
**BROOME COUNTY LEGISLATURE
REGULAR SESSION
THURSDAY, MAY 15, 2008**

The Legislature convened at 5:08 p.m. with a call to order by the Chair, Mark R. Whalen. The Chair noted that all were present.

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

Mr. Howard made a motion, seconded by Mr. LaBare, that the session minutes of April 24, 2008 be approved as prepared and presented by the Clerk. **Carried.** Ayes-19, Nays-0.

Mr. Whalen noted that the committee minutes for the period April 24, 2008 through May 14, 2008 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. Whalen asked for corrections to the committee minutes. Seeing none, a motion to approve the committee minutes was made by Mr. Cleary, seconded by Mr. Howard. **Carried,** Ayes19-, Nays-0.

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY EXECUTIVE:

- A. Letters from the County Executive, Barbara J. Fiala
 - 1. Appointments to BC Family Violence Prevention Council
 - 2. Executive Emergency Order – Declaration of State of Emergency 4/21/2008
 - 3. Appointment to the Greater Binghamton Airport Advisory Board

PRESENTATION OF PETITIONS, COMMUNICATIONS, NOTICES & REPORTS:

- A. PETITIONS:
- B. COMMUNICATIONS:
 - 1. BCC Proposed Budget for 2008-2009
 - 2. Town of Dickinson Budget for 2008
 - 3. Town of Maine Budget for 2008
 - 4. Town of Union Budget for 2008
 - 5. Board of Acquisition and Contract Meeting Minutes 4/9/2008
 - 6. BC Soil & Water Conservation District Directors' Meeting Minutes 3/5/2008
 - 7. BC Depart. of Audit & Control Quarterly Accounts Receivable Analysis 3/2008
 - 8. BC Environmental Management Council Meeting Minutes 4/17/2008
 - 9. BC Commissioner of Finance – Bond Anticipation Note Certificate Dated 4/17/2008
 - 10. Board of Acquisition and Contract Meeting Minutes 4/23/2008
 - 11. BCC March 2008 Budget Transfers
 - 12. Town of Maine Local Law Zoning Ordinance
 - 13. BC Environmental Management Council Meeting Minutes 5/1/2008
 - 14. Legislature – Resolution Intro #3
 - 15. Division of Purchasing – New Purchase Procurement Process Manual 2008
 - 16. Greater Binghamton Convention & Visitors Bureau 2008 Budget
 - 17. NYS Dept. of Agriculture & Markets Re: Continuation of Agricultural District #3
- C. NOTICES:
 - 1. Special Meeting of the Committee of the Whole - BCC Master Plan 4/17/2008
- D. REPORTS
 - 1. Binghamton Zoo 2007 Annual Report
 - 2. Binghamton Zoo End of the Year Report 2005 -2006
 - 3. Town of Union 2007 Library Report
 - 4. BC Soil & Water Conservation District 2007 Year End Reports

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5. BC Department of Parks & Recreation Annual Report for 2007
 6. BC Department of Planning & Economic Development 2007 Annual Report
 7. BC Department of Finance Semi-Annual Report for Oct. 2007- March 2008
 8. BCC Minimum Hire Report for March 2008
 9. BC Department of Finance First Quarterly Report of 2008

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY LEGISLATURE

- A. Letters from the Chair, Mark R. Whalen:
1. Designation for Mr. Sanfilippo 5/8/2008

Mr. Kuzel made a motion, seconded by Mr. Garnar, to receive and file the above referenced reports and to authorize and direct the Clerk to index said reports in the 2008 JOURNAL OF PROCEEDINGS and to publish pertinent portions of said reports as may be directed by the Chair.
Carried, Ayes-19-, Nays-0.

Ms. Buchta and Mr. Hull were designated as participants with Chairman Whalen in the 'Short Roll Call'.

RESOLUTION RECALLED FROM PREVIOUS SESSION

Mr. Kuzel made a motion to recall Resolution 188 of 2008, seconded by Mr. Garnar. Motion to recall carried. Ayes-19 Nays-0.

RESOLUTION NO. 188

By Finance Committee & Public Safety & Emergency Services Committees
Seconded by Mr. Keibel

RESOLUTION AUTHORIZING ACCEPTANCE OF FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) 1650 DR NY FUNDING FOR MUTUAL AID AGENCIES FOR 2006-2008 JUNE/JULY FLOODING EXPENSES

Mr. Reynolds made a motion, seconded by Mr. Howard to amend the first further resolved paragraph to revenue line 460072.0353.105293 (Federal Aid-Other). Motion to amend carried. Ayes-19, Nays-0. Resolution as amended carried. Ayes-19 Nays-0.

RESOLUTIONS INTRODUCED AT THIS SESSION

RESOLUTION NO. 212

By County Administration, Public Works Committees
Seconded by Mr. Howard
RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 3 OF 2008, ENTITLED: "LOCAL LAW AMENDING CHAPTER 179 OF THE BROOME COUNTY CHARTER AND CODE, AS AMENDED, REGARDING LANDFILL FEES"

WHEREAS, the Town of Fenton is in the process of demolishing structures from three properties damaged as a result of the 2006 flood, and

WHEREAS, this County Legislature requests waiving the tipping fee for the Town of Fenton for flood damaged properties, and

WHEREAS, if the Town of Fenton disposes of said debris before approval of the tip fee waiver, the County shall credit the Town of Fenton the tip fee paid, now, therefore, be it

RESOLVED, that Local Law Intro. No. 3 of 2008, entitled: "LOCAL LAW AMENDING CHAPTER 179 OF THE BROOME COUNTY CHARTER AND CODE, AS AMENDED, REGARDING LANDFILL FEES," be and the same hereby is adopted and approved in accordance with the Broome County Charter and Code and all the applicable statutes and laws pertaining thereto.

LOCAL LAW INTRO. NO. 3 OF 2008
LOCAL LAW AMENDING CHAPTER 179 OF THE BROOME COUNTY CHARTER AND CODE,
AS AMENDED, REGARDING LANDFILL FEES"

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

Section 1. Chapter 179-9 A of the Broome County Charter and Code, as amended, be and hereby is amended to read as follows:

- (10) The fees and charges set forth in § 179-9 shall be waived for the Town of Fenton for the disposal of debris related to three 2006 flood damaged residential properties

Section 2 This Local Law shall take effect upon filing with the State.

Note: Material underlined added

At the request of Mr. Howard and with the consensus of the Legislature, this resolution was withdrawn from the agenda.

RESOLUTION NO. 213

By Education, Culture and Recreation Committee

Seconded by Mr. Howard

RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME COUNTY EN JOIE GOLF COURSE ADVISORY COMMITTEE

WHEREAS, Barbara J. Fiala, Broome County Executive, pursuant to the authority vested in her by Resolution 354 of 2006, has duly designated and appointed the following named individuals to membership on the Broome County En Joie Golf Course Advisory Committee, for the terms indicated, subject to confirmation by this County Legislature:

<u>NAME</u>	<u>TERM EXPIRING: 12/31/08</u>
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Richard Materese 1425 Campville Road Endicott, NY 13760	Thomas Augostini 70 Martin Avenue Johnson City, NY 13790
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Jerry Marinich 40 Clearview Place Binghamton, NY 13901	Joel Thirer 813 Overbrook Dr. Vestal, NY 13850
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Bob Gazda 527 W. Main St. Endicott, NY 13760	Esther Aswad 100 Franklin Avenue Extension Binghamton, NY 13901
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Mike Karl 507 Swartwood Avenue Endicott, NY 13760	Bob Hartung 1616 Sylvia Dr. Endwell, NY 13760
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David Gouldin 450 Plaza Dr. Vestal, NY 13850	Len Basso PO Box 1602 Binghamton, NY 13902
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James Pudish
1325 Campus Dr.
Vestal, NY 13850

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 354 of 2006, confirms the appointments of the above-named individuals to membership on the Broome County En Joie Golf Course Advisory Committee for the terms indicated, in accordance with their appointment by the County Executive.

Carried. Ayes-19, Nays-0.

RESOLUTION NO. 214

By Education, Culture and Recreation Committee

Seconded by Mr. Howard

RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME COUNTY VETERANS MEMORIAL ARENA BOARD OF DIRECTORS

WHEREAS, Barbara Fiala, County Executive, pursuant to the authority vested in her by Article XXIV, Section 2408 has duly designated and appointed the following named individual to membership on the Broome County Veterans Memorial Arena Board of Directors, for the term indicated, subject to confirmation by this County Legislature:

NAME

Jon D. Miselnicky
PO Box 105
Port Crane, NY 13833

TERM EXPIRING: 12/31/08

(Filling unexpired term of Martha Westbrook)

and

WHEREAS, it is desired at this time to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Article XXIV, Section 2408, hereby confirms the appointment of the above-named individual to membership on the Broome County Veterans Memorial Arena Board of Directors for the terms indicated, in accordance with the appointment by the County Executive.

