

**BROOME COUNTY LEGISLATURE
REGULAR SESSION
THURSDAY, OCTOBER 21, 1993**

The Legislature convened at 4:00 p.m. with a call to order by the Chairman, Arthur J. Shafer.

The Clerk, Richard R. Blythe, read the fire exit announcement and then called the Attendance roll: Present-18, Absent-1 (Pasquale).

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

Mr. Burger moved, seconded by Mr. Pazzaglini that the minutes of the September 23, 1993, September 27, 1993, October 1, 1993, October 1, 1993 Session be approved as prepared and as presented by the Clerk.

Carried. Ayes-18, Nays-0, Absent-1 (Pasquale).

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

COMMUNICATIONS:

1.Minutes from:

- a.Cornell Cooperative Extension.
- b.Public Library.
- c.Willow Point Nursing Facility.
- d.EMC Land Use/Natural Resources Committee.
- e.EMC Ad Hoc Committee on Composting.
- f.EMC Solid Waste Committee.

2.Results of 1993 Primary Election in Broome County.

3.Resolution from Tompkins County (Resolution of Respect-Edwin L. Crawford).

4.1994 Proposed Broome County Budget: Copy of letter from Chairman of Fire Advisory Board supporting preservation of Office of Emergency Services.

5.Letter from Harry Carlson, Liverpool, NY. regarding Landfill Siting Process (objection to consideration of Windsor sites).

6.Copy of letter from Thomas D. Foulke (resignation from Traffic Safety Board).

7.Letter from Town of Union Attorney, Richard F. Place, concerning

chargeback of election expenses.

8. Letter from Colin E. Williams regarding 1994 proposed Broome County Budget.

REPORTS:

1. Quarterly Report of Pending Projects from Department of Public Works.
2. Department of Audit and Control: Audit of Alcoholism Center of Broome County, Inc.; Petty Cash Audits (12 departments).

Mr. Lindsey moved, seconded by Mrs. Coffey to receive and file the above noted reports and to publish any pertinent portions thereof in the 1992 Journal of Proceedings. **Carried.**

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY LEGISLATURE

Letters from the Chairman, Arthur J. Shafer:

1. Appointing Audrey Taylor as voting representative for Andrew Kavulich, Personnel Committee, October 4, 1993.
2. Appointing Louis P. Augustini as Chair and Michael P. Pazzaglini as voting representative for Wayne L. Howard, Environment Committee, October 12, 1993.
3. Appointing Mark R. Whalen as voting representative for Vincent A. Pasquale, Education, Culture and Recreation Committee, October 13, 1993.

The following resolutions (93-351, 93-372 & 93-408) were **recalled** for the purpose of making technical corrections by the Hon. Louis Augustini

RESOLUTION NO. 351 by Finance Committee approving sale of in rem foreclosure properties to former owners.

Mr. Augustini moved, seconded by Mrs. Hudak to **recall** this resolution.

The recall **Carried.** Ayes-18, Nays-0, Absent-1 (Pasquale).

Mr. Augustini moved, seconded by Mr. Malley to **amend** the resolution.

To read: The Property identified as Union 3-G8-K-2X should have read Louis N. Picciano and also Marie R. Picciano

The Properties identified as Windsor 15-4-B-164, 165, 166 and 167 should have read Jerry N. Carlin and Joyce E. Carlin

The **amendment Carried.** Ayes-18, Nays-0, Absent-1 (Pasquale).

Resolution **as amended carried.** Ayes-18, Nays-0, Absent-1 (Pasquale).

RESOLUTION NO. 372 by Finance Committee approving sale of 1989 in rem foreclosure properties to former owners.

Mr. Augustini moved, seconded by Mrs. Coffey to **recall** this resolution.

The recall **Carried.** Ayes-18, Nays-0, Absent-1 (Pasquale).

Mr. Augustini moved, seconded by Mrs. Coffey to **amend** the resolution.

To read: The Properties should have listed just Mary Knapton's name - not Roger and Mary. They are: Union 2K5-76, Union 2K5-A-233, & Union 2-K5-182-26

The **amendment Carried.** Ayes-18, Nays-0, Absent-1 (Pasquale).

Resolution **as amended carried.** Ayes-18, Nays-0, Absent-1 (Pasquale).

RESOLUTION NO. 408 by Finance Committee authorizing removal of certain parcels from the 1990 in rem foreclosure.

Mr. Augustini moved, seconded by Mrs. Coffey to **recall** this resolution.

The recall **Carried.** Ayes-18, Nays-0, Absent-1 (Pasquale).

Mr. Augustini moved, seconded by Mrs. Coffey to **amend** the resolution.

To read: Add to the list of parcels to be removed from the 1990 In Rem Foreclosure the following:

<u>Town</u>	<u>Parcel</u>	<u>Owner</u>	<u>Reason</u>
Union Bankruptcy	2-H6-A358	Roma, John R. 321 Sky Island Dr. Endicott, NY 13760	
Maine	10-31	Farr, Clifford L. Farr, Carol A.	Bankruptcy

The **amendment Carried.** Ayes-18, Nays-0, Absent-1 (Pasquale).

Resolution **as amended carried.** Ayes-18, Nays-0, Absent-1 (Pasquale).

The following resolutions **heldover** from the previous regular session of September 23, 1993 was again presented for consideration.

RESOLUTION NO. 439 by Environment Committee heldover by Mr. Brown

RESOLUTION ADOPTING THE SCOPE OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED BROOME COUNTY COMPOSTING FACILITY

Mr. Brown moved, seconded by Mrs. Wagstaff to **amend** the resolution.

PROPOSED AMENDMENT RESOLUTION 93-439

In the fourth "WHEREAS", delete the words "now therefore be it" and substitute the following:

"and,

WHEREAS, the NYS Department of Environmental Conservation (DEC) in its letter dated July 26, 1993 modified Nanticoke Landfill Permit Condition #104 to require approval by the Federal Aviation Administration (FAA) of the compost facility site prior to completion of the SEQR process, and

WHEREAS, Order 5200.5A dated January 1, 1990 from the FAA considers certain waste disposal facilities within a 5 mile radius of a runway end to be incompatible with airport operations and subject to review by the FAA, and

WHEREAS, in its letter dated October 5, 1993, the FAA unequivocally directs Broome County to close the Nanticoke Landfill no later than March 22, 1996 and

WHEREAS, Broome County to date has failed to submit any documentation to the FAA requesting review or approval of either the composting facility or a proposed new landfill, both planned for locations within 5 miles of the

runway end at the Binghamton Regional Airport, now, therefore, be it"

ALSO, delete the "FURTHER RESOLVED" paragraph in its entirety and substitute the following

"FURTHER RESOLVED, that the Division of Solid Waste Management is directed to immediately submit all site plans, drawings, specifications, permit requests and other appropriate documents for siting the proposed compost facility and new landfill to the FAA for review and approval, and be it

FURTHER RESOLVED, that all other activities relative to siting, designing or constructing a composting facility or landfill within 5 miles of the Binghamton Regional Airport immediately cease until approval is received from both the FAA and DEC to site any proposed solid wasted facility in that zone, and be it

FURTHER RESOLVED, that the SEQR process relative to compost facilities and landfills within 5 miles of the Binghamton Regional Airport be temporarily suspended until all such approvals are received, and be it

FURTHER RESOLVED, that the Division of Solid Waste Management is directed to stop all expenditures of funds for siting, designing or constructing any composting or landfill facilities within 5 miles of said airport until all approvals have been received from both the FAA and DEC."

AND, In the title of the Resolution, add the words, "SUBJECT TO RECEIPT OF APPROVALS FROM THE FEDERAL AVIATION ADMINISTRATION AND THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION"

Mr. Howard moved, seconded by Mrs. Wagstaff to **table** the resolution.

Tabled.

Ayes-14, Nays-4 (Augustini, Brown, Hudak, Schofield), Absent-1 (Pasquale).

LEGISLATIVE NOTE: Should this resolution be brought off the table, the amendment will still be an item before the Legislature for consideration.

RESOLUTION NO. 444 by County Administration, Economic Development, Planning, Environment and Finance Committees heldover by Mr. Howard.

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 11, 1993, ENTITLED "A LOCAL LAW AMENDING LOCAL LAW NO. 5, 1985, LOCAL LAW NO. 10, 1986, LOCAL LAW NO. 2, 1988, LOCAL LAW NO. 15, 1989, LOCAL LAW NO. 15, 1990, LOCAL LAW NO. 1, 1992, AS AMENDED, MODIFYING CHARGES AT COUNTY LANDFILLS

Mr. Howard moved, seconded by Mr. Warner to **table** the resolution.

Tabled. Ayes-18, Nays-0, Absent-1 (Pasquale).

RESOLUTION NO. 447 by Environment Committee heldover by Mr. Brown

RESOLUTION DIRECTING INITIATION OF ENVIRONMENTAL REVIEW OF PROPOSED AMENDMENT TO LOCAL LAW MODIFYING CHARGES AT COUNTY LANDFILLS AND RENDERING "NEGATIVE DECLARATION" WITH RESPECT THERETO.

Mr. Brown moved, seconded by Mrs. Hudak to **table** the resolution.

Tabled. Ayes-18, Nays-0, Absent-1 (Pasquale).

RESOLUTION NO. 449 by Education, Culture & Recreation and Finance Committees heldover by Mr. Lindsey

RESOLUTION REQUIRING A ONE DOLLAR SURCHARGE ON TICKETS TO ARENA AND FORUM EVENTS

Mr. Lindsey moved, seconded by Mr. Burger to **table** the resolution.

Tabled. Ayes-18, Nays-0, Absent-1 (Pasquale).

Several resolutions were taken out of order, however for the sake of clarity, all resolutions are presented in numerical order. The preferred agenda was presented and seconded by Mr. Malley.

RESOLUTION NO. 455

by Public Works and Finance Committees

Seconded by Mr. Pazzaglini

RESOLUTION AMENDING 1991 CAPITAL IMPROVEMENT PROGRAM

RESOLVED, that the 1991 Capital Improvement Program is amended as follows:

FROM:

Estimated Construction Costs

<u>Code</u>	<u>Project Number</u>	<u>Total</u>	<u>State</u>	<u>Federal</u>	<u>County</u>
Z-97	Capital Project Management Systems				\$500,000

How Financed

<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current Revenue</u>
1991	5	475,000	\$25,000

TO:

<u>Code</u>	<u>Project Number</u>	<u>Total</u>	<u>State</u>	<u>Federal</u>	<u>County</u>
Z-97	Capital Project Management Systems			\$225,000	

How Financed

<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current Revenue</u>
1991	5	225,000	

Carried. Ayes-18, Nays-0, Absent-1 (Pasquale).

RESOLUTION NO. 456

by Health and Human Services and Finance Committees

Seconded by Mr. Malley

RESOLUTION ESTABLISHING FEE SCHEDULE FOR THE HOME HEALTH SERVICES AND CLINICS FOR THE DEPARTMENT OF HEALTH FOR 1994.

RESOLVED, that the following fee schedule is hereby authorized and adopted for the Department of Health Home Health Services and Clinics for

calendar year 1994.

