

RESOLUTION NO. 220 heldover by Mr. Hull

RESOLUTION ADOPTING STATEMENT OF FINDINGS AND DECISION PURSUANT TO STATE ENVIRONMENTAL QUALITY REVIEW ACT WITH RESPECT TO PROPOSED GEORGE HARVEY JUSTICE BUILDING RENOVATION PROJECT.

Mr. Augustini moved, seconded by Mr. Pasquale to **call the question.**

The call of the question, **carried.** Ayes-16, Absent-3 (Burger, Hudak & Schofield)

The resolution **carried.** Ayes-16, Absent-3 (Burger, Hudak & Schofield)

RESOLUTION NO. 221 heldover by Mr. Hull

RESOLUTION SELECTING OPTION A-PHASE 1 AS THE OPTION WHICH THE COUNTY INTENDS TO PURSUE IN RENOVATION OF THE GEORGE HARVEY JUSTICE BUILDING.

The resolution **carried.**

Ayes-14 Augustini, Coffey, Holley, Howard, Hull, Kavulich, Lindