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**BROOME COUNTY LEGISLATURE  
REGULAR SESSION  
THURSDAY, MAY 16, 2002**

The Legislature convened at 5:00 p.m. with a call to order by the Chair, Daniel A. Schofield. The Clerk, Louis P. Augostini, read the fire exit announcement and called the Attendance Roll, Present-16, Absent-2 (Howard, Nannery), Vacancy-1 (District 12). (**Legislative Note:** A letter of resignation was submitted by Andrew Kavulich to the Office of the County Clerk, effective May 13, 2002.)

The Chair, Mr. Schofield, led the members of the Legislature in the Pledge of Allegiance to the Flag, followed by a prayer offered by Legislator Hudak.

Mr. Mather made a motion, seconded by Mr. Burger, that the minutes of the Regular Session of April 18, 2002 be approved as prepared and presented by the Clerk. **Carried**, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).

Mr. Schofield noted that the committee minutes for the period April 12, 2002 to May 9, 2002 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. Seeing none, a motion to approve the committee minutes was made by Mr. Wike, seconded by Mr. Miller. **Carried**, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).

**WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY EXECUTIVE:**

County Executive Kraham presented a Municipal Clerks Honor Roll 2002 Honoree Certificate of Recognition to Louis P. Augostini. After being nominated by Richard R. Blythe, the certificate was awarded by General Code Publishers "In appreciation of outstanding and dedicated service as Municipal Clerk of the County of Broome".

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

- A. Petitions: None
- B. Communications:
  - 1. Minutes:
    - a. Association of Towns and Villages
    - b. Cornell Cooperative Extension
    - c. Soil and Water Conservation District
    - d. Environmental Management Council
    - e. Landfill Citizens Advisory Committee
    - f. Association of Municipal Clerks
    - g. Fire Advisory Board
  - 2. Personnel: Memo regarding appointment of Tom Behan as Director of Employee Relations
  - 3. Finance: Bond Anticipation Note dated April 25, 2002
  - 4. Seneca County Board of Supervisors: Copy of Resolution #87-02 opposing new unfunded mandates by New York State
  - 5. Letters:
    - a. Union Volunteer Emergency Squad: opposing lowered reimbursement fees for supplies
    - b. Assemblyman Robert J. Warner: acknowledging receipt of Resolution 02-157 supporting improvements on Route 12



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WHEREAS, said agreement expired by its terms on December 31, 2001, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$125 per inmate per day, for the period January 1, 2002 through December 31, 2003 with an option to renew this agreement for one additional year on the same terms, conditions and costs solely at Broome County's option, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with the Oneida County Sheriff's Office, Public Safety Complex, 6075 Judd Road, Oriskany, New York 13424-2271, for security services for inmates housed at the Central New York Psychiatric Center for the period January 1, 2002 through December 31, 2003 with an option to renew this agreement for one additional year on the same terms, conditions and costs solely at Broome County's option, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$125 per inmate per day for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 450023.4435.101000 (Inmate Expense-Other Facilities), 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. Lindsey made a motion, seconded by Mr. Shafer, to replace the phrase "solely at Broome County's option" with "upon mutual consent of both parties". **Motion to amend carried**, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12). **Resolution as amended carried**, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).

#### **RESOLUTIONS INTRODUCED AT THIS SESSION**

##### **RESOLUTION NO. 194**

By County Administration and Finance Committees

Seconded by Mr. O'Day

#### **RESOLUTION AMENDING PARTICIPATION RULES AND AUTHORIZING RENEWAL OF AN AGREEMENT WITH MEL MANASSE & SON, AUCTIONEERS FOR AUCTIONEER AND RELATED SERVICES FOR THE PURCHASING DIVISION FOR THE 20TH ANNUAL AUCTION**

WHEREAS, this County Legislature, by Resolution 198 of 2001 established the rules and authorized an agreement with Mel Manasse & Son, Auctioneers, for auctioneer and related services for the Division of Purchasing's Annual Broome County Auction for 2001, at a cost of \$2,000 for advertising, mailing and other expenses, \$1,000 for Parks Department services, \$1,000 for Division of Security services, \$1,000 for Department of Public Works services and six percent (6%) of the auctioneer's receipts (less the \$2,000 in expenses previously noted) for the period September 1, 2001 through October 31, 2001, and

WHEREAS, this County Legislature, by Resolution 413 of 2001, amended said rules extending the participating parties to include Tioga County and all political subdivisions and contract agencies of Tioga County, and

WHEREAS, all political subdivisions and contract agencies of participating counties are eligible to offer surplus supplies, materials, equipment and vehicles for sale at the auction, and

WHEREAS, the Director of Purchasing recommends that this County Legislature authorize participation from adjacent counties and all political subdivisions and contract agencies of those counties, and

WHEREAS, the Broome County Division of Purchasing requests authorization for renewal of the agreement with Mel Manasse & Son, Auctioneers, under similar terms and conditions, for auctioneer services at the 20<sup>th</sup> Annual Broome County Auction for the period July 1, 2002 through October 31, 2002, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves participation from adjacent counties and all political subdivisions and contract agencies of those counties in the 20<sup>th</sup> Annual Broome County Auction, and be it

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FURTHER RESOLVED, the fee structure for all participating counties, political subdivisions, and contract agencies, including Broome Community College, shall be as follows:

- 1) Participating political subdivisions shall pay a fee of six percent (6%) of the auctioneer's gross receipts to the auctioneer, attributable to their property, exclusive of sales taxes,

and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with Mel Manasse & Son, Auctioneers, 2924 U.S. Route 11, P.O. Box 738, Whitney Point, New York 13862, for auctioneer and related services for the 20<sup>th</sup> Annual Broome County Auction for the period July 1, 2002 through October 31, 2002, and be it

FURTHER RESOLVED, that in consideration of said services, the Contractor shall retain from the sale of items attributed to Broome County Government:

- \$2,000 for advertising, mailing and other expenses
- \$1,000 for Parks Department expenses
- \$1,000 for Division of Security expenses
- \$1,000 for Department of Public Works expenses
- Six percent (6%) of the auctioneer's receipts  
(less the \$2,000 in expenses previously noted)

for the term of this agreement, and be it

FURTHER RESOLVED, the Broome County Comptroller is hereby authorized to review all revenues received from the auction and apportion those revenues to the appropriate departmental revenue budget lines, and be it

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

**Carried, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).**

#### **RESOLUTION NO. 195**

By Public Works and Education, Culture & Recreation Committees                      Seconded by Mr. O'Day  
**RESOLUTION AUTHORIZING RENEWAL OF THE MUNICIPAL COOPERATIVE AGREEMENT WITH THE BROOME COUNTY SOIL AND WATER CONSERVATION DISTRICT FOR TEN YEARS**

WHEREAS, this County Legislature, by Resolution 342 of 1995, authorized a renewal of the municipal cooperative agreement with the Broome County Soil and Water Conservation District, pursuant to General Municipal Law Section 119-o, for ten years, and

WHEREAS, the District continues to work cooperatively with the County Parks and Recreation Department in providing to said department, storage space and an equipment maintenance area, and

WHEREAS, the original agreement is up for renewal, now, therefore, be it

RESOLVED, that the County Legislature hereby authorizes renewal of the municipal cooperative agreement with the Broome County Soil and Water Conservation District, pursuant to General Municipal Law Section 119-o, for a ten year period, July 1, 2002 through June 30, 2012 under the following conditions:

1. The Broome County Soil and Water Conservation District shall maintain the building and grounds in a way that ensures that the building and grounds do not detract from the aesthetics of the surrounding area.

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2. The Broome County Soil and Water Conservation District shall agree to seek approval from the County Legislature before expanding its facilities or further developing the aforementioned land.
  3. The County Parks and Recreation Department shall be permitted to use said building for storage space of equipment with at least one (1) bay being set aside for their purpose, year round.
  4. The Parks Department will have use of the rest room facilities for their employees and will share responsibility for the cleaning of the building and the grounds with the District. The Parks Department will also have the opportunity during severe cold weather to make use of the heated office space.
  5. The Parks Department will have use of the heated bay for repair and maintenance of equipment whenever possible.
  6. The Parks Department will have access to the building parking facilities for park vehicles and equipment and employee's vehicles in a manner which does not pose an eyesore or restrict traffic flow in the area.
  7. The Parks Department will be responsible for the repair of any damages which occur as a result of their employees or representatives.
  8. The term of this agreement shall be for the period July 1, 2002 through June 30, 2012.
  9. At the expiration of said period, this agreement may be renewed upon such terms and conditions as are mutually agreeable to the County and to the Broome County Soil and Water Conservation District.
  10. As consideration for this agreement, the Broome County Soil and Water Conservation District agrees that at the end of said 10 year period, or if the agreement is renewed at the end of any such renewal period, any buildings constructed on the property shall become the property of Broome County. It is further understood that in the event that the Broome County Soil and Water Conservation District no longer has any need or desire for the building prior to the expiration of any renewal period, any buildings shall become the property of Broome County at that point.

and be it

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

**Carried**, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).

#### **RESOLUTION NO. 196**

By County Administration and Finance Committees

Seconded by Mr. Shafer

#### **RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH IBM CORPORATION FOR BUSINESS RECOVERY SERVICES FOR THE DIVISION OF INFORMATION TECHNOLOGY FOR 2002-2004**

WHEREAS, this County Legislature, by Resolution 665 of 2001, authorized the renewal of agreement with IBM Corporation for business services for the Division of Information Technology at a cost \$19,000 per year, total amount not to exceed \$54,000 for the period January 1, 2002 through December 31, 2004, and

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WHEREAS, said services are necessary to provide assistance in preparing for and/or responding to an IT disaster in Broome County, and

WHEREAS, it is necessary to authorize the amendment of said agreement to add new services and equipment, increasing the annual rate by \$1,000 per year and a new total amount not to exceed \$60,000 for business recovery services, and

WHEREAS, the Director of Information Technology has requested authorization for said amendments as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with IBM Corporation, 220 Penn Avenue, Scranton, Pennsylvania 18503 for business recovery services for Division of Information Technology for the period January 1, 2002 through December 31, 2004, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at the rate of \$20,000 per year, total amount not to exceed \$60,000, for the term of the 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 Resolution 665 of 2001, to the extent consistent herewith, shall remain in full force and effect, and be it

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

**Carried.** Ayes-14, Nays-0, Absent-2 (Howard, Nannery), Abstain-2 (Schofield, Wike), Vacant-1 (District 12).

#### **RESOLUTION NO. 197**

By Public Works and Finance Committee

Seconded by Mr. O'Day

#### **RESOLUTION AUTHORIZING AGREEMENT WITH PW LABORATORIES FOR PROFESSIONAL SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS FOR 2002**

WHEREAS, the Commissioner of Public Works requests authorization for an agreement with PW Laboratories for professional services for the Department of Public Works at a cost not to exceed \$13,689, for the period June 1, 2002 through October 31, 2002, with the work to be completed within 60 days of the Notice of Award, and

WHEREAS, said services are necessary to accomplish concrete coring and concrete testing for bridge #3349180 on East Windsor Road in the Town of Colesville, bridge #3349190 on East Windsor Road in the Town of Colesville, bridge #3349200 on Colesville Road in the Town of Colesville, bridge #3349530 on Airport Road in the Town of Maine, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with PW Laboratories, P.O. Box 56, 5879 Fisher Road, East Syracuse, New York 13057, for professional services for the Department of Public Works for the period June 1, 2002 through October 31, 2002 with the work to be completed within 60 days of the Notice of Award, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$13,689 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 035030.4746.501363 (Engineering and Architectural Services), and be it

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

**Carried.** Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).

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### RESOLUTION NO. 198

By County Administration and Finance Committees

Seconded by Mr. O'Day

#### **RESOLUTION AUTHORIZING THE ASSIGNMENT OF AN AGREEMENT FROM KPMG CONSULTING TO TIER TECHNOLOGIES, INC. FOR SOFTWARE MAINTENANCE FOR THE DIVISION OF INFORMATION TECHNOLOGY FOR 2002**

WHEREAS, this County Legislature, by Resolution 489 of 2001, authorized an agreement with KPMG Consulting for maintenance of Broome County's FAMIS financial and BPREP budget preparation software for the Division of Information Technology at a cost not to exceed \$69,700, for the period January 1, 2002 through December 31, 2002, and

WHEREAS, KPMG Consulting has requested permission from the County to assign its interests in the agreement to Tier Technologies, Inc., effective March 16, 2002, on the same terms and conditions as set forth in the agreement with KPMG Consulting, now, therefore, be it

RESOLVED, that this County Legislature hereby consents to the assignment of the agreement for maintenance of Broome County's FAMIS financial and BPREP budget preparation software for the Division of Information Technology from KPMG Consulting to Tier Technologies, Inc., 1350 Treat Boulevard, Suite 250, Walnut Creek, California 94596, effective March 16, 2002, on the same terms and conditions as the agreement with KPMG Consulting, and be it

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

**Carried**, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).

### RESOLUTION NO. 199

By Public Works and Finance Committees

Seconded by Mr. O'Day

#### **RESOLUTION AUTHORIZING ABANDONMENT OF A PORTION OF AIRPORT ROAD IN THE TOWN OF CHENANGO**

WHEREAS, the Commissioner of Public Works has requested that the County of Broome abandon a portion of old Airport Road (County Route 28) in the Town of Chenango, which adjoins the property of Joseph Talerico, pursuant to Section 118A of the New York State Highway Law, and

WHEREAS, the Department of Public Works has reviewed the proposed abandonment and has determined that the County has no present or future use for the area described on the attached map as the area described as part of the old road bed which is no longer utilized by the County due to the reconstruction in the area, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the abandonment of a portion of old Airport Road (County Route 28) in the Town of Chenango to Joseph Talerico, 236 Chenango Street, Binghamton, New York 13901 as the adjoining owner thereof, said property being as described on the annexed Exhibit "A", and be it

FURTHER RESOLVED, that the abandonment of the right-of-way requested herein shall not affect the right-of-way for existing utilities within the abandoned area, and be it

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

**Carried**, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).



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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 (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or 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) is 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, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).**

### **RESOLUTION NO. 202**

By Community & Social Services and Finance Committees

Seconded by Mr. O'Day

#### **RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH COORDINATED CARE SERVICES, INC. FOR CONSULTANT SERVICES FOR THE DEPARTMENT OF SOCIAL SERVICES FOR 2002**

WHEREAS, this County Legislature, by Resolution 291 of 2001, authorized an agreement with Coordinated Care Services, Inc. for consultant services for the Department of Social Services at a rate of \$85 per hour for 150 hours, total amount not to exceed \$12,750, for the period January 1, 2001 through December 31, 2001, and

WHEREAS, said services are necessary to provide the department with a comprehensive review of Medicaid expenditures and factors driving local Medicaid costs and to provide 2003 local budget projections and supporting documentation with the purpose of developing an accurate projection of the impact of Medicaid on the 2003 County budget, and

WHEREAS, said agreement expired by its terms on December 31, 2001, and it is desired at this time to renew said agreement on substantially similar terms and conditions, at a rate of \$85 per hour, total amount not to exceed \$10,000, for the period January 1, 2002 through December 31, 2002, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with Coordinated Care Services, Inc., 1099 Jay Street, Building J, Rochester, New York 14611-1153 for consultant services for the period January 1, 2002 through December 31, 2002, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at a rate of \$85 per hour, total amount not to exceed \$10,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 670018.4747.103000 (Other Fees for Services), and be it

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

**Carried, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).**

### **RESOLUTION NO. 203**

By Public Safety & Emergency Services Committee

Seconded by Mr. O'Day

#### **RESOLUTION AUTHORIZING THE DIRECTOR OF SECURITY TO TRANSFER OBSOLETE UNIFORMS TO THE BINGHAMTON UNIVERSITY LAW ENFORCEMENT AGENCY AND TO LOCAL BOY SCOUT UNITS**

WHEREAS, the Broome County Division of Security has changed Division uniforms, and WHEREAS, there is little market value for used uniforms, however, the Binghamton University Law Enforcement Agency and the local Boy Scout and Explorer Post Scouts could use the obsolete uniforms to advantage, and

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WHEREAS, transferring these uniforms to said organizations is consistent with the goal of intergovernmental cooperation, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the Broome County Director of Security to discard unusable uniforms and to transfer, at no cost to Broome County, the obsolete, but usable, uniforms to the Binghamton University Law Enforcement Agency and to the local Boy Scout and Explorer Post Scouts, and be it

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

**Carried**, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).

#### **RESOLUTION NO. 204**

By Education, Culture and Recreation Committee

Seconded by Mr. O'Day

#### **RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME COUNTY CENTRAL LIBRARY BOARD OF TRUSTEES**

WHEREAS, Jeffery P. Kraham, Broome County Executive, pursuant to the authority vested in him by Resolution 221 of 1984, has duly designated and appointed the following named individuals to membership on the Broome County Central Library Board of Trustees, for the terms indicated, subject to confirmation by this County Legislature:

<u>NAME</u>	<u>TERM EXPIRING</u>
Margo Foldes 3124 Chatham Road Endwell, New York 13760	New Appointment Term Expires 12/31/05
Debra Ann Carson 4233 Emerson Place Vestal, New York 13850	New Appointment Term Expires 12/31/05

and

WHEREAS, it is desired at this time to confirm said appointments, now, therefore, be it  
RESOLVED, that this County Legislature, pursuant to the provisions of Resolution 221 of 1984 hereby confirms the appointments of the above-named individuals to membership on the Broome County Central Library Board of Trustees for the terms indicated, in accordance with their appointment by the County Executive.

**Carried**, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).

#### **RESOLUTION NO. 205**

By Finance Committee

Seconded by Mr. O'Day

#### **RESOLUTION WITH RESPECT TO THE AMENDMENT OF THE SALES AND COMPENSATING USE TAX IN BROOME COUNTY**

WHEREAS, Section 1210 of the Tax Law currently permits Broome County to impose and additional one percent sales and compensating use tax, and

WHEREAS, said additional one percent sales and compensating use tax is used solely for county purposes without distribution to the City and Towns, and

WHEREAS, Broome County wishes to have the Tax Law amended to clarify that Broome County shall have the sole right to impose the additional one percent sales and compensating use taxes which shall not be subject to preemption, now, therefore, be it

RESOLVED, that this County Legislature requests that the New York State Legislature adopt an amendment to the Tax Law clarifying that Broome County shall have the sole right to impose the additional one percent sales and compensating use taxes which shall not be subject to preemption, and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall forward a certified copy of this resolution to the New York State Legislature.