**BROOME COUNTY HEALTH DEPARTMENT
PROPOSED FEES FOR 1994
CERTIFIED HOME HEALTH AGENCY PROGRAM**

	1993	1994
	<u>CURRENT FEES</u>	<u>PROPOSED FEES</u>
Nursing	\$ 85.00/visit	\$ 85.00/visit
Medical Social Services	85.00/visit	90.00/visit
Occupational Therapy	75.00/visit	90.00/visit
Physical Therapy	85.00/visit	80.00/visit
Speech Therapy	100.00/visit	100.00/visit
Home Health Aide	35.00/1st hr. plus 25.00 each add'l hr.	35.00/1st hr. plus 25.00 each add'l hr.
Durable Medical Equipment and Supplies	at cost	at cost

LONG TERM HOME HEALTH CARE PROGRAM

Nursing	\$ 75.00/visit	\$ 75.00/visit
Physical Therapy	85.00/visit	85.00/visit
Speech Therapy	85.00/visit	85.00/visit
Occupational Therapy	85.00/visit	85.00/visit
Medical Social Services	85.00/visit	85.00/visit
Nutritionist	85.00/visit	85.00/visit
Respiratory Therapy	65.00/visit	65.00/visit
Home Health Aide	35.00/1st hr. plus 25.00 each add'l hr.	35.00/1st hr. plus 25.00 each add'l hr.
Personal Care Aide/ Homemaker	30.00/1st hr. plus 25.00 each add'l hr.	30.00/1st hr. plus 25.00 each add'l hr.
Waivered Services	at cost	at cost
All Program Record Search	at cost	at cost

Heldover by Mr. Shafer

RESOLUTION NO. 457

by Public Works Committee
Seconded by Mr. Warner

RESOLUTION PROHIBITING FEASIBILITY CONSULTANTS FROM DOING DESIGN AND CONSTRUCTION WORK ON COUNTY PROJECTS

WHEREAS, the Broome County Legislature wishes to ensure that county projects are not automatically pursued as the result of feasibility studies, and

WHEREAS, the County Legislature deems it to be in the best interest of the county to insulate county projects by creating a barrier between feasibility consultants and design and construction consultants, now, therefore, be it

RESOLVED, it is the policy of this Legislature that all future feasibility studies performed by any group or association on behalf of the County of Broome, that said group of association shall be prohibited from doing design work or construction work in the event the County of Broome decides to move the project beyond the feasibility stage, and be it further

RESOLVED, that all departments shall communicate this policy to any and all groups or associations which seek to perform feasibility studies or related analysis for the County of Broome.

Carried. Ayes-14, Nays-4 (Burger, Coffey, Taylor, Whalen), Absent-1 (Pasquale).

RESOLUTION NO. 458

by Finance Committee
Seconded by Mrs. Coffey

RESOLUTION ADOPTING THE BROOME COUNTY BUDGET AND ESTABLISHING RATE OF COMPENSATION FOR NON-UNION ADMINISTRATIVE PERSONNEL FOR FISCAL YEAR 1994.

RESOLVED, that the tentative budget of the County of Broome, including the County's 1994 Capital Budget, as corrected and amended to \$ 230,530,050* be and hereby is adopted as the budget for the County of Broome, for the year commencing January 1, 1994 and ending December 31, 1994, and be it

FURTHER RESOLVED, that all non-union Administrative I and Administrative II personnel will receive no salary increase, no performance

increment, and no increase in longevity payment beyond the amount earned in 1993, and be it

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

Heldover by Mr. Shafer. (*Amount supplied by Budget Office 12-09-93 RRB)

RESOLUTION NO. 459

by Finance Committee

Seconded by Mrs. Coffey

RESOLUTION MAKING APPROPRIATIONS FOR THE CONDUCT OF THE BROOME COUNTY GOVERNMENT FOR FISCAL YEAR 1994.

WHEREAS, this County Legislature, by an accompanying Resolution of 1993, has adopted a budget for fiscal year 1994, now, therefore be it

RESOLVED, that the several amounts specified in such budget under the various categories and the various objects of expense in the 1994 tentative budget under the recommended column, unless a specific change or correction has been made in the same, in which case such change or corrected figure shall apply, shall be the amounts appropriated for such items, effective January 1, 1994, and be it

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

Heldover by Mr. Shafer.

RESOLUTION NO. 460

by Finance Committee

Seconded by Mrs. Coffey

RESOLUTION APPROVING THE 1994-1999 CAPITAL IMPROVEMENT PROGRAM.

RESOLVED, that the 1994 Capital Budget and the 1994-1999 Capital Improvement Program as accompanying the tentative budget for 1994, and as corrected and amended, is hereby approved and adopted as the 1994 Capital Budget and the 1994-1999 Capital Improvement Program for the County of Broome, and be it

FURTHER RESOLVED, that the use and expenditure of the County's funds for C-241 Aviation Equipment Replacement; C-242 Aviation Land Acquisition; E-271 Broome Community College Electrical Service Upgrade; Q-41 Para Transit Scheduling System; Q-56 Transit Coach Replacement; and G-344 Old Vestal Road Improvements shall be limited and contingent upon and subject to approval and commitment by the State of New York and the United States of aid funds for the appropriate projects, and be it

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

Heldover by Mr. Shafer.

RESOLUTION NO. 461

by County Administration, Economic Development and Planning, and Finance Committees

Seconded by Mrs. Coffey

A RESOLUTION REQUESTING THE NEW YORK STATE LEGISLATURE TO ADOPT APPROPRIATE LEGISLATION TO ENABLE THE COUNTY OF BROOME TO IMPOSE AND COLLECT TAXES ON MORTGAGES IN BROOME COUNTY.

WHEREAS, it is deemed desirable and necessary that the County of

Broome be authorized and empowered to adopt and amend local laws imposing in such county a tax in addition to any tax authorized and imposed pursuant to Article 11 of the Tax Law on mortgages on real property in Broome County, and

WHEREAS, it is proposed that the rate of such tax shall be twenty-five cents (\$0.25) per one hundred dollars (\$100.00) and each remaining major fraction thereof of principal debt or obligation which is, or under any contingency may be, secured at the date of execution thereof or at any time thereafter by such mortgage, which tax shall be dedicated to funding the Broome County Office for Aging, and

WHEREAS, it is necessary that the New York State Legislature pass and adopt appropriate legislation to enable the County of Broome to enact such local law for the imposition of such tax, and

WHEREAS, it is the understanding of this County Legislature that prior to the enactment of a Home Rule Request preparatory to the enactment of such state legislation, it is necessary that such proposed legislation be reviewed and assigned the appropriate Senate and Assembly introductory bill numbers, and that thereafter an appropriate Home Rule Request or Home Rule Message be adopted and transmitted by this County Legislature to the New York State Legislature, now, therefore, be it

RESOLVED, that this County Legislature hereby respectfully requests the New York State Legislature to consider enactment of appropriate legislation to enable the County of Broome to impose and collect taxes on mortgages on real property in Broome County in addition to any tax authorized and imposed pursuant to Article 11 of the Tax Law, such legislation to authorize that the rate of such tax shall be twenty-five cents (\$0.25) per one hundred dollars (\$100.00) and each remaining major fraction thereof of principal debt or obligation which is, or under any contingency may be, secured at the date of execution thereof or at any time thereafter by such mortgage, which tax shall be dedicated to funding the Broome County Office for Aging, which shall be substantially in the form attached hereto, and be it

FURTHER RESOLVED, that following review and introduction of said legislation in the Senate and Assembly of the State of New York, this County Legislature respectfully requests that the necessary information and

forms be forwarded to this County Legislature in order that an appropriate Home Rule Request can be acted upon by this body, and be it

FURTHER RESOLVED, that certified copies of this Resolution be forwarded by the Clerk of this Legislature to Senator Thomas Libous, Senator Ralph Marino, Senate Majority Leader, Assemblyman Richard Miller, Assemblyman Saul Weprin, Assembly Speaker, the Clerk of Assembly and the Clerk of Senate, with a request that those representatives in the State Legislature take the appropriate and necessary steps to process the legislation requested herein, and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately.

Recording tax imposed by the county of Broome

1. Broome county, acting through its local legislative body, is hereby authorized and empowered to adopt and amend local laws imposing in any such county, a tax of twenty-five cents for each one hundred dollars and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within such county and recorded on or after the date upon which such tax takes effect and a tax of twenty-five cents on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than one hundred dollars.

2. The taxes imposed under the authority of this section shall be administered and collected in the same manner as the taxes imposed under subdivision one of section two hundred fifty-three and paragraph (b) of subdivision one of section two hundred fifty-five of the Tax Law. Except as otherwise provided in this section, all the provisions of this article relating to or applicable to the administration and collection of the taxes imposed by such subdivisions shall apply to the taxes imposed under the authority of this section with such modifications as may be necessary to adapt such language to the tax so authorized. Such provisions shall apply with the same force and effect as if those provisions had been set forth in full in this section except to the extent that any provision is either inconsistent with a provision of this section or not relevant to the tax authorized by this section. For purposes of this section, any reference in this article to the tax or taxes imposed by this article shall be deemed to refer to a tax imposed pursuant to this section, and any reference to the phrase "within this state" shall be read as "within

Broome county", unless a different meaning is clearly required.

3. Where the real property covered by the mortgage subject to the tax imposed pursuant to the authority of this section is situated in this state but within and without a county imposing such tax, the amount of such tax due and payable to such county shall be determined in a manner similar to that prescribed in the first paragraph of section two hundred sixty of the Tax Law which concerns real property situated in two or more counties. Where such property is situated both within such county and without the state, the amount due and payable to such county shall be determined in the manner prescribed in the second paragraph of such section two hundred sixty which concerns property situated within and without the state. Where real property is situated within and without the county imposing such tax, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed pursuant to this section.

4. A tax imposed pursuant to the authority of this section shall be in addition to the taxes imposed by section two hundred fifty-three of the Tax Law.

5. Notwithstanding any provision of this article to the contrary, the balance of all moneys paid to the recording officer of the county of Broome during each month upon account of the tax imposed pursuant to the authority of this section, after deducting the necessary expenses of his office as provided in section two hundred sixty-two of the Tax Law, except taxes paid upon mortgages which under the provisions of this section or section two hundred sixty of the Tax Law are first to be apportioned by the commissioner of taxation and finance, shall be paid over by such officer on or before the tenth day of each succeeding month to the Commissioner of Finance of Broome county and, after the deduction by such Commissioner of Finance of the necessary expenses of his or her office provided in section two hundred sixty-two of the Tax Law shall be deposited in the general fund of such county for expenditure to fund the Broome County Office for Aging. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of this section or section two hundred sixty of the Tax Law are first to be apportioned by the Commissioner of Finance, shall be paid over by the recording officer receiving the same as provided by the determination of said commissioner.

6. Any local law imposing a tax pursuant to the authority of this

section or repealing or suspending such a tax shall take effect only on the first day of a calendar month. Such a local law shall not be effective unless a certified copy thereof is mailed by registered or certified mail to the commissioner of taxation and finance at the commissioner's office in Albany at least thirty days prior to the date the local law shall take effect.

7. Certified copies of any local law described in this section shall also be filed with the county clerk, the secretary of state and the state comptroller within five days after the date it is duly enacted.

Heldover by Mr. Shafer.

RESOLUTION NO. 462

by County Administration, Economic Development and Planning, and Finance Committees

Seconded by Mrs. Coffey

A RESOLUTION REQUESTING THE NEW YORK STATE LEGISLATURE TO ADOPT APPROPRIATE LEGISLATION TO ENABLE THE COUNTY OF BROOME TO IMPOSE AND COLLECT A TAX ON REAL PROPERTY TRANSFERS IN THE COUNTY OF BROOME

WHEREAS, it is deemed desirable and necessary that the County of Broome be authorized and empowered to adopt and amend local laws imposing in such county a tax in addition to any tax authorized and imposed on real property transfers in Broome County, and

WHEREAS, it is proposed that the rate of such additional tax shall be fifty cents (\$0.50) for each five hundred dollars or fractional part thereof, which tax shall be dedicated to veterans' services programs, and

WHEREAS, it is necessary that the New York State Legislature pass and adopt appropriate legislation to enable the County of Broome to enact such local law for the imposition of such tax, and

WHEREAS, it is the understanding of this County Legislature that prior to the enactment of the Home Rule Request preparatory to the enactment of such State legislation, it is necessary that such proposed legislation be reviewed and assigned the appropriate Senate and Assembly introductory bill numbers, and that thereafter an appropriate Home Rule Request or Home Rule Message be adopted and transmitted by this County Legislature to the

New York State Legislature, now, therefore, be it

RESOLVED, that this County Legislature hereby respectfully requests the New York State Legislature to consider enactment of appropriate legislation to enable the County of Broome to impose and collect a tax on real property transfers in the County of Broome in addition to any tax authorized and imposed, such legislation to authorize that the rate of such tax shall be fifty cents (\$0.50) for each five hundred dollars or fractional part thereof, which tax shall be dedicated to veterans' services programs and which shall be in substantially the form attached hereto, and be it

FURTHER RESOLVED, that following review and introduction of said legislation in the Senate and Assembly of the State of New York, this County Legislature respectfully requests that the necessary information and forms be forwarded to this County Legislature in order that an appropriate Home Rule Request can be acted upon by this body, and be it

FURTHER RESOLVED, that certified copies of this Resolution be forwarded by the Clerk of this Legislature to Senator Thomas Libous, Senator Ralph Marino, Senate Majority Leader, Assemblyman Richard Miller, Assemblyman Saul Weprin, Assembly Majority Leader, the Clerk of the Assembly and the Clerk of the Senate, with a request that those representatives in the State Legislature take the appropriate and necessary steps to process the legislation requested herein, and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately.