Carried. Ayes-19 Nays-0.

RESOLUTION NO. 215

By County Administration and Public Safety and Emergency Services Committees

Seconded by Mr. Marinich

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 6 OF 2008, ENTITLED "A LOCAL LAW AMENDING CHAPTER 170 OF THE BROOME COUNTY CODE IMPOSING MOVEMENT AND RESIDENCY RESTRICTIONS UPON REGISTERED SEX OFFENDERS"

WHEREAS, this Legislature by Resolution 251 of 2007 adopted a local law entitled "A Local Law Adopting Chapter 170 of the Broome County Code Imposing Movement and Residency Restrictions Upon Registered Sex Offenders", and

WHEREAS, this County Legislature requests authorization for a Resolution Amending Local Law Intro. No. 2 of 2007, in order to close loopholes to protect our young people by distancing Level 3 sex offenders from schools, public parks and similar institutions, and

WHEREAS, this County Legislature requests authorization for a Resolution entitled "A Local Law Amending Chapter 170 of the Broome County Code Imposing Movement and Residency Restrictions Upon Registered Sex Offenders", now, therefore, be it

RESOLVED, that Local Law Intro. No. 6 of 2008, entitled "A Local Law Amending Chapter 170 of the Broome County Code Imposing Movement and Residency Restrictions Upon Registered Sex Offenders" be and the same is hereby adopted and approved in accordance with the Broome County Charter, The New York State Municipal Home Rule Law and all the applicable statutes and laws pertaining thereto.

Local Law Intro. No.6 of 2008
“A Local Law Amending Chapter 170 of the Broome County Code Imposing Movement
and
Residency Restrictions Upon Registered Sex Offenders”

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

Section 1. Chapter 170 shall be and hereby is amended to read as follows:

1. Enacting Clause

The Local Law is enacted pursuant to the New York Municipal Home Rule Law, which enables local governments to adopt local laws relating to their property, affairs, or government, so long as the local laws are not inconsistent with the New York Constitution or any general law of New York State. The New York Municipal Home Law also authorizes local governments to adopt local laws regulating the protection, order, conduct, safety, health and welfare of the persons within the local municipality. It is the intent of the County to adopt a law which is consistent with the Constitution and laws of the State of New York, as well as the Constitution of the United States.

2. Statement of Purpose.

In order to safeguard and protect the health, safety, and welfare of the children of the County of Broome, and in particular to protect the children of the County of Broome from access by convicted sex offenders who may be present in the County, it is hereby declared that the movement and residence of certain convicted sex offenders must be monitored to minimize the possibility of contact between such sex offenders and the children of the County.

3. Definitions.

A. **Level Two Sex Offenders.** For the purposes of this Local Law, a “Level Two Sex Offender” shall be defined as a person who: (1) is convicted of an offense defined in article one hundred thirty, two hundred thirty-five or two hundred sixty-three of the New York State Penal Law and the victim of the offense was a person under the age of eighteen at the time of the offense; or, is designated as a “level two sexual offender” pursuant to subdivision six of section 168-l of the New York State Correction Law; and (2) by reason of his or her conviction for the offense the person: (i) receives a sentence or probation or conditional discharge on or after September 1, 2005; or (ii) is released on parole or a conditional release pursuant to subdivision 14 of section 259 of the New York State Executive Law on or after September 1, 2005; or (iii) is conditionally released pursuant to section 70.40 of the New York State Penal Law on or after September 1, 2005.

B. Level Three Sex Offender. For the purposes of this Local Law, a “Level Three Sex Offender” shall be defined as a person who is designated as a Level Three Sex Offender pursuant to Subdivision Six of Section 168-l of the New York State Correction Law.

C. [B.] School Grounds. For the purposes of this Local Law the term “School Grounds” shall mean: (1) any area in or on or within any building, structure, athletic playing field, playground or land contained within the real property boundary line of a public or private elementary, parochial, intermediate, junior high, vocational, or high school; or (2) any area accessible to such school or any parked automobile or other parked vehicle located within one thousand feet of the real property boundary line comprising any such school. For the purposes of this section, an “area accessible to the public” shall mean sidewalks, streets, parking lots, parks, playgrounds, stores and restaurants.

D. [C.] Facility or Institution Primarily used for the Care or Treatment of Persons under Age of Eighteen. For the purposes of this Local Law, the term “Facility or Institution Primarily Used for the Care or Treatment of Persons under the Age of Eighteen” shall mean: any facility or institution primarily used for the care or treatment of persons under the age of eighteen while one or more of such persons under the age of eighteen are present, including but not limited to day care centers licensed, certified or otherwise and sanctioned by the State of New York and/or a political subdivision of the State of New York.

E. [D.] Public Park. For the purpose of this Local Law, the term “Public Park” shall mean (1) any park, open to the public and owned by a municipality organized under the State of New York; or (2) any area accessible to such Public Park or any parked automobile or other parked

vehicle located within one thousand (1,000) feet of the real property boundary line comprising any such Public Park. For the purposes of this section, an "area accessible to the public" shall mean sidewalks, streets, parking lots, parks, playgrounds, stores and restaurants.

4. Prohibited Conduct

Level Two Sex Offenders and Level Three Sex Offenders are hereby prohibited from:

A. Knowingly entering into or upon any School Grounds, any Facility or Institution Primarily Used for the Care of Treatment of Persons under the age of Eighteen, or Public Park, provided however, that if such Level Two Sex Offender is a registered student, participant or employee of such School Grounds, Facility or Institution Primarily Used for the Care or Treatment of Persons under the Age of Eighteen or Public Park, said Level Two Sex Offender may enter upon such facility only if a written authorization of his or her probation officer or the Court and the Superintendent, chief administrator or executive of such School Grounds or Facility or Institution Primarily used for the Care or Treatment of Persons under the Age of Eighteen, or Public Park is obtained for the limited purposes authorized by the probation officer or the court and superintendent, chief administrator or executive of such School Grounds, Facility or Public Park. In addition to the foregoing, such Level Two Sex Offender may also lawfully enter into or upon a School Grounds, Facility or institution Primarily Used for the Care or Treatment of Persons under the Age of Eighteen or Public Park if he or she: (i) has a medical emergency requiring immediate attention at a health care provider; or (ii) has lawful business at a federal, state or local court or governmental agency; or (iii) is traveling on an interstate or New York State maintained roadway within the proximity of a School Grounds, a Facility or Institution Primarily Used for the Care or Treatment of Persons under the Age of Eighteen or Public Park. Nothing in this Local Law shall be construed as restricting any lawful condition of supervision that may be imposed on a sentenced Level Two Sex Offender.

B. Maintaining his or her residence, either permanently or temporarily, within one thousand (1,000) feet of any School Grounds, any Facility or Institution Primarily Used for the Care or Treatment of Persons under the age of Eighteen, or Public Park.

5. Penalties and Remedies

A. Any person who shall violate any provisions of this Local Law, upon conviction shall be guilty of an offense and subject to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or imprisonment for a period of not more than six (6) months, or both for a conviction of a first offense; for a conviction of a second offense both of which were committed within a period of five years, punishable by a fine of not less than five hundred (\$500.00) nor more than seven hundred fifty dollars (\$750.00), or imprisonment for a period of not more than six months, or both; and, upon conviction of a third or subsequent offense all of which were committed with a period of five years, punishable by a fine of not less than seven hundred fifty dollars (\$750.00), nor more than one thousand dollars (\$1,000.00), or imprisonment for a period of not more than six (6) months, or both.

B. For the purposes of Section 4(B) of this Local Law, each period of continual residence for a period in excess of one week shall be considered a separate offense.

C. In addition to the penalties set forth in Section 5(A), the County shall be entitled to obtain appropriate injunctive relief in any Court of competent jurisdiction.

Section 2.

This Local Law shall become effective upon filing with the Secretary of State.

Material underlined added

Material in [Brackets] deleted

Carried. Ayes-19, Nays-0

RESOLUTION NO. 216

By Personnel, Economic Development and Planning and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST FOR THE OFFICE OF EMPLOYMENT AND TRAINING

RESOLVED, that in accordance with a request contained in PCR 08-91 from the Director of Employment and Training, this County Legislature hereby authorizes the position of Micro

Computer Training Coordinator, Grade 18, Union Code 04 CSEA, minimum salary \$38,357, at budget line 720730.1000.308166, to be changed to the position of Senior Employment & Training Assistant, Grade 11, Union Code 04 CSEA, minimum salary \$26,979, at budget line 720730.1000.308166 effective June 2, 2008.

Carried Ayes-19, Nays-0.

RESOLUTION NO. 217

By Finance and Health and Human Services Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR THE DEPARTMENT OF HEALTH

RESOLVED, that in accordance with requests from the Director of Public Health, in order to appropriate sufficient funds to various accounts for the 2007-2008 Preventive Dentistry/Dental Sealant Program grant, as requested by BF#7046, and BF#7047, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index</u> <u>Code</u>	<u>Sub object</u>	<u>Project</u> <u>Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	480376	1000	105351	Salaries – Full Time	10,148
	480376	4449	105351	Other Operational Expenses	2,249
	480376	8010	105351	State Retirement	593
	480376	8040	105351	Workers Compensation	182
	480376	8050	105351	Life Insurance	13
	480376	8070	105351	Unemployment Insurance	645
TO:	480376	1500	105351	Salaries – Part Time	5,898
	480376	1600	105351	Salaries – Temporary	1,300
	480376	4319	105351	Office Supplies	621
	480376	4363	105351	Medical, Lab and Clinic Supp.	1,233
	480376	4459	105351	Reserve for Program Exp.	1,041
	480376	4461	105351	Mileage and Parking	1,325
	480376	4463	105351	Education and Training	97
	480376	4715	105351	Other Health and Medical	1,200
	480376	4606	105351	Telephone Billing	959
	480376	4617	105351	Duplicating/Printing Chgbk.	23
	480376	8030	105351	Social Security	115
	480376	8063	105351	Disability Insurance	18

and be it

FURTHER RESOLVED, that in accordance with a request from the Director of Public Health, in order to appropriate sufficient funds to various accounts for the 2007-2008 Healthy Families New York grant, as requested by BF#6701, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index</u> <u>Code</u>	<u>Subobject</u>	<u>Project</u> <u>Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	480376	8010	105332	State Retirement	1,564
	480376	8030	105332	Social Security	303
	480376	8040	105332	Workers Compensation	356
	480376	8050	105332	Life Insurance	16
	480376	8060	105332	Health Insurance	4,896
	480376	8070	105332	Unemployment Insurance	1,183
TO:	480376	1000	105332	Salaries – Full Time	98
	480376	1500	105332	Salaries – Part Time	18
	480376	4449	105332	Other Operational Expenses	8,202

Carried Ayes-19, Nays-0

RESOLUTION NO. 218

By Transportation and Rural Development and Finance Committees

Seconded by Mr. Mather

RESOLUTION AUTHORIZING AN AGREEMENT WITH HIGH STREET CONSULTING GROUP FOR CONSULTANT SERVICES FOR THE BINGHAMTON METROPOLITAN TRANSPORTATION STUDY (BMTS) FOR 2008-2009

WHEREAS, the Director of the Binghamton Metropolitan Transportation Study (BMTS) requests authorization for an agreement with High Street Consulting Group for consultant services for Binghamton Metropolitan Transportation Study (BMTS) at a cost not to exceed \$100,000, for the period May 1, 2008 through March 31, 2009, and

WHEREAS, said services are provided for an association of the 13 metropolitan planning organizations in New York State to assess the effectiveness of the Federally mandated metropolitan transportation planning process since the passage of the Intermodal Surface Transportation Efficiency Act (ISTEA) in 1991 and subsequent Federal authorizations, and to prepare a series of case studies and reports to assist these organizations in improving their effectiveness, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with High Street Consulting Group, Craig Secrest, Partner, 2306 Washington Avenue Chevy Chase, MD 20815, for consultant services for the Binghamton Metropolitan Transportation Study (BMTS) for the period May 1, 2008 through March 31, 2009, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$100,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 440131.4747.105307 (Professional Services), and be it

FURTHER RESOLVED, that the County Executive or her 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-19, Nays-0

RESOLUTION NO. 219

By Transportation and Rural Development and Finance Committees Seconded by Mr. Howard
RESOLUTION ESTABLISHING ADMISSION AND PARKING FEES FOR THE 2008 GREATER BINGHAMTON AIRSHOW AT THE GREATER BINGHAMTON AIRPORT

WHEREAS, the Commissioner of Aviation requests authorization to establish admission and parking fees for the 2008 Greater Binghamton Airshow to be held at the Greater Binghamton Airport on June 21, 2008, and

WHEREAS, this event provides the community with affordable family entertainment at the Greater Binghamton Airport, and

WHEREAS, to offset, in part, the costs associated with the 2008 Airshow, the Commissioner of Aviation proposes admission and parking fees, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a fee schedule for the 2008 Greater Binghamton Airshow at the Greater Binghamton Airport to be held on June 21, 2008 as follows:

Greater Binghamton Airshow 2008 Fee Schedule

Admission Tickets - Day of Event

Adult	\$12.00
Child 7-16	\$9.00
Child Under 7	Free

Admission Tickets - Pre Purchased

Adult	\$10.00
Child 7-16	\$7.00
Child Under 7	Free

Parking Fee

On-Site/Off-site	\$2.00
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and be it

FURTHER RESOLVED, that the entrance fees authorized herein shall be deposited in the Aviation Community Relations Trust Account (Fund 60, GL525, Subsidiary 525052), and be it

FURTHER RESOLVED, the County Executive or her 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-19, Nays-0

RESOLUTION NO. 220

By Health Services and Finance Committee

Seconded by Mr. Howard

RESOLUTION AUTHORIZING THE WILLOW POINT NURSING HOME TO WRITE OFF UNCOLLECTABLE ACCOUNTS

WHEREAS, from time to time residents at the Willow Point Nursing Home (the "Nursing Home)" have outstanding balances on their accounts, and

WHEREAS, after due diligence it has been determined that the accounts listed on Exhibit "A" are uncollectible, and

WHEREAS, in 1988 the Nursing Home set up a reserve for bad debt, and

WHEREAS the Deputy Administrator for Fiscal Services for the Willow Point Nursing Home has requested authority to write off the uncollectible accounts and adjust the reserve for bad debt accordingly, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the Deputy Administrator for Fiscal Services of the Willow Point Nursing Home to write off as uncollectible the accounts listed on Exhibit "A", and be it

FURTHER RESOLVED, that the Administrator of Willow Point Nursing Home, the Commissioner of Finance and Comptroller are authorized to make all necessary accounting entries, including adjustments to the "bad debt" reserve account, to effectuate the intent and purpose of this Resolution.

Carried Ayes-19, Nays-0

RESOLUTION NO. 221

By Health and Human Services and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENTS WITH VARIOUS INSTITUTIONAL CHILD CARE PROVIDERS FOR THE DEPARTMENT OF SOCIAL SERVICES 2007-2008

WHEREAS, this County Legislature, by Resolution 315 of 2007, authorized renewal of the agreements with various vendors as approved by the State Office of Children and Family Services for institutional child care for the Department of Social Services at rates not to exceed \$16,251,957 for the period 7/1/2007-6/30/2008, and

WHEREAS, said services are necessary to provide room, board, and various services to children who require placement outside their homes, and

WHEREAS, said agreement expires by its terms on June 30, 2008, and it is desired at this time to renew said agreements on substantially similar terms and conditions, at rates not to exceed the Maximum State Aid rates set by New York State, within County budgetary guidelines, total amount not to exceed \$16,364,927, for the period July 1, 2008 through June 30, 2009, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreements with various vendors as approved by the State Office of Children and Family Services for institutional child care for the Department of Social Services for the period July 1, 2008 through June 30, 2009 and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractors at rates not to exceed the Maximum State Aid rates, total amount not to exceed \$16,364,927, for all child care institutions for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 670117.4573.103000 (EAF), 670117.4579.103000 (Foster Care BD Homes-CW), 670117.4580.103000 (Foster Care BD Homes-ADC), 670125.4573.103000 (EAF), 670125.4583.103000 (JD/PINS Institutions-ADC), and 670125.4584.103000 (JD Care In Institutions), and be it

FURTHER RESOLVED, that the County Executive or her 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-19, Nays-0

RESOLUTION NO. 222

By Health and Human Services & Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING ACCEPTANCE OF THE OASAS OFF-SITE VISITS GRANT PROGRAM FOR THE DEPARTMENT OF MENTAL HEALTH, ADOPTING A PROGRAM BUDGET AND AUTHORIZING AN AGREEMENT WITH UNITED HEALTH SERVICES TO ADMINISTER SAID PROGRAM FOR 2008-2009

WHEREAS, the Department of Mental Health requests authorization to accept the OASAS Off-site Visits Grant 2008, to adopt a program budget in the amount of \$37,840 and to enter into an agreement with United Health Services to administer said program for the period June 1, 2008 through May 31, 2009, and

WHEREAS, said program grant, will allow for off-site visits to adolescents & adults now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$37,840 from the New York State Office of Alcoholism and Substance Abuse Services, 1450 Western Avenue, Albany, New York 12203, for the Department of Mental Health Off-site Visits Program Grant for the period June 1, 2008 through May 31, 2009, 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 \$37,840, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with United Health Services, 10-42 Mitchell Avenue, Binghamton, NY 13903 to administer said program grant, for the period June 1, 2008 through May 31, 2009, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$37,840 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 470153.4747.105xxx, (other fees for service) and be it

FURTHER RESOLVED, that the County Executive or her 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 her 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 her 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 Ayes-19, Nays-0