**Carried**, Ayes-15, Nays-1 (Brunza), Absent-2 (Howard, Nannery), Vacant-1 (District 12).

**RESOLUTION NO. 206**

By Finance Committee

Seconded by Mr. O'Day

**RESOLUTION AUTHORIZING DISTRIBUTION OF MORTGAGE TAX RECEIPTS PURSUANT TO SECTION 261 OF THE NEW YORK STATE TAX LAW**

WHEREAS, the County Clerk and the Commissioner of Finance have presented their report concerning mortgage tax receipts for the period October 2001 through March 2002, pursuant to Section 261 of the New York State Tax Law, and the same has been apportioned to the various municipalities thereto, now, therefore, be it

RESOLVED, that the Commissioner of Finance be and hereby is authorized to pay the Treasurer of the City of Binghamton and to respective Supervisors of the 23 Towns and Villages of Broome County, those accounts listed:

Semi-Annual Mortgage Tax Distribution October 2001 through March 2002		
Dickinson	Village of Port Dickinson	\$ 4,149.97
	Outside	24,227.89
Lisle	Village of Lisle	499.92
	Outside	9,208.96
Sanford	Village of Deposit	1,121.82
	Outside	14,027.34
Triangle	Village of Whitney Point	1,713.81
	Outside	8,269.49
Union	Village of Johnson City	41,126.72
	Village of Endicott	37,381.28
	Outside	252,958.37
Windsor	Village of Windsor	2,266.18
	Outside	37,147.34
Barker		18,586.36
Binghamton (Town)		62,951.43
Chenango		105,379.00
Colesville		28,491.44
Conklin		39,567.32
Fenton		43,110.86
Kirkwood		57,338.41
Maine		42,396.72
Nanticoke		6,133.79
Vestal		227,257.71
City of Binghamton		189,085.40
	Total	\$1,254,397.53

**Carried**, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).

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### RESOLUTION NO. 207

By County Administration Committee

Seconded by Mr. Shafer

#### **RESOLUTION AGAINST THE PROPOSED INCREASE IN THE LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND**

WHEREAS, the Governor has proposed to remove certain offices overseeing Cultural Education from the New York State Education Department, incorporating these in an entirely new Institute for Cultural Education, and

WHEREAS, in order to fund this Institute, including the State Archives, State Library, State Museum and State Office for Public Broadcasting, New York State will need to raise millions of dollars in capital investment and plans to do this by quadrupling the present five dollars collected by all County Clerks and the register of the City of New York on all recorded, indexed and entered documents to twenty dollars, effective July 1, 2002, and

WHEREAS, the Local Government Records Management Improvement Fund was created in 1989 to support grants and technical assistance to local governments to improve and enhance the management of their records and information, and

WHEREAS, said fee increase would provide no improvement in service for the taxpayers paying the fee, nor any additional benefits to the local governments that must collect said fee increase, and

WHEREAS, no demonstrated benefit has been identified in the relocation of these functions to the proposed Institute, in contrast to the highly effective and beneficial relationship that local governments now enjoy with the New York State Education department, now, therefore, be it

RESOLVED, that this County Legislature stands firmly opposed to this proposal, and be it

FURTHER RESOLVED, that the Legislative Clerk is directed to send a copy of this Resolution to Governor George E. Pataki, State Senator Joseph L. Bruno, Assemblyman Sheldon Silver, State Senator Thomas W. Libous, Assemblyman Jay J. Dinga and Assemblyman Robert J. Warner, urging them to likewise oppose this proposal.

**Carried, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).**

### RESOLUTION NO. 208

By Transportation Committee

Seconded by Mr. O'Day

#### **RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH THE DOT/FAA FOR AIRCRAFT INSTRUMENT LANDING SYSTEM LAND USE FOR RUNWAY 16 FOR THE DEPARTMENT OF AVIATION FOR 1991-2005**

WHEREAS, this County Legislature, by Resolution 316 of 1991, authorized an agreement with DOT/FAA for the lease of land for an Aircraft Instrument Landing System Land Use for runway 16 at no cost to Broome County or the DOT/FAA for the period October 1, 1991 through September 30, 1992, with an automatic renewal on an annual basis until September 30, 2005, and

WHEREAS, said agreement is necessary for the purpose of navigational and landing aids essential to the safe operation of the air field, and

WHEREAS, it is necessary to authorize the amendment of said agreement to reflect that the FAA has decommissioned and removed the Middle Marker for runway 16 due to it being obsolete, and

WHEREAS, the Commissioner of Aviation 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 DOT/FAA, 1 Aviation Plaza, Jamaica, New York 11434-4809, to reflect that the FAA has decommissioned and removed the Middle Marker for runway 16 due to it being obsolete, for the Department of Aviation for the period October 1, 1991 through September 30, 1992, with an automatic renewal on an annual basis until September 30, 2005 at no cost to Broome County or the DOT/FAA, and be it

FURTHER RESOLVED, that Resolution 316 of 1991, to the extent consistent herewith, shall remain in full force and effect, and be it

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

**Carried**, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).

**RESOLUTION NO. 209**

By Finance Committee

Seconded by Mr. O'Day

**RESOLUTION AUTHORIZING ADJUSTMENT OF DELINQUENT REAL PROPERTY TAXES ON PROPERTIES IN THE TOWNS OF MAINE AND VESTAL**

WHEREAS, the Director of Real Property Tax Service requests authorization to adjust delinquent taxes due for a Town of Maine property and a Town of Vestal property due to errors in computing town and county taxes, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes correction of delinquent taxes on the following properties in the Towns of Maine and Vestal:

**Town:** Maine **Tax Map No.** 090.04.-1-9  
**Owner:** Shearer, Charles H.  
**Address:** 2319 NYS Route 79  
**Reason:** Did not receive Enhanced STAR Exemption for 2000 school taxes. When relieved in 2001, Town and County taxes were incorrect

	<u>Incorrect Tax</u>	<u>Correct Tax</u>
County	\$336.63	\$336.63
Town	4.42	4.42
Highway	86.16	86.16
School Relevy	1,558.33	103.32
Fire	134.79	134.79
	<u>\$2,120.33</u>	<u>\$665.32*</u>

**Town:** Vestal **Tax Map No.** 157.18-1-3.1  
**Owner:** Brock, William  
**Address:** Pumphouse Road  
**Reason:** Parcel information was switched with another parcel.