REAL PROPERTY TRANSFER TAX IN BROOME COUNTY

1. Definitions

When used in this article, unless otherwise expressly stated:

1. "Person" means an individual partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, any combination of individuals, and any other form of unincorporated enterprise owned or conducted by two or more persons.

2. "Controlling interest" means (a) in the case of a corporation, either fifty percent or more of the total combined voting power of all classes of stock of such corporation, or fifty percent or more of the capital, profits or beneficial interest in such voting stock of such corporation, and (b) in the case of a partnership, association, trust or other entity, fifty percent or more

of the capital, profits or beneficial interest in such partnership, association, trust or other entity.

3. "Real property" means every estate or right, legal or equitable, present or future, vested or contingent, in lands, tenements or hereditaments, including buildings, structures and other improvements thereon, which are located in whole or in part within Broome county. It shall not include rights to sepulture.

4. "Consideration" means the price actually paid or required to be paid for the real property or interest therein, including payment for an option or contract to purchase real property, whether or not expressed in the deed and whether paid or required to be paid by money, property, or any other thing of value. It shall include the cancellation or discharge of an indebtedness or obligation. It shall also include the amount of any mortgage, purchase money mortgage, lien or other encumbrance, whether or not the underlying indebtedness is assumed or taken subject to.

- (a) In the case of a creation of a leasehold interest or the granting of an option with use and occupancy of real property, consideration shall include but not be limited to the value of the rental and other payments attributable to the use and occupancy of the real property or interest therein, the value of any amount paid for an option to purchase or renew and the value of rental or other payments attributable to the exercise of any option to renew.
- (b) In the case of a creation of a subleasehold interest, consideration shall include but not be limited to the value of the sublease rental payments attributable to the use and occupancy of the real property, the value of any amount paid for an option to renew and the value of rental or other payments attributable to the exercise of any option to renew less the value of the remaining prime lease rental payments required to be made.
- (c) In the case of a controlling interest in any entity that owns real property, consideration shall mean the fair market value of the real property or interest therein, apportioned based on the percentage of the ownership interest transferred or acquired in the entity.
- (d) In the case of an assignment or surrender of a leasehold interest or the assignment or surrender of an option or contract to purchase real property, consideration shall not include the value of the remaining rental payments required to be made pursuant to the terms of such lease

or the amount to be paid for the real property pursuant to the terms of the option or contract being assigned or surrendered.

- (e) In the case of (1) the original conveyance of shares of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold by the cooperative corporation or cooperative plan sponsor and (2) the subsequent conveyance by the owner thereof of such stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold for a cooperative unit other than an individual residential unit, consideration shall include a proportionate share of the unpaid principal of any mortgage on the real property of the cooperative housing corporation comprising the cooperative dwelling or dwellings. Such share shall be determined by multiplying the total unpaid principal of the mortgage by a fraction, the numerator of which shall be the number of shares of stock being conveyed in the cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold and the denominator of which shall be the total number of shares of stock in the cooperative housing corporation.

5. "Conveyance" means the transfer or transfers of any interest in real property by any method, including but not limited to sale, exchange, assignment, surrender, mortgage foreclosure, transfer in lieu of foreclosure, option, trust indenture, taking by eminent domain, conveyance upon liquidation or by a receiver, or transfer or acquisition of a controlling interest in any entity with an interest in real property. Transfer of an interest in real property shall include the creation of a leasehold or sublease only where (a) the sum of the term of the lease or sublease and any options for renewal exceeds forty-nine years, (b) substantial capital improvements are or may be made by or for the benefit of the lessee or sublessee, and (c) the lease or sublease is for substantially all of the premises constituting the real property.

Notwithstanding the foregoing, conveyance of real property shall not include the creation, modification, extension, spreading, severance, consolidation, assignment, transfer, release or satisfaction of a mortgage; a mortgage subordination agreement, a mortgage severance agreement, an instrument given to perfect or correct a recorded mortgage; or a release of lien of tax pursuant to this chapter or the internal revenue code.

6. "Interest in the real property" includes title in fee, a leasehold interest, a beneficial interest, an encumbrance, development rights, air space

and air rights, or any other interest with the right to use or occupancy of real property or the right to receive rents, profits or other income derived from real property. It shall also include an option or contract to purchase real property. It shall not include a right of first refusal to purchase real property.

7. "Grantor" means the person making the conveyance of real property or interest therein. Where the conveyance consists of a transfer or an acquisition of a controlling interest in an entity with an interest in real property, "grantor" means the entity with an interest in real property or a shareholder or partner transferring stock or partnership interest.

8. "Grantee" means the person who obtains real property or interest therein as a result of a conveyance.

9. "Recording officer" means the clerk of the county of Broome.

10. "Treasurer" means the commissioner of finance of the county of Broome.

2. Imposition of tax

Notwithstanding any other provisions of law to the contrary, the county of Broome, acting through its local legislative body, is hereby authorized and empowered to adopt and amend local laws imposing in such county a tax on each conveyance of real property or interest therein when the consideration exceeds five hundred dollars, at the rate of fifty cents (\$0.50) for each five hundred dollars or fractional part thereof. Such local law shall apply to any conveyance occurring on or after January first, nineteen hundred ninety-four, but shall not apply to conveyances made on or after such date pursuant to binding written contracts entered into prior to such date, provided that the date of execution of such contract is confirmed by independent evidence such as the recording of the contract, payment of a deposit or other facts and circumstances as determined by the treasurer.

3. Payment of tax

1. The real estate transfer tax imposed pursuant to this article shall be paid to the treasurer or the recording officer acting as the agent of the treasurer upon designation as such agent by the treasurer. Such tax shall be paid at the same time as the real estate transfer tax imposed by article thirty-one of the Tax Law is required to be paid. Such treasurer or recording officer shall endorse upon each deed or instrument effecting a conveyance a receipt for the amount of the tax so paid.

2. A return shall be required to be filed with such treasurer or recording officer for purposes of the real estate transfer tax imposed

pursuant to this article at the same time as a return is required to be filed for purposes of the real estate transfer tax imposed by article thirty-one of the Tax Law. The return, for purposes of the real estate transfer tax imposed pursuant to this article, shall be a photocopy or carbon copy of the real estate transfer tax return required to be filed pursuant to section fourteen hundred nine of the Tax Law. However, when an apportionment is required to be made pursuant to section thirteen of this article, a supplemental form shall also be required to be filed. The real estate transfer tax returns and supplemental forms required to be filed pursuant to this section shall be preserved for three years and thereafter until such treasurer or recording officer orders them to be destroyed.

3. The recording officer shall not record an instrument effecting a conveyance unless the return required by this section has been filed and the tax imposed pursuant to this article shall have been paid as provided in this section.

4. Liability for tax

1. The real estate transfer tax shall be paid by the grantor. If the grantor has failed to pay the tax imposed pursuant to this article or if the grantor is exempt from such tax, the grantee shall have the duty to pay the tax. Where the grantee has the duty to pay the tax because the grantor has failed to pay, such tax shall be the joint and several liability of the grantor and the grantee.

2. For the purpose of the proper administration of this article and to prevent evasion of the tax hereby authorized, it shall be presumed that all conveyances are taxable. Where the consideration includes property other than money, it shall be presumed that the consideration is the fair market value of the real property or interest therein. These presumptions shall prevail until the contrary is proven, and the burden of proving the contrary shall be on the person liable for payment of the tax.

5. Exemptions

1. The following shall be exempt from payment of the real estate transfer tax:

- (a) The state of New York, or any of its agencies, instrumentalities, political subdivisions, or public corporations (including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada.)
- (b) The United Nations, the United States of America and any of its

agencies and instrumentalities.

The exemption of such governmental bodies or persons shall not, however, relieve a grantee from them of liability for the tax.

2. The tax shall not apply to any of the following conveyances:

- (a) Conveyances to the United Nations, the United States of America, the state of New York, or any of their instrumentalities, agencies or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada);
- (b) Conveyances which are or were used to secure a debt or other obligation;
- (c) Conveyances which, without additional consideration, confirm, correct, modify or supplement a prior conveyance;
- (d) Conveyances of real property without consideration and otherwise than in connection with a sale, including conveyances conveying realty as bona fide gifts;
- (e) Conveyances given in connection with a tax sale;
- (f) Conveyances to effectuate a mere change of identity or form of ownership or organization where there is no change in beneficial ownership, other than conveyances to a cooperative housing corporation of the real property comprising the cooperative dwelling or dwellings;
- (g) Conveyances which consist of a deed of partition;
- (h) Conveyances given pursuant to the federal bankruptcy act;
- (i) Conveyances of real property which consist of the execution of a contract to sell real property without the use or occupancy of such property or the granting of an option to purchase real property without the use or occupancy of such property; and
- (j) Conveyances of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than two hundred thousand dollars and such property was used solely by the grantor as his personal residence and consists of a one, two or three-family house, an individual residential condominium unit or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative unit.

6. Credit

A grantor shall be allowed a credit against the tax due on a conveyance of real property to the extent the tax was paid by such grantor on a prior creation of a leasehold of all or a portion of the same real property or on the granting of an option or contract to purchase all or a portion of the same real property, by such grantor. Such credit shall be computed by multiplying the tax paid on the creation of the leasehold or on the granting of the option or contract by a fraction, the numerator of which is the value of the consideration used to compute such tax paid which is not yet due to such grantor on the date of the subsequent conveyance (and which such grantor will not be entitled to receive after such date), and the denominator of which is the total value of the consideration used to compute such tax paid.

7. Cooperative housing corporation transfers

1. Notwithstanding the definition of "controlling interest" contained in subdivision two of section one of this article or anything to the contrary contained in subdivision five of section one of this article, the tax imposed pursuant to this article shall apply to (a) the original conveyance of shares of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold by the cooperative corporation or cooperative plan sponsor, and (b) the subsequent conveyance of such stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold by the owner thereof. With respect to any such subsequent conveyance where the property is an individual residential unit, the consideration for the interest conveyed shall exclude the value of any liens on certificates of stock or other evidences of an ownership interest in and a proprietary lease from a corporation or partnership formed for the purpose of cooperative ownership of residential interest in real estate remaining thereon at the time of conveyance. In determining the tax on a conveyance described in paragraph (a) of this subdivision, a credit shall be allowed for a proportionate part of the amount of any tax paid upon the conveyance to the cooperative housing corporation of the real property comprising the cooperative dwelling or dwellings to the extent that such conveyance effectuated a mere change of identity or form of ownership of such property and not a change in the beneficial ownership of such property. The amount of the credit shall be determined by multiplying the amount of tax paid upon the conveyance to the cooperative housing corporation by a percentage representing the extent to which such conveyance effectuated a

mere change of identity or form of ownership and not a change in the beneficial ownership of such property, and then multiplying the resulting product by a fraction, the numerator of which shall be the number of shares of stock conveyed in a transaction described in paragraph (a) of this subdivision and the denominator of which shall be the total number of shares of stock of the cooperative housing corporation (including any stock held by the corporation). In no event, however, shall such credit reduce the tax, on a conveyance described in paragraph (a) of this subdivision, below zero, nor shall any such credit be allowed for a tax paid more than twenty-four months prior to the date on which occurs the first in a series of conveyances of shares of stock in an offering of cooperative housing corporation shares described in paragraph (a) of this subdivision.