RESOLUTION NO. 223

By Health and Human Services and Finance Committees

Seconded by Mr. Howard

RESOLUTION NO. 225

By Health and Human and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AN AGREEMENT WITH WINDSOR SCHOOL DISTRICT FOR THERAPY SERVICES FOR BROOME COUNTY HEALTH DEPARTMENT FOR THE PERIOD SEPTEMBER 1, 2008 THROUGH JUNE 30, 2010

WHEREAS, the Department of Health requests authorization for an agreement with Windsor School District for Preschool Related Therapy Services at a cost not to exceed the approved rates for Preschool Related Services from Exhibit A, for the period September 1, 2008 through June 30, 2010, and

WHEREAS, said services are necessary for Preschool Related Therapy Services for the Windsor School District's own Pre-K Program, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Windsor School District, 215 Main St., Windsor, NY 13865 for Preschool Related Therapy Services for the Department of Health for the period of September 1, 2008 through June 30, 2010 and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed the approved rates for Preschool Related Services from Exhibit A for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480293.4706.101081(Rehab and Therapy Services) and be it

FURTHER RESOLVED, that the County Executive or her 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-19, Nays-0

RESOLUTION NO. 226

By Finance Committee

Seconded by Mr. Howard

RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH J.J. SHEEHAN ADJUSTERS, INC. FOR INSURANCE ADJUSTER SERVICES FOR THE DEPARTMENT OF RISK AND INSURANCE FOR 2008-2009

WHEREAS, this County Legislature, by Resolution 246 of 2007, authorized a renewal of the agreement with J.J. Sheehan Adjusters, Inc. for insurance adjusting services for the Office of Risk and Insurance at a rate of \$45 per hour (including expenses), total amount not to exceed budgeted appropriations for the period March 1, 2007 through February 28, 2008, and

WHEREAS, said agreement is to investigate and accurately value liability claims against Broome County, and

WHEREAS, said agreement expired by its terms on February 28, 2008, and it is desired at this time to renew said agreement on substantially similar terms and conditions, at a rate of \$46.80 per hour, total amount not to exceed budgeted appropriations, for the period February 29, 2008 through February 28, 2009, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with J.J. Sheehan Adjusters, Inc., P.O. Box 604, Binghamton, NY 13902 for insurance adjusting services for the Office of Risk and Insurance for the period February 29, 2008 through February 28, 2009, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor a rate of \$46.80 per hour, total amount 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 line 050088.4747.254000 (Fees for other services), and be it

FURTHER RESOLVED, that the County Executive or her 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-19, Nays-0

RESOLUTION NO. 227

By Finance Committee

Seconded by Mr. Howard

RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH TIM SHEEHAN ADJUSTER/APPRaiser FOR INSURANCE ADJUSTER SERVICES FOR THE OFFICE OF RISK AND INSURANCE FOR 2008-2009

WHEREAS, this County Legislature, by Resolution 61 of 2007, authorized renewal of the agreement with Tim Sheehan Adjuster/Appraiser for insurance adjuster services for the Office of Risk and Insurance at the rate of \$45.50 per hour, total amount not to exceed \$30,900, for the period March 1, 2007 through February 29, 2008, and

WHEREAS, said agreement is necessary to investigate and accurately value claims against Broome County, and

WHEREAS, said agreement expired by its terms on February 29, 2008, and it is desired at this time to renew said agreement on substantially similar terms and conditions, at the rate of \$47.30 per hour, total amount not to exceed \$32,000, for the period March 1, 2008 through February 28, 2009, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Tim Sheehan Adjuster/Appraiser, PO Box 3561, Binghamton, New York 13902 for insurance adjuster services for the Office of Risk and Insurance for the period March 1, 2008 through February 28, 2009, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$47.30 per hour, total amount not to exceed \$32,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 050088.4747.254000 (Fees for Other Services), and be it

FURTHER RESOLVED, that the County Executive or her 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-19, Nays-0

RESOLUTION NO. 228

By Education, Culture and Recreation and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AN AGREEMENT WITH FOUR COUNTY LIBRARY SYSTEM FOR TIME AND PRINT MANAGEMENT SOFTWARE AND AUTHENTICATION AND ACCOUNTING MODULE FOR THE BROOME COUNTY PUBLIC LIBRARY FOR 2008-2012

WHEREAS, the Director of the Broome County Public Library requests authorization for an agreement with Four County Library System for Time and Print Management Software and Authentication and Accounting Module for the Broome County Public Library at a cost not to exceed \$23,656, for the period May 1, 2008 through May 30, 2012, and

WHEREAS, said agreement is necessary for PC management for up to 70 public PC's/workstations, print management software for up to 3 print stations, authentication and accounting management module, vendor annual maintenance agreement, hosting of all software and policy files by Four County Library System which include administration of central site software, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Four County Library System, 304 Clubhouse Road, Vestal, New York, 13850, for Time and Print Management Software and Authentication and Accounting Module for the Broome County Public Library for the period May 1, 2008 through May 30, 2012, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$5,914 per year, total amount not to exceed \$23,656 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 841007.4359.304000 (Computer Software and Supplies), and be it

FURTHER RESOLVED, that the County Executive or her 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-19, Nays-0

RESOLUTION NO. 229

By Personnel and Public Safety and Emergency Services Committees Seconded by Mr. Mather
RESOLUTION AUTHORIZING CONTINUATION OF A RESIDENCY WAIVER FOR MARK SMOLINSKY FOR EMPLOYMENT AS CORRECTIONS MAJOR

WHEREAS, this County Legislature, by Resolution 262 of 2005, authorized a waiver of residency for Mark Smolinsky for employment as First Assistant Correctional Facilities Administrator, and

WHEREAS, Mark Smolinsky recently took the title of Corrections Major, which reflects the duties of the position and chain of command, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the continuation of a residency waiver for Mark Smolinsky, 739 Brown Road, Berkshire, New York 13736, for employment as Corrections Major, and be it

FURTHER RESOLVED, that this residency waiver shall continue for as long as Mr. Smolinsky holds the title of Corrections Major.

Carried Ayes-18, Nays-1 (Whalen)

RESOLUTION NO. 230

By Finance and Public Safety and Emergency Services Committees Seconded by Mr. Howard
RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH TRI COUNTY COMMUNICATION FOR THE PURCHASE AND INSTALLATION OF A REPLACEMENT MICROWAVE SYSTEM FOR THE OFFICE OF EMERGENCY SERVICES FOR THE 2008

WHEREAS, this County Legislature, by Resolution 68 of 2005, as amended by 748 of 2006, authorized an agreement with Tri County Communications for the installation and replacement of a microwave system infrastructure and wireless system for the Office of Emergency Services at an amount not to exceed \$449,254 for the period March 1, 2005 through December 31, 2007, and

WHEREAS, said agreement is necessary for the replacement of the existing microwave system to include an alarm function and provision for a countywide wireless infrastructure, and

WHEREAS, said agreement expired by its terms on December 31, 2007, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$238,342, for the period January 1, 2008 through December 31, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Tri County Communications, 6 Keith Street, Oneonta, New York 13820 for a microwave system infrastructure and wireless system for the Office of Emergency Services for the period January 1, 2008 through December 31, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$238,342 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 460469.2460.501392 (Communications Equipment), and be it

FURTHER RESOLVED, that the County Executive or her 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-19, Nays-0

RESOLUTION NO. 231

By Economic Development and Planning and Finance Committees Seconded by Mr. Howard

RESOLUTION AUTHORIZING A RIGHT OF ENTRY AGREEMENT WITH NORFOLK SOUTHERN CORPORATION FOR THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT FOR 2008

WHEREAS, the Commissioner of Planning and Economic Development requests authorization for a right of entry agreement with Norfolk Southern Corporation for the Department of Planning and Economic Development, with no direct cost to the County, for the period June 1, 2008 through November 30, 2008, and

WHEREAS, said right of entry agreement is necessary to test bores for organic compounds on the right of way of the Norfolk Southern Railroad, adjacent to County owned property at 312 Maple Street, Endicott, NY 13760 now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a right of entry agreement with Norfolk Southern Corporation, Law Department, Three Commercial Place, Norfolk, Virginia, 23510-0941 for the Department of Planning and Economic Development, with no direct cost to the County, for the period June 1, 2008 through November 30, 2008, and be it

FURTHER RESOLVED, that the County Executive or her 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-19, Nays-0

RESOLUTION NO. 232

By Economic Development and Planning and Finance Committees Seconded by Mr. Sanfilippo
RESOLUTION AUTHORIZING THE COMMENCEMENT OF A PROCEEDING PURSUANT TO THE EMINENT DOMAIN PROCEDURE LAW TO TAKE TITLE TO REAL PROPERTY OWNED BY BINGHAMTON TERMINAL, LLC IN CONNECTION WITH THE BINGHAMTON INTERMODAL TRANSIT TERMINAL PROJECT

