
**BROOME COUNTY LEGISLATURE
REGULAR SESSION
THURSDAY, JULY 17, 2008**

The Legislature convened at p.m. with a call to order by the Chair, Mark R. Whalen. The Clerk, Eric S. Denk, read the fire exit announcement and called the Attendance Roll, Present-17 Absent-2 (Reynolds, Mather).

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. Garnar made a motion, seconded by Mr. Howard, that the session minutes of June 19, 2008 be approved as prepared and presented by the Clerk. **Carried.** Ayes-17, Nays-0, Absent-2 (Reynolds, Mather).

Mr. Whalen noted that the committee minutes for the period June 19, 2008 through July 16, 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. LaBare. **Carried,** Ayes-17, Nays-0, Absent-2 (Reynolds).

ANNOUNCEMENTS FROM THE CHAIR

None

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY EXECUTIVE:

- A. Letters from the County Executive, Barbara J. Fiala
 - 1. Nomination for Willow Point Nursing Home
 - 2. Nomination for Broome County Community Services Board

PRESENTATION OF PETITIONS, COMMUNICATIONS, NOTICES & REPORTS:

- A. PETITIONS: None
- B. COMMUNICATIONS:
 - 1. Cornell Cooperative Extension of BC Board of Directors Meeting 5/22/08
 - 2. BCC May 2008 Budget Transfers
 - 3. BC Risk & Insurance Management Town of Chenango Workers Compensation Plan
 - 4. BC Dept. of Audit 2008 IRS Standard Business Mile Rate
 - 5. BC Environmental Management Council Bigger Better Bottle Bill
 - 6. BC Environmental Management Council Recycling & Waste Management Committee Meeting Minutes 6/23/08
 - 7. BCC Minimum Hire Report for May 2008
 - 8. BC Environmental Management Council Natural Resources Committee 6/19/08
 - 9. BC Office of the County Clerk Annual Report 2007
 - 10. Board of Acquisition and Contract Meeting Minutes 6/11/2008
 - 11. BC Environmental Management Council Meeting Minutes 6/5/2008
 - 12. BC Environmental Management Council Meeting Minutes 7/10/08
 - 13. Four County Library System Statement of Cash Receipts & Disbursements for for 2006 & 2007
 - 14. Annual Report of the Broome County Legislature and Office of the Clerk of the Legislature for the year 2007
- C. NOTICES:
 - 1. Broome County GASB 45 Citizens Task Force Meeting July 9, 2008
 - 2. Broome County GASB 45 Citizens Task Force Meeting June 25, 2008

A RESOLUTION THAT CONTINUES OUR OPPOSITION OF ASSEMBLY BILL A9393-A AND SENATE BILL A6457-A AND AFFIRMS BROOME COUNTY'S COMMITMENT TO ITS RETIREES

Mr. LaBare, announced that he polled the County Administration committee, and it was the consensus of the committee to withdraw this resolution. **Resolution withdrawn.**

RESOLUTION NO. 333

(Automatic Holdover)

By County Administration and Personnel Committees

Seconded by Mr. Mather

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 7 OF 2008, ENTITLED "A LOCAL LAW AMENDING THE BROOME COUNTY CHARTER AND ADMINISTRATIVE CODE TO DECREASE THE NUMBER OF LEGISLATIVE DISTRICTS TO FIFTEEN AND INCREASE THE TERMS OF OFFICE OF COUNTY LEGISLATORS TO FOUR YEARS"

Mr. LaBare made a motion, seconded by Mr. Materese to amend the resolution to remove all references to increasing the terms of office of County Legislators to four years. **Amendment carried, Ayes-14, Nays-3 (Schofield, Cleary, Whalen), Absent-2 (Reynolds, Mather). Resolution as amended is an automatic hold over.**

RESOLUTION NO. 334

(Held over by Mr. Kuzel)

By County Administration

Seconded by Mr. Materese

RESOLUTION URGING THE NEW YORK STATE LEGISLATURE TO UPDATE NEW YORK'S BOTTLE BILL

Mr. LaBare, announced that he polled the County Administration committee, and it was the consensus of the committee to withdraw this resolution. **Resolution withdrawn.**

RESOLUTION NO. 338

(Held over by Mr. Kuzel)

By Hon. Chris Kuzel

Seconded by Mr. Garnar

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 5 OF 2008, ENTITLED: "A LOCAL LAW AMENDING THE BROOME COUNTY CHARTER AND ADMINISTRATIVE CODE TO IMPOSE A LIMIT ON TERMS OF OFFICE TO A NUMBER OF TERMS TOTALING EIGHT CONSECUTIVE YEARS."

Failed., Ayes-6, Nays-11 (Keibel, Sanfilippo, Hull, Schofield, Shafer, Black, Howard, Cleary, Marinich, Herz, Whalen), Absent-2 (Reynolds, Mather).

RESOLUTIONS INTRODUCED AT THIS SESSION

RESOLUTION NO. 339

By Health and Human Services and Finance Committees

Seconded by Mr. Hutchings:

RESOLUTION AUTHORIZING AMENDMENT OF THE AGREEMENT WITH VARIOUS STATE APPROVED MEDICAID TRANSPORTATION VENDORS FOR TRANSPORTATION SERVICES FOR MEDICAID RECIPIENTS OF BROOME COUNTY FOR 2007-2008

WHEREAS, this County Legislature, by Resolution 480 of 2006, authorized renewal of agreements with various vendors for transportation services for Medicaid recipients for the period January 1, 2007, through December 31, 2008; and

WHEREAS, Resolution 480 of 2006 is limited in scope and it is necessary to allow flexibility in contracting with new vendors who are authorized by New York State to provide Medicaid transportation at the rates as listed in Exhibit "A", not to exceed budgeted appropriations, for the period January 1, 2007, through December 31, 2008, now therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the authorization to enter into agreements for Medicaid transportation services for Broome County

Medicaid recipients for the Department of Social Services, for the period January 1, 2007 through December 31, 2008, to include any New York State approved vendor, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractors at State-mandated rates as listed in Exhibit "A" for the term of the agreements, and be it

FURTHER RESOLVED, that the payments hereinbefore authorized shall be made from budget line 670083.4568.103000 (MMIS Medical Assistance), and 670075.4567.103000 (Medical Assistance), and be it

FURTHER RESOLVED, that Resolution 480 of 2006 and Resolution 494 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 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-17, Nays-0, Absent-2 (Reynolds, Mather).

