

**PRESENTATION OF PETITIONS, COMMUNICATIONS,
NOTICES & REPORTS:**

PETITIONS: NONE

COMMUNICATIONS:

Minutes from:

Cornell Cooperative Extension

EMC Solid Waste Committee

Resolution from Orange County (Requesting NYS to reimburse Counties for Parole Violation Assigned Counsel)

NOTICES: NONE

REPORTS:

Broome Community College: Quarterly Income Statements and Balance Sheets.

Mr. Brunza moved, seconded by Mr. Miller to receive and file the above referenced report(s) and to authorize and direct the Clerk to index said report(s) in the 1997 JOURNAL OF PROCEEDINGS and to publish pertinent portions of said report(s) as may be directed by the Chair.

Carried. Ayes-16, Nays-0, Absent-3 (Hull, Pasquale & Wike)

Mr. O'Day moved, seconded by Mr. Pasquale to **adjourn** at 4:23 P.M. The adjournment **carried.** Ayes-17, Nays-0, Absent-2 (Hull & Wike)

REGULAR SESSION OF OCTOBER 16, 1997

**BROOME COUNTY LEGISLATURE
REGULAR SESSION
THURSDAY, OCTOBER 16, 1997**

The Legislature convened at 4:00 P.M. with a call to order by the Chair, Daniel A. Schofield. The Clerk, Richard R. Blythe, read the fire exit announcement and called the Attendance Roll:

Present - 19 (Mrs. Hudak, while not present during the roll call arrived prior to the approval of minutes and consideration of resolutions)

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

APPROVAL OF MINUTES:

Mr. Miller moved, seconded by Mr. Pasquale, that the minutes of the September 18, 1997 Regular Session, the September 29, 1997 Special Session and the October 1, 1997 Regular Session be approved as prepared and presented by the Clerk.

Carried.

APPROVAL OF MINUTES:

Mr. Schofield noted that the committee minutes for the period of September 12, 1997 through October 9, 1997 had been distributed to the members of each committee for review and that they are also on file in the Clerk's Office. The Clerk indicated that a quorum of all committees were present. Mr. Schofield asked for corrections to the committee minutes and receiving none, asked for approval. A motion to approve

the committee minutes was made by Mr. Pasquale and seconded by Mr. Lindsey. **Carried.**

PUBLIC HEARING - 7:00 P.M. (1998 Proposed Broome County Budget):

Mr. Schofield reminded the Legislature of the Public Hearing and encouraged full attendance.

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, Jeffrey P. Kraham:

- 1.Nominating Anthony V. Mincolla III to Broome Community College Board of Trustees.
- 2.Appointing John A. Flynn, Jr. as Director I, Employment and Training, effective September 29, 1997.
- 3.Public Emergency - George Harvey Justice Building.

PRESENTATION OF PETITIONS, COMMUNICATIONS, NOTICES & REPORTS:

PETITIONS: NONE

COMMUNICATIONS:

- 1.Minutes from:
 - a.Region 7, Forest Practice Board
 - b.Soil and Water Conservation District
 - c.Industrial Development Agency (minutes and various materials)
 - d.Association of Towns and Villages
- 2.Recommended 1998 Broome County Budget and Capital

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- Improvements Program (1998-2003).
3. Contract-Broome County and Sheriff's Law Enforcement Officers Association (Local 8500).
 4. County Equalization Rates for 1997 Assessment Rolls.
 5. Letter requesting counties to support English as official language of government.
 6. Broome County Historical Society Newsletter.
 7. Letter from Department of Public Works (Electrical Power Shutdown at Courthouse and George Harvey Justice Building on October 10, 1997).
 8. Resolution from Town of Kirkwood (Supporting Application of Binghamton-Johnson City Joint Sewage Board for funding from Environmental Bond Act).
 9. 1998 Medicaid Budget (Analysis and Projections) prepared by NY-Penn Health Systems Agency.

NOTICES: NONE

REPORTS:

1. Department of Public Works: Letter constituting 1997 Annual Report to Department of Transportation.
2. Department of Audit and Control: Tuition Reimbursement Audit.

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY LEGISLATURE:

Letters from the Chair, Daniel A. Schofield:

1. Appointing Margaret M. Coffey as voting representative for Brian Brunza, Community and Social Services and Public Works Committees, October 8, 1997.
2. Appointing Chris W. Burger as voting representative for William H. Miller, Health Services Committee, October 7, 1997.

Mr. Brunza moved, seconded by Mr. Shafer to receive and file the above referenced report(s) and to authorize and direct the Clerk to index said report(s) in the 1997 JOURNAL OF PROCEEDINGS and to publish pertinent portions of said reports as may be directed by the Chair.

Carried.

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

Mr. Howard and Mr. Pasquale were designated as participants in the 'Short Roll Call.'

Mr. Burger seconded the 'Preferred Agenda.'

RESOLUTIONS INTRODUCED AT THIS SESSION:

RESOLUTION NO. 419

by COMMUNITY & SOCIAL SERVICES AND FINANCE COMMITTEES

Seconded by Mr. Burger

RESOLUTION AUTHORIZING REVISION OF CHILD ASSISTANCE PROGRAM AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1997 THROUGH 1998.

WHEREAS, this County Legislature, by Resolution 90 of 1997, authorized the continued participation by the Department of Social Services in the Child Assistance Program for the calendar year 1997 through 1998 and adopted a program budget in connection therewith in

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the total amount of \$400,030, 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 Child Assistance Program for the period April 1, 1997 through March 31, 1998 in the total amount of \$421,318, 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 \$421,318 for the period April 1, 1997 through March 31, 1998, and be it

FURTHER RESOLVED, that Resolution 90 of 1997, 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(including the Budget Director, Comptroller and/or Commissioner of Finance)are hereby authorized to make any transfers of funds within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

Carried.

RESOLUTION NO. 420

by COMMUNITY & SOCIAL SERVICES, PERSONNEL and

FINANCE COMMITTEES

Seconded by Mr. Burger

RESOLUTION AUTHORIZING RENEWAL OF THE DEPARTMENT OF SOCIAL SERVICES HOME ENERGY ASSISTANCE PROGRAM (HEAP) AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1997 THROUGH 1998.

WHEREAS, this County Legislature, by Resolutions 448 of 1995 and Resolutions 83, 269 and 402 of 1996, authorized and approved the Department of Social Services participation in the Home Energy Assistance Program (HEAP) for the period November 15, 1996 through November 15, 1997, and adopted a program budget in the amount of \$2,095,017, and

WHEREAS, it is desired to renew said grant program for the period November 15, 1997 through November 15, 1998, in the amount of \$127,941, now therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$127,941 from the New York State Department of Social Services for the period November 15, 1997 through November 15, 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 \$127,941 for the period November 15, 1997 through November 15, 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

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FURTHER RESOLVED, that the County Executive or his duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) are hereby authorized to make any transfers of funds required within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

Carried.