WHEREAS, pursuant to Resolution No. 150 of 2005 this County Legislature accepted the recommendation of the Intermodal Steering Committee and Wendal Duchscherer Architects and Engineers and declared the preferred site for the Binghamton Intermodal Transit Site, and

WHEREAS, this County Legislature pursuant to Resolution Number 648 of 2006 declared that the adoption of the proposed Binghamton Intermodal Transit Terminal Project will not have a significant effect on the environment and adopted a negative declaration as to the project, and

WHEREAS, Broome County has acquired contract rights in the real property required for the project with the exception of that portion of the project site presently owned by Binghamton Terminal LLC located at 95-105 Chenango Street and 34-40 Prospect Avenue, tax map numbers 904007, 904008, 904018, 904019, 904020 and 904021, now, therefore, be it

RESOLVED, that the Broome County Executive is hereby authorized to commence a proceeding pursuant to the New York Eminent Domain Procedure Law and the regulations promulgated by the United States Secretary of Transportation to acquire all rights, titles and interest in and to real property presently owned by Binghamton Terminal LLC known as 95-105 Chenango Street and 34-40 Prospect Street, Binghamton, New York, tax map numbers 904007, 904008, 904019, 904020 and 904021 in order to proceed with the construction of the Binghamton Intermodal Transit Terminal Project, and be it

FURTHER RESOLVED, that pursuant to Section 201 of the New York Eminent Domain Procedure Law a public hearing shall be held to inform the public and to review the public use to be served by the Binghamton Intermodal Transit Terminal Project, and the Clerk of this Legislature is hereby directed to prepare and publish the notices required by Section 201 of the Eminent Domain Procedure Law and to coordinate with the County Attorney the service of said notices upon the required owners of real property affected, and be it

FURTHER RESOLVED, that the County Executive or her 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.Kuzel made a motion to table to a date uncertain, seconded by Mr. Keibel. Motion to table failed. Ayes-1 (Kuzel), Nays-18. Resolution carried. Ayes-18, Nays-1 (Kuzel).

RESOLUTION NO. 233

By Public Works and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AN AGREEMENT WITH SHUMAKER CONSULTING ENGINEERING AND LAND SURVEYING P.C. FOR PROFESSIONAL SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS DIVISION OF SOLID WASTE MANAGEMENT FOR 2008-2009

WHEREAS, the Interim Commissioner of Public Works requests authorization for an agreement with Shumaker Consulting Engineering & Land Surveying P.C. for professional services for the Department of Public Works Division of Solid Waste Management at a cost not to exceed \$709,800, for the period June 1, 2008 through December 31, 2009, and

WHEREAS, said agreement is necessary for consultant design and construction review of a new entrance and related roadway improvements for Section IV of the Broome County Landfill, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Shumaker Consulting Engineering and Land Surveying P.C., 143 Court Street, Binghamton, New York 13901 for professional services for the Department of Public Works Division of Solid Waste Management for the period June 1, 2008 through December 31, 2009, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$709,800 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 235036.4746.xxxxxx (Architectural & Engineering Services), and be it

FURTHER RESOLVED, that the County Executive or her 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-19, Nays-0

RESOLUTION NO. 234

By Public Works and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AN AGREEMENT WITH STEARNS AND WHELDER FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS-DIVISION OF SOLID WASTE MANAGEMENT FOR 2008-2009

WHEREAS, the Interim Commissioner of Public Works requests authorization for an agreement with Stearns and Wheler, for professional engineering services for the Department of Public Works-Division of Solid Waste Management at a cost not to exceed \$241,359, for the period April 18, 2008 through December 31, 2009, and

WHEREAS, said agreement is necessary for a 20-year Local Solid Waste Management Plan as required by the New York State Department of Environmental Conservation 6 NYCRR Part 360 regulations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Stearns and Wheler, 1 Remington Park Drive, Cazenovia, New York 13035 for professional engineering services for the Department of Public Works-Division of Solid Waste Management for the period April 18, 2008 through December 31, 2009, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$241,359 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 235036.4746.501557 (Engineering and Architectural Services), and be it

FURTHER RESOLVED, that the County Executive or her 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-19, Nays-0

RESOLUTION NO. 235

By Public Works Committee

Seconded by Mr. Howard

RESOLUTION DESIGNATING THE BROOME COUNTY LEGISLATURE AS LEAD AGENCY WITH RESPECT TO THE BEVIER STREET BRIDGE REHABILITATION MULTI USE TRAIL, AND RENDERING A "NEGATIVE DECLARATION" WITH RESPECT THERETO

WHEREAS, this County Legislature approved the Bevier Street Bridge Rehabilitation Project, and

WHEREAS, it is being proposed to add a Multi Use Trail Project in conjunction with the Bevier Street Bridge Rehabilitation Project, and

WHEREAS, it has been determined that adding a Multi Use Trail Project in conjunction with the Bevier Street Bridge Rehabilitation Project is 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 capability for providing the most thorough environmental assessment of the project, and

WHEREAS, this County Legislature is the only involved agency, as defined in the State Environmental Quality Review Act (SEQRA), to review adding the Multi Use Trail to the Bevier Street Bridge Rehabilitation Project, and

WHEREAS, adding the Multi Use Trail to the Bevier Street Bridge Project may have an impact on the environment, now, therefore, be it

RESOLVED, that this County Legislature hereby declares its intention to seek "lead agency" status with respect to the environmental review of the proposed addition to the project, and be it

FURTHER RESOLVED, that this County Legislature, based on the Environmental Assessment Form annexed hereto as Exhibit "A", hereby determines and declares that the addition of the Multi Use Trail Project will not have a significant effect on the environment, and be it

FURTHER RESOLVED, that this County Legislature hereby adopts the "Negative Declaration" annexed hereto as Exhibit "B".

Carried Ayes-19, Nays-0

RESOLUTION NO. 236

By Transportation and Rural Development and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AN AGREEMENT WITH MCFARLAND JOHNSON, INC. FOR DESIGN SERVICES FOR THE DEPARTMENT OF AVIAITION FOR 2008

WHEREAS, the Commissioner of Aviation requests authorization for an agreement with McFarland Johnson, Inc., for design services for the Department of Aviation, at a cost not to exceed \$25,000 for the period April 1, 2008 through December 31, 2008, and

WHEREAS, said agreement is necessary for drafting specifications and bid documents as well as designing the scope of work for the construction phase of the Airport Runway Precision Approach Path Indicator (PAPI) systems project at the Greater Binghamton Airport, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with McFarland Johnson, Inc., 49 Court Street, PO Box 1980, Binghamton, New York 13902 for design services for the Department of Aviation for the period April 1, 2008 through December 31, 2008, and be it

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

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 211037.2015.501xxx (Runways), and be it

FURTHER RESOLVED, that the County Executive or her 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-19, Nays-0

RESOLUTION NO. 237

By Transportation and Rural Development and Finance Committees Seconded by Mr. Howard
RESOLUTION AUTHORIZING AN AGREEMENT WITH SHANNON AND LUCHS INSURANCE AGENCY FOR EVENT INSURANCE FOR THE DEPARTMENT OF AVIATION FOR 2008

WHEREAS, Commissioner of Transportation requests authorization for an agreement with Shannon and Luchs Insurance Agency for event insurance for the Department of Aviation at a cost not to exceed \$7,170, for June 21, 2008, and

WHEREAS, said agreement is necessary for insurance coverage for the 2008 Greater Binghamton Airshow, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Shannon and Luchs Insurance Agency, Inc., (through Marsh USA) 300 South State Street, Syracuse, New York 13221 for event insurance for the Department of Aviation for June 21, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$7,170 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from Aviation Day Trust Fund 60 GL 525052, and be it

FURTHER RESOLVED, that the County Executive or her 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-19, Nays-0

RESOLUTION NO. 238

By Finance Committee Seconded by Mr. Howard
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 2007 through March 2008, 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 amounts listed:

SEMI-ANNUAL MORTGAGE TAX DISTRIBUTION

October 2007 through March 2008		
Dickinson	Village of Port Dickinson	5,644.71
	Outside	34,681.04
Lisle	Village of Lisle	541.75
	Outside	11,035.52
Sanford	Village of Deposit	1,059.05
	Outside	13,709.33
Triangle	Village of Whitney Point	3,022.51

	Outside	15,371.20
Union	Village of Johnson City	47,509.84
	Village of Endicott	31,708.28
	Outside	284,310.23
Windsor	Village of Windsor	2,143.33
	Outside	37,566.49
Barker		14,617.50
Binghamton (Town)		45,293.82
Chenango		79,680.27
Colesville		24,057.08
Conklin		35,861.45
Fenton		39,568.65
Kirkwood		52,107.36
Maine		31,556.29
Nanticoke		6,703.15
Vestal		266,096.28
City of Binghamton		245,479.41
	Total	1,329,324.54