RESOLUTION NO. 340

By Health and Human Services and Finance Committees

Seconded by Mr. Hutchings

RESOLUTION AUTHORIZING RENEWAL OF THE SOUTHERN TIER AIDS PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2008-2009

WHEREAS, this County Legislature, by Resolution 308 of 2007, authorized and approved renewal of the Southern Tier Aids Program Grant for the Department of Health and adopted a program budget in the amount of \$19,500 for the period July 1, 2007 through June 30, 2008, and

WHEREAS, said program grant provides free, anonymous HIV/AIDS counseling and testing for people in Broome County who would be considered at risk, and

WHEREAS, it is desired to renew said grant program in the amount of \$19,500 for the period July 1, 2008 through June 30, 2009, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$19,500 from the Southern Tier AIDS Program (STAP), 122 Baldwin Street, Johnson City, New York 13790, for the Department of Health's Southern Tier Aids Program for the period July 1, 2008 through June 30, 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 \$19,500, 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) is hereby authorized to make any transfers of funds required within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Mather).

RESOLUTION NO. 341

By Health and Human Services Committee

Seconded by Mr. Hutchings

RESOLUTION AUTHORIZING A CLINICAL AFFILIATION AGREEMENT BETWEEN THE STATE UNIVERSITY OF NEW YORK, DECKER SCHOOL OF NURSING AND THE BROOME COUNTY HEALTH DEPARTMENT FOR 2008-2009

WHEREAS, the Director of Public Health requests authorization for a clinical affiliation agreement between the State of University of New York, Decker School of Nursing, and the Broome County Health Department at no cost to the County for the 2008-2009 school year, and

WHEREAS, said agreement is necessary to provide a clinical site for the training of graduate and undergraduate nursing students, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a clinical affiliation agreement between the State University of New York at Binghamton, Decker School of Nursing, P.O. Box 6000, Vestal Parkway East, Vestal, New York 13850 and the Broome County Health Department for the 2008-2009 school year, at no cost to the County, 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-17, Nays-0, Absent-2 (Reynolds, Mather).

RESOLUTION NO. 342

By Economic Development and Planning and Finance Committees Seconded by Mr. Hutchings
RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENTS WITH CLOUGH, HARBOUR & ASSOCIATES, LLP AND O'BRIEN & GERE ENGINEERS, INC. FOR ENVIRONMENTAL ASSESSMENTS FOR THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT'S BROWNFIELD DEMONSTRATION PILOT GRANT FOR 2002-2008

WHEREAS, this County Legislature, by Resolution 526 of 2003, as amended by Resolutions 212 of 2005 and 347 of 2006, authorized agreements with Clough, Harbour Associates, LLP and O'Brien & Gere Engineers, Inc. for environmental assessments for the Department of Planning and Economic Development's Brownfield Demonstration Pilot Grant, at rates listed in Exhibits' "A" and "B", total cost not to exceed \$200,000, for the period October 1, 2002 through September 30, 2008, and

WHEREAS, said agreements provide environmental assessments, including sampling and laboratory analysis and the preparation of a final report detailing sampling procedures, testing protocols, results, conclusions and recommendations, and

WHEREAS, it is necessary to authorize an amendment to said agreements, to approve the rates and extend the term through September 30, 2010, and

WHEREAS, the Commissioner of Planning and Economic Development has requested authorization for said amendments as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Clough, Harbour & Associates, LLP, The Galleries of Syracuse, 441 South Salina Street, Syracuse, New York 13202-2424 and O'Brien & Gere Engineers, Inc., 441 Commerce Road Vestal, New York 13850, to approve the rates as listed on Exhibit "A" and "B", and extend the terms through September 30, 2010, for environmental assessments for the Department of Planning and Economic Development's Brownfield Demonstration Pilot Grant, and be it

FURTHER RESOLVED, that Resolutions 526 of 2003, 212 of 2005 and 347 of 2006, 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-17, Nays-0, Absent-2 (Reynolds, Mather).

RESOLUTION NO. 343

By Economic Development and Planning and Finance Committee Seconded by Mr. Hutchings
RESOLUTION AUTHORIZING REVISION OF THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF BINGHAMTON, THE VILLAGES OF ENDICOTT AND JOHNSON CITY AND THE TOWNS OF KIRKWOOD AND UNION FOR ESTABLISHING THE BROOME COUNTY EMPIRE ZONE ADMINISTRATIVE BOARD

WHEREAS, this County Legislature, by Resolution 109 of 2001, as amended by Resolution 397 of 2007, authorized an intergovernmental agreement with the City of Binghamton, the Villages of Endicott and Johnson City, and the Towns of Kirkwood and Union for establishing the Broome County Empire Zone Administrative Board, and

WHEREAS, said agreement provides management and administration of the Broome County Empire Zone, and

WHEREAS, it is necessary to authorize amendment to said agreement to reorganize the program to make it more effective and efficient by changing the formula for in-kind contribution as follows:

Broome County	60%
City of Binghamton	20%
Town of Union	20%

and

WHEREAS, the Commissioner of Planning has requested authorization for said amendment as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes amendment to the agreements with the City of Binghamton, the Villages of Endicott and Johnson City, and the Towns of Kirkwood and Union, to reorganize the program to make it more effective and efficient by changing the formula for in-kind contribution as follows:

Broome County	60%
City of Binghamton	20%
Town of Union	20%

and be it

FURTHER RESOLVED, that Resolutions 109 of 2001 and 397 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 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-17, Nays-0, Absent-2 (Reynolds, Mather).

RESOLUTION NO. 344

By Economic Development and Planning and Finance Committees

Seconded by Mr. Hutchings

RESOLUTION AUTHORIZING AN AGREEMENT WITH SOUTHERN TIER EAST REGIONAL PLANNING DEVELOPMENT BOARD FOR ANNUAL MEMBERSHIP FOR THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT FOR 2008

WHEREAS, the Commissioner of Planning and Economic Development requests authorization for an agreement with Southern Tier East Regional Planning Development Board for annual membership for the Department of Planning and Economic Development at a cost not to exceed \$20,000, for the period January 1, 2008 through December 31, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Southern Tier East Regional Planning Development Board for annual membership for the Department of Planning and Economic Development 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 \$20,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 440016.5056.101000 (Regional Planning Board), 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-17, Nays-0, Absent-2 (Reynolds, Mather).