RESOLUTION NO. 421

by PUBLIC WORKS AND FINANCE COMMITTEES Seconded by Mr. Burger

RESOLUTION AUTHORIZING AGREEMENT WITH THE ITHACA AREA WASTEWATER TREATMENT FACILITY FOR DISCHARGE OF LEACHATE EFFLUENT FROM THE COUNTY LEACHATE TREATMENT FACILITY FOR THE DIVISION OF SOLID WASTE MANAGEMENT FOR 1997 THROUGH 1998.

WHEREAS, the Acting Director of Solid Waste Management requests authorization for an agreement with the Ithaca Area Wastewater Treatment Facility for the discharge of leachate effluent from the County leachate treatment facility for the period October 18, 1997 through October 17, 1998, at a cost not to exceed \$6.00 per 1,000 gallons of leachate treated, and

WHEREAS, said services are necessary to discharge leachate treatment plant effluent to a treatment facility for final treatment and discharge into a major water course, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the Ithaca Area Wastewater Treatment Facility, 525 Third Street, Ithaca, New York 14850, for discharge of leachate effluent from the County leachate treatment facility, for the period October 18, 1997 through October 17, 1998, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$6.00 per 1,000 gallons of leachate treated for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 230086.4449.206000 (Other Operational Expenses), 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. 422

by PUBLIC WORKS AND FINANCE COMMITTEES Seconded by Mr. Burger

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH BINGHAMTON/JOHNSON CITY JOINT SEWAGE TREATMENT BOARD FOR TREATMENT OF LEACHATE FROM THE NANTICOKE LANDFILL FOR 1996 THROUGH 1999.

WHEREAS, this County Legislature, by Resolution 358 of 1994, authorized an agreement with Binghamton/Johnson City Joint Sewage Treatment Board for treatment of leachate from the Nanticoke Landfill for the period August 6, 1994 through August 17, 1996, at a cost not to exceed \$20.00 per 1,000 gallons of leachate treated, with the total payments during each year of the agreement not to exceed \$40,000, and

WHEREAS, said services are necessary to serve as backup for the treatment of leachate as provided by the Village of Endicott, and

WHEREAS, said agreement expired by its terms on August 17, 1996, and it is desired at this time to renew said agreement the period August 18, 1996 through August 17, 1999 on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Binghamton/Johnson City Joint Sewage Treatment Board for treatment of leachate from the Nanticoke Landfill, for the period August 18, 1996 through August 17, 1999 and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$20.00 per 1,000 gallons of leachate treated, with the total payments during each year of this agreement not to exceed \$40,000, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 230086.4449.206000 (Other Operational Expenses), 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. 423

by FINANCE and PERSONNEL COMMITTEES seconded by Mr. Burger

RESOLUTION AUTHORIZING RATES FOR INDIVIDUAL AND DEPENDENT HEALTH BENEFITS COVERAGE EFFECTIVE JANUARY 1, 1998.

WHEREAS, this County Legislature, by Resolution No. 96-418, previously authorized the County Health Benefits Self-Insurance Program whereby County Administrative and Legislative units, County officers, County employees and retirees share the cost of individual and dependent health insurance premiums in accordance with formulas established by labor agreements and/or Legislative resolution, and

WHEREAS, the current health insurance rates shall be changed and the monthly contributions shall be calculated as set forth in the attached Exhibit "A", now, therefore, be it

RESOLVED, that commencing January 1, 1998, the monthly contribution to the County Health Benefits Self-Insurance Program, which is shared by County Administrative and Legislative units, County officers, County employees and retirees in accordance with the labor agreements and all Legislative resolutions shall be in the amounts indicated on Exhibit "A", 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. 424

by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING and FINANCE COMMITTEES

Seconded by Mr. Burger

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH BROOME-DELAWARE-TIOGA BOARD OF COOPERATIVE EDUCATIONAL SERVICES (BOCES), FOR INTERNET ACCESS AND RELATED SERVICES FOR THE DIVISION OF INFORMATION TECHNOLOGY FOR 1997.

WHEREAS, this County Legislature, by Resolution 63 of 1997, authorized an agreement with Broome-Delaware-Tioga Board of Cooperative Educational Services (BOCES) for Internet access and related services for the period February 3, 1997 through June 30, 1997, at a cost of \$1,537, and

WHEREAS, said services are necessary to provide access to the Internet for County departments, and

WHEREAS, said agreement expired by its terms on June 30, 1997, and it is desired at this time to renew said agreement for the period July 1, 1997 through December 31, 1997, on substantially similar terms and

conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Broome-Delaware-Tioga Board of Cooperative Educational Services (BOCES), 435 Glenwood Road, Binghamton, New York, 13905, for Internet access and related services for the period July 1, 1997 through December 31, 1997, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$1,681 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 370007.4726.101000 (Contracted Data Processing 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. 425

by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING and FINANCE COMMITTEES

Seconded by Mr. Burger

RESOLUTION AUTHORIZING AGREEMENT WITH ANTHONY BAKIC FOR INDEPENDENT CONSULTANT SERVICES FOR THE DIVISION OF INFORMATION TECHNOLOGY.

WHEREAS, the Director of Information Technology requests authorization for an agreement with Anthony Bakic for independent consultant services for the period October 15, 1997 through December 31, 1997, at a cost not to exceed \$7,200, and

WHEREAS, said professional services are necessary to plan and

implement the upgrade of the 'VSE/ESA' mainframe computer operating system to version 2.2, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Anthony Bakic, 86 Rotary Avenue, Binghamton, New York, 13905, for independent consultant services, for the period October 15, 1997 through December 31, 1997, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$7,200 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 370007.4726.101000 (Contracted D/P 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. 426

by HEALTH SERVICES AND FINANCE COMMITTEES Seconded by Mr. Burger

RESOLUTION AUTHORIZING AGREEMENT WITH NANCY HART FOR SPECIAL EDUCATION SERVICES FOR EARLY INTERVENTION PROGRAM FOR 1997 THROUGH 1998.