Carried Ayes-19, Nays-0

RESOLUTION NO. 239

By Finance and Public Works Committees Seconded by Mr. Mather
RESOLUTION AMENDING THE 2008 CAPITAL IMPROVEMENT PROGRAM

RESOLVED, that the 2008 Capital Improvement Program is hereby revised to create a new project as follows:

TO:

<u>Code</u>	<u>Project Name</u>	<u>Estimated Construction Cost:</u>			<u>County*</u>
		<u>Total</u>	<u>State</u>	<u>Federal/Other</u>	
501566	Landfill road reconstruction	2,500,000			2,500,000

<u>Local Finance Law Section 11</u>			<u>How Financed:</u>	
<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
2008	15	20	2,500,000	0

*County's portion is funded by tipping fees

Description: This project is to improve existing curves at current landfill entrance and reconstruct Knapp Road to Dunham Hill Road to accommodate traffic using the new cell to be opened.
and be it

FURTHER RESOLVED, that the Commissioner of Finance is hereby authorized to make a short term, non-interest bearing loan from the General Fund and/or the Enterprise Fund to provide sufficient cash to proceed, and be it

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

Carried Ayes-19, Nays-0

RESOLUTION NO. 240

By Finance, Public Works and Transportation and Rural Development Committees

Seconded by Mr. Mather

RESOLUTION AMENDING THE 2008 CAPITAL IMPROVEMENT PROGRAM

RESOLVED, that the 2008 Capital Improvement Program is hereby revised to create a new project as follows:

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>
501564	Precision Approach Path Indicator (PAPI)	300,000	7,500	285,000	7,500

<u>Local Finance Law Section 11</u>				<u>How Financed:</u>
<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
2008	30	15	300,000	0

*County's portion funded by PFC funds

Description: This project is to replace the current Precision Approach Path Indicator (PAPI) system which will improve safety of flight operations at the airport.
and be it

FURTHER RESOLVED, that the Commissioner of Finance is hereby authorized to make a short term, non-interest bearing loan from the General Fund and/or the Enterprise Fund to provide sufficient cash to proceed, and be it

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

Carried Ayes-19, Nays-0

RESOLUTION NO. 241

By Finance, Public Works and Education, Culture and Recreation Committees

Seconded by Mr. Herz

RESOLUTION AMENDING THE 2008 CAPITAL IMPROVEMENT PROGRAM

RESOLVED, that the 2008 Capital Improvement Program is hereby revised to create a new project as follows:

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>
501565	Park updates	50,000			50,000

<u>Local Finance Law Section 11</u>				<u>How Financed:</u>
<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
2008	15	19(c)	50,000	0

Description: This project is to update and repair buildings and infrastructure at various County parks.
and be it

FURTHER RESOLVED, that the Commissioner of Finance is hereby authorized to make a short term, non-interest bearing loan from the General Fund and/or the Enterprise Fund to provide sufficient cash to proceed, and be it

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

Carried Ayes-19, Nays-0

RESOLUTION NO. 242

By Finance, Public Works and Education, Culture and Recreation Committees

Seconded by Mr. Shafer

RESOLUTION AMENDING THE 2008 CAPITAL IMPROVEMENT PROGRAM

RESOLVED, that the 2008 Capital Improvement Program is hereby revised to delete a project as follows:

TO:

<u>Code</u>	<u>Project Name</u>	<u>Estimated Construction Cost:</u>			<u>County</u>
		<u>Total</u>	<u>State</u>	<u>Federal/Other</u>	
501534	Greenwood Combination	200,000			200,000

<u>Local Finance Law Section 11</u>				<u>How Financed:</u>
<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
2008	15	19(c)	200,000	0

Description: This project was to construct combination concession building and recreation facility at Greenwood Park.
and be it

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

Carried Ayes-19, Nays-0

RESOLUTION NO. 243

By Personnel, Public Safety and Emergency Services and Finance Committees

Seconded by Mr. Hull

RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUESTS FOR THE OFFICE OF THE SHERIFF

RESOLVED, that in accordance with a request contained in PCR 08-113 from the Sheriff, this County Legislature hereby authorizes the title change of a 1st Assistant Correctional Facilities Administrator, Grade F, Union Code 02 Admin II, minimum salary \$69,055, at budget line 450023.1000.101000, effective June 1, 2008, to Correction Major, Grade F, Union Code 02 Admin II, minimum salary \$69,055, at budget line 450023.1000.101000 and be it

FURTHER RESOLVED, that in accordance with a request contained in PCR 08-114 from the Sheriff, this County Legislature hereby authorizes the title change of a 2nd Assistant Correctional Facilities Administrator, Grade E, Union Code 02 Admin II, minimum salary \$66,169, at budget line 450023.1000.101000, effective June 1, 2008, to Correction Captain, Grade E, Union Code 02 Admin II, minimum salary \$66,169, at budget line 450023.1000.101000.

Carried Ayes-19, Nays-0

RESOLUTION NO. 244

By County Administration, Public Works and Finance Committees

Seconded by Cleary

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 4 OF 2008, ENTITLED: "LOCAL LAW AMENDING CHAPTER 1201 AND CHAPTER 1202 OF THE BROOME COUNTY CHARTER AND ADMINISTRATIVE CODE REGARDING THE BOARD OF ACQUISITION AND CONTRACT POWERS AND DUTIES, EXECUTION OF CONTRACTS AND APPROVAL OF PROFESSIONAL SERVICE CONTRACTS"

WHEREAS, this County Legislature, by Resolution 12 of 2008, authorized and approved the Purchase Procurement Process Manual, and

WHEREAS, before the Purchase Procurement Process Manual can take effect, the Broome County Charter and Administrative Code must be amended to reflect the changes, now, therefore be it

RESOLVED, that Local Law Intro. No. 4 of 2008, entitled: "Local Law Amending Chapter 1201 And Chapter 1202 Of The Broome County Charter And Code Regarding The Board Of Acquisition And Contract Powers And Duties, Execution Of Contracts And Approval Of Professional Service

Contracts" be and the same hereby is adopted and approved in accordance with the Broome County Charter and Administrative Code, General Municipal Law and all the applicable statutes and laws pertaining thereto.

LOCAL LAW INTRO. NO. 4 Of 2008

LOCAL LAW AMENDING CHAPTER 1201 AND CHAPTER 1202 OF THE BROOME COUNTY CHARTER AND ADMINISTRATIVE CODE REGARDING THE BOARD OF ACQUISITION AND CONTRACT POWERS AND DUTIES, EXECUTION OF CONTRACTS AND APPROVAL OF PROFESSIONAL SERVICE CONTRACTS"

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

Section 1. Article XII, §C1201 shall be and hereby is amended to read as follows:

The Board of Acquisition and Contract shall contact for and acquire by purchase or condemnation all lands, buildings and other real property the acquisition of which has been authorized by the county Legislature and shall award all contracts for the construction, reconstruction, repair or alteration of all public works or improvements involving an expenditure of more than [one thousand dollars (\$1,000.)] seven thousand dollars (\$7,000).

Section 2. Article XII, §C1202 shall be and hereby is amended to read as follows:

All contracts, except for the purchase of equipment, supplies, materials and services incidental thereto, shall be executed on behalf of the county by the County executive in accordance with the provisions of [this Article.] General Municipal Law §103. Whenever such contract involves the expenditure of [more than fifteen thousand dollars (\$15,000)] an amount greater than the limitation provided by General Municipal Law §103, except contracts for the acquisition of real property, the contracts shall be awarded to the lowest responsible bidder in a manner as set forth in the Administrative Code. A copy of each contract, when executed, shall be filed with the Comptroller, together with a copy of the local law, resolution or ordinance of the County Legislature upon which the right to make such contract rests, other than the annual appropriation act.

Section 3. Article XII, §A1202 shall be and hereby is amended to read as follows:

The Board of Acquisition and Contract shall award all contracts for professional services involving expenditures of [two thousand five hundred dollars (\$2,500)] fifteen thousand dollars (\$15,000) or less, except that the award of contracts for expert witness services for litigation shall be in accordance with the provisions of the Broome County Purchase Procurement Process Manual.