	<u>Incorrect Tax</u>	<u>Correct Tax</u>
County	\$2,181.94	\$239.78
Town	969.34	106.52
Highway	265.43	29.17
School Relevy	7,676.34	843.56
Fire	204.47	22.47
Light	107.54	11.82
Water Distr. Mt.	204.75	22.50
Water 1 Board 1	39.76	4.37
Drain Mt.	12.50	12.50
Cons. Water Board	96.67	10.63
Mt. 1 Sewer	593.00	593.00
Cons. Sewer Board	128.70	128.70
Ret. Water	285.78	285.78
Ret. Sewer	<u>681.45</u>	<u>681.45</u>
	<u>\$13,447.67</u>	<u>\$2,992.25*</u>



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FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractors at rates not to exceed those listed on Exhibit "B" for the term of the agreements, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480301.4707.104649 (Medical and Hospital Services), and be it

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

**Carried, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).**

### **RESOLUTION NO. 212**

By Health Services and Finance Committees

Seconded by Mr. O'Day

#### **RESOLUTION AUTHORIZING RENEWAL OF AGREEMENTS WITH VARIOUS VENDORS FOR VARIOUS SERVICES FOR THE DEPARTMENT OF HEALTH'S HEALTHY LIVING PARTNERSHIP BREAST AND CERVICAL CANCER SCREENING GRANT FOR 2002-2003**

WHEREAS, this County Legislature, by Resolution 160 of 2001, as amended by Resolution 398 of 2001 authorized renewal of agreements with various vendors for various services for the Department of Health's Healthy Living Partnership Breast and Cervical Cancer Screening Grant at rates not to exceed the rates set by the New York State Department of Health, for the period April 1, 2001 through March 31, 2002, and

WHEREAS, said services are necessary to provide screening, diagnostic and follow up procedures for clients of the Department of Health's Healthy Living Partnership Program, and

WHEREAS, said agreements expired by their terms on March 31, 2002, and it is desired at this time to renew said agreements for an amount not to exceed budgeted appropriations for the period April 1, 2002 through March 31, 2003, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreements with various vendors as shown on Exhibit "A" for screening and education services for the Department of Health's Healthy Living Partnership Breast and Cervical Cancer Screening Grant for the period April 1, 2002 through March 31, 2003, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractors at the rates specified in Exhibit "B", not to exceed budgeted appropriations, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 480301.4707.104647 (Medical and Hospital Services), 480301.4715.104XXX (Other Health and Medical Services), and 480301.4715.104607 (Other Health and Medical Services), and be it

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

**Carried, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).**

### **RESOLUTION NO. 213**

By Health Services and Finance Committees

Seconded by Mr. O'Day

#### **RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH THE RESEARCH FOUNDATION OF SUNY FOR THE WEST NILE VIRUS SURVEILLANCE PROGRAM FOR THE DEPARTMENT OF HEALTH FOR 2002**

WHEREAS, this County Legislature, by Contract Number CA#10-746 of 2000 authorized by the Board of Acquisition and Contract on September 27, 2000 as amended by Resolution 310 of 2001, authorized an agreement with The Research Foundation of SUNY at Binghamton for the West Nile Virus Surveillance Program for the Department of Health at a cost not to exceed \$6,000 for the period August 21, 2000 through October 1, 2001, and

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WHEREAS, said services are necessary for the collection, identification and testing of adult mosquito/larva for the West Nile Virus throughout Broome County, and

WHEREAS, said agreement expired by its terms on October 1, 2001, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$6,000, for the period May 16, 2002 through September 30, 2002, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with The Research Foundation of SUNY at Binghamton, Office of Research and Sponsored Programs, Cooper Administration Building-242, P.O. Box 6000, Binghamton, New York 13902-6000 for the collection, identification and testing of adult mosquito/larva for the West Nile Virus for the Department of Health for the period May 16, 2002 through September 30, 2002, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$6,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480137.4545.101000 (Contracted Services), and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.  
**Carried, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).**

### **RESOLUTION NO. 214**

By Health Services and Finance Committee

Seconded by Mr. O'Day

#### **RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH LOURDES HEALTH CARE SYSTEM TO ADMINISTER THE HEALTHY FAMILY NEW YORK HOME VISITING PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH FOR 2001-2002**

WHEREAS, this County Legislature, by Resolution 309 of 2001, in part, authorized an agreement with Lourdes Health Care System to administer the Healthy Family New York Home Visiting Program Grant for the Department of Health at a cost not to exceed \$214,204, for the period July 1, 2001 through June 30, 2002, and

WHEREAS, said agreement provides home visiting services for the Healthy Family New York Home Visiting Program, and

WHEREAS, it is necessary to authorize the amendment of said agreement to provide an increase of \$21,841 to Lourdes Health Care System, to reflect the redistribution of funds based on actual program costs, and

WHEREAS, the Director of Health 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 Lourdes Health Care System, 303 Main Street, Binghamton, New York 13905, to provide an increase of \$21,841, total amount not to exceed \$236,045, to administer the Healthy Family New York Home Visiting Program Grant for the Department of Health for the period July 1, 2001 through June 30, 2002, and be it

FURTHER RESOLVED, that Resolution 309 of 2001, to the extent consistent herewith, shall remain in full force and effect, and be it

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

**Carried, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).**

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### RESOLUTION NO. 215

By County Administration and Finance Committees

Seconded by Mr. O'Day

#### **RESOLUTION AUTHORIZING AGREEMENT WITH BROOME TIOGA ARC FOR SERVICES FOR THE COUNTY CLERK FOR 2002-2003**

WHEREAS, the County Clerk requests authorization for an agreement with Broome Tioga ARC for services at a cost not to exceed \$75,005, for the period July 1, 2002 through June 30, 2003, and

WHEREAS, said services are necessary to provide production labor for the Broome County Clerk's Records Management microfilm operation, and

WHEREAS, the County Clerk requests authorization to renew said agreement annually at Broome County's option for an additional four years on the same terms and conditions and at the same annual cost not to exceed \$75,005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Broome Tioga ARC, 901 Upper Front Street, Binghamton, New York 13905, for production labor for the County Clerk's Records Management microfilm operation for the period July 1, 2002 through June 30, 2003, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$75,005 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 300004.4545.101000 (Contracted Services), and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes said agreement to be renewed annually at Broome County's option for an additional four years on the same terms and conditions and at the same annual cost not to exceed \$75,005, and be it

FURTHER RESOLVED, that this agreement shall contain a clause permitting either party to terminate the agreement upon thirty (30) days written notice; said notice may be given at any time during the life of the agreement, and be it

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

**Carried**, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).

### RESOLUTION NO. 216

By County Administration and Finance Committees

Seconded by Mr. O'Day

#### **RESOLUTION AUTHORIZING ADDITIONAL AGREEMENTS WITH GENERAL ELECTRIC CAPITAL CORPORATION AND EASTERN COPY PRODUCTS, INC. FOR THE LEASE AND RELATED SERVICE AGREEMENT FOR DIGITAL COPY MACHINES FOR THE RECORDS MANAGEMENT CENTER AND THE REAL PROPERTY TAX SERVICES DEPARTMENT FOR 2002-2007**

WHEREAS, the Director of Purchasing has advertised and received bids for lease and related service agreements for the placement of digital copy machines in various County departments, and the County Legislature by Resolution 113 of 2002 has made an award based on the bids received, and

