 65% based on experience and 35%

based on assessed valuation.

To provide that County and other plan participants sufficient time to develop a budget for the Self-Insurance Fund it is necessary that this Local Law be addressed immediately. Therefore pursuant to the authority contained in Section 20 of the Municipal Home Rule Law I hereby certify to you that the immediate passage of Local Law Intro No. 12 is necessary and would ask that the Legislature vote on this Local Law at its August 15, 1996 session. Under the requirements of Section 20 of the Municipal Home Rule Law the adoption of Local Law Intro. No. 12 will require a 2/3 majority vote.

Very truly yours, TIMOTHY M. GRIPPEN, Broome County Executive

The resolution/local law **carried**.

At 5:15 P.M. the Chair called for a recess into a Committee of the Whole to discuss a resolution authorizing an agreement with MRB/Group for engineering services with regards to the court facilities project. Present-17, Absent-2 (Mr. Lindsey and Mr. Schofield left the meeting at this point).

The Committee of the Whole ended at 6:27 P.M. and the Legislature reconvened.

Mr. Pasquale moved, seconded by Mr. Howard to **adjourn**, at 6:28 P.M.

The adjournment **carried**. Ayes-17, Nays-0, Absent-2 (Lindsey and Schofield)