Section 4 This Local Law shall become effective upon filing with the Secretary of State

Material in [brackets] deleted

Material underlined added

Carried Ayes-18, Nays-1 (Kuzel)

RESOLUTION NO. 245

By Health and Human Services and Finance Committees

Seconded by Cleary

RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH REVEREND TIMOTHY DODD FOR CHAPLAIN SERVICES FOR THE WILLOW POINT NURSING HOME FOR 2008-2009

WHEREAS, this County Legislature, by Resolution 432 of 2007, authorized an agreement with Reverend Timothy Dodd for chaplain services for the Willow Point Nursing Home at an amount not to exceed \$3,000 for the period June 1, 2007 through May 31, 2008, and

WHEREAS, said agreement is necessary to provide protestant chaplain services mandated by state and federal regulations, and

WHEREAS, said agreement expires by its terms on May 31, 2008, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$3,000, for the period June 1, 2008 through May 31, 2009, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Reverend Timothy Dodd, Twin Orchards Baptist Church, 3701 Vestal Road, Vestal, New York 13850 for chaplain services for the Willow Point Nursing Home for the period June 1, 2008 through May 31, 2009, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$3,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 160176.4437.204000 (Religious), and be it

FURTHER RESOLVED, that the County Executive or her 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-19, Nays-0

RESOLUTION NO. 246

By Transportation & Rural Development Committee

Seconded by Mr. Howard

RESOLUTION CONFIRMING APPOINTMENT TO MEMBERSHIP ON THE GREATER BINGHAMTON AIRPORT ADVISORY BOARD

WHEREAS, Barbara J. Fiala, County Executive, pursuant to the authority vested in her by Resolution 195 of 1987, has duly designated and appointed the following named individual to membership on the Greater Binghamton Airport Advisory Board, for the term indicated, subject to confirmation by this County Legislature:

<u>NAME</u>	<u>TERM EXPIRING</u>
Bruce F. Davie 205 Brook Hill Ave. Vestal, NY 13850	(4/2/0208 – 12/31/2010)

and

WHEREAS, it is desired at this time to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Resolution 99 of 1989, hereby confirms the appointment of the above-named individual to membership on the Greater Binghamton Airport Advisory Board for the terms indicated, in accordance with the appointment by the County Executive.

Carried Ayes-19, Nays-0

RESOLUTION NO. 247

By County Administration and Public Safety and Emergency Services Committees

Seconded by Mr. Cleary

RESOLUTION URGING NEW YORK STATE TO ENACT LEGISLATION RELATING TO TEXT MESSAGING WHILE DRIVING

WHEREAS, Section 1225-c of the Vehicle and Traffic Law of the State of New York provides that no person shall operate a motor vehicle upon a public highway while using a mobile telephone to engage in a call while such vehicle is in motion, and

WHEREAS, there have been instances throughout the State of New York where operators of motor vehicles are text messaging while driving and cause an accident, and

WHEREAS, the Broome County Legislature, feels that the State Legislature should adopt an amendment to the Vehicle and Traffic Law to prohibit operators of motor vehicles from text messaging while they are driving, and

WHEREAS, bills have been proposed in the State Assembly and Senate to prohibit operators of motor vehicles from using a mobile telephone for writing, sending, or reading a text message while such vehicle is in motion, and

WHEREAS, the Broome County Legislature feels that this proposed legislation is desirable to avoid any further accidents, now, therefore by it

RESOLVED, that the County Legislature of the County of Broome, New York hereby urges the State Senate, Assembly and Governor of the state of New York to enact legislation to prohibit text messaging while operating a motor vehicle, and be it

FURTHER RESOLVED, that the Clerk of the Broome County Legislature be and hereby is directed to forward certified copies of this resolution to Senator Thomas Libous, Assemblywoman Donna Lupardo, Assemblyman Clifford Crouch, Assemblyman Gary Finch and Governor David Paterson.

Carried Ayes-16, Nays-3 (Keibel, Kuzel, Mather)

RESOLUTION NO. 248

By Health and Human Services, Personnel and Finance Committees Seconded by Mr. Howard
RESOLUTION AUTHORIZING REVISION OF FAMILY FIRST PROGRAM GRANT FOR THE MENTAL HEALTH DEPARTMENT ADOPTING A REVISED PROGRAM BUDGET AND AUTHORIZING AMENDMENT TO THE AGREEMENT FOR 2008

WHEREAS, this County Legislature, by Resolution 678 of 2007, authorized and approved renewal of the Families First Program Grant for the Department of Mental Health and, adopted a program budget in the amount of \$490,566 for the period of January 1, 2008 through December 31, 2008, and

WHEREAS, said grant program provides intensive and specialized in-home professional therapeutic and behavioral services to families with children at risk for out-of-home placement,

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

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of an additional \$12,000 of grant proceeds from the Department of Social Services for the Department of Mental Health's Families First Program Grant for the period of January 1, 2008 through December 31, 2008 and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes a revision of the Families First Program Grant to reflect an increase of \$12,000 for the period of January 1, 2008 through December 31, 2008 and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with the Department of Mental Health not to exceed \$502,566, for the Families First Program Grant for the Department of Mental Health for the period of January 1, 2008 through December 31, 2008, 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 \$502,566, and be it

FURTHER RESOLVED, that Resolution 678 of 2007, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the County Executive or her 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 her 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 her 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-19, Nays-0

RESOLUTION NO. 249

By Public Safety and Emergency Services and Finance Committees Seconded by Mr. Materese
RESOLUTION AUTHORIZING AN AGREEMENT WITH PRISONER TRANSPORTATION SERVICES FOR THE TRANSPORT OF PRISONERS FOR THE OFFICE OF THE SHERIFF FOR 2008-2009

WHEREAS, the Sheriff requests authorization for an agreement with Prisoner Transportation Services for the transport of prisoners, for the Office of the Sheriff, at a cost not to exceed \$15,000, for the period June 1, 2008 through May 31, 2009, with Broome County's option for four one-year renewals under the same terms and conditions, and

WHEREAS, said agreement is necessary for the transportation of prisoners and fugitives from justice, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Prisoner Transportation Services, c/o PTS of America, LLC, PO Box 121591, Nashville, Tennessee 37212, for the transport of prisoners for the Office of the Sheriff for the period June 1, 2008 through May 31, 2009, with Broome County's option for four one-year renewals under the same terms and conditions, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$15,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 450015.4465.101000 (Non-Employee Travel, Hotel & Meals), and be it

FURTHER RESOLVED, that the County Executive or her 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-19, Nays-0

RESOLUTION NO. 250

By Transportation and Rural Development and Finance Committees Seconded by Mr. Howard
RESOLUTION AUTHORIZING AN AGREEMENT WITH ETC INSTITUTE FOR PROFESSIONAL SERVICES FOR THE BINGHAMTON METROPOLITAN TRANSPORTATION STUDY (BMTS) FOR 2008-2009

WHEREAS, the Director of Binghamton Metropolitan Transportation Study (BMTS) requests authorization for an agreement with ETC Institute for professional services for the Binghamton Transportation Study (BMTS) at a cost not to exceed \$120,068 for the period June 1, 2008 through May 30, 2009, and

WHEREAS, said agreement is necessary for the Binghamton Regional Household Travel Survey, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with ETC Institute, 725 West Frontier Circle, Olathe, Kansas 66061 for professional services for the Binghamton Metropolitan Transportation Study for the period June 1, 2008 through May 30, 2009, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$120,068 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 440131.4747.105307 (Professional Services), and be it

FURTHER RESOLVED, that the County Executive or her 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-19, Nays-0

RESOLUTION NO. 251

By Public Works and Finance Committees

Seconded by Mr. Shafer

RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH C & S ENGINEERS, INC. FOR RENOVATION AND/OR RECONSTRUCTION OF THE GEORGE HARVEY JUSTICE BUILDING FOR 2006-2008

WHEREAS, this County Legislature, by Resolution 192 of 2006, authorized an agreement with C & S Engineers, Inc., for renovation and/or reconstruction of the George Harvey Justice Building at a cost of \$163,870 for the feasibility study for the period April 21, 2006 through August 31, 2006 and \$1,964,824 for the scope of services for construction for the period September 1, 2006 through May 29, 2008, and

WHEREAS, this County Legislature by Resolution 392 of 2006, accepted and approved the feasibility study and authorized C & S Engineers, Inc. to proceed with the necessary scope of services for construction of the George Harvey Justice Building and extended the period to September 1, 2006 through May 29, 2009, and

WHEREAS, it is necessary to authorize the amendment of said agreement to extend the period to September 1, 2006 through December 31, 2010, at no additional cost to the County, and

WHEREAS, the Interim 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 C & S Engineers, Inc., 449 Col. Eileen Collins Boulevard, Syracuse, New York 13212 to extend the period to September 1, 2006 through December 31, 2010, at no additional cost to the County, and be it

FURTHER RESOLVED, that Resolution 192 and 392 of 2006, 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-19, Nays-0

RESOLUTION NO. 252

By Education, Culture and Recreation, County Administration and Finance Committees

Seconded by Mr. Cleary

RESOLUTION AUTHORIZING AMENDMENT TO THE LEASE AGREEMENT WITH USA BMX FOR THE FORMER GRIPPEN PARK ICE RINK FOR 2007-2012

WHEREAS, this County Legislature, by Resolution 469 of 2007, authorized a lease agreement with USA BMX for the former Grippen Park Ice Rink for the period September 1, 2007 through August 31, 2012, with options to renew for two additional five-year terms, and

WHEREAS, in consideration of said lease agreement, beginning September 1, 2008, USA BMX shall pay the County an annual rental of \$4,000 or ten (10%) of gross revenues received by USA BMX which ever is greater, and

WHEREAS, it is necessary to authorize the amendment of said lease agreement to the period September 1, 2008 through August 31, 2013 due to the facility not being ready for occupancy, and