2. Every cooperative housing corporation shall be required to file an information return with the treasurer by July fifteenth of each year covering the preceding period of January first through June thirtieth and by January fifteenth of each year covering the preceding period of July first through December thirty-first. The return shall contain such information regarding the conveyance of shares of stock in the cooperative housing corporation as the treasurer may deem necessary, including but not limited to, the names, addresses and employee identification numbers or social security numbers of the grantor and the grantee, the number of shares conveyed, the date of the conveyance and the consideration paid for such conveyance.

8. Designation of agents

The treasurer is authorized to designate the recording officer to act as its agent for purposes of collecting the tax authorized by this article. The treasurer shall provide for the manner in which such person may be designated as its agent subject to such terms and conditions as it shall prescribe. The real estate transfer tax shall be paid to such agent as provided in section three of this article.

9. Liability of recording officer

A recording officer shall not be liable for any inaccuracy in the amount of tax imposed pursuant to this article that he shall collect so long as he shall compute and collect such tax on the amount of consideration or the value of the interest conveyed as such amounts are provided to him by the person paying the tax.

10. Refunds

Whenever the treasurer shall determine that any moneys received under

the provisions of the local law enacted pursuant to this article were paid in error, it may cause such moneys to be refunded pursuant to such rules and regulations it may prescribe, provided any application for such refund is filed with the treasurer within two years from the date the erroneous payment was made.

11. Deposit and disposition of revenue

All taxes collected or received by the treasurer or his duly authorized agent under the provisions of the local law enacted pursuant to this article shall be deposited in accordance with provisions of a local law adopted by the legislative body of Broome county which local law shall designate proper officers to be responsible for deposit of revenue collected or received under this article. Such local law shall also provide that any officer designated to collect, receive, or deposit such revenue shall maintain a system of accounts showing the revenue collected or received from the tax imposed pursuant to this article. Revenues resulting from the imposition of tax authorized by this act shall be paid to the treasury of Broome county and shall be credited to the general fund of the county; and may thereafter be allocated at the discretion of the Broome County Legislature for veterans' services programs.

12. Judicial review

1. Any final determination of the amount of any tax payable under section three of this article shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the civil practice law and rules if application therefor is made to the supreme court within four months after the giving of the notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the civil practice law and rules shall not be instituted unless (a) the amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding or (b) at the option of the petitioner, such undertaking may be in a sum sufficient to cover the taxes, interest and penalties stated in

such determination, plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

2. Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally assessed or collected and application for the refund or revision thereof duly made to the proper fiscal officer or officers, and such officer or officers shall have made a determination denying such refund or revision, such determination shall be reviewable by a proceeding under article seventy-eight of the civil practice law and rules, provided, however, (i) that such proceeding is instituted within four months after the giving of the notice of such denial, (ii) that a final determination of tax due was not previously made, and (iii) that an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

13. Apportionment

The local law adopted by the legislative body of Broome county shall provide for a method of apportionment for determining the amount of tax due whenever the real property or interest therein is situated within and without Broome county.

14. Miscellaneous

The local law adopted by the legislative body of Broome county may contain such other provisions as such legislative body deems necessary for the proper administration of the tax imposed pursuant to this article, including provisions concerning the determination of tax, the imposition of interest on underpayments and overpayments and the imposition of civil penalties. Such provisions shall be identical to the corresponding provisions of the real estate transfer tax imposed by article thirty-one of the Tax Law, so far as such provisions can be made applicable to the tax imposed pursuant to this article.

15. Returns to be secret

(a) Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the treasurer or any officer or employee of Broome County or any person engaged or retained by such county on an independent contract basis to divulge or make known in

any manner the particulars set forth or disclosed in any return required under a local law enacted pursuant to this article. Provided, however, that nothing in this section shall prohibit the recording officer from making a notation on an instrument effecting a conveyance indicating the amount of tax paid. No recorded instrument effecting a conveyance shall be considered a return for purposes of this section.

- (b) The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the county in any action or proceeding involving the collection of a tax due under a local law enacted pursuant to this article to which such county or an officer or employee of such county is a party or a claimant, or on behalf of any party to any action or proceeding under the provisions of a local law enacted pursuant to this article when the returns or facts shown thereby are directly involved in such action or proceeding, in any of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more.
- (c) Nothing herein shall be construed to prohibit the delivery to a grantor or grantee of an instrument effecting a conveyance or the duly authorized representative of a grantor or grantee of a certified copy of any return filed in connection with such instrument or to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the legal representatives of such county of the return of any taxpayer who shall bring action to set aside or review the tax based thereon.
- (d) Any officer or employee of such county who willfully violates the provisions of this section shall be dismissed from office and be incapable of holding any public office in this state for a period of five years thereafter.

Heldover by Mr. Shafer.

RESOLUTION NO. 463

by County Administration, Economic Development and Planning and Finance Committees

Seconded by Mrs. Coffey

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 13, 1993,

ENTITLED: "A LOCAL LAW AMENDING LOCAL LAW NO. 10, 1977, ESTABLISHING A HOTEL OR MOTEL OCCUPANCY TAX."

WHEREAS, this County Legislature, by Local Law No. 10 of 1977, duly adopted on November 1, 1977, enacted a Hotel or Motel Occupancy Tax in the County of Broome, and

WHEREAS, said Local Law specified an intent to promote the County in increased convention and trade show business, and

WHEREAS, it is now deemed appropriate that the purposes of said taxes shall be expanded to other governmental functions or needs, now, therefore, be it

RESOLVED, that Local Law Intro. No. 13, 1993, entitled: "A local law amending Local Law No. 10, 1977, establishing a Hotel or Motel Occupancy Tax," be and the same hereby is adopted and approved in accordance with the Broome County Charter and all the applicable statutes and laws pertaining thereto.

LOCAL LAW INTRO. NO. 13, 1993

**A LOCAL LAW AMENDING LOCAL LAW NO. 10, 1977,
ESTABLISHING A HOTEL OR MOTEL OCCUPANCY TAX**

SECTION 1. Section 185-8 is amended as follows:

Section 185-8.Intent

The intent of this article shall be [to promote Broome County and its cities, towns and villages in order to increase convention trade show and tourist business in the County] to promote the general welfare of Broome County.

SECTION 2. Effective Date

This local law shall become effective immediately upon filing in the Office of the Secretary of State.

Heldover by Mr. Shafer.

RESOLUTION NO. 464

by County Administration, Economic Development and Planning, Health & Human Services and Finance Committees

Seconded by Mrs. Coffey

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 15, 1993, ENTITLED: "A LOCAL LAW AMENDING LOCAL LAW NO. 2, 1969, AS AMENDED, ESTABLISHING A NEW FEE SCHEDULE FOR CERTAIN ENVIRONMENTAL HEALTH SERVICES."

RESOLVED, that Local Law Intro. No. 15, 1993, entitled: Amendment of Local Law No. 2, 1969, as amended, establishing a new fee schedule for certain environmental health services, be and hereby is adopted.

LOCAL LAW INTRO. NO. 15, 1993

"A LOCAL LAW AMENDING LOCAL LAW NO. 2, 1969, AS AMENDED, ESTABLISHING A NEW FEE SCHEDULE FOR CERTAIN ENVIRONMENTAL HEALTH SERVICES"

§168-5 Fees and Charges

A. (1) For a food service establishment the annual fee shall be [~~one hundred dollars (\$100)~~] one hundred nineteen dollars (\$119) for an establishment of one (1) to ninety-nine (99) seats; [~~two hundred dollars (\$200)~~] two hundred thirty eight dollars (\$238) for an establishment of one hundred (100) or more seats; [~~one hundred thirty dollars (\$130)~~] one hundred fifty five (\$155) for a delicatessen; [~~two hundred seventy dollars (\$270)~~] three hundred twenty one dollars (\$321) for a commissary/caterer; [~~ninety dollars (\$90)~~] one hundred seven dollars (\$107) for a temporary food permit; seventy one dollars (\$71) for a temporary food permit for seven (7) days or less. There shall be a fee of one dollar (\$1) per machine for each vending machine. There shall be an additional fee of [~~twenty five dollars (\$25)~~] thirty dollars (\$30) for a frozen dessert permit.

(2) For a pool and/or bathing beach rated for one (1) to one hundred (100) bathers, the annual fee shall be [~~one hundred thirty dollars (\$130)~~] one hundred fifty five dollars (\$155); for a pool or bathing beach rated for one hundred one (101) or more bathers, the annual fee shall be [~~two hundred sixty dollars (\$260)~~] three hundred nine dollars (\$309).

(3) For a hotel or motel, the annual fee shall be a base fee of [~~one hundred seventy dollars (\$170)~~] two hundred three dollars (\$203) for up to twenty (20) rooms. For hotels or motels with more than twenty (20) rooms, the fee shall be [~~one hundred seventy dollars (\$170)~~] two hundred three dollars (\$203) plus [~~twelve dollars (\$12)~~] fifteen dollars (\$15) per room.

(4)(a) The annual operating permit fee shall be an annual base charge plus an annual charge for parks [and] with private water supplies or

private sewage systems. Facilities which are issued two-year permits pay one-half (1/2) of the annual fee per year.

<u>Facility Size</u>	<u>Base charge</u>	<u>Private Water</u>	<u>Private Sewage</u>
1 to 20	[180.00] <u>215.00</u>	0.00	0.00
21 to 40	[240.00] <u>285.00</u>	0.00	0.00
41 to 75	[700.00] <u>835.00</u>	[50.00] <u>60.00</u>	[50.00] <u>60.00</u>
76 and over	[900.00] <u>1075.00</u>	[100.00] <u>120.00</u>	[100.00] <u>120.00</u>

(4) (b) Two-year permits will be issued to facilities which have had no violations of 10 NYCRR Part 5 (Drinking Water Supplies) during the previous year or are served by municipal water or sewage systems.

(5) For a seasonal travel trailer camp or campsite, the annual fee shall be a base fee of [fifty dollars (\$50)] sixty dollars (\$60) plus one dollar (\$1) per lot.

(B) (7) For sewage disposal systems with a capacity of up to one thousand (1,000) gallons, whether new construction or replacement and regardless of other provisions of this code, the fee for design and construction approval shall be [three hundred ninety dollars (\$390)] five hundred five dollars (\$505).

[(12) An annual sewage system installer registration fee shall be two hundred thirty dollars (\$230) for low-volume installers and four hundred dollars (\$400) for high-volume installers.]

SECTION 2 Except as hereinabove amended, Local Law Intro. No. 2, 1969, Local Law No. 5, 1983, Local Law No. 1, 1984, Local Law No. 4, 1987, Local Law No. 1, 1989, Local Law No. 10, 1989, Local Law No. 14, 1989, Local Law No. 4, 1991, Local Law No. 16, 1991, Local Law No. 2, 1993, Local Law No. 5, 1993 and Local Law No. 7, 1993 shall remain in full force and effect.

SECTION 3 This Local Law shall become effective upon filing with the Secretary of State.

Heldover by Mr. Shafer.

RESOLUTION NO. 465

by County Administration, Economic Development and Planning and Finance Committees

Seconded by Mrs. Coffey

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 14, 1993, ENTITLED: "A LOCAL LAW IMPOSING A SPECIAL MOTOR VEHICLE USE FEE IN BROOME COUNTY AND AUTHORIZING THE COLLECTION OF SAID FEE BY THE COMMISSIONER OF THE NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES ON BEHALF OF BROOME COUNTY."

RESOLVED, that Local Law Intro. No. 14, 1993, entitled: "A local law imposing a special motor vehicle use fee in Broome County and authorizing the collection of said fee by the Commissioner of the New York State Department of Motor Vehicles on behalf of Broome County," be and the same hereby is adopted and approved in accordance with the Broome County Charter and all the applicable statutes and laws pertaining thereto.

LOCAL LAW INTRO. NO. 14, 1993

A LOCAL LAW IMPOSING A SPECIAL MOTOR VEHICLE USE FEE IN BROOME COUNTY AND AUTHORIZING THE COLLECTION OF SAID FEE BY THE COMMISSIONER OF THE NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES ON BEHALF OF BROOME COUNTY.