WHEREAS, the Acting Director of Public Health requests authorization for an agreement with Nancy Hart for special education services for the period September 1, 1997 through and including December 31, 1998, at a cost not to exceed the attached New York State rates, and

WHEREAS, said services are necessary to provide special education services for the ever increasing number of children in the Early Intervention Program, now, therefore, be it

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RESOLVED, that this County Legislature hereby authorizes an agreement with Nancy Hart, 1296 Chase Avenue, Binghamton, New York 13901, for special education services for the Early Intervention Program, for the period September 1, 1997 through and including December 31, 1998, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor for services rendered at the request of the Health Department, such payments to be made according to the New York State approved reimbursement rates for Early Intervention; schedules of the aforesaid New York State rates are annexed hereto as Exhibit "A", and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 480202.4709.101000 (Central Based Services-P.T.) and 480202.4716.101000 (Home Based 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. 427

by HEALTH SERVICES AND FINANCE COMMITTEES Seconded by Mr. Shafer

RESOLUTION AUTHORIZING AGREEMENT WITH TUTOR TIME CHILD CARE/LEARNING CENTERS FOR REIMBURSEMENT OF PROVIDERS IN THE EARLY INTERVENTION AND EDUCATION FOR HANDICAPPED CHILDREN PROGRAMS FOR THE HEALTH DEPARTMENT FOR 1997.

WHEREAS, the Acting Director of Public Health requests authorization for an agreement with Tutor Time Child Care/Learning

Centers for services in the Early Intervention and Education for Handicapped Children Programs for the period July 1, 1997 through and including December 31, 1998, at a cost not to exceed \$100 per week per slot provided within each learning center, and

WHEREAS, said services are necessary to provide a cost effective alternative in the Early Intervention and Education for Handicapped Children Programs for placement of children in day care settings for the purpose of providing related services, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Tutor Time Child Care/Learning Centers, 732 Vestal Parkway East, Vestal, New York 13850, for services in the Early Intervention and Education for Handicapped Children Programs for the period July 1, 1997 through and including December 31, 1998, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$100 per week per slot provided within each learning center for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480202/285.4457.101000 (Subcontracted Program Expense), and be it

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

Carried.

RESOLUTION NO. 428

by HEALTH SERVICES AND FINANCE COMMITTEES Seconded by Mr. Burger

RESOLUTION AUTHORIZING AN AGREEMENT WITH MARY GILFOYLE FOR SPEECH THERAPY SERVICES FOR THE HEALTH DEPARTMENT HOME HEALTH SERVICES DIVISION FOR 1998.

WHEREAS, the Acting Public Health Director requests authorization for an agreement with Mary Gilfoyle for speech therapy services for calendar year 1998, at an amount not to exceed \$65 per home visit, and

WHEREAS, said services are necessary to increase availability to provide services to acute and chronically ill adults and children in need of rehabilitative speech therapy, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Mary Gilfoyle, 406 South Loder Avenue, Endicott, New York 13760, for speech therapy services, for the period January 1, 1998 through and including December 31, 1998, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor for services rendered at the request of the Health Department an amount not to exceed \$65.00 per home visit, for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 480061.4706.101047, 480004.4706.101047, 480327.4706.101047 (Rehab & Therapy), 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. 429

by HEALTH SERVICES and FINANCE COMMITTEES Seconded by Mr. Burger

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH JOAN DUBOFSKY FOR SPEECH THERAPY SERVICES FOR THE HEALTH DEPARTMENT'S EDUCATION FOR HANDICAPPED CHILDREN'S PROGRAM FOR 1998.

WHEREAS, this County Legislature, by Resolution 346 of 1997, authorized an agreement with Joan Dubofsky for speech therapy services for the Health Department's Early Intervention and Education for Handicapped Children's Program for calendar year 1997, and

WHEREAS, said services are necessary to provide speech therapy services for the Health Department's Early Intervention and Education for Handicapped Children's Program, and

WHEREAS, said agreement expires by its terms on December 31, 1997, and it is desired at this time to renew said agreement for the period January 1, 1998 through and including December 31, 1998 on substantially similar terms and conditions now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Joan Dubofsky, 23 Devon Boulevard, Binghamton, New York, 13903, for speech therapy services, for the period January 1, 1998 through December 31, 1998, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor for services rendered at the request of the Health Department, such payments to be made according to the New York State approved reimbursement rates for speech therapy; schedules of the aforesaid New York State rates are annexed hereto as Exhibit 'A', and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 480202.4709.101000 (Center Based Services), 480202.4716.101000 (Home Based Services), and 480285.4706.101000 (Rehab & Therapy), 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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WHEREAS, the Acting Public Health Director requests authorization to modify the aforesaid agreement to accommodate an increased need for consulting services from the aforementioned vendor, and

WHEREAS, it is necessary for this Legislature to approve an increase of the Not to Exceed amount from \$2,000 to \$5,000 in the aforesaid contract, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Consultants for Healthcare, Inc., 167 Laird Street, Wilkes-Barre, Pennsylvania 18705, for consulting services for joint accreditation assistance for the period August 7, 1997 through and including December 31, 1997, and be it

FURTHER RESOLVED, that the previously executed agreement with Consultants for Healthcare, Inc. shall continue in full force and effect on the same terms and conditions except as modified by this Resolution, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor a total amount not to exceed \$5,000, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480061.4457.101021 (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.

RESOLUTION NO. 432

by HEALTH SERVICES AND FINANCE COMMITTEES Seconded by Mr. Burger

RESOLUTION AUTHORIZING ACCEPTANCE BY WILLOW POINT NURSING FACILITY OF A TOSHIBA 19 INCH

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TELEVISION SET.

WHEREAS, the Administrator of Willow Point Nursing Facility requests authorization to accept a Toshiba 19 inch television set valued at \$100 from the Brewer family at no cost to the County, and

WHEREAS, said television set will enhance the quality of life at Willow Point Nursing Facility, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of a Toshiba 19 inch television set 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.

RESOLUTION NO. 433

by HEALTH SERVICES AND FINANCE COMMITTEES Seconded by Mr. Burger

RESOLUTION AUTHORIZING ACCEPTANCE BY WILLOW POINT NURSING FACILITY OF A DONATION OF \$500 TO THE 'PENCIL PAL PROGRAM'.

WHEREAS, the Administrator of Willow Point Nursing Facility requests authorization to accept a donation of \$500 from resident Rozsika Bartlett for the 'Pencil Pal Program', and

WHEREAS, said donation will enhance the quality of life at Willow Point Nursing Facility by promoting intergenerational interaction, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of a donation of \$500 to the 'Pencil Pal 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.

RESOLUTION NO. 434

by PUBLIC SAFETY & EMERGENCY SERVICES and FINANCE COMMITTEES

Seconded by Mr. Burger

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH TRANSCOR AMERICA, INCORPORATED, FOR INTERSTATE TRANSPORTATION OF PRISONERS FOR THE SHERIFF'S DEPARTMENT FOR 1998.