WHEREAS, the Deputy Commissioner of Parks and Recreation 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 lease agreement with USA BMX, PO Box 718, Chandler, Arizona 85244 for the period September 1, 2008 through August 31, 2013 for the former Grippen Park Ice Rink, and be it

FURTHER RESOLVED, that in consideration of said lease agreement, beginning September 1, 2009 USA BMX will pay the County an annual rental of \$4,000 or ten (10%) of gross revenues received by USA BMX which ever is greater, and

FURTHER RESOLVED, that Resolution 469 of 2007, to the extent consistent herewith, shall remain in full force and effect, and be it

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

Held over by Mr. Herz

RESOLUTION NO. 253

By County Administration and Finance Committees

Seconded by Mr. Herz

RESOLUTION AUTHORIZING AN AGREEMENT WITH JSJ ASSOCIATES FOR LEASE OF OFFICE/WAREHOUSE SPACE FOR THE BOARD OF ELECTIONS FOR 2008

WHEREAS, the Deputy Commissioners of Elections request authorization for an agreement with JSJ Associates for lease of office/warehouse space for the Board of Elections at a cost not to exceed \$34,895 per year, for the period May 16, 2008 through December 2013, and

WHEREAS, said agreement is necessary for the lease of 6000 square feet of office/warehouse space for new voting machines, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with JSJ Associates, PO Box 7242, Endicott, New York 13760 for lease of office/warehouse space for the Board of Elections for the period May 16, 2008 through December 31, 2013, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$34,895 per year for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 410001.4422.101000 (Building and Land Rental), and be it

FURTHER RESOLVED, that the County Executive or her 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-19, Nays-0

RESOLUTION NO. 254

By County Administration and Finance Committees

Seconded by Mr. Herz

RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH CEDARCRESTONE FOR CONSULTING AND TRAINING FOR THE DIVISION OF INFORMATION TECHNOLOGY FOR 2008-2010

WHEREAS, this County Legislature, by Resolution 54 of 2008, authorized an agreement with CedarCrestone for consulting and training for the Division of Information Technology at a cost not to exceed \$950,000 for the period February 28, 2008 through February 27, 2010, and

WHEREAS, said agreement is necessary to get the PeopleSoft Enterprise applications running efficiently and on time by doing requirement analysis to determine how we currently do business and layout the best way to implement, share best practices to improve current processes, assist with conversion, deployment and end user training, and

WHEREAS, it is necessary to authorize the amendment of said agreement to amend the period to May 5, 2008 through January 30, 2009 to match the vendors statement of services, and

WHEREAS, the Director of Information Technology 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 CedarCrestone, 24 Madison Avenue Ext., Suite 6, Albany, New York 12203, to amend the period to May 5, 2008 through January 30, 2009 for consulting and training for the Division of Information Technology, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$950,000, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 370031.4726.501562 (Misc Data Processing Services), and be it

FURTHER RESOLVED, that Resolution 54 of 2008, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the County Executive or her 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-19, Nays-0

RESOLUTION NO. 255

By Transportation and Rural Development and Finance Committees Seconded by Mr. Howard
RESOLUTION AUTHORIZING FREE TRANSPORTATION ON THE BC TRANSIT "OLUMS" WRAP BUS FOR A SPECIFIED TIME

WHEREAS, the Commissioner of Public Transportation requests authorization for free transportation to anyone riding the BC Transit "Olums" wrapped bus on all four Saturdays during the month of June, 2008, and

WHEREAS, the providing of free transportation can be beneficial for marketing, public relations, economic development and community purposes, and

WHEREAS, the Olums company is endeavoring to promote a "greener" community by partnering with BC Transit and including BC Transit in all advertising and promotional material in the month of June, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the Department of Public Transportation to provide free transportation on the BC Transit "Olums" wrapped bus on all four Saturdays during the month of June, 2008.

FURTHER RESOLVED, that the County Executive or her 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-19, Nays-0

RESOLUTION NO. 256

By Economic Development and Planning and Finance Committees Seconded by Mr. Howard
RESOLUTION AUTHORIZING THE DIVISION OF ECONOMIC DEVELOPMENT TO SPONSOR THE 2008 STOP-DWI CHRIS THATER MEMORIAL

WHEREAS, the Director of Economic Development requests authorization to sponsor the 2008 STOP-DWI Chris Thater Memorial at a cost not to exceed \$15,000, and

WHEREAS, said sponsorship will provide regional and national exposure through the broadcast of this premier cycling event while raising community awareness about the dangers of drinking and driving, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the Broome County Division of Economic Development to sponsor the 2008 STOP-DWI Chris Thater Memorial at an amount not to exceed \$15,000, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 910182.5068.101000 (Marketing & Economic Development), and be it

FURTHER RESOLVED, that the County Executive or her 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-19, Nays-0

RESOLUTION NO. 257

By Finance Committee

Seconded by

RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH SYSTEMED LLC FOR PRESCRIPTION BENEFIT MANAGEMENT FOR THE OFFICE OF RISK AND INSURANCE FOR 2007-2009

This resolution was deferred to the June committee cycle at a special Finance committee meeting prior to session.

RESOLUTON 258 OF 2008 WAS INTRODUCED BY MR. SHAFER PER RULE 19 OF THE 2007-2008 RULES OF ORDER

RESOLUTION NO. 258

By Mr. Shafer

Seconded by Mr. Materese

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 2 OF 2008, ENTITLED: "LOCAL LAW AMENDING PART IV OF THE BROOME COUNTY CHARTER AND ADMINISTRATIVE CODE, CHAPTER 168 ARTICLE IX AUTOMATIC EXTERNAL DEFIBRILLATORS"

RESOLVED, that Local Law Intro. No. 2 of 2008, entitled: "Local Law Amending Part IV of the Broome County Charter and Administrative Code, Chapter 168 Article IX Automatic External Defibrillators," be and the same hereby is adopted and approved in accordance with the Broome County Charter, the Municipal Home Rule Law and all the applicable statutes and laws pertaining thereto.

**LOCAL LAW INTRO. NO. 2 OF 2008
LOCAL LAW AMENDING PART IV OF THE BROOME COUNTY CHARTER AND
ADMINISTRATIVE CODE, CHAPTER 168 ARTICLE IX AUTOMATIC EXTERNAL
DEFIBRILLATORS**

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

Section 1.

Part IV of the Broome County Charter and Code, Chapter 168 is hereby amended as follows:

Article IX – Automated External Defibrillators

Section 168-45 - Definitions:

- A. AED – an automated external defibrillator.
- B. Places of Public Assembly shall be those places of public or private assembly or employment and shall include all facilities used for conducting recreational and sporting events, gymnasiums, theaters, business, malls, and social organizations
- C. Municipal Recreation Fields or Facilities shall be those field or facilities used by youth and adult organizations for sporting events
- ~~D. Golf Courses shall be all golf courses regardless of size and number of holes including municipal, public and private courses.~~
- D. Youth Organizations shall be those organizations with enrollment or membership of two hundred or more persons.
- E. Fitness/Heath Clubs shall be those fitness/health clubs with a membership of two hundred or more persons.
- F. Schools shall be those schools, whether public or private, with an enrollment of two hundred or more students.
- G. Adult Residential Facility shall be adult homes and assisted living programs licensed by New York State law and skilled nursing facilities certified by New York State law that offer medical or custodial care provided in conjunction with housing.

Section 168-46 – Facilities/Organizations Required to Have an AED on Site and a Person Available who is Trained in CPR and the use of an AED.

- A. All places of public assembly during an event at which five hundred or more individuals are in attendance at any given moment in time.
- ~~B. Golf courses during hours of operation.~~

-
- B. All youth organizations during all sponsored sporting or recreational events at which five hundred or more individuals are in attendance at any given moment in time including participants, officials and spectators.
 - C. All Fitness/Heath Clubs during hours of operation.
 - D. All schools, public or private, during regular school hours and for extra curricular activities at which five hundred or more individuals are in attendance at any given moment in time
 - E. Adult residential facilities consisting of twenty or more residential dwelling units during hours of operation.

Section 2. This Local Law shall become effective upon filing with the Secretary of State.

Note: [Material in brackets deleted]

Mr. Materese made a motion, seconded by Mr. Shafer to amend as follows: Section 168-45 to leave in D. Golf Courses shall be all golf courses regardless of size and number of holes including municipal, public and private courses, Section 168-46 delete B. Golf courses during hours of operation and re-letter section accordingly; and add Section 168-47-Golf Courses are required to have an AED on site and an employee trained in CPR and AED's. Golf courses are required to post signs that an AED is available and the location of the AED in the club house and all golf carts. Held over by Mr. Sanfilippo.

Mr. Howard made a motion to adjourn, seconded by Mr. Materese. **Motion to adjourn Carried**, Ayes-19, Nays-0. The meeting was adjourned at 6:27 p.m.