SECTION 1. LEGISLATIVE INTENT

The Broome County Legislature hereby finds and determines that the New York State Tax Laws allow the Commissioner of the New York State Department of Motor Vehicles to collect a special motor vehicle use fee imposed by the county.

The Broome County Legislature further finds and determines that imposing a local fee on the vehicles registered in Broome County will generate additional revenues for the county.

Therefore, the purpose of this law is to impose a special Motor Vehicle Use Fee on vehicle registration and authorize the collection of said fee by the New York State Department of Motor Vehicles.

SECTION 2. DEFINITIONS

A. "Passenger Motor Vehicle." Any motor vehicle subject to the

registration fee as provided for in Section 401 subdivision six of the Vehicle and Traffic Law, as amended.

B. "Buses." The term buses shall have the same meaning as defined in Section 104 of the Vehicle and Traffic Law, as amended.

C. "Truck." the term truck shall have the same meaning as defined in Section 158 of the Vehicle and Traffic Law, as amended.

SECTION 3. IMPOSITION OF USE FEE

A. Pursuant to the Vehicle and Traffic Law and Section 1202(c) of the Tax Law, a special motor vehicle use fee on vehicle registrations is hereby imposed on motor vehicles registered within Broome County. Such fee shall be charged in accordance with the following schedule:

1. A fee of five dollars (\$5.00) per year for passenger motor vehicles of a type commonly used for non-commercial purposes owned by residents of Broome County, and weighing thirty-five hundred pounds or less.

2. A fee of ten dollars (\$10.00) per year for passenger motor vehicles of a type commonly used for non-commercial purposes owned by residents of Broome County, and weighing more than thirty-five hundred pounds.

3. A fee of ten dollars (\$10.00) per year for trucks, buses and other such commercial motor vehicles used principally in connection with business carried on within Broome County, except when owned and used in connection with the operation of a farm by the owner or tenant thereof.

B. The fee shall be paid for all registrations and renewals of registrations for which the registration fee is established in Section 401(6)(a) or (7) of the Vehicle and Traffic Law.

1. The fee shall be applicable to an original or renewal registration transaction only, and not to a reregistration transaction. If a fee for a registration transaction is due, no County motor vehicle use fee shall be due on that transaction.

2. The applicability of such fee shall be determined based upon the information on the application for registration, as well as any additional documentation required by the Commissioner of Motor Vehicles.

3. The receipt for payment of such fee may be the registration certificate, whether or not it indicates the amount of the fee paid.

SECTION 4. EXEMPTIONS

A. A fee imposed by this local law shall not be imposed upon any vehicle exempt from the registration fee pursuant to the Vehicle and Traffic Law.

B. The fee imposed by this local law shall not be imposed upon non-profit, religious, charitable or educational organizations qualified for

exemption with the New York State Department of Taxation and Finance.

**SECTION 5. ADMINISTRATION AND COLLECTION OF FEE BY
COMMISSIONER OF THE NEW YORK STATE
DEPARTMENT OF MOTOR VEHICLES**

A. As authorized under Tax Law Section 1202(c), the motor vehicle use fee shall be administered and collected on behalf of Broome County by the Commissioner of the New York State Department of Motor Vehicles or his agent.

B. Pursuant to Tax Law Section 1202(c), the New York State Commissioner of Motor Vehicles is authorized, on behalf of Broome County, to make the payment of such fee a condition precedent to the registration or registration renewal of any vehicle subject to the fee imposed by this local law.

C. The County Executive of Broome County is hereby authorized and directed to negotiate and enter into an agreement with the Commissioner of the New York State Department of Motor Vehicles for the implementation of this local law, and such agreement shall provide for the exclusive method of collection, custody and remittance of the proceeds of any such fee and for the payment by the County of the reasonable expenses incurred by the New York State Department of Motor Vehicles in connection with the collection and administration of said fee. Such agreement shall also provide that the Broome County Commissioner of Finance, upon request, not more frequently than once in each calendar year, at a time agreed upon by the State Comptroller, shall audit the accuracy of the payments, distributions and remittances to Broome County pursuant to this local law.

D. the said agreement shall set forth, in detail, policies and procedures for collection for underpayment and for refunds. Such agreement shall also set forth procedures for deposit and retention of funds and indemnification.

SECTION 6. JUDICIAL REVIEW

any determination made hereunder by the County of Broome shall be reviewable pursuant to Article 78 of the Civil Practice Law and Rules.

SECTION 7. RECOVERY OF FEE

Wherever any person fails to pay the fee due hereunder, proceedings to recover such fees, as well as any applicable penalties and/or interest, shall be the responsibility of Broome County, as set forth in the agreement. A final penalty schedule shall be subject to the approval of the Broome County Legislature.

SECTION 8. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of

competent jurisdiction to be invalid or unconstitutional, such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 9. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the Secretary of State.

Heldover by Mr. Shafer.

RESOLUTION NO. 466

by Public Works Committees

Seconded by Mrs. Taylor

RESOLUTION SCHEDULING A PUBLIC "SCOPING" MEETING WITH REGARD TO THE PROPOSED RENOVATION OF THE GEORGE HARVEY JUSTICE BUILDING

WHEREAS, this Legislature by Resolution 510 of 1992 declared itself lead agency under the State Environmental Quality Review Act with regard to the proposed Renovation of the George Harvey Justice Building, and

WHEREAS, this Legislature has determined that a public "scoping" meeting should be held to assist the lead agency to determine the appropriate scope of the Environmental Impact Statement, now, therefore, be it

RESOLVED, that this Legislature schedules a public "scoping" meeting to be on November 23, 1993 at 4 p.m. in the Legislative Chambers, and be it

FURTHER RESOLVED, that the lead agency will receive written comments on the scope of the Environmental Impact Statement through December 23, 1993 at 5 p.m., and be it

FURTHER RESOLVED, that a transcript of the "scoping" meeting and copies of all written comments be forwarded to this Legislature for its review.

Mr. Burger moved, seconded by Mr. Augostini to establish the Public Scoping meeting on November 23, 1993 at 4 pm.

Amendment carried. Ayes-18, Nays-0, Absent-1 (Pasquale).

Resolution as amended carried. Ayes-18, Nays-0, Absent-1 (Pasquale).

LEGISLATIVE NOTE:At the session of 10-21-93, the Co. Legislature inserted the date and time of the public hearing but neglected to insert a date and time for receipt of written comments. Per the direction of the Chair of the Public Works Committees and following consultation with the

Department of Law, a 30-day period of time was inserted. RRB

RESOLUTION NO. 467

by Personnel and Finance Committees

Seconded by Mrs. Coffey

RESOLUTION AUTHORIZING RATES FOR INDIVIDUAL AND DEPENDENT HEALTH BENEFITS COVERAGE EFFECTIVE JANUARY 1, 1994.

WHEREAS, this County Legislature previously authorized the County Health Benefits Self-Insurance Program whereby County Administrative and Legislative units, County officers, County employees and retirees share the cost of individual and dependent health insurance premiums in accordance with formulas established by labor agreements and/or Legislative resolutions, and

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

RESOLVED, that commencing January 1, 1994 the monthly contribution to the County Health Benefits Self-Insurance, which is shared by County Administrative and Legislative units, County officers, County employees and retirees in accordance with the labor agreements and all Legislative resolutions shall be in the amounts indicated on Exhibit "A," and be it

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

Heldover by Mr. Shafer.

RESOLUTION NO. 468

by Education, Culture & Recreation, Personnel and Finance Committees

Seconded by Mr. Malley

RESOLUTION AUTHORIZING ACCEPTANCE OF NEW YORK STATE ARCHIVES LOCAL RECORDS MANAGEMENT IMPROVEMENT FUND GRANT FOR THE BROOME COUNTY PUBLIC LIBRARY AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1993 THROUGH 1994.

WHEREAS, the Director of the Broome County Public Library requests authorization to accept a New York State Archives Local Records Management Improvement Fund Grant in the amount of \$2,751.00 for the period July 1, 1993 through June 30, 1994, and

WHEREAS, said grant program provides for funds to be used by the Public Library to inventory records and develop a plan to comply with New York State Archives and Records Administration Regulations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$2,751.00 from the New York State Education Department Local Government Records Bureau, 10A63,CEC, Albany, NY, 12230, for the period July 1, 1993 through June 30, 1994, 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 \$2,751.00 for the period July 1, 1993 through June 30, 1994, and be it

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

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to execute any budget transfers within the budgetary limits as set out in Exhibit "A" as attached hereto provided that said budget transfers do not affect a personnel line.

Carried. Ayes-18, Nays-0, Absent-1 (Pasquale).

RESOLUTION NO. 469

by Transportation and Finance Committees

Seconded by Mr. Malley

RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FROM NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR REPLACEMENT COST OF FOUR MINI-BUSES.

WHEREAS, the New York State Department of Transportation has advised Broome County that \$15,668 is available to fund a portion of the cost of replacing four mini-buses for the Broome County Transportation Department and

WHEREAS, authorization is necessary in order to enter into a grant agreement with New York State, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$15,668 from the New York State Department of Transportation for the replacement of four mini-buses (PIN 9820.29), and be it

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

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to extend the terms of the grant agreement for the purpose of expending any unexpended grant funds.

Carried. Ayes-18, Nays-0, Absent-1 (Pasquale).

RESOLUTION NO. 470

by Transportation and Finance Committees

Seconded by Mr. Malley

RESOLUTION AUTHORIZING RENEWAL OF LEASE AGREEMENT WITH NATIONAL WEATHER SERVICE FOR SPACE AT THE BINGHAMTON REGIONAL AIRPORT FOR 1993 THROUGH 1994.

WHEREAS, this County Legislature, by Resolution 560 of 1992, authorized Broome County to lease 2,076 square feet of space within the terminal building of the Binghamton Regional Airport to the United States Government for the National Weather Service, and

WHEREAS, said agreement expires by its terms on September 30, 1993, and

WHEREAS, it is desired to renew said agreement on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the lease agreement between the United States Department of Commerce and Broome County for the lease of approximately 2,076 square feet of space within the Binghamton Regional Airport Terminal Building, and a plot of ground consisting of approximately 200 feet by 200 feet located 3,500 feet south south west of the Binghamton Regional Airport Terminal Building for the sole purpose of operating a National Weather Service Radar Station for the period October 1, 1993 through September 30, 1994, and be it

FURTHER RESOLVED, that in consideration of said services, the

Contractor shall pay the County an amount of \$2,436.91 per month at a total rent for the term of this agreement of \$29,242.92, and be it

FURTHER RESOLVED, that the revenue for the term of this agreement in the amount of \$29,242.92 shall be credited to budget line 210070.0108.207000 (Space Rental- Other), and be it

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

Carried. Ayes-18, Nays-0, Absent-1 (Pasquale).

RESOLUTION NO. 471

by Health & Human Services, Personnel and Finance Committees

Seconded by Mr. Malley

RESOLUTION AUTHORIZING ACCEPTANCE OF FORENSIC SUICIDE PREVENTION - CRISIS SERVICES PROJECT GRANT FOR THE DEPARTMENT OF MENTAL HEALTH AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1993.

WHEREAS, the Commissioner of Mental Health Services requests authorization to accept a Forensic Suicide Prevention - Crisis Services Project Grant in the amount of \$10,000 for the period October 25, 1993 through December 31, 1993, and

WHEREAS, said grant program provides for training for members of the Departments of the Sheriff and Mental Health for identification and management of suicide issues in county lock-up facilities, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$10,000 from the New York State Office of Mental Health Bureau of Forensic Services for the Forensic Suicide Prevention - Crisis Services Project for the period October 25, 1993 through December 31, 1993, 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 \$10,000 for the period October 25, 1993 through December 31, 1993, and be it

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

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to execute any budget transfers within the budgetary limits as set out in Exhibit "A" as attached hereto provided that said budget transfers do not affect a personnel line.

Carried. Ayes-18, Nays-0, Absent-1 (Pasquale).