RESOLUTION NO. 345

By Public Safety and Emergency Services and Finance Committees Seconded by Mr. Hutchings
RESOLUTION AUTHORIZING ACCEPTANCE OF A WATER RESCUE DIVE TEAM BOAT PROGRAM GRANT FOR THE OFFICE OF EMERGENCY SERVICES AND ADOPTING A PROGRAM BUDGET FOR 2008-2009

WHEREAS, the Director of Emergency Services/Fire Coordinator requests authorization to accept a Water Rescue Dive Team Boat Program Grant and adopt a program budget in the amount of \$30,000 for the period May 8, 2008 through May 8, 2009, and

WHEREAS, said program grant will provide funding for a new rescue boat, and

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$30,000 from the New York State Senate, 1607 State Office Building, 44 Hawley Street, Binghamton, New York 13901 for the Office of Emergency Services Water Rescue Dive Team Boat Program Grant for the period May 8, 2008 through May 8, 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 \$30,000, 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) is hereby authorized to make any transfers of funds required within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Mather).

RESOLUTION NO. 346

By Education, Culture and Recreation Committee Seconded by Mr. Hutchings
RESOLUTION CONFIRMING APPOINTMENT TO MEMBERSHIP ON THE EN JOIE GOLF COURSE ADVISORY COMMITTEE

WHEREAS, Barbara J. Fiala, County Executive, pursuant to the authority vested in her by Resolution 354 of 2005, has duly designated and appointed the following named individual to membership on the En Joie Golf Course Advisory Committee, for the term indicated, subject to confirmation by this County Legislature:

<u>NAME</u>	<u>TERM EXPIRING</u>
David Baker 508 Mountain View Drive Endicott, New York 13760	New Appointment 12/31/2008

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 354
of 2005, hereby confirms the appointment of the above-named individual to membership on the
En Joie Golf Course Advisory Committee for the term indicated, in accordance with his
appointment by the County Executive.

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Mather).

RESOLUTION NO. 347

By Finance and Education, Culture and Recreation Committees Seconded by Mr. Garnar
**RESOLUTION ADOPTING THE BUDGET FOR BROOME COMMUNITY COLLEGE FOR
2008-2009**

WHEREAS, the Broome County Legislature is required to approve the College's annual
unrestricted operating budget, and

WHEREAS, such approval must state the total unrestricted appropriations, sponsor
contribution and fiscal year for which the operating budget is approved, and

WHEREAS, the Finance Committee of the County Legislature recommends approval of
the total budget and sponsor contribution as presented, now therefore, be it

RESOLVED, that the unrestricted operating budget for Broome Community College for
the college fiscal year September 1, 2008 through August 31, 2009, in the sum of \$47,066,769
be approved, and be it

FURTHER RESOLVED, that the Sponsor Contribution for Broome Community College for
the college fiscal year September 1, 2008 through August 31, 2009, in the sum of \$6,530,710 be
approved, and be it

FURHER RESOLVED, that the Broome Community College's operating budget be
submitted to the State University Board of Trustee's for approval.

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Mather).

RESOLUTION NO. 348

By Health & Human Services and Finance Committees Seconded by Mr. Hutchings
**RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH CCRx OF NEW
YORK TO REDUCE PHARMACY COSTS FOR WILLOW POINT NURSING HOME FOR 2008**

WHEREAS, this County Legislature, by Resolution 703 of 2007, authorized an agreement
with CCRx of New York, to reduce Pharmacy over-the-counter medication costs for Willow Point
Nursing Home, for January 1, 2008 through December 31, 2008, and

WHEREAS, said agreement provides, a reduction in costs for over-the-counter medications
by changing pricing from Average Wholesale Price, less 20% with a \$2.95 minimum, and

WHEREAS, it is necessary to authorize the amendment of said agreement to provide
additional cost savings for the county for Willow Point Nursing Home by eliminating the \$2.95
minimum, and

WHEREAS, under the amended agreement, over-the-counter drugs will be charged at
Average Wholesale Price, less 20% with no minimum fee, and

WHEREAS, the Willow Point Nursing Home has requested authorization for said
amendments as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the
agreement with CCRx of New York, LLC , 2308 Pleeker Street, Utica, NY 13501, to reduce
overall cost of over-the-counter medications by changing the pricing for Willow Point Nursing
Home for the period of January 1, 2008 through December 31, 2008 to Average Wholesale
Price, less 20% with no minimum fee, and be it

FURTHER RESOLVED, that Resolution 703 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 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-17, Nays-0, Absent-2 (Reynolds, Mather).

RESOLUTION NO. 349

By Health and Human Services and Finance Committees Seconded by Mr. Hutchings
RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH THE RESEARCH FOUNDATION, STATE UNIVERSITY OF NEW YORK FOR BINGHAMTON UNIVERSITY PSYCHOLOGY (Ph.D.) STUDENTS FOR CLINICAL SERVICES FOR THE DEPARTMENT OF MENTAL HEALTH FOR 2008-2009

WHEREAS, this County Legislature, by Resolution 685 of 2007, authorized a renewal of the agreement with The Research Foundation, State University of New York for Binghamton University Psychology (Ph.D) graduate students for clinical services for the Department of Mental Health at an amount not to exceed \$46,444, for the period January 1, 2008 through and August 31, 2008

WHEREAS, said services are necessary to provide graduate psychology students with clinical training in the Broome County community while they provide services for the Mental Health Clinic, and

WHEREAS, said agreement expires by its terms on August 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 \$77,198 for the period September 1, 2008 through August 31, 2009, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with The Research Foundation, State University of New York, Office of Research & Sponsored Programs, PO Box 6000, Binghamton, NY 13902 for clinical services for the Department of Mental Health for the period September 1, 2008 through August 31, 2009 and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$77,198 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 470013.4747.101000, 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-17, Nays-0, Absent-2 (Reynolds, Mather).