WHEREAS, County Departments may participate in leasing machines from this bid anytime through October of 2002, and

WHEREAS, the Director of Purchasing, on behalf of the County Clerk for the Records Management Center and the Director of Real Property Tax Services for the Department of Real Property Tax Services, requests authorization for leases and related service agreements with General Electric Capital Corporation and Eastern Copy Products, Inc. for a five-year period as noted, now, therefore, be it

RESOLVED, that this County Legislature hereby approves lease agreements with General Electric Capital Corporation, 1961 Hirst Drive, Moberly, Missouri 65270 and Eastern Copy Products, Inc., 423 Commerce Road, Vestal, New York 13850 for digital copiers and related service agreements for a five-year period as noted, for the following departments:

Department And Machine Model	Vendor and Lease/Service Period	Copies per Month	Monthly Rate	X 60 Months
County Clerk – Records Management Center Konica 7030 (Not Networked)	General Electric Capital Corporation and Eastern Copy Products <b>6/1/02-5/31/07</b>	2,000	\$115.68 *	\$6,940.80
Real Property Tax Service Konica 7045 (Networked)	General Electric Capital Corporation and Eastern Copy Products <b>7/1/02-6/30/07</b>	8,000	\$224.89 **	\$13,493.40

average rates of .007\* or .0055\*\* when applicable,

and be it,

FURTHER RESOLVED, that in consideration of said leases and service agreements, the County shall pay the Contractor an additional \$20,434.20 for these leases, the new authorized amount to the contractors under this bid (Bid #220-30) is now not to exceed \$106,807.80 for the terms of these agreements, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 30004.4518.101000 (Copy Machine Rentals), and be it

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

**Carried**, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).

### RESOLUTION NO. 217

By Public Works Committee

Seconded by Mr. O'Day

#### **RESOLUTION RE-DESIGNATING THE BROOME COUNTY LEGISLATURE AS "LEAD AGENCY" WITH RESPECT TO THE SUPPLEMENTAL ENVIRONMENTAL REVIEW FOR THE PROPOSED DEVELOPMENT OF A NEW LANDFILL**

WHEREAS, this County Legislature, by Resolution 298 of 1996, declared its intention to seek "Lead Agency" status with respect to the environmental review of the proposed development of a new landfill and a solid waste composting system, and

WHEREAS, it is necessary to conduct a supplemental review to evaluate various means of entry and egress for the new landfill, and

WHEREAS, it has been determined that such projects are subject to the requirements of the State Environmental Quality Review Act (SEQRA), and it is, therefore, necessary to initiate procedures with respect thereto, and

WHEREAS, this County Legislature has determined that it is the agency with the broadest governmental powers for investigation of the impact of the proposed action and has the greatest capabilities for providing the most thorough environmental assessment of the project, and

WHEREAS, the development of a new landfill, including the various means of entry and egress, may have an impact on the environment, now, therefore, be it

RESOLVED, that this County Legislature hereby declares its intention to seek a "Lead Agency" re-designation status with respect to the supplemental environmental review of the proposed development of a new landfill, including various means of entry and egress, and be it

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FURTHER RESOLVED, that the Division of Solid Waste Management is hereby directed to take all steps necessary to initiate a "coordinated review" of this project in accordance with the State Environmental Quality Review Act.

**Carried**, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).

### **RESOLUTION NO. 218**

By Public Works and Finance Committees

Seconded by Mr. O'Day

#### **RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH CLOUGH HARBOUR & ASSOCIATES, LLP FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS FOR 2001-2002**

WHEREAS, this County Legislature, by Resolution 238 of 2001, authorized an agreement with Clough Harbour & Associates, LLP for professional engineering services for the Department of Public Works at a cost not to exceed \$678,000, for period May 31, 2001 through February 28, 2002, and

WHEREAS, said agreement provides professional engineering services associated with construction review during construction of the new water service to the Binghamton Regional Airport and the Broome County Landfill, and

WHEREAS, it is necessary to authorize the amendment of said agreement to extend the term of the agreement to December 31, 2003, at no additional cost to the County, and

WHEREAS, the Commissioner of Public Works 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 Clough Harbour & Associates, LLP, 441 South Salina Street, Syracuse, New York 13202-4712, to extend the term of the agreement to December 31, 2003, at no additional cost to the County, for professional engineering services for the Department of Public Works, and be it

FURTHER RESOLVED, that Resolution 238 of 2001, to the extent consistent herewith, shall remain in full force and effect, and be it

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

**Carried**, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).

### **RESOLUTION NO. 219**

By Transportation, Intergovernmental Relations and Finance Committees

Seconded by Mr. O'Day

#### **RESOLUTION AUTHORIZING RENEWAL OF AN INTERMUNICIPAL AGREEMENT WITH THE BINGHAMTON CITY SCHOOL DISTRICT FOR TRANSPORTATION OF STUDENTS DURING THE 2002-2005 SCHOOL YEARS**

WHEREAS, this County Legislature, by Resolution 342 of 1999, authorized renewal of the agreement with the Binghamton City School District for transportation of students during the 1999-2000, 2000-2001, 2001-2002 school years, and

WHEREAS, said services are necessary to provide transportation for eligible students to and from school, and

WHEREAS, said agreement expires by its terms on the last school day of the 2001-2002 school year, and it is desired at this time to renew said agreement on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the intermunicipal agreement with the Binghamton City School District, 164 Hawley Street, P.O. Box 2126, Binghamton, New York 13902 for the transportation of students for the next three school years at the rates as follows:

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<u>Academic Year</u>	<u>Formula</u>
2002-2003	\$175,100 + CPI
2003-2004	2002-2003 amount +CPI
2004-2005	2003-2004 amount + CPI

and be it

FURTHER RESOLVED, the payments hereinabove authorized shall be credited to budget line 220004.0095.203000 (Binghamton School District Contract), and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution. **Carried**, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).