RESOLUTION NO. 472

by Health & Human Services, and Finance Committees

Seconded by Mr. Malley

RESOLUTION AUTHORIZING ACCEPTANCE BY THE DEPARTMENT OF HEALTH OF ONE FREEZER AND AUTHORIZING USE OF HEALTH DEPARTMENT FACILITIES BY WESTAT FOR A NATIONAL CANCER INSTITUTE SMOKING STUDY.

WHEREAS, the Public Health Director requests authorization to accept one small freezer for use by the Clinic Division of the Health Department and authorization for Westat to utilize the first floor lobby and adjacent area for a National Cancer Institute Smoking Study for 1993 at no cost to the County, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of one freezer by the Broome County Health Department from Westat at no cost to the County and be it further resolved that this County Legislature hereby authorizes and approves use of the Health Department facility by Westat for a National Cancer Institute Smoking Study, and be it

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

Carried. Ayes-18, Nays-0, Absent-1 (Pasquale).

RESOLUTION NO. 473

by Health & Human Services and Finance Committees

Seconded by Mr. Malley

RESOLUTION AUTHORIZING AMENDMENT OF VARIOUS AGREEMENTS WITH THE HEALTH DEPARTMENT FOR THE HOME HEALTH SERVICES PROGRAM FOR 1993.

WHEREAS, this County Legislature, by Resolutions 547, 553, 556 and 628 of 1992, authorized agreements with various vendors for services for the Home Health Services Program for the Health Department, and

WHEREAS, it is necessary to authorize the amendment of said agreements to reduce the not to exceed amounts based on a decreased need for said services, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes amendment of the agreements as outlined on Exhibit "A" with the terms in brackets to be deleted and the terms underlined to be added for the Health Department Home Health Services Program for the period January 1, 1993 through December 31, 1993, and be it

FURTHER RESOLVED, that Resolutions 547, 553, 556 and 628 of 1992 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.

EXHIBIT A

<u>Vendor</u>	<u>Reso.#</u>	<u>Services</u>	<u>Previous</u>	<u>Budget</u>
			<u>Cost</u>	<u>Line</u>
<u>BC Office</u>	92-628	Social Day Care	nte	nte
	480004.4614.101205			
<u>for Aging</u>			[\$11,200]	<u>\$4,500</u>
(OtherChrgbk.Expenses)				
<u>Patricia Mizerak</u>	92-547	Nutrition	nte	nte
	480061.4706.101072			
		Counseling	[\$4,000]	<u>\$2,500</u>
	480004.4706.101072			
				(Rehabilitation & Therapy Services)
<u>Southern Tier</u>	92-556	Social Transit	nte	nte
	480004.4708.101000			
<u>Medi-van, Inc.</u>		for Long Term	[\$8,000]	<u>\$2,500</u>
Services)				(Waivered
		Health Care Program		
		for Non-ambulatory		
		clients.		

Family & 92-553 Public Health nte nte
480061.4706.101048
Children's Social Work [\$23,200] \$10,200
480004.4706.101048
Society Services

(Rehabilitation &
Therapy

Services) **Carried.** Ayes-18, Nays-0, Absent-1 (Pasquale).

RESOLUTION NO. 474

by Health & Human Services and Finance Committees
Seconded by Mr. Malley

RESOLUTION AUTHORIZING RENEWAL OF GRANT FROM SOUTHERN TIER AIDS PROGRAM FOR HIV/AIDS EDUCATION AND TESTING IN BROOME AND OTSEGO COUNTIES FOR 1993 THROUGH 1994.

WHEREAS, this County Legislature, by Resolution 498 of 1992, authorized and approved the acceptance of the Southern Tier Aids Program Grant in the amount of \$13,077.00 to provide HIV/AIDS Education and Testing in Broome and Otsego Counties for November 9, 1992 through June 30, 1993, and

WHEREAS, said grant program expired by its terms on June 30, 1993, and

WHEREAS, it is desired to renew said grant program for the period July 1, 1993 through June 30, 1994, in the amount of \$20,000, now therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$20,000 from the Southern Tier Aids Program for HIV/AIDS Education and Testing for Broome and Otsego Counties for the period July 1, 1993 through June 30, 1994, 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 \$20,000 for the period July 1, 1993 through June 30, 1994, and be it

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

FURTHER RESOLVED, that the County Executive or his duly

authorized representative is hereby empowered to extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to execute any budget transfers within the budgetary limits as set out in Exhibit "A" as attached hereto provided that said budget transfers do not affect a personnel line.

Carried. Ayes-18, Nays-0, Absent-1 (Pasquale).

RESOLUTION NO. 475

by Health & Human Services and Finance Committees

Seconded by Mrs. Taylor

RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH REHABILITATION SERVICES, INC. FOR PHYSICAL THERAPY, SPEECH PATHOLOGY, OCCUPATIONAL THERAPY AND AUDIOLOGY FOR THE HEALTH DEPARTMENT HOME HEALTH SERVICES PROGRAM FOR 1993.

WHEREAS, this County Legislature, by Resolution 544 of 1992, as amended by Resolution 359 of 1993 authorized an agreement with Rehabilitation Services, for Physical Therapy, Speech Pathology, Occupational Therapy and Audiology for the Health Department Home Health Services Program, at a cost not to exceed \$32,515.00, and

WHEREAS, it is necessary to authorize the amendment of said agreement to redistribute funds within the program leaving the total amount at \$32,515.00, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Rehabilitation Services, Inc., 33 Mitchell Avenue, Binghamton, NY, 13903 for Physical Therapy, Speech Pathology, Occupational Therapy and Audiology for the Health Department Home Health Services Program for the period January 1, 1993 through December 31, 1993, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$8,450.00 for Speech Pathology, \$19,600.00 for Physical Therapy and \$4,065.00 for Occupational Therapy and \$400.00 for Audiology, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 480004.4706.101045 (Rehabilitation and Therapy Services), 480061.4706.101045 (Rehabilitation and Therapy Services), 480004.4706.101047 (Rehabilitation and Therapy Services), 480061.4706.101047 (Rehabilitation and Therapy Services), 480061.4706.101046 (Rehabilitation and Therapy Services)

480004.4706.101046 (Rehabilitation and Therapy Services) and 480004.4708.101206 (Waivered Services), and be it

FURTHER RESOLVED, that Resolutions 544 of 1992, and 359 of 1993, 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-18, Nays-0, Absent-1 (Pasquale).

RESOLUTION NO. 476

by Health & Human Services and Finance Committees
Seconded by Mr. Warner

RESOLUTION AUTHORIZING REVISION OF THE NEW YORK STATE DEPARTMENT OF HEALTH EXPANSION/DEMONSTRATION GRANT FOR THE HEALTH DEPARTMENT AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1992 THROUGH 1993.

WHEREAS, this County Legislature, by Resolution 500 of 1992, authorized the participation by the Health Department in the New York State Department of Health Expansion/Demonstration Grant Program in the total amount of \$15,000, and

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

RESOLVED, that this County Legislature hereby authorizes a revision of the New York State Department of Health Expansion/Demonstration Grant for the Health Department for the period December 1, 1992 through November 30, 1993 in the total amount of \$12,900.00, and be it

FURTHER RESOLVED, that this County Legislature hereby adopts and approves the revised program budget annexed hereto as Exhibit "A" in the total amount of \$12,900 for the period December 1, 1992 through November 30, 1993, and be it

FURTHER RESOLVED, that Resolution 500 of 1992, to the extent consistent herewith, shall remain in full force and effect, and be it

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

Resolution, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to execute any budget transfers within the budgetary limits as set out in Exhibit "A" as attached hereto provided that said budget transfers do not affect a personnel line.

Carried. Ayes-18, Nays-0, Absent-1 (Pasquale).

RESOLUTION NO. 477

by Health & Human Services and Finance Committees

Seconded by Mr. Malley

RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH OUR LADY OF LOURDES HOSPITAL FOR PROVISION OF SERVICES FOR THE HEALTH DEPARTMENT UNDER THE EXPANSION/DEMONSTRATION GRANT FOR 1992 THROUGH 1993.

WHEREAS, this County Legislature, by Resolution 554 of 1992, authorized an agreement with Our Lady of Lourdes Hospital for provision of services under the Expansion/Demonstration Program Grant for the period December 1, 1992 through November 30, 1993, at a cost not to exceed \$10,880.00, and

WHEREAS, it is necessary to authorize the amendment of said agreement as the funding for this program has been cut by the New York State Department of Health, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Our Lady of Lourdes Hospital, 169 Riverside Drive, Binghamton, NY, 13905 for services in connection with the Health Department Expansion/Demonstration Program, for the period December 1, 1992 through November 30, 1993, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$7,671.00 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 480251.4361.102687 (Nursing Supplies), 480251.4463.102687 (Education/Training), 480251.4512.102687 (Outside Rentals) and 480251.4711.102687 (Nursing Services), and be it

FURTHER RESOLVED, that Resolution 554 of 1992, 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-18, Nays-0, Absent-1 (Pasquale).

RESOLUTION NO. 478

by Health & Human Services and Finance Committees

Seconded by Mr. Malley

RESOLUTION ESTABLISHING FEE SCHEDULE FOR THE HEALTH DEPARTMENT EARLY INTERVENTION PROGRAM SERVICES FOR 1993 THROUGH 1994.

RESOLVED, that the following fee schedules hereby authorized and adopted for the Department of Health Early Intervention Program Services for the period September 1, 1993 through August 31, 1994.

**BROOME COUNTY HEALTH DEPARTMENT - EARLY INTERVENTION PROGRAM
PROPOSED INTERIM FEES**

Related Services **\$27.00 per half hour**
(occupational therapy, physical therapy,
and speech therapy)

Rehabilitation Services, Inc.
(home based services)

Special Education **\$45.00 per hour**
Therapies (OT, PT, ST) - MA rate **\$44.16 per visit**

Handicapped Childrens Association
(center based services)

Special Education **\$30.76/hour**
Therapies (OT, PT, ST) - MA rate **\$51.89 per session**

Hearing Testing **\$44.16**
Vision Screening **\$65.00**

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

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

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

Carried. Ayes-18, Nays-0, Absent-1 (Pasquale).

RESOLUTION NO. 479

by Health & Human Services and Finance Committees

Seconded by Mrs. Coffey

RESOLUTION AUTHORIZING ACCEPTANCE OF THE EARLY INTERVENTION FOR HANDICAPPED CHILDREN PROGRAM GRANT AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1993 THROUGH 1994.

WHEREAS, the Public Health Director requests authorization to accept a PL89-313 Early Intervention for Handicapped Children Program Grant in the amount of \$12,240 for the period October 1, 1993 through September 30, 1994, and

WHEREAS, said grant program provides for the enhancement of early intervention services for children from birth to two years and their families through the Handicapped Children Program, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$12,240 from the New York State Department of Health for the period October 1, 1993 through September 30, 1994, 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 \$12,240 for the period October 1, 1993 through September 30, 1994, and be it

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

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to execute any budget transfers within the budgetary limits as set out in Exhibit "A" as attached

hereto provided that said budget transfers do not affect a personnel line.
Heldover by Mr. Shafer.