RESOLUTION NO. 350

By Health and Human Services and Finance Committees Seconded by Mr. Hutchings
RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH DR. CHONG TAEK LEE, M.D. FOR PSYCHIATRIC SERVICES FOR THE DEPARTMENT OF MENTAL HEALTH FOR 2008

WHEREAS, this County Legislature, by Resolution 697 of 2007, authorized an agreement with Dr. Chong Taek Lee for Psychiatric Services for Broome County Mental Health Department at a rate of \$94.30 per hour total amount not to exceed \$39,229, for January 1, 2008, through December 31, 2008, and

WHEREAS, said agreement is necessary to provide psychiatric services to more than 250 children's cases, with serious emotional problems, and

WHEREAS, it is necessary to authorize the amendment of said agreement to provide an increase in hours of Psychiatric Services, due to an increase of cases and staff vacancies. This has created a back log for the Department of Mental Health, and

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

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Dr. Chong Taek Lee, 4529 Salem Drive, Vestal, NY 13850, for an increase in hours for Psychiatric Services for the Department of Mental Health for the period January 1, 2008 through December 31, 2008 and be it

WHEREAS, said program grant provides community based outreach, education activities and special media campaign promotion events to prevent and control tobacco use among adults and youth, and disparate populations, and

WHEREAS, it is desired to renew said grant program in the amount of \$256,758 for the period August 1, 2008 through July 31, 2009 now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$256,758 from the New York State Department of Health Tobacco Control Program, Corning Tower, Room 515, Albany, New York 12237 for the Department of Health's Tobacco Control and Insurance Program Grant for the period August 1, 2008 through July 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 \$256,758 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) is hereby authorized to make any transfers of funds required within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Mather).

RESOLUTION NO. 353

By Health & Human Services and Finance Committee

Seconded by Mr. Hutchings

RESOLUTION AUTHORIZING ACCEPTANCE OF A CHILD AND FAMILY SAFETY GRANT FROM THE NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES FOR THE DEPARTMENT OF HEALTH TO ESTABLISH A CHILD FATALITY REVIEW TEAM FOR 2008-2010

WHEREAS, the Department of Health has applied for, has been awarded, and requests authorization to accept \$182,168 in Child and Family grant proceeds from the New York State Office of Children and Family Services (OCFS) so that Broome County can establish a Child Fatality Review Team (CFRT) for the Department of Maternal Child Health and Development, and

WHEREAS, said grant proceeds will be used to establish a Child Fatality Review Team and will fully fund the operations of the CFRT, for the period August 1, 2008 through January 31, 2010, and

WHEREAS, said funds will be utilized for case identification, case review, and data collection and analysis, to better understand and heighten awareness of the causes and other contributing factors to childhood fatalities and to identify and recommend system changes that may improve outcomes, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the acceptance of \$182,168 from the New York State Office of Children and Family Services, 52 Washington Street, Rensselaer, New York 13144-2796 to establish a Child Fatality Review Team for the Department of Health for the period August 1, 2008 through January 31, 2010, and be it

FURTHER RESOLVED, that the grant proceeds hereinabove authorized shall be credited to budget line 480376.0801.105XXX, and be it

FURTHER RESOLVED, that Broome County Legislature approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$182,168, and be it

FURTHER RESOLVED, that so the County is not placed at risk of losing additional funds which may be awarded in association with this grant, the County Executive or her duly

authorized representative is hereby empowered to accept such additional proceeds associated with this grant, which the grantor agency may award, without seeking further legislative approval, provided that the employee head count is not increased and that there are no additional general fund expenditures, 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) is hereby authorized to make any transfers of funds required within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Mather).

RESOLUTION NO. 354

By Health and Human Services and Finance Committees Seconded by Mr. Hutchings
**RESOLUTION AUTHORIZING AN AGREEMENT WITH CAPITAL DISTRICT PHYSICIANS
HEALTHCARE NETWORK (CDPHP) FOR CLINICAL SERVICES AND MATERNAL CHILD
HEALTH HOME VISITS FOR DEPARTMENT OF HEALTH FOR 2008-2009**

WHEREAS, the Department of Health requests authorization for an agreement with Capital District Physicians Healthcare Network (CDPHP) for Clinical Services for the Department of Health to accept negotiated reimbursement rates, for the period July 1, 2008 through June 30, 2009 and

WHEREAS, said services are necessary to provide Clinical Services and Maternal Child Health home visits now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Capital District Physicians Healthcare Network (CDPHP), 500 Patroon Creek Boulevard, Albany, New York 12206-1057, for Clinical Services and Maternal Child Health Home visits for the Department of Health 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 Contractor a negotiated reimbursement rate for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480228.0070.101000 (fees for service) and 480293.0070.101000 (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.

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Mather).

RESOLUTION NO. 355

By Economic Development and Planning and Finance Committees Seconded by Mr. Hutchings
**RESOLUTION AUTHORIZING ACCEPTANCE OF LEGISLATIVE MEMBER INITIATIVE-
COURTHOUSE PLAZA FUNDING FOR THE DEPARTMENT OF PLANNING AND
ECONOMIC DEVELOPMENT FOR 2008-2009**

WHEREAS, the Commissioner of Planning and Economic Development requests authorization to accept Legislative Member Initiative-Courthouse Plaza funding in the amount of \$20,000 for the period April 1, 2008 through July 31, 2009, and

WHEREAS, said funding will be used for benches, tables with seating, planters and trash receptacles in the common area on the Courthouse Plaza, and

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$20,000 from the Department of State, 1 Commerce Plaza, 99 Washington Ave. Albany, New York 12231-0001 for the Department of Planning and Economic Development for the period April 1, 2008 through July 31, 2009, 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 (including the Budget Director, Comptroller and/or Commissioner of Finance) is hereby authorized to make any transfers of funds required within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Mather).

RESOLUTION NO. 356

By Finance Committee

Seconded by Mr. Hutchings

RESOLUTION AUTHORIZING THE ABOLISHMENT OF THE BICENTENNIAL FUND ACCOUNT AND TRANSFERRING THE REMAINING FUNDS TO THE ETHNIC FESTIVAL TRUST ACCOUNT

WHEREAS, the County Executive requests that the Bicentennial fund GL 525-525059 be closed and the funds transferred to the Broome County Ethnic Festival trust account GL 525-525067, now, therefore be it

RESOLVED, that this County Legislature hereby authorizes the abolishment of Bicentennial fund GL 525-525059 and the transfer of remaining funds to the Broome County Ethnic Festival trust account GL 525-525067, and be it

FURTHER RESOLVED, that the County Executive, the Commissioner of Finance, Director of Budget and the County Comptroller are hereby authorized and directed to take any and all necessary steps required to effectuate the intent and purpose of this resolution.