### **RESOLUTION NO. 220**

By Economic Development & Planning, Intergovernmental Relations and Finance Committees  
Seconded by Mr. Shafer

#### **RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH THE TOMPKINS AND TIOGA COUNTIES ELECTRIC AND GAS ALLIANCE FOR LARGE GROUP PURCHASE OF POWER FOR BROOME COUNTY FOR 2000-2005**

WHEREAS, this County Legislature, by Resolution 576 of 2000, authorized an agreement with the Tompkins and Tioga Counties Electric and Gas Alliance to allow Broome County to participate in a large group purchase of power for the period December 1, 2000 through December 31, 2005, and

WHEREAS, said agreement allows Broome County to participate in a large group purchase of power and to take advantage of a deregulated electrical energy market, and

WHEREAS, the Alliance has since changed its name and it is necessary to change immediately the name on the agreement to Municipal Electric and Gas Alliance and to authorize the purchase of natural gas beginning January 1, 2003, and

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

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with the Tompkins and Tioga Counties Electric and Gas Alliance, immediately changing the name to Municipal Electric and Gas Alliance, 9 Sheldon Guile Boulevard, Owego, New York 13827 and authorizes the participation in a large group purchase of natural gas for Broome County, beginning January 1, 2003, and be it

FURTHER RESOLVED, that Resolution 576 of 2000, to the extent consistent herewith, shall remain in full force and effect, and be it

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

Mr. Burger made a motion, seconded by Mr. Shafer, to amend the first FURTHER RESOLVED paragraph to read "...full force and effect for the contract period of December 1, 2000 through December 31, 2005." **Motion to amend carried**, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).. **Resolution as amended carried**, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).

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### **RESOLUTION NO. 221**

By Public Safety & Emergency Services and Finance Committees      Seconded by Mr. O'Day  
**RESOLUTION AUTHORIZING AGREEMENT WITH THE NEW YORK STATE WEAPONS OF MASS DESTRUCTION TASK FORCE TO ACCEPT SPECIALIZED RESPONSE EQUIPMENT FOR THE DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, the Director of Emergency Services requests authorization for an agreement with the New York State Weapons of Mass Destruction Task Force to accept specialized response equipment for the Department of Emergency Services, and

WHEREAS, the State received a Federal Domestic Preparedness Equipment Program Grant to enable the purchase of specialized equipment required to better respond to acts of terrorism involving chemical and biological agents, as well as radiological, nuclear and explosive devices (Weapons of Mass Destruction) and to prepare a multi-year Statewide domestic preparedness strategy, and

WHEREAS, the County is eligible for the receipt of specialized response equipment through this program, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with New York State Weapons of Mass Destruction Task Force, 4 Tower Place, Albany, New York 12203, to accept specialized response equipment, for the Department of Emergency Services, and be it

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

**Carried, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).**

### **RESOLUTION NO. 222**

By Economic Development & Planning and Finance Committee      Seconded by Mr. O'Day  
**RESOLUTION AUTHORIZING ACCEPTANCE OF A PY2000 WORKFORCE INVESTMENT ACT (WIA) STATEWIDE RAPID RESPONSE BUSINESS RETENTION/LAYOFF AVERSION FUND PROGRAM GRANT FOR THE OFFICE OF EMPLOYMENT AND TRAINING, ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH AND AUTHORIZING AN AGREEMENT WITH SEAR BROWN, INC. TO ADMINISTER SAID PROGRAM FOR 2002**

WHEREAS, the Director of Employment and Training requests authorization to accept a PY2000 WIA Statewide Rapid Response Business Retention/Layoff Aversion Fund Program Grant, to adopt a program budget in the amount of \$68,640 and to enter into an agreement with Sear Brown, Inc. to administer said funds for the period March 1, 2002 through December 31, 2002, and

WHEREAS, said grant program is providing funding for an industry-based training program in order to retool 155 employees to avoid layoffs, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$68,640 from the NYS Department of Labor, Workforce Development and Training Division, Building 12, Room 450, Governor W. Averell Harriman State Office Building Campus, Albany, New York 12240 for the Office of Employment and Training's PY2000 WIA Statewide Rapid Response Business Retention/Layoff Aversion Fund Program Grant for the period March 1, 2002 through December 31, 2002, 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 \$68,640, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with Sear Brown, Inc., 601 Gates Road, Vestal, New York 13850-2214 to administer said funds for a total amount of \$68,640 for the period March 1, 2002 through December 31, 2002, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 720730.4542.308XXX (Contracted Training), and be it



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**RESOLUTION NO. 224**

By Community & Social Services and Finance Committees

Seconded by Mr. O'Day

**RESOLUTION AUTHORIZING REVISION OF THE TANF SERVICES BLOCK GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2001-2002**

WHEREAS, this County Legislature, by Resolution 215 of 2001, authorized the Department of Social Services to enter into agreements and contracts to implement Broome County's OTDA-approved TANF Services Plan, authorized the TANF Services Block Grant for the Department of Social Services and adopted program budgets in connection therewith in the total amount of \$1,283,031 for the period January 1, 2001 through December 31, 2001, and

WHEREAS, it is necessary at this time to revise the TANF Services Block Grant to reflect an increase in the amount of \$90,382 in grant appropriations and to extend the period to January 1, 2001 through December 31, 2002, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Department of Social Services' TANF Services Block Grant to reflect an increase of \$90,382 and to extend the period to January 1, 2001 through December 31, 2002, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$1,373,413, and be it

FURTHER RESOLVED, that Resolution 215 of 2001, 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 empowered (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or 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) is 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**, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).

**RESOLUTION NO. 225**

By Finance and Health Services Committees

Seconded by Ms. Hudak

**RESOLUTION AUTHORIZING BUDGET TRANSFERS FOR THE DEPARTMENT OF HEALTH AND THE WILLOW POINT NURSING HOME**

RESOLVED, that in accordance with a request from the Director of Health, in order to maximize expenditures for the Healthy Families New York Grant as requested in BF# 003716 and 003353, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

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	<u>Index code</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
FROM	480301	1000	104560	Salaries – Full Time	1,617
	480301	4462	104560	Hotel, Meals, Travel	3,200
	480301	4463	104560	Education & Training	1,500
	480301	4610	104560	Personal Svcs Chargeback	3,199
	480301	4319	104560	Office Supplies	910
	480301	8030	104560	FICA	144
	480301	8040	104560	Workers' Compensation	113
	480301	8050	104560	Life Insurance	5
	480301	8060	104560	Health Insurance	8,090
	480301	8063	104560	Disability	37
	480301	8070	104560	Unemployment Insurance	198
TO	480301	4346	104560	Training & Ed. Supplies	260
	480301	4359	104560	Computer Software	1,800
	480301	4411	104560	Postage/Freight	85
	480301	4457	104560	Subcontractor Expense	13,841
	480301	4605	104560	Attny. Chargeback	1,000
	480301	4606	104560	Telephone Billing	625
	480301	4617	104560	Duplicating/Printing	1,100
	480301	4618	104560	Office Supply Chargeback	190
	480301	8010	104560	NYS Retirement	112

and be it

FURTHER RESOLVED, that in accordance with a request from the Administrator of WPNH, in order to increase estimate revenue and increase appropriations as requested in BF# 0001940, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index code</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
REVENUE:	160010	0564	204000	Medicaid	651,920
	160010	0525	204000	Private	153,439
APPROPRIATION:	160010	4766	204000	State Revenue Refund	986,680

COMMENTS: Medicare costs associated with State Revenue Refund will not be reimbursed. \$181,321 of appropriated surplus applied. (GL 404)

FURTHER RESOLVED, that the Director of Budget and Research, Comptroller, and Commissioner of Finance are hereby authorized to process any necessary paperwork to implement the intent of this Resolution.