RESOLUTION NO. 480

by Health & Human Services and Finance Committees Seconded by
 Mrs. Taylor

**RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENTS
 WITH SPECIAL EDUCATION PRESCHOOL PROVIDERS FOR
 THE HEALTH DEPARTMENT'S EDUCATION FOR
 HANDICAPPED CHILDREN PROGRAM FOR 1993.**

WHEREAS, this County Legislature, by Resolutions 625 of 1992, 36,
 198 and 310 of 1993, authorized agreements with various special education
 preschool providers according to state education rates for the Health
 Department's Education for Handicapped Children Program for 1993, and

WHEREAS, it is necessary to authorize the amendment of seven of the
 agreements with these providers in order to decrease the not to exceed
 amounts as previously established, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an
 amendment to the agreements as follows, with the material in brackets to be
 deleted and underlined to be added:

<u>Vendor</u>	<u>Previous</u> <u>Reso. #</u>	<u>Services</u>	<u>Cost</u> <u>Not to Exceed</u>	<u>Budget</u> <u>Line</u>
Beth Parks	93-36	Itinerant Physical	[\$7,000]
800 N. Rogers Ave.		Therapy for	<u>\$3,500</u>	
480285.4715.101000				
Endicott, NY	13760	Pre-school Children	<u>\$1,500</u>	
480202.4706.101000				
Handicapped	93-198	Special Education	[\$20,000	
480285.4715.101000				
Children's		Tuition/Therapy	Itinerant Therapy]	
Association		for Pre-school	[\$740,000 Tuition]	
18 Broad Street		Children Age 3-5		
Johnson City, NY			<u>\$10,000</u>	
480285.4745.101000				
13790			<u>Itinerant Therapy</u>	
			<u>\$665,900 Tuition</u>	
Marjorie Kaufman	92-625	Itinerant Speech	[\$14,500]	
480285.4715.101000				
35 Leslie Ave.		Therapy for	<u>\$12,500</u>	
Conklin, NY		Pre-school Children		

13748

Mona Wysocki 92-625 Itinerant Speech [\$16,000]
480285.4715.101000
PO Box 286 Therapy for \$12,000
Whitney Point, NY Pre-school Children
13862

Karen Bertentha 92-625 Itinerant Speech [\$5,000]
480285.4715.101000
312 Frey Ave. Therapy for \$2,000
Vestal, NY Pre-school Children
13850

Emily Rose 92-625 Itinerant Speech [\$25,000]
480285.4715.101000
4728 Deerfield Place Therapy for \$15,000
Vestal, NY Pre-school Children
13850

Valerie Brown 93-36 Itinerant [\$7,000]
480285.4715.101000
240 Hillside Terrace Occupational \$3,500
480202.4706.101000
Endwell, NY 13760 Therapy for \$1,500
Pre-School Children

and be it

FURTHER RESOLVED, that Resolutions 625 of 1992 and 36, 198 and 310 of 1993, 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-18, Nays-0, Absent-1 (Pasquale).

RESOLUTION NO. 481

by Health & Human Services, Personnel and Finance Committees

Seconded by Mr. Warner

RESOLUTION AUTHORIZING REVISION OF THE DENTAL SEALANT GRANT FOR THE HEALTH DEPARTMENT AND

ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1993 THROUGH 1994

WHEREAS, this County Legislature, by Resolution 366 of 1993, authorized the continued participation by the Broome County Health Department in the Dental Health Sealant Project for the period October 1, 1993 through September 30, 1994, and adopted a program budget in connection therewith in the amount of \$45,863.00, and

WHEREAS, it is necessary at this time to revise said program to reflect a change in personnel, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Broome County Health Department Dental Health Sealant Project Grant for the period October 1, 1993 through September 30, 1994 in the total amount of \$45,863.00, and be it

FURTHER RESOLVED, that this County Legislature hereby adopts and approves the revised program budget annexed hereto as Exhibit "A" in the total amount of \$45,863.00 for the period October 1, 1993 through September 30, 1994, and be it

FURTHER RESOLVED, that Resolution 366 of 1993, to the extent consistent herewith, shall remain in full force and effect, and be it

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

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to execute any budget transfers within the budgetary limits as set out in Exhibit "A" as attached hereto provided that said budget transfers do not affect a personnel line.

Carried. Ayes-18, Nays-0, Absent-1 (Pasquale).

RESOLUTION NO. 482

by Health & Human Services, Personnel and Finance Committees

Seconded by Mr. Malley

RESOLUTION AUTHORIZING RENEWAL OF HOME ENERGY ASSISTANCE PROGRAM (HEAP) GRANT AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1993 THROUGH 1994.

WHEREAS, this County Legislature, by Resolution 475 of 1992, as

amended by Resolutions 596 of 1992 and 274 of 1993, authorized the continued participation by the Department of Social Services in the Home Energy Assistance Program (HEAP) and adopted a program budget in connection therewith in the total amount of \$2,530,164.00 for the period November 1, 1992 through November 15, 1993, and

WHEREAS, it is desired to renew said grant program for November 1, 1993 through November 15, 1994 in the amount of \$1,858,479.00, now therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$1,858,479.00 from the New York State Department of Social Services for the Home Energy Assistance Program (HEAP) for the period November 1, 1993 through November 15, 1994, 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 \$1,858,479.00 for the period November 1, 1993 through November 15, 1994, and be it

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

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to accept any additional funds that may become available during this program year for benefits provided to clients under the Public Assistance, Non-Public Assistance, or Emergency Components of the Home Energy Assistance Program, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative will immediately submit an amended budget to the Chairperson of the Legislature, the Chairperson of the Finance Committee and the Comptroller reflecting the additional Home Energy Assistance Program funds allocated to Broome County, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to execute any budget transfers within the budgetary limits as set out in Exhibit "A" as attached hereto provided that said budget transfers do not affect a personnel line.

Carried. Ayes-18, Nays-0, Absent-1 (Pasquale).

RESOLUTION NO. 483

by Health & Human Services and Finance Committees

Seconded by Mrs. Taylor

RESOLUTION AUTHORIZING REVISION OF CHILD ABUSE PREVENTION AND EDUCATION ONGOING GRANT AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH.

WHEREAS, this County Legislature, by Resolution 105 of 1989 as amended by Resolutions 240 and 504 of 1990, 202 of 1991, 39 and 308 of 1992, and 172 of 1993, authorized the continued participation in the Child Abuse Prevention and Education Ongoing Program and adopted a program budget in connection therewith in the total amount of \$62,713.39, and

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

RESOLVED, that this County Legislature hereby authorizes a revision of the Child Abuse Prevention and Education Program in the total amount of \$66,006.89, and be it

FURTHER RESOLVED, that this County Legislature hereby adopts and approves the revised program budget annexed hereto as Exhibit "A" in the total amount of \$66,006.89, and be it

FURTHER RESOLVED, that Resolution 105 of 1989 as amended by Resolutions 240 and 504 of 1990, 202 of 1991, 39 and 308 of 1992, and 172 of 1993, to the extent consistent herewith, shall remain in full force and effect, and be it

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

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to execute any budget transfers within the budgetary limits as set out in Exhibit "A" as attached hereto provided that said

budget transfers do not affect a personnel line.

Carried. Ayes-18, Nays-0, Absent-1 (Pasquale).

RESOLUTION NO. 484

by Education, Culture & Recreation and Finance Committees

Seconded by Mr. Malley

A RESOLUTION APPROVING THE FORM AND SUBSTANCE OF A PROPOSED AGREEMENT AMONG THE COUNTY OF BROOME, THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK (THE "AUTHORITY") AND BROOME COMMUNITY COLLEGE PERTAINING, AMONG OTHER MATTERS, TO THE FINANCING OF ONE-HALF OF THE CAPITAL COSTS OF CERTAIN FACILITIES FOR BROOME COMMUNITY COLLEGE, DELEGATING TO THE APPROPRIATE OFFICIALS OF THE COUNTY OF BROOME AUTHORITY, ON BEHALF OF THE COUNTY OF BROOME TO EXECUTE AND DELIVER TO THE AUTHORITY SAID AGREEMENT AND ALL NECESSARY OR DESIROUS ADDITIONAL DOCUMENTS, CERTIFICATES OR AGREEMENTS, GRANTING APPROVAL TO THE BOARD OF TRUSTEES OF BROOME COMMUNITY COLLEGE TO SIMILARLY EXECUTE AND DELIVER SUCH AGREEMENT ON BEHALF OF BROOME COMMUNITY COLLEGE, AND DELEGATING TO THE APPROPRIATE OFFICIALS OF BROOME COMMUNITY COLLEGE THE AUTHORITY TO EXECUTE AND DELIVER ANY RELATED DOCUMENTS.

WHEREAS, the Legislature of the County of Broome (the "Local Sponsor") hereby finds and determines that, pursuant to the provisions of Article 126 of the Education Law, the County of Broome has established Broome Community College (the "Community College") in and for the County of Broome; has provided for the financing of not exceeding one-half of the amount of the capital costs of certain facilities (herein and in the Agreement, each as hereinafter defined, collectively called the "Project") and has authorized the Dormitory Authority of the State of New York (the "Authority") to provide for the financing of not to exceed one-half of the amount of the capital costs of the Project by the issuance of its bonds (the "Bonds"), and in furtherance thereof and after discussion of the provisions of the proposed Agreement, wishes to approve the form and substance of the proposed Agreement among the Local Sponsor, the Authority and the Community College pertaining, among other matters, to said proposed Authority financing of one-half of the capital costs of said Project and to grant approval to the Board of Trustees of the Community College to execute and deliver the Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Broome County Legislature as follows:

Section 1. The form and substance of a proposed agreement, by and among the Local Sponsor, the Authority and the Community College (the "Agreement"), in substantially the form presented to this Legislature prior to

this meeting, is hereby approved.

Section 2. The County Executive of the Local Sponsor or the Deputy County Executive is hereby authorized, on behalf of the Local Sponsor, to execute and deliver the Agreement to the Authority, with such non-substantive changes in terms and form as said County Executive or the Deputy County Executive, of the Local Sponsor, shall approve. The execution thereof by said County Executive or the Deputy County Executive shall constitute conclusive evidence of the approval of the Local Sponsor.

Section 3. The Local Sponsor also hereby grants approval to the Board of Trustees of the Community College to authorize the approval of, and to execute and deliver, the Agreement to the Authority, and the Local Sponsor knows of no regulation or limitation which has been established and prescribed by the State University of New York which would prohibit the Board of Trustees of the Community College from executing the Agreement and carrying out the provisions thereof.

Section 4. The Local Sponsor hereby grants approval to the Board of Trustees of the Community College to do all things necessary and proper to effectuate the construction of the Project in accordance with the provisions of the Agreement.

Section 5. The Local Sponsor hereby represents that it presently intends to continue its operation of the Community College, and does not intend to substantially reduce or "cut back" its operations. The Local Sponsor further represents that its fiscal and economic situation is such that it will be able to continue, in the foreseeable future, its financial support for the Community College.

Section 6. The Local Sponsor hereby authorizes the County Executive or the Deputy County Executive of the Local Sponsor (who is duly qualified to so act) to execute and deliver all necessary or appropriate documents and to furnish all information requested by the Authority in connection with the Local Sponsor, including the furnishing of information required pursuant to the provisions of the Agreement.

Section 7. The Local Sponsor hereby authorizes the Dormitory Authority to construct the facility on its behalf and authorizes the County Executive or the Deputy County Executive of the Local Sponsor (who is duly qualified to so act) to execute and deliver all documents necessary or desirable in connection with construction of the Project by the Authority.

Section 8. The County Executive of the Local Sponsor agrees to provide to the Broome County Legislature monthly status reports with respect to design and construction of the Project, and the reports will be delivered in person to and reviewed by the Education, Recreation and Culture Committee.

Section 9. A certified copy of this resolution shall be forwarded to the

County Executive, Budget Director, Broome County Comptroller, Commissioner of the Department of Planning and Economic Development, County Attorney, President - Broome Community College, and Executive Director - Dormitory Authority of the State of New York.

Section 10. This Resolution shall take effect immediately.

Mr. Augostini moved, seconded by Mr. Warner to **amend** the resolution; replacing the word "financing" with "refinancing and financing" where it appears in the title and whereas clause of the resolution.

The amendment **Carried.** Ayes-18, Nays-0, Absent-1 (Pasquale).

Resolution **as amended carried.** Ayes-18, Nays-0, Absent-1 (Pasquale).

RESOLUTION NO. 485

by Health and Human Services, Public Safety & Emergency Services, Personnel, County Administration Economic Development and Planning and Finance Committees

Seconded by Mr. Malley

RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR THE DEPARTMENT'S OF SHERIFF'S, DRUG AWARENESS, SOCIAL SERVICES AND HEALTH.