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Mather).

RESOLUTION NO.357

By Finance Committee

Seconded by Mr. Hutchings

RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH LEGAL AID SOCIETY OF MID NEW YORK, INC. FOR LEGAL SERVICES FOR THE DEPARTMENT OF AUDIT AND CONTROL FOR 2008-2009

WHEREAS, this County Legislature, by Resolution 750 of 2007, authorized an agreement with Legal Aid Society of Mid New York, Inc., for legal services for the Department of Audit and Control at the rate of \$40 per hour for paralegals, \$60 per hour for attorneys and reimbursement of costs for expert fees, as approved by the court, not to exceed \$10,000, over the term of the contract, for a total amount not to exceed \$600,000 per year for the period January 1, 2008 through December 31, 2009, and

WHEREAS, said agreement is necessary to provide mandated legal defense services in Broome County Family Court for residents of Broome County who are indigent and cannot afford legal counsel, and

WHEREAS, it is necessary to authorize the amendment of said agreement to amend the amount not to exceed to \$600,000 per year, total amount not to exceed \$1,200,000 for the term of the agreement, and

WHEREAS, the Comptroller 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 Legal Aid Society of Mid New York Inc., 255 Genesee Street, Utica, New York 13501 to amend the amount not to exceed to \$600,000 per year, total amount not to exceed \$1,200,000, for the period January 1, 2008 through December 31, 2009, and be it

FURTHER RESOLVED, that Resolution 750 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 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-17, Nays-0, Absent-2 (Reynolds, Mather).

RESOLUTION NO. 358

By Education, Culture and Recreation and Finance Committees Seconded by Mr. Hutchings
**RESOLUTION AUTHORIZING AMENDMENT TO THE LEASE AGREEMENT/PERMIT WITH
NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR OTSININGO PARK**

WHEREAS, this County Legislature, by Resolution 325 of 1997 authorized renewal of an agreement with New York State Department of Transportation for Otsiningo Park at no cost to the County, and

WHEREAS, said agreement is for Otsiningo Park, including the former Exit #5 New York State Department of Transportation rest stop and river walkway, and

WHEREAS, it is necessary to authorize an agreement to include construction of a multi-use path for the benefit of the general public beginning at a point on an existing trail inside Otsiningo Park already the subject of D.O.T. Permit number 90112, extending under the Bevier Street Bridge, then running parallel to Bevier Street and terminating on Front Street at a point south of the intersection with Bevier Street and for no other purpose whatsoever, and

WHEREAS, the Interim Commissioner of Public Works has requested authorization for said agreement as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with New York State Department of Transportation, Real Estate Division, 44 Hawley Street, Binghamton, New York 13901 to include construction of a multi-use path for the benefit of the general public beginning at a point on an existing trail inside Otsiningo Park already the subject of D.O.T. Permit number 90112, extending under the Bevier Street Bridge, then running parallel to Bevier Street and terminating on Front Street at a point south of the intersection with Bevier Street and for no other purpose whatsoever, at no cost to the County, and be it

FURTHER RESOLVED, that Resolution 325 of 1997, 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-17, Nays-0, Absent-2 (Reynolds, Mather).

RESOLUTION NO. 359

By Transportation and Rural Development and Finance Committees Seconded by Mr. Hutchings
**RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH MCFARLAND
JOHNSON, INC. FOR CONSULTING SERVICES TO UPDATE THE MASTER PLAN FOR THE
GREATER BINGHAMTON AIRPORT**

WHEREAS, this County Legislature, by Resolution 353 of 2006, as amended by Resolutions 449 of 2007 and 41 of 2008, authorized an agreement with McFarland-Johnson, Inc. for consulting services at an amount not to exceed \$249,223 for the period August 1, 2006 through May 31, 2008, and

WHEREAS, said agreement provides consulting services to update the Greater Binghamton Airport Master Plan to include a review of the airport's goals and objectives, activity forecasts, capacity analysis, future airport requirements, and airfield study, security and land side issues, and

WHEREAS, it is necessary to authorize an amendment to said agreement to extend the period to August 1, 2006 through August 31, 2008, at no additional cost to the County, and

WHEREAS, the Commissioner of Aviation has requested authorization for said amendment as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with McFarland Johnson, Inc., 49 Court Street, PO Box 1980, Binghamton, New York 13902 to extend the period to August 1, 2006 through August 31, 2008, at no additional cost to the County for the completion of the Airport Master Plan Update, and be it

FURTHER RESOLVED, that Resolutions 353 of 2006, 449 of 2007 and 41 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-17, Nays-0, Absent-2 (Reynolds, Mather).

RESOLUTION NO. 360

By Transportation and Rural Development and Finance Committees Seconded by Mr. Hutchings
RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH MCFARLAND JOHNSON, INC. FOR CONSTRUCTION OBSERVATION SERVICES FOR THE DEPARTMENT OF AVIATION FOR 2007-2008

WHEREAS, this County Legislature, by Resolution 405 of 2007, authorized an agreement with McFarland Johnson, Inc., for construction observation services at a cost not to exceed \$134,819 for the period June 20, 2007 through June 1, 2008, and

WHEREAS, said agreement is necessary for construction observation and administrative duties specific to the Airport Parking Lot Improvement Project, and

WHEREAS, it is necessary to authorize the amendment of said agreement to extend the period to June 20, 2007 through August 31, 2008, at no additional cost to the County, and

WHEREAS, the Commissioner of Aviation has requested authorization for said amendment as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with McFarland Johnson, Inc., 49 Court Street, PO Box 1980, Binghamton, New York 13902 to extend the period to June 20, 2007 through August 31, 2008, at no additional cost to the County, and be it

FURTHER RESOLVED, that Resolution 405 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 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-17, Nays-0, Absent-2 (Reynolds, Mather).