WHEREAS, this County Legislature, by Resolution 161 of 1997, authorized a renewal of the agreement with Transcor America, Incorporated, for interstate transportation of prisoners for calendar year 1997 at a cost not to exceed \$30,000, and

WHEREAS, said services are necessary to transport fugitives from justice back to Broome County, and

WHEREAS, said agreement expires by its terms on December 31, 1997, and it is desired at this time to renew said agreement for the period January 1, 1998 through December 31, 1998, on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Transcor America, Incorporated, 1510 Ft. Negley Boulevard, Nashville, Tennessee, 37203, for interstate transportation of prisoners for the period January 1, 1998 through December 31, 1998, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$30,000 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized

shall be made from budget line 450023.4465.101000 (Non-employee Travel, Hotel and Meals), 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. 435

by PUBLIC SAFETY AND EMERGENCY SERVICES AND FINANCE COMMITTEES

Seconded by Mr. Burger

RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH THE UNITED STATES MARSHALS SERVICE FOR HOUSING FEDERAL PRISONERS FOR BROOME COUNTY SHERIFF FOR NOVEMBER 1, 1995 THROUGH OCTOBER 31, 1997.

WHEREAS, this County Legislature, by Resolution 125 of 1996, authorized an agreement with the United States Marshals Service for the period November 1, 1995 through October 31, 1997 for housing federal prisoners, at a cost of \$70 per diem per inmate for such housing and at a cost of \$16 per hour for guard services, and

WHEREAS, it is necessary to authorize the amendment of said agreement to extend the current term to March 31, 1998, at the same cost, in order to calculate final 1997 costs which will allow the Sheriff to depreciate 2% of the construction costs of the current facility and include this amount in the rate agreement, and

WHEREAS, the Broome County Sheriff 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 the United States Marshals Service for housing of federal prisoners for the period November 1, 1995 through March 31, 1998, and be it

FURTHER RESOLVED, that Resolution 125 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. 436

by PUBLIC WORKS AND FINANCE COMMITTEES Seconded by Mr. Shafer

RESOLUTION AUTHORIZING AGREEMENT WITH O'BRIEN & GERE ENGINEERS, INC., FOR ASBESTOS CONSULTING SERVICES FOR THE BROOME COUNTY AIRPORT TERMINAL BUILDING REHABILITATION PROJECT 1997 AND 1998.

WHEREAS, the Commissioner of Public Works requests authorization for an agreement with O'Brien & Gere Engineers, Inc., for asbestos consulting services for the Broome County Airport Terminal Building Rehabilitation Project for the period October 20, 1997 through April 30, 1998, at a cost not to exceed \$55,476, and

WHEREAS, said services are necessary to address asbestos survey and design issues associated with the above-mentioned project, 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 asbestos consulting services for the Broome County Airport Terminal Building Rehabilitation Project, and be it

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FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$55,476 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 211029.2011.502295 (Improvements/Alterations), and be it

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

Carried. Ayes-18, Nays-1 (Whalen)

RESOLUTION NO. 437

by PUBLIC SAFETY & EMERGENCY SERVICES and FINANCE COMMITTEES

Seconded by Mr. Burger

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH FEDERAL BUREAU OF INVESTIGATION FOR LEASE OF TOWER SPACE FOR EMERGENCY SERVICES COMMUNICATIONS SYSTEM FOR 1997 THROUGH 1998.

WHEREAS, this County Legislature, by Resolution 367 of 1996, authorized an agreement with the Federal Bureau of Investigation of the United States Department of Justice for lease of the tower facility at Hawkins Hill, Site 66 Tower in the Town of Binghamton, for the period October 1, 1996 through September 30, 1997, providing revenue to the County of \$125.00 per month, or a total amount of \$1,500 per year, and

WHEREAS, said agreement expires by its terms on September 30, 1997, and it is desired at this time to renew said agreement for the period October 1, 1997 through September 30, 1998, on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the

renewal of the agreement with the Federal Bureau of Investigation of the United States Department of Justice, James T. Foley Courthouse, Albany, New York, 12202-1219, for the lease of the Hawkins Hill, Site 66 Tower, for the period October 1, 1997 through September 30, 1998, and be it

FURTHER RESOLVED, that in consideration of said lease the United States Department of Justice shall pay the County \$125.00 per month for the term of this agreement, total revenue \$1,500, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 460006.0464.101000 (Other Local Governments), and be it

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

Carried.

RESOLUTION NO. 438

by FINANCE COMMITTEE

Seconded by Mr. Burger

RESOLUTION AUTHORIZING CANCELLATION OF REAL PROPERTY TAXES ON PARCELS IN THE TOWNS OF FENTON, TRIANGLE, VESTAL, UNION, BARKER AND SANFORD.

WHEREAS, the Department of Real Property Tax Services requests this County Legislature to authorize canceling certain real property taxes on the following properties for the reasons stated, now, therefore, be it

RESOLVED, that real property taxes are authorized to be canceled on the following parcels of real property for the reasons stated:

1. Town of Fenton, Tax Map No. 057.17-1-3, owner: People of New

- York, amount to be canceled: \$65.43, reason: State of New York is tax exempt.
2. Town of Triangle, Tax Map No. 028.17-2-7, owner: Village of Whitney Point, amount to be canceled: \$1,000.57, reason: Village of Whitney Point is tax exempt.
 3. Town of Vestal, Tax Map No. 008.00-1-A-58, owner: County of Broome, amount to be canceled: \$65.46, reason: County of Broome is tax exempt.
 4. Town of Union, Tax Map No. 001-H13-0004-000-000, owner: Village of Johnson City, amount to be canceled: \$2,035.02, reason: Village of Johnson City is tax exempt.
 5. Town of Barker, Tax Map No. 054.03-1-8, owner: County of Broome, amount to be canceled: \$478.33, reason: County of Broome is tax exempt.
 6. Town of Sanford, Tax Map No. 203.06-1-5, owner: County of Broome (Lee Van Pelt & Kevin McKee), amount to be canceled: \$2,352.66, reason: parcel was sold at tax sale auction January 1, 1993, thus making the 1994 town and county taxes erroneous since it should have been moved to the wholly exempt section.

Carried.