RESOLVED, that in accordance with a request from the Sheriff, in order to provide funds for overtime payments as mandated by the United States Department of Labor, as requested by BT# 5225, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

FROM:

<u>Index Code</u>	<u>Subobject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
450023	4435	101000	Out of County Housing	79,020.00
450049	4347	101000	Gasoline	14,249.00
450072	4617	101000	Printing Chargeback	2,000.00
450023	2330	101000	Laundry/Cleaning Equip.	2,128.00

TO:

450023	1700	101000	Salary-Overtime	71,570.00	
450049	1700	101000	Salary-Overtime		19,014.00
450056	1700	101000	Salary-Overtime		5,508.00
450072	1700	101000	Salary-Overtime	1,305.00	

and be it

FURTHER RESOLVED, that in accordance with a request from the

Department of Drug Awareness, in order to provide funds for urinalysis and software maintenance, as requested by BT# 5952, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

FROM:

<u>Index Code</u>	<u>Subobject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
470021	1000	101000	Salaries-Full time	4,000.00

TO:

470021	4513	101000	Software Maintenance	1,100.00
470021	4715	101000	Other Health Services	2,900.00

and be it

FURTHER RESOLVED, that in accordance with a request from the Commissioner of Social Services, in order to provide funds for Disability Insurance, as requested by BT# 6038, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

FROM:

<u>Index Code</u>	<u>Subobject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
670430	8010	102751	State Retirement	500.00

TO:

670430	8063	102751	Disability Insurance	500.00
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and be it

FURTHER RESOLVED, that in accordance with a request from the Commissioner of the Health Department, in order to provide funds for Overtime, as requested by BT# 6273 and 6322 and 6327, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

FROM:

<u>Index Code</u>	<u>Subobject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
480061	1600	101000	Salaries-Temporary	1,000.00
480061	1910	101000	Out of Title Pay	1,669.00
480137	1500	101000	Salaries-Part Time	380.00
480228	1600	101000	Salaries-Temporary	200.00

TO:

480061	1700	101000	Salaries-Overtime	2,669.00	
480137	1700	101000	Salaries-Overtime	380.00	
480228	1700	101000	Salaries-Overtime		200.00

Carried. Ayes-18, Nays-0, Absent-1 (Pasquale).

RESOLUTION NO. 486

by Public Safety & Emergency Services and Finance Committees
 Seconded by Mr. Malley

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH PRISON HEALTH SERVICES, INC., FOR PROFESSIONAL MEDICAL SERVICES TO THE JAIL FACILITIES OF THE SHERIFF'S DEPARTMENT FOR 1993 THROUGH 1994.

WHEREAS, this County Legislature, by Resolution 277 of 1992, as amended by Resolution 465 of 1992, authorized an agreement with Prison Health Services, Inc. for professional medical services to the jail facilities of the Sheriff's Department at a cost of \$644,000.00 for the period July 1, 1992 through June 30, 1993, and

WHEREAS, said agreement expires by its terms on June 30, 1993, and it is desired at this time to renew said agreement on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Prison Health Services, Inc., 101 Luke Drive, Suite A, PO Box 472, New Castle, Delaware, 19720, for professional medical services to the jail facilities of the Sheriff's Department for the period July 1, 1993 through September 30, 1993, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$159,560.00 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 450023.4715.101000 (Other Health and Medical Services), and be it

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

Carried. Ayes-18, Nays-0, Absent-1 (Pasquale).

RESOLUTION NO. 487

by Environment and Finance Committees Seconded by Mr. Whalen
RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH SHUMAKER/CALOCERINOS AND SPINA, JOINT VENTURE CONSULTING ENGINEERS FOR SERVICES IN CONNECTION WITH THE NANTICOKE SANITARY LANDFILL SECTION III AND LEACHATE STORAGE FOR 1993.

WHEREAS, this County Legislature, by Resolution 234 of 1991, as amended by Resolutions 612 of 1992 and 32 of 1993, authorized an agreement with Shumaker/Calocerinos and Spina, Joint Venture Consulting Engineers, for the Section III and Leachate Storage Construction and Review Services for the Nanticoke Landfill for the period January 1, 1990 through June 30, 1993, at a cost not to exceed \$1,277,764.00, and

WHEREAS, it is necessary to authorize the amendment of said agreement to provide for additional funding, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Shumaker Consulting Engineers/Calocerinos and Spina, Joint Venture Consulting Engineers, 423 Commerce Road, PO Box 447, Vestal, NY, 13851-0447, for consulting engineering services in connection with Section III and leachate storage at the Nanticoke Sanitary Landfill for the period January 1, 1990 through June 30, 1993, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$1,307,206.00, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 235036.4457.501221 and 235036.4457.501245 (Subcontracted Program Expense), and be it

FURTHER RESOLVED, that Resolutions 234 of 1991, 612 of 1992 and 32 of 1993, 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-15, Nays-3 (Hudak, Lindsey, Wagstaff), Absent-1 (Pasquale).

RESOLUTION NO. 488

by Environment and Public Works Committees
Seconded by Mr. Warner

RESOLUTION ACCEPTING THE EMC'S REPORT ON THE SAFE

USE OF COMPOSTED SEWAGE SLUDGE AND RESCINDING THE MORATORIUM ON THE USE OF COMPOSTED SEWAGE SLUDGE ON COUNTY-OWNED PROPERTY.

WHEREAS, the Broome County Legislature, per Resolution Permanent No. 92-402, directed the Environmental Management Council (EMC) of Broome County to study and make a recommendation concerning the safe use of composted sewage sludge, and

WHEREAS, Resolution Permanent No. 92-402 also placed a moratorium on the use of composted sludge as a soil amendment or conditioner on property owned by Broome County, with the exception of the County Landfill, until the EMC had conducted its study and submitted a recommendation to the Legislature, and

WHEREAS, in accord with the request from the Broome County Legislature, the EMC reviewed the process by which sewage sludge is composted at the Binghamton-Johnson City Sewage Treatment Plant (STP) and the Endicott STP, chemical and biological analyses of the resulting compost, and the instruction sheets on use of the final compost issued by the STPs, and

WHEREAS, the EMC submitted to the Legislature a report entitled, The Safe Use of Composted Sewage Sludge, in December of 1992, which contains background information on locally-generated sludge compost and offers recommendations, and

WHEREAS, the EMC report finds that the compost generated at the Binghamton-Johnson City and Endicott STPs is a valuable soil supplement and can be used safely when applied in accordance with the "compost use fact sheets" supplied by the STPs and the recommendations of the December 1992 EMC report referenced above, and

WHEREAS, the Broome County Wastewater Planning Commission endorsed the EMC study and recommendations and called for a repeal of the moratorium on the use of composted sewage sludge on County-owned property at its June 1993 meeting, now, therefore be it

RESOLVED, that the Broome County Legislature hereby accepts the EMC study The Safe Use of Composted Sewage Sludge, December 1992, and the recommendations provided therein, rescinds the moratorium on use of composted sludge on County-owned property, provided that no such material will be applied within 100 feet of privately owned property without the written consent of its owner, and directs that any such use be in accordance with the recommendations of the EMC report, and be it

FURTHER RESOLVED, that the Legislature encourages the use of composted sludge as a method of recycling.

Carried. Ayes-18, Nays-0, Absent-1 (Pasquale).

RESOLUTION NO. 489

by Health & Human Services and Personnel Committees

Seconded by Mr. Malley

RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUESTS FOR WILLOW POINT NURSING FACILITY.

RESOLVED, that in accordance with a request from the Administrator of Willow Point Nursing Facility, as contained in PCR# 93-189, this County Legislature hereby authorizes the abolition of one (1) Charge Nurse LPN position at budget line WC 160085.1000, minimum salary \$18,318, Grade 11, Union Code 04 and the creation of one (1) Licensed Practical Nurse position, at budget line WC 160085.1000, minimum salary \$17,363, Grade 10, Union Code 04 effective October 21, 1993.

FURTHER RESOLVED, that in accordance with a request from the Administrator of Willow Point Nursing Facility, as contained in PCR# 93-190, this County Legislature hereby authorizes the abolition of one (1) Registered Professional Nurse (Nursing Home) position, at budget line WC 160085.1000, minimum salary \$21,512, Grade 14, Union Code 04 and the creation of one (1) Charge Nurse RPN position, at budget line WC 160085.1000, minimum salary \$22,695, Grade 15, Union Code 04, effective October 21, 1993.

Carried. Ayes-18, Nays-0, Absent-1 (Pasquale).

RESOLUTION NO. 490

by County Administration, Economic Development & Planning Committee

Seconded by Mrs. Hudak

RESOLUTION AUTHORIZING TRANSFER OF LAND TO EMELIA CZMOR

WHEREAS, in 1988, Broome County, by condemnation litigation, acquired 40.5 acres of real property owned by Emelia Czmor, said property was to be used for fill material in connection with the runway extension project at the Binghamton Regional Airport, and

WHEREAS, the condemnation litigation was settled by Broome County paying to Ms. Czmor \$22,500 for this real property and including an option to Ms. Czmor to repurchase this real property at a cost of \$500 at the completion of the runway extension project or when it was deemed that this 40.5 acreage was no longer needed for the aforementioned expansion project, and

WHEREAS, Emelia Czmor desires to exercise her option to purchase the real property and this County Legislature desires to authorize said option and further desires to waive the \$500 repurchase price as required in the

aforementioned option to repurchase real property as signed by Broome County and Emelia Czmor, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the conveyance of approximately 40.5 acres previously owned by Emelia Czmor back to Emelia Czmor, RD #4, Kolb Road, Box 177, Binghamton, New York, 13905, for one dollar (\$1.00), and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes the waiving of the \$500 repurchase price as previously agreed between Broome County and Emelia Czmor, and be it

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

Carried. Ayes-18, Nays-0, Absent-1 (Pasquale).

RESOLUTION NO. 491

by County Administration Committee

Seconded by Mrs. Hudak

RESOLUTION IN SUPPORT OF LITIGATION AMONG THE COUNTIES OF NASSAU, MONROE, AND ULSTER AND AGAINST THE STATE OF NEW YORK, FOR A JUDGEMENT DECLARING PARTS OF THE MANDATE LAWS OF THE STATE OF NEW YORK UNCONSTITUTIONAL:

WHEREAS, the Counties of Nassau, Monroe, and Ulster have commenced legal proceedings against the State of New York to secure a declaratory judgment that portions of the mandate laws which require Counties within New York State to fund statewide programs through increases in local real estate taxation are unconstitutional, and

WHEREAS, the membership of the Legislature of the County of Broome has read the pleadings and legal briefs in respect to this litigation now pending before the Supreme Court, in Nassau County, and

WHEREAS, the County of Broome wishes to record its support of the legal position which Nassau, Monroe, and Ulster counties have taken in this litigation, and to communicate that fact to the Justice of the Supreme Court who is presiding, and

WHEREAS, these questions have been submitted by resolution to the Legislature of the County of Broome,

NOW, THEREFORE BE IT,

RESOLVED, that the Legislature of the County of Broome, endorses

and supports the legal positions of the Counties of Nassau, Monroe, and Ulster in the above-described litigation.

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to all the parties in the litigation and to the Presiding Justice, the Honorable Alfred S. Robbins, J.S.C.

Carried. Ayes-18, Nays-0, Absent-1 (Pasquale).

RESOLUTION NO. 492

by Environment and Finance Committees

Seconded by Mrs. Hudak

RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH WEHRAN ENVIROTECH FOR DIVISION OF SOLID WASTE MANAGEMENT FOR LANDFILL REMEDIATION SERVICES OF THE COLESVILLE LANDFILL.

WHEREAS, this County Legislature by Resolution 233 of 1991 as amended by Resolution 266 and 463 of 1992 authorized an agreement with Wehran Envirotech for landfill remediation design services of the Colesville Landfill for the Division of Solid Waste Management at a cost of \$260,304, and

WHEREAS, it is necessary to authorize the amendment of said agreement to increase the cost thereof, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Wehran Envirotech, 666 East Main Street, PO Box 2006, Middletown, New York, 10940 for landfill remediation design services for the Colesville Landfill for the period 1991 through 1993, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$327,989.50, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 035220.4457.501128 (Engineering and Architectural Services), and be it

FURTHER RESOLVED, that Resolutions 233 of 1991 and 266 and 463 of 1992 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-1 (Coffey), Absent-1 (Pasquale).

Mr. Lindsey moved, seconded by Mrs. Coffey to adjourn at 5:08 p.m.
Carried.