RESOLUTION NO. 361

By Transportation and Rural Development and Finance Committees Seconded by Mr. Hutchings
RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH MCFARLAND JOHNSON, INC. FOR PROFESSIONAL SERVICES FOR THE DEPARTMENT OF AVIATION FOR 2007-2008

WHEREAS, this County Legislature, by Resolution 273 of 2007, authorized an agreement with McFarland Johnson, Inc., for professional services for the Department of Aviation at a cost not to exceed \$285,000 for the period June 1, 2007 through March 31, 2008, and

WHEREAS, said agreement is necessary to design the scope of work for the Airport Taxiway Improvement Project, and

WHEREAS, it is necessary to authorize the amendment of said agreement to extend the period to June 1, 2007 through August 31, 2008 to complete the bidding and award process, at no additional cost to the County, and

WHEREAS, the Commissioner of Transportation 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 McFarland Johnson, Inc., 49 Court Street, PO Box 1980, Binghamton, New York 13902 to extend the period to June 1, 2007 through August 31, 2008, at no additional cost to the County, and be it

FURTHER RESOLVED, that Resolution 273 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 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-17, Nays-0, Absent-2 (Reynolds, Mather).

RESOLUTION NO. 362

By Transportation and Rural Development and Finance Committees Seconded by Mr. Hutchings
RESOLUTION AUTHORIZING AN AGREEMENT WITH MCFARLAND JOHNSON FOR AN AIRPORT STORMWATER MANAGEMENT PLAN FOR THE DEPARTMENT OF AVIATION FOR 2008-2009

WHEREAS, the Commissioner of Aviation requests authorization for an agreement with McFarland Johnson for an Airport Stormwater Management Plan for the Department of Aviation at a cost not to exceed \$130,000, for the period August 1, 2008 through October 31, 2009, and

WHEREAS, said agreement is necessary to provide an overview of the existing airport infrastructure as it relates to utilities, landside development, stormwater, and environmental concepts, including a Drainage Master Plan, 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 an Airport Stormwater Management Plan for the Department of Aviation for the period August 1, 2008 through October 31, 2009, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$130,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 211012.4747.502394 (Other Fees for 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-17, Nays-0, Absent-2 (Reynolds, Mather).

RESOLUTION NO. 363

By Education, Culture and Recreation and Finance Committees Seconded by Mr. Hutchings
RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH 3M LIBRARY SYSTEMS FOR SOFTWARE MAINTENANCE FOR THE BROOME COUNTY PUBLIC LIBRARY FOR 2007-2008

WHEREAS, this County Legislature, by Resolution 142 of 2007, authorized renewal of the agreement with 3M Library Systems for software maintenance for the Broome County Public Library at a cost \$22,738, for the period April 6, 2007 through April 5, 2008, and

WHEREAS, said agreement is necessary to provide maintenance on the filtering internet/vend card system, and

WHEREAS, beginning June 1, 2008, the services provided by 3M under said agreement are being provided by a different vendor, and

WHEREAS, it is necessary to authorize the amendment of said agreement to extend the period to April 6, 2007 through May 31, 2008, and increase the not to exceed amount by \$3,410.67, to pay for services rendered in April and May of 2008, and

WHEREAS, the Director of the Broome County Public Library 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 3M Library Systems, PO Box 33900, St. Paul, Minnesota 55133-3682 to extend the period to April 6, 2007 through May 31, 2008, and increase the not to exceed amount by \$3,410.67, for software maintenance for the Broome County Public Library, and be it

FURTHER RESOLVED, that the payments hereinbefore authorized shall be made from budget line 841007.4359.304111 (Computer Software and Supplies), and be it

FURTHER RESOLVED, that Resolution 142 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.

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Mather).

RESOLUTION NO. 364

By Health and Human Services, Personnel and Finance Committees Seconded by Mr. Hutchings
RESOLUTION AUTHORIZING RENEWAL OF THE PUBLIC HEALTH PREPAREDNESS AND RESPONSE TO BIOTERRORISM PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2008-2009

WHEREAS, this County Legislature, by Resolution 427 of 2007, as amended by Resolution 700 of 2007, authorized and approved renewal of the Public Health Preparedness and Response to Bioterrorism Program Grant for the Department of Health and adopted a program budget in the amount of \$172,367 for the period August 31, 2007 through August 9, 2008, and

WHEREAS, said program grant provides the means to develop response plans to address all forms of communicable disease outbreaks and terrorist threats, including biological, chemical and radiological, and includes staffing and development of a redundant communication and technology infrastructure, and

WHEREAS, it is desired to renew said program grant in the amount of \$200,536 for the period August 10, 2008 through August 9, 2009, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$200,536 from the New York State Department of Health, Office of Science Grants Administration Unit, David Axelrod Institute, Room 2085H, P.O. Box 22002, Albany, New York 12201-2002, for the Department of Health's Public Health Preparedness and Response to Bioterrorism Program Grant for the period August 10, 2008 through August 9, 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 \$200,536, 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) is hereby authorized to make any transfers of funds required within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Mather).

RESOLUTION NO. 365

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

Seconded by Mr. Herz

RESOLUTION AMENDING THE 2007 CAPITAL IMPROVEMENT PROGRAM TO REPLACE THE ARENA WINDOW WALL AT NORTH CONCOURSE PROJECT

RESOLVED, that the 2007 Capital Improvement Program is hereby revised as follows:

FROM:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>			<u>County</u>
			<u>State</u>	<u>Federal/Other</u>		
50150	Replace Arena Window	\$500,000	\$0	\$0		\$500,000
5	Wall at N. Concourse					

<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>	
2007	25	32	\$500,000	0	

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>			<u>County</u>
			<u>State</u>	<u>Federal/Other</u>		
50150	Replace Arena	\$920,000	\$193,875	\$581,625		\$144,500
5	Window Wall at N. Concourse					

<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>	
2007	25	11(b)	\$920,000	0	

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-15, Nays-2 (Shafer, Marinich), Absent-2 (Reynolds, Mather).

RESOLUTION NO. 366

By Finance, Public Works and Transportation and Rural Development Committees

Seconded by Mr. Shafer

RESOLUTION AMENDING THE 2008 CAPITAL IMPROVEMENT PROGRAM FOR THE TAXIWAY REHABILITATION-CONSTRUCTION PROJECT FOR THE DEPARTMENT OF AVIATION

RESOLVED, that the 2008 Capital Improvement Program is hereby revised as follows:
FROM:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>		<u>County</u>
			<u>State</u>	<u>Federal/Other</u>	
5015 18	Taxiway Rehab- Construction	3,000,000	63,487	2,475,987	460,526*

<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	10	14	3,000,000	0	

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>		<u>County</u>
			<u>State</u>	<u>Federal/Other</u>	
5015 18	Taxiway Rehab- Construction	8,568,807	206,607	7,901,674	460,526*

<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	10	14	8,568,807	0	

*County's portion funded by PFC funds
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-17, Nays-0, Absent-2 (Reynolds, Mather).