RESOLUTION NO. 439

by FINANCE, COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING, HEALTH SERVICES, and PUBLIC SAFETY & EMERGENCY SERVICES COMMITTEES

Seconded by Mr. Shafer

RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR THE LAW DEPARTMENT, DISTRICT ATTORNEY AND HEALTH DEPARTMENT

RESOLVED, that in accordance with a request from the County Attorney in order to provide funds to cover incurred and anticipated

outside legal service fees as requested by BT# 000491 this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index</u>	<u>Sub-</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
	<u>code</u>	<u>object</u>			
FROM:	900084	4752	101000	Contingency	\$100,000
TO:	390005	4736	101000	Legal Charges	
	\$100,000			& Fees	

FURTHER RESOLVED, that in accordance with a request from the District Attorney in order to provide funds to cover the cost of anticipated need of expert witnesses for upcoming trials as requested by BT# 0000994 this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index</u>	<u>Sub-</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
	<u>code</u>	<u>object</u>			
FROM:	900084	4752	101000	Contingency	\$ 30,000
TO:	330001	4734	101000	Witness	
				Expenses	\$ 30,000

FURTHER RESOLVED, that in accordance with a request from the Acting Director of Health in order to cover anticipated expenses on the Immunization action grant as requested by BT # 0000794 this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

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

FROM:	480301	1000	104099	Salaries	
			- Full Time		\$ 4,600
TO:	480301	2850	104099	Computer Equipment	\$
		4,000			
	480301	4319	104099	Office Supplies	\$ 300
	480301	4359	104099	Computer software & Supplies	\$ 300

Carried.

RESOLUTION NO. 440

by COMMUNITY & SOCIAL SERVICES and FINANCE
COMMITTEES

Seconded by Mr. Burger

**RESOLUTION AUTHORIZING RENEWAL OF OFFICE FOR
AGING INTEGRATED SOCIAL DAY CARE FOR THE
ELDERLY GRANT AND ADOPTING A PROGRAM BUDGET
IN CONNECTION THEREWITH FOR 1998.**

WHEREAS, this County Legislature, by Resolution 483 of 1996, authorized and approved the Office for Aging Integrated Social Day Care for the Elderly Grant and adopted a program budget in the amount of \$25,788 for January 1, 1997 through December 31, 1997, and

WHEREAS, it is desired to renew said grant program for the period January 1, 1998 through December 31, 1998, in the amount of \$23,931, now therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$23,931 from New York State for the period January 1, 1998 through December 31, 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 \$23,931 for the period January 1, 1998 through December 31, 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 (including the Budget Director, Comptroller and/or Commissioner of Finance) are hereby authorized to make any transfers of funds required within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

Carried.

RESOLUTION NO. 441

by COMMUNITY & SOCIAL SERVICES, PERSONNEL and FINANCE COMMITTEES

Seconded by Mr. Burger

RESOLUTION AUTHORIZING REVISION OF INTEGRATED SOCIAL DAY CARE FOR THE ELDERLY PROGRAM AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1997.

WHEREAS, this County Legislature, by Resolution 483 of 1996, authorized the continued participation by the Office for Aging in the Integrated Social Day Care for the Elderly Program for the calendar year 1997 and adopted a program budget in connection therewith in the total amount of \$25,788, and

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

RESOLVED, that this County Legislature hereby authorizes a

revision of the Integrated Social Day Care for the Elderly Program for the period January 1, 1997 through December 31, 1997 to reflect a decrease in said grant appropriations in the amount of \$665, 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 \$25,123 for the period January 1, 1997 through December 31, 1997, and be it

FURTHER RESOLVED, that Resolution 483 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(including the Budget Director, Comptroller and/or Commissioner of Finance)are hereby authorized to make any transfers of funds within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

Carried.

RESOLUTION NO. 442

by PUBLIC WORKS AND FINANCE COMMITTEESeconded by Mr. Burger
**RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT
WITH STEARNS & WHELER, LLC FOR PROFESSIONAL
ENGINEERING SERVICES FOR THE DIVISION OF SOLID
WASTE MANAGEMENT FOR 1997-1998.**

WHEREAS, this County Legislature, by Resolution 404 of 1996, authorized an agreement with Stearns & Wheler, LLC for professional engineering services at a cost of \$54,400, and

WHEREAS, said services are necessary to oversee and assist with operation of the County's new leachate treatment facility at the Nanticoke Sanitary Landfill, including emergency calls and routine site visits, and

WHEREAS, said agreement expires by its terms on October 31, 1997, and it is desired at this time to renew said agreement for the period November 1, 1997 through and including October 31, 1998 on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Stearns & Wheler, LLC, One Remington Park Drive, Cazenovia, New York 13035 for professional engineering services for the period November 1, 1997 through and including October 31, 1998, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$29,000 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 230086.4449.206000 (Other Operational Expenses), 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. 443

by COMMUNITY AND SOCIAL SERVICES AND FINANCE COMMITTEES

Seconded by Mr. Burger

RESOLUTION AUTHORIZING PARTICIPATION BY THE DEPARTMENT OF SOCIAL SERVICES IN THE STATE FOOD ASSISTANCE PROGRAM FOR LEGAL IMMIGRANTS

WHEREAS, New York State recently enacted legislation establishing a Food Stamp Replacement Program to meet the needs of legal immigrants otherwise ineligible for the federal program, and

WHEREAS, this state legislation provides for county participation in the program in accordance with all federal and state statutory, regulatory and policy requirements, and WHEREAS, there are currently twenty-two counties in New York State that are participating in

the State Program and are sharing certain costs, and

WHEREAS, the State Food Stamp Program will be administered in the same manner as the Federal program, and

WHEREAS, it is anticipated that fifty-six elderly and disabled Broome County residents would qualify for this program under the specified state qualifying factors, and

WHEREAS, the Department of Social Services desires to participate in the State Food Stamp Replacement Program to meet the needs of qualified legal immigrants, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes participation in the State Food Stamp Replacement Program effective November 1, 1997 at a estimated program cost not to exceed \$55,000, of which 50 % will be reimbursed by New York State and the balance will be funded through the existing Social Services budget, and be it

FURTHER RESOLVED, that the County Executive, the Commissioner of Social Services, or their duly authorized representatives, are hereby authorized to execute any such papers, documents, contracts, or options to renew, approved as to form by the Department of Law, as may be necessary to execute the intent and purpose of this Resolution.

Carried.

RESOLUTION NO. 444

by FINANCE COMMITTEE

Seconded by Mr. Howard

RESOLUTION INCREASING THE RATE OF TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, AND ON OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES, PURSUANT

REGULAR SESSION OF OCTOBER 16, 1997

TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK

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

SECTION 1. The first sentence of section two of Resolution No. 180 of 1965, as amended, is amended to read as follows:

SECTION 2. Imposition of sales tax.