Separate votes were requested on each department's budget transfers. Budget Transfers BF#003716 and 003353 for the Department of Health **carried**, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12). Budget Transfer BF#0001940 for Willow Point Nursing Home **carried**, Ayes-14, Nays-2 (Hudak, Kolba), Absent-2 (Howard, Nannery), Vacant-1 (District 12).



RESOLVED, that this County Legislature hereby declares its intention to seek "Lead Agency" status with respect to the environmental review of Broome County Agricultural District No. 5, and be it

FURTHER RESOLVED, that this County Legislature hereby designates the Department of Planning and Economic Development as coordinator for such review.

**Carried**, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).

**RESOLUTION NO. 228**

By Personnel, Health Services and Finance Committees Seconded by Mr. O'Day  
**RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST FOR THE DEPARTMENT OF HEALTH**

RESOLVED, that in accordance with a request from the Director of Health as contained in PCR#02-185, this County Legislature hereby authorizes title change ONLY of (1) Deputy Public Health Director position (80 hrs), Full Time, at budget line 480012.1000.101000, to (1) Deputy Director of Public Health position (80 hrs), Full Time, at budget line 480012.1000.101000, effective date 1/1/02 with NO change in salary.

**Carried**, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).

**RESOLUTION NO. 229**

By Finance and Public Works Committees Seconded by Mr. Miller  
**RESOLUTION AMENDING THE 1997 CAPITAL IMPROVEMENT PROGRAM AND AUTHORIZING TRANSFER OF FUNDS FROM CONTINGENCY ACCOUNT AND SHORT TERM INTER-FUND BORROWING**

RESOLVED, that the 1997 Capital Improvement Program is hereby amended as follows:

FROM:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>		
			<u>State</u>	<u>Federal/Other</u>	<u>County</u>
501335	1997 Courthouse Asbestos Abatement	557,000	0	0	557,000

  

<u>Local Finance Law Section 11</u>			<u>How Financed:</u>	
<u>Year Start</u>	<u>YPU</u>		<u>Bond</u>	<u>Current Revenue</u>
1997	5/35		557,000	0

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>		
			<u>State</u>	<u>Federal/Other</u>	<u>County</u>
501335	1997 Courthouse Asbestos Abatement	1,022,000	405,000	0	617,000

  

<u>Local Finance Law Section 11</u>			<u>How Financed:</u>	
<u>Year Start</u>	<u>YPU</u>		<u>Bond</u>	<u>Current Revenue</u>
1997	5/35		557,000	60,000

Note: This amendment is to provide funds for asbestos abatement in the Supreme Court Courtroom and for the restoration of the original ceiling in the courtroom. The current \$60,000 of revenue to come from contingency.  
and be it,

FURTHER RESOLVED, that the Commissioner of Finance is hereby authorized to transfer \$60,000 from the Contingency Account to Capital Project 501335 and to make a short term non-interest bearing interfund loan from other operating accounts to Capital Project 501335 to provide cash sufficient to complete the project until the state aid is received.

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Mr. Wike made a motion, seconded by Ms. Hudak, to amend the NOTE paragraph to read "...ceiling in the courtroom, pursuant to the request of the Office of Court Administration. The current...". **Motion to amend carried**, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12). **Resolution as amended carried**, Ayes-14, Nays-2 (Kolba, Mather), Absent-2 (Howard, Nannery), Vacant-1 (District 12).

### RESOLUTION NO. 230

By County Administration Committee

Seconded by Mr. O'Day

#### **RESOLUTION SUPPORTING THE REINSTATEMENT OF FUNDS FOR THE WARRANT RETURN ASSISTANCE PROGRAM (WRAP) AND REQUESTING THE INCLUSION OF BROOME COUNTY INTO SAID PROGRAM**

WHEREAS, the New York State Police, on November 27, 2000, implemented the Warrant Return Assistance Program (WRAP) with a \$100,000 State Grant, and

WHEREAS, WRAP initially was a pilot project in Albany, Rensselaer and Schenectady counties that used the State Police to transport New York City fugitives arrested in these counties back to New York City in a specially-equipped transportation van, and

WHEREAS, prior to said program, if a person wanted on a warrant in one of the New York State jurisdictions is arrested elsewhere, no mechanism existed to return that person if the agency that issued the warrant declined to extradite, and

WHEREAS, WRAP was expanded to include Columbia, Fulton, Greene, Montgomery, Saratoga and Schoharie counties in August, 2001 because of its initial successes that resulted in 86 fugitives being returned to New York City from the pilot counties, and

WHEREAS, an additional 17 fugitives were returned to New York City after the expiration of the initial grant, and

WHEREAS, this program has been cited by local law enforcement officials, district attorneys and other elected officials as an effective tool in keeping communities safe from criminal elements and has saved our local governments and taxpayers the cost of ridding our neighborhoods of fugitives attempting to escape justice and to commit additional crimes, now, therefore, be it

RESOLVED, that this County Legislature hereby urges the Governor and the New York State Legislature to find the necessary funds to restore the Warrant Return Assistance Program (WRAP) to continue this valuable program in our fight against crime, and be it

FURTHER RESOLVED, that this County Legislature requests, upon the restoration of funds for WRAP, that said program be expanded to include the County of Broome, and be it

FURTHER RESOLVED, that the Clerk of this Legislature is hereby directed to send a copy of this Resolution to Governor George E. Pataki, Senate Majority Leader Joseph Bruno, Assembly Speaker Sheldon Silver, Senator Thomas W. Libous, Assemblyman Jay J. Dinga, Assemblyman Robert J. Warner and the New York State Association of Counties.

**Carried**, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12).

Mr. Shafer made a motion to adjourn, seconded by Mr. Pasquale. **Motion to adjourn carried**, Ayes-16, Nays-0, Absent-2 (Howard, Nannery), Vacant-1 (District 12). The meeting was adjourned at 5:40 p.m.

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