RESOLUTION NO. 367

By Finance, Personnel and Health and Human Services Committees Seconded by Mr. Hutchings

RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR DEPARTMENT OF HEALTH

RESOLVED, that in accordance with a request from the Director of Public Health, in order to maximize funds for Early Intervention Administration, as requested by BF# 6914, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Subobject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	480376	1000	105349	Salaries-Full Time	\$ 5,250
	480376	1500	105349	Salaries-Part-Time	\$18,762
	480376	8010	105349	State Retirement	\$ 142
	480376	8040	105349	Workers Compensation	\$ 55
TO:	480376	1600	105349	Temporary Help Line	\$10,798
	480376	4319	105349	Office Supplies	\$ 4,284
	480376	4359	105349	Computer Software & Supp.	\$ 3,556
	480376	4606	105349	Telephone Charges	\$ 1,013
	480376	4617	105349	Dup/Printing Chargeback	\$ 3,000
	480376	8030	105349	Social Security	\$ 412
	480376	8060	105349	Health Insurance	\$ 1,135
	480376	8063	105349	Disability	\$ 11

and be it

FURTHER RESOLVED, that in accordance with a request from the Director of Public Health, in order to maximize funds for Children with Special Health Care Needs, as requested by BF# 6913, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Subobject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	480376	4606	105348	Telephone Chargeback	\$ 350
	480376	8010	105348	State Retirement	\$ 256
	480376	8030	105348	Social Security	\$ 45
	480376	8060	105348	Health Insurance	\$ 649
TO:	480376	1500	105348	Salaries, Part-Time	\$ 87
	480376	4319	105348	Office Supplies	\$ 330
	480376	4359	105348	Computer Software & Sup	\$ 179
	480376	4449	105348	Other Oper Expenses	\$ 350
	480376	4617	105348	Dup/Printing Chargeback	\$ 350
	480376	8040	105348	Workers Compensation	\$ 4

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Mather).

RESOLUTION NO. 368

By Economic Development and Planning and Finance Committees Seconded by Mr. Hutchings
RESOLUTION AUTHORIZING ACCEPTANCE OF A WORKFORCE INVESTMENT ACT TITLE IB STATEWIDE ACTIVITIES-E-LEARNING PROGRAM GRANT FOR THE OFFICE OF EMPLOYMENT AND TRAINING AND ADOPTING A PROGRAM BUDGET FOR 2008

WHEREAS, the Director of Employment and Training requests authorization to accept a Workforce Investment Act Title IB Statewide Activities-E-Learning Program Grant and adopt a program budget in the amount of \$50,000 for the period June 19, 2008 through July 31, 2008, and

WHEREAS, said program grant provides for a skills assessment and e-learning tool offering 1200 licenses to be used by clients at Broome Tioga Workforce New York, and

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$50,000 from the New York State Department of Labor, W. Averell Harriman State Office Campus, Building 12, Room 450, Albany, New York 12240 for the Office of Employment and Training's Workforce Investment Act Title IB Statewide Activities-E-Learning Program Grant for the period June 19, 2008 through July 31, 2008, 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 \$50,000, 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) is hereby authorized to make any transfers of funds required within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Mather).

RESOLUTION NO. 369

By County Administration and Public Works Committees

Seconded by Mr. Shafer

RESOLUTION ADOPTING LOCAL LAW INTRO 8 of 2008, ENTITLED "A LOCAL LAW AMENDING THE BROOME COUNTY CHARTER AND ADMINISTRATIVE CODE TO ADD A DIVISION OF DRAINAGE, SANITATION AND WATER SUPPLY TO THE DEPARTMENT OF PUBLIC WORKS

RESOLVED, that Local Law Intro No. 8 of 2008, entitled: "A Local Law Amending the Broome County Charter and Administrative Code to Add a Division of Drainage, Sanitation and Water Supply to the Department of Public Works," be and the same hereby is adopted and approved in accordance with the Broome County Charter and the applicable statutes and laws pertaining thereto.

LOCAL LAW INTRO. NO. 8 of 2008

A LOCAL LAW AMENDING THE BROOME COUNTY CHARTER AND ADMINISTRATIVE CODE TO ADD A DIVISION OF DRAINAGE, SANITATION AND WATER SUPPLY TO THE DEPARTMENT OF PUBLIC WORKS

BE IT ENACTED as follows:

SECTION 1. Section C903 of the Broome County Charter is hereby amended to read as follows:

§C903. Divisions of Department.

There shall be within the Department of Public Works the following divisions: the Division of Highways, the Division of Buildings and Grounds, the Division of Engineering, the Division of Security, the Division of Solid Waste Management, the Division of Drainage, Sanitation and Water Supply and such other divisions as may be created within the Department by local law or resolution of the County Legislature. The Commissioner shall assign a deputy to each division who shall act for and on behalf of the Commissioner with respect to such division, as provided by the Administrative Code, local law or by directives of the Commissioner. Such division heads shall be subject to reassignment or transfer by the Commissioner to other duties within the Department, including the responsibility of being the head of more than one (1) division. The Commissioner may, when authorized by the County Executive, act as the head of any division in the Department. There shall be within the Division of Buildings and Grounds an Animal Control Branch which shall consist of the County Dog Warden and any personnel, equipment and facilities employed in connection with the county's animal control function. The Animal Control Branch shall be administered by the Dog Warden under the direction, jurisdiction and supervision of the Deputy Commissioner of Public Works for Buildings and Grounds, subject to the overall supervision of the Commissioner of Public Works. The Dog Warden shall be appointed by the County Executive pursuant to § C2405 of this Charter.

SECTION 2. The first paragraph of Section A904 of the Broome County Administrative Code is hereby amended to read as follows:

§A904. Organization of Department.