On and after June 1, 1974, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing March 1, 1994, and ending November 30, 1999, there is hereby imposed and there shall be paid an additional tax of one percent upon:

SECTION 2. Subdivision (e) of section three of Resolution No. 180 of 1965, as amended, is amended to read as follows:

(e) With respect to the additional tax of one percent imposed for the period commencing March 1, 1994, and ending November 30, 1999, the provisions of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to March 1, 1994, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to November 1, 1993, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to February 28, 1994. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to March 1, 1994, any transaction which may not be subject to the additional tax imposed effective on that date.

SECTION 3. Section four of Resolution No. 180 of 1965, as amended, is amended to read as follows:

SECTION 4. Imposition of compensating use tax.

- (a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after March 1, 1994, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail,
- (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (I) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (c) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user

offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

- (b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing March 1, 1994, and ending November 30, 1999, the tax shall be at the rate of four percent, and on and after December 1, 1999, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.
- (c) For purposes of subclause (I) of clause (B) of subdivision (a) of this section, for the period commencing March 1, 1994 and ending November 30, 1999, the tax shall be at the rate of four percent, and on and after December 1, 1999, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.
- (d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing March 1, 1994, and ending November 30, 1999, the tax shall be at the rate of four percent, and on and after December 1, 1999, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured,

processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e)Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f)For purposes of clauses (C), (D), and (E) of subdivision (a) of this section, for the period March 1, 1994, and ending November 30, 1999, the tax shall be at the rate of four percent, and on and after December 1, 1999, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of

section one.

- (g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing March 1, 1994, and ending November 30, 1999, the tax shall be at the rate of four percent, and on and after December 1, 1999, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.

SECTION 4. Subdivision (k) of section 6 of Resolution No. 180 of 1965, as amended, is amended to read as follows:

- (k) Exemption of certain energy sources and related services from additional one percent rate of tax. Notwithstanding any inconsistent provision of this resolution, receipts from the retail sale or use of fuel oil and coal used for residential purposes; the receipts from the retail sale or use of wood used for residential heating purposes; and the receipts from every sale, other than for resale, or use of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be exempt from the additional one percent rate of sales and compensating use taxes imposed by section 2 and 4, respectively, of this resolution for the period commencing March 1, 1994, and ending November 30, 1999.

SECTION 5. Subdivision one of section eleven of Resolution no. 180 of 1965, as amended, is amended to read as follows:

(1)(A) In respect to the use of property used by the purchaser in this County prior to August 1, 1965.

(B) With respect to the additional tax of one percent imposed for the period beginning March 1, 1994, and ending November 30, 1999, in respect to the use of property used by the purchaser in this County prior to March 1, 1994.

SECTION 6. Subdivision (e) of section fourteen of Resolution No. 180 of 1965, as amended, is amended to read as follows:

(e) Notwithstanding any other provision of this section to the contrary, one hundred percent of the net collection attributable to the additional one percent rate of sales and compensating use taxes imposed for the period March 1, 1994 through November 30, 1999, is hereby set aside for county purposes and shall be available for any county purpose. Provided, however, that where a city in the county imposes, at the rate of two percent or higher, the same taxes described in section 1210 of the Tax Law that the County imposes, then the provisions of subdivision (c) of this section shall apply.

SECTION 7. This enactment shall take effect on December 1, 1997.

Carried. Ayes-15, Nays-4 (Coffey, Kavulich, Pasquale & Shafer)

RESOLUTION NO. 445

by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING COMMITTEE

Seconded by Mr. Burger

RESOLUTION DECLARING NOVEMBER 13, 1997 AS 'WHITNEY POINT SELECT CHORUS DAY'

WHEREAS, each year the government of Vienna, Austria invites

selected choirs from the United States and Europe to fill Vienna with singing on the four weekends preceding Christmas, and

WHEREAS, an invitation to the 1997 'International Advent Sing' has been extended to the Whitney Point High School Select Chorus, and

WHEREAS, the Chorus will be one of nineteen choirs representing the United States this year, as well as being the only Choir from Upstate New York and also the only choir from an American public high school, and

WHEREAS, the Select Chorus will perform concerts in the historic Festival Room of the Vienna City Hall and act as the cathedral choir at one of Vienna's cathedrals, the Votivkirche, and

WHEREAS, last year the Chorus received two first place awards at their first competition, the Music in the Parks Festival in New Jersey, and

WHEREAS, this County Legislature and the County Executive wishes to honor the Chorus for these achievements, now, therefore, be it

RESOLVED, that this County Legislature hereby declares November 13, 1997 as 'Whitney Point Select Chorus Day'.

Carried.

RESOLUTION NO. 446

by PERSONNEL, FINANCE AND COUNTY ADMINISTRATION,
ECONOMIC DEVELOPMENT AND PLANNING COMMITTEES Seconded by Mr. Shafer

RESOLUTION CONFIRMING APPOINTMENT OF JOHN A. FLYNN, JR. AS EMPLOYMENT AND TRAINING DIRECTOR I, OFFICE OF EMPLOYMENT AND TRAINING.

WHEREAS, Jeffrey P. Kraham, Broome County Executive,

pursuant to the powers vested in him by Article XXIV, Section 2405 of the Broome County Charter, has duly designated and appointed, pending confirmation by this Legislature, John A. Flynn, Jr., 1617 Carnegie Drive, Vestal, New York 13850, as Employment and Training Director I, Office of Employment and Training, at an annual salary of \$41,373 as referenced by PDR# 971217N, effective September 29, 1997, and

WHEREAS, John A. Flynn, Jr. is fully qualified to fill the position of Employment and Training Director I, Office of Employment and Training, and

WHEREAS, it is desired at this time, pursuant to the provisions of Article XXIV, Section 2405 of the Broome County Charter, to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature hereby confirms the appointment of John A. Flynn, Jr., as Employment and Training Director I, Office of Employment and Training, in accordance with his appointment by the County Executive.

Carried. Ayes-18, Nays-1 (Pasquale)

RESOLUTION NO. 447

by PERSONNEL, EDUCATION, CULTURE & RECREATION, AND FINANCE COMMITTEES

Seconded by Mr. Hull

RESOLUTION AUTHORIZING THE HIRING OF PETER F. O'DONNELL, JR. AS ARENA MANAGER ABOVE THE MINIMUM SALARY.

WHEREAS, the Acting Commissioner of Parks and Recreation has recommended the hiring of Peter F. O'Donnell, Jr., as Arena Manager at an annual salary of \$41,700 which is 7% above the minimum salary of \$39,058, as referenced by PDR # 97-1227N, and

WHEREAS, Peter F. O'Donnell, Jr. is qualified for this position and has experience and/or education which justify said salary, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the hiring of Peter F. O'Donnell, Jr. as Arena Manager, Grade G, at an annual salary of \$41,700 at budget line 655027.1000.306000, effective October 13, 1997.