There shall be within the Department of Public Works the following Divisions: the Division of Highways, the Division of Buildings and Grounds, the Division of Engineering, the Division of Security, the Division of Solid Waste Management, the Division of Drainage, Sanitation and Water Supply and such other divisions as may be created within the Department by the County Legislature. The Commissioner shall assign a Deputy to each Division who shall act generally for and in place of the Commissioner. Such division heads shall be subject to reassignment, including the responsibility of being the head of more than one Division. The Commissioner may, when authorized by the County Executive, act as the head of any Division in the Department.

SECTION 3. Section A904 of the Broome County Administrative Code is hereby amended to add a new Subsection (F) to read as follows:

(F) Division of Drainage, Sanitation and Water Supply. The Division of Drainage, Sanitation and Water Supply shall be headed by a Deputy Commissioner, who shall be appointed on the basis of his or her administrative experience and qualifications for the office. The Deputy Commissioner shall:

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- (1) Have charge of facilities for County drainage, sewage and water supply.
 - (2) Have the management and control of certain County special districts including, but not limited to, County water, water quality treatment, water supply, sewer, wastewater disposal and drainage districts.
 - (3) Be responsible for, and coordinate maintenance of completed structures and other duties in connection with small watershed flood protection projects in Broome County.

SECTION 4. This Local Law shall become effective after a public hearing before and the approval of the Broome County Executive and upon filing with the Secretary of State.

[bracketed material is deleted]

Underlined material is added

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Mather).

RESOLUTION NO. 370

By Finance and Personnel Committees

Seconded by Mr. Hutchings

RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH RMSCO INC.FOR ADMINISTRATION OF THE COUNTY'S HEALTH INSURANCE AND FLEXIBLE BENEFIT PLANS FOR THE OFFICE OF RISK AND INSURANCE

WHEREAS, this County Legislature, by Resolution 557 of 2006, authorized an agreement with RMSCO, Inc., for administration of the County's Health Insurance and Flexible Benefit Plans for the Office of Risk and Insurance at a cost not to exceed \$18.40 per member, per month for health plans; \$3.75 flexible medical per member, per month; and \$3.75 flexible dependent care, per member, per month, for the period January 1, 2007 through December 31, 2011, and

WHEREAS, Resolution 230 of 2007, amended the agreement with RMSCO to increase the not to exceed amount by \$6,500 to create a plan document for two HMO model self-insured plans for the period January 1, 2007 through December 31, 2011, and

WHEREAS, it is necessary to authorize the amendment of said agreement to increase the not to exceed amount by \$8,394.05 to create an Advantage Plan document and a special request ID Card, and

WHEREAS, the Manager of Risk and Insurance has requested authorization for said amendments as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with RMSCO, Inc., 115 Continuum Drive, Liverpool, New York 13088 to increase the not to exceed amount by \$8,394.05 to create an Advantage Plan document and a special request ID Card for the Office of Risk and Insurance 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 additional \$8,394.05, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 050005.4743.252000 (Claims Administration), and be it

FURTHER RESOLVED, that Resolutions 557 of 2006 and 230 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.

RESOLUTION NO. 371

By Personnel and Finance Committees

Seconded by Mr. Shafer

RESOLUTION AUTHORIZING A LABOR AGREEMENT WITH AFSCME LOCAL 2012, SECURITY AND LAW ENFORCEMENT COUNCIL 82, AFL-CIO, FOR 2007-2010

WHEREAS, the County of Broome, under the provisions of the Civil Service Law (Taylor Law), has heretofore recognized AFSCME Local 2012, Security and Law Enforcement Council 82, AFL-CIO, as an employee organization for those certain Broome County employees represented by said Union, and

WHEREAS, this County Legislature, by Resolution 71 of 2004, authorized a written agreement with the AFSCME Local 2012, Security and Law Enforcement Council 82, AFL-CIO, setting forth the terms and conditions of employment for those employees represented by said Union for the period January 1, 2004 through December 31, 2006, and

WHEREAS, a tentative agreement has been reached with AFSCME Local 2012, Security and Law Enforcement Council 82, AFL-CIO, for the period January 1, 2007 through December 31, 2010, and

WHEREAS, it is desired at this time to renew said labor agreement on the terms and conditions set forth in the Memorandum of Agreement on file with the Clerk of this Legislature, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with AFSCME Local 2012, Security and Law Enforcement Council 82, AFL-CIO, setting forth the terms and conditions of employment for those employees represented by said Union for the period January 1, 2007 through December 31, 2010, and be it

FURTHER RESOLVED, that said agreement shall be upon substantially similar terms and conditions as the 2004 to 2007 written labor agreement with the exception of those changes listed on Exhibit "A" attached hereto, 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.

Held over by Mr. Whalen

RESOLUTION NO. 372

By Public Works and Finance Committees

Seconded by Mr. Cleary

RESOLUTION AUTHORIZING AN AGREEMENT WITH SHUMAKER CONSULTING ENGINEERING & LAND SURVEYING, PC FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS FOR 2008-2009

WHEREAS, this County Legislature by Resolution 805 of 2007 authorized the amendment to the 2008 Capital Improvement Program to create the Hooper Road Turning Lane & Signal Upgrade Project, and

WHEREAS, this County Legislature, by Resolution 806 of 2007, authorized an intermunicipal agreement with the Town of Union in connection with the construction of a turning lane and traffic signal improvements on Hooper Road, and

WHEREAS, the Commissioner of Public Works requests authorization for an agreement with Shumaker Consulting Engineering & Land Surveying, PC for professional engineering services for the Department of Public Works at a cost not to exceed \$92,750, for the period July 17, 2008 through December 31, 2009, and

WHEREAS, said agreement is necessary for professional engineering design services and construction inspection services for a right turn lane at the northwest corner of Hooper and Country Club Roads and for the signal light improvements at the intersection of Hooper and Country Club Roads and Hooper and Farm to Market Roads, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Shumaker Consulting Engineering & Land Surveying PC for professional engineering services for the Department of Public Works for the period July 17, 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 \$92,750 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 035030.4746.502392 (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-17, Nays-0, Absent-2 (Reynolds, Mather).

Mr. Howard made a motion to adjourn, seconded by Mr. Cleary. **Motion to adjourn Carried**, Ayes-17, Nays-0, Absent-2 (Reynolds, Mather). The meeting was adjourned at 6:35 p.m.