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

RESOLUTION NO. 448

by PERSONNEL, EDUCATION, CULTURE & RECREATION, AND FINANCE COMMITTEES

Seconded by Mr. Burger

RESOLUTION AUTHORIZING THE PAYMENT OF RELOCATION EXPENSES FOR PETER F. O'DONNELL, JR.

WHEREAS, this County Legislature, by companion resolution has authorized the hiring of Peter F. O'Donnell, Jr., as Arena Manager as referenced by PDR # 97-1227N, and

WHEREAS, Mr. O'Donnell has requested relocation expenses as a part of his employment package, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the payment of up to \$1,500 for relocation expenses for Mr. O'Donnell's move from Valatie, New York,

to Broome County, subject to compliance with Section 31-1 of the Broome County Charter and Code.

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

RESOLUTION NO. 449

by COMMUNITY AND SOCIAL SERVICES AND FINANCE COMMITTEES

Seconded by Mr. Burger

RESOLUTION AUTHORIZING REVISION OF THE COORDINATED CHILDREN'S SERVICES INITIATIVE GRANT, AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH AND AUTHORIZING AN AMENDED AGREEMENT WITH CATHOLIC CHARITIES TO FACILITATE THIS PROGRAM FOR 1997.

WHEREAS, this County Legislature, by Resolution 250 of 1997, authorized an approved acceptance of a Coordinated Children's Services Initiative Grant in the amount of \$41,105 for the period January 1, 1997 through December 31, 1997 and an agreement with Catholic Charities to implement this program, and

WHEREAS, it is necessary at this time to revise said program grant to reflect a decrease in grant appropriations and to amend the agreement with Catholic Charities to reflect this decrease in appropriations for the period January 1, 1997 through December 31, 1997, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an approves acceptance of \$29,750 from the New York State Office of Mental Health for the period January 1, 1997 through December 31, 1997, 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 \$29,750 for the period January 1, 1997 through December 31, 1997, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an amended agreement with Catholic Charities, 232 Main Street, Binghamton, New York 13905, for services under the

Coordinated Children's Services Initiative Grant Project for the period January 1, 1997 through December 31, 1997, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$29,750 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 670455.4457.104133 (Subcontracted Program Expense), and be it

FURTHER RESOLVED, that Resolution 250 of 1997, 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(including the Budget Director, Comptroller and/or Commissioner of Finance)are hereby authorized to make any transfers of funds within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

Carried.

RESOLUTION NO. 450

by COMMUNITY AND SOCIAL SERVICES AND FINANCE

COMMITTEES
**RESOLUTION AUTHORIZING RENEWAL OF
COORDINATED CHILDREN'S SERVICES INITIATIVE
GRANT, ADOPTING A PROGRAM BUDGET IN CONNECTION
THEREWITH AND AUTHORIZING RENEWAL OF
AGREEMENT WITH CATHOLIC CHARITIES TO
FACILITATE THIS PROGRAM FOR 1998.**

Seconded by Mr. Burger

WHEREAS, this County Legislature, by Resolution 250 of 1997, as amended by companion resolution, authorized and approved acceptance of a Coordinated Children's Services Initiative Grant in the amount of \$29, 750 for the period January 1, 1997 through December 31, 1997, and

WHEREAS, said grant program provides a collaborative system of services designed to reduce the residential placement of children and to provide respite care services, and

WHEREAS, said grant program expires on December 31, 1997 and it is desired to renew said grant program, and

WHEREAS, it is desired to renew the agreement with Catholic Charities to facilitate this program for the period January 1, 1998 through December 31, 1998 in the amount of \$65, 585, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$65, 585 from the New York State Office of Mental Health for the period January 1, 1998 through December 31, 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 \$65, 585 for the period January 1, 1998 through December 31, 1998, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with Catholic Charities, 232 Main Street, Binghamton, New York 13905, for services under the Coordinated Children's Services Initiative Grant Project for the period January 1, 1998 through December 31, 1998, and be it

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FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$65, 585 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 670455.4457.104163, 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 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(including the Budget Director, Comptroller and/or Commissioner of Finance) are hereby authorized to make any transfers of funds required within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

Carried.

RESOLUTION NO. 451

by EDUCATION, CULTURE AND RECREATION COMMITTEESeconded by Mr. Burger

**RESOLUTION CONFIRMING APPOINTMENT TO
MEMBERSHIP ON BROOME COMMUNITY COLLEGE**

BOARD OF TRUSTEES.

WHEREAS, Jeffrey P. Kraham, Broome County Executive, pursuant to the powers vested in him by Article XXIII-A of the Broome County Charter and Code, has duly designated and appointed, pending confirmation by this Legislature, the following named individual to membership on the Broome Community College Board of Trustees for the term indicated:

<u>NAME</u>	<u>TERM EXPIRING</u>
Anthony V. Mincolla, III	June 30, 2005

and

WHEREAS, it is desired at this point in time, in accordance with the provisions of Article XXIII-A of the Broome County Charter and Code, to confirm said appointments, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Article XXIII-A of the Broome County Charter and Code, does hereby confirm the appointment of the above-named individual to membership on the Broome Community College Board of Trustees in accordance with their appointment by the County Executive.

Carried.

RESOLUTION NO. 452

by FINANCE COMMITTEE

Seconded by Mr. Miller

RESOLUTION NO. 97-452 ADOPTING THE BROOME COUNTY BUDGET AND ESTABLISHING RATE OF COMPENSATION FOR NON UNION ADMINISTRATIVE PERSONNEL FOR FISCAL YEAR 1998

RESOLVED, that the tentative budget of the County of Broome, including the County's 1998 Capital Budget, as corrected and amended to \$248,583,828*; be and it hereby is adopted as the budget for the County of Broome, for the year commencing January 1, 1998 and ending

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December 31, 1998 and be it

FURTHER RESOLVED, that all non-union Administrative I and Administrative II personnel, will receive a 3.5 percent salary increase, after adjustment for longevity, said 3.5 percent salary increase to be determined by the 1997 base salary to become effective January 1, 1998, and be it

FURTHER RESOLVED, that all non-union Administrative I position minimums shall also be increased 3.5 percent, effective January 1, 1998, said minimums to be as set forth herein, and be it

FURTHER RESOLVED, that all non-union Administrative II position minimums are established pursuant to the accompanying schedule and be it

FURTHER RESOLVED, that the budget officer is hereby authorized, empowered, and directed to correct any modifications, changes, additions and/or typographical errors not effecting the substance of the budget and that the budget officer is further directed, after making such corrections, to file same with the Clerk of the County Legislature and to furnish said Clerk with sufficient copies thereof for the members of the County Legislature.

*Legislative Note: The adopted budget number of "\$248,583,828 was supplied by the Budget Office on November 21, 1997, following Legislative actions of November 20, 1997 concerning a Veto Message from the County Executive presented to the Legislative Clerk on November 19, 1997.

<u>ADMINISTRATIVE I</u>			<u>ADMINISTRATIVE II</u>	
	1997	1998		
Grade	Minimum	Minimum	Grade	
	Minimum			
7	15,276	15,811	A	34,892

8	16,005	16,565
9	16,777	17,364
10	17,590	18,206
10(40)	18,680	19,334
11	18,446	19,092
12	19,352	20,029
13	20,307	21,018
14	21,315	22,061
14(40)	22,667	23,460
15	22,375	23,158
16	23,495	24,317
17	24,679	25,543
18	25,927	26,834
19	27,241	28,194
20	28,631	29,633
20(40)	30,498	31,565
21	30,096	31,149
21(40)	32,065	33,187
22	31,643	32,751
22(40)	33,720	34,900
23	33,270	34,434
23(40)	35,465	36,706
24	34,991	36,216
24(40)	37,301	38,607
25	36,807	38,095
26	38,724	40,079
27	40,471	42,167
28	42,870	44,370
29	45,120	46,699

B	37,392
C	39,892
D	42,892
E	45,892
F	48,892
G	51,892
H	55,392
I	58,892
J	62,392
K	65,892
L	69,392

Miscellaneous Officials:

Chairman, Legislature..	\$ 7,500
Commissioner of Elections	\$ 5,000
Coroner	\$25,500
County Clerk.....	\$54,000
County Executive.....	\$63,500
District Attorney	\$99,000
Legislator	\$10,000
Sheriff.....	\$54,000

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

RESOLUTION NO. 453
by FINANCE COMMITTEE

Seconded by Mr. Miller

RESOLUTION NO. 97-453 MAKING APPROPRIATIONS FOR THE CONDUCT OF THE BROOME COUNTY GOVERNMENT FOR FISCAL YEAR 1998

WHEREAS, this County Legislature, by an accompanying Resolution 97-452 of 1997, has adopted a budget for fiscal year 1998, now, therefore be it

RESOLVED, that the several amounts specified in such budget under the various categories and the various objects of expense in the 1998 tentative budget under the recommended column, unless a specific change or correction has been made in the same, in which case such change or corrected figure shall apply, shall be the amounts appropriated for such items, effective January 1, 1998, and be it

FURTHER RESOLVED, that the budget officer is hereby authorized, empowered and directed to correct any modifications, changes, additions and/or typographical errors not affecting the substance of the budget, and that the budget officer is further directed, after making such corrections, to file same with the Clerk of the County Legislature and to furnish said Clerk with sufficient copies thereof for the members of the County Legislature.

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

RESOLUTION NO. 454

by FINANCE COMMITTEE

Seconded by Mr. Pasquale

RESOLUTION APPROVING THE 1998-2003 CAPITAL IMPROVEMENT PROGRAM

RESOLVED, that the 1998 Capital Budget and the 1998-2003 Capital Improvement Program as accompanying the tentative budget for 1998, and as corrected and amended is hereby approved and adopted as the 1998 Capital Budget and 1998-2003 Capital Improvement Program for the County of Broome, and be it

FURTHER RESOLVED, that the use and expenditure of the County's funds for the Passenger Terminal Refurbishment Project and the Paratransit Bus Replacement (4) Project shall be limited and

contingent upon and subject to approval and commitment by the State of New York, the United States, and non-county sources of Aid Funds for appropriate projects, and be it

FURTHER RESOLVED, that the Budget Officer be and hereby is authorized, empowered, and directed to correct any modification, changes, additions, and/or typographical errors not effecting the substance of the capital budget and capital program, and that the budget officer is further directed, after making such corrections, to file the same with the clerk of the County Legislature and to furnish said clerk with sufficient copies thereof for the members of the County Legislature.

Legislative Notes:

PASSENGER TERMINAL REFURBISHMENT PROJECT:

Est. Cost:	\$12,700,000
Fed/Other:	\$ 2,300,000
State:	\$ 6,100,000
County:	\$ 4,300,000
Bond:	\$10,400,000

PARATRANSIT BUS REPLACEMENT (4) PROJECT:

Est. Cost:	\$200,000
Fed./Other:	\$160,000
State:	\$ 20,000
Bond:	- 0 -
Transfer:	\$ 40,000

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

RESOLUTION NO. 455

by FINANCE COMMITTEE

Seconded by Mr. Miller

RESOLUTION LEVYING THE COST OF WORKERS' COMPENSATION FOR CALENDAR YEAR 1998.

WHEREAS, a budget for the operation of the Broome County Self-Insurance Plan for Workers' Compensation for the year 1998 in the amount of \$3,246,788 has been presented and approved by the County

Legislature, now, therefore, be it

RESOLVED, that the estimated costs of the Broome County Self Insurance Plan for Workers' Compensation for the calendar year 1998, as previously established, as apportioned to the county and the towns and villages participating in the fund be approved, and the apportioned amounts as to the towns and county shall be included in the respective next succeeding tax levies by the County Legislature unless otherwise provided for and paid to the Commissioner of Finance, and the Commissioner of Finance is hereby authorized to bill the Villages of Endicott, Lisle, Whitney Point and Port Dickinson for the amounts apportioned to them, and when the same is collected, deposit said amounts to the Workers' Compensation account as follows:

<u>TOWNS</u>	<u>AMOUNT</u>
Barker	\$ 7,113
Binghamton	\$ 66,460
Chenango	\$ 100,677
Colesville	\$ 71,944
Conklin	\$ 26,410
Lisle	\$ 27,114
Maine	\$ 36,728
Nanticoke	\$ 4,060
Sanford	\$ 31,335
Triangle	\$ 6,707
Vestal	\$ 193,971
Windsor	\$ 50,750
<u>VILLAGES</u>	<u>AMOUNT</u>
Endicott	\$ 253,153
Lisle	\$ 17,612
Port Dickinson	\$ 9,059
Whitney Point	\$ 14,926

Broome County \$1,940,769

\$2,858,788

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

Mr. Howard moved, seconded by Mr. Shafer to **adjourn** at 4:34 P.M.
The adjournment **carried** by voice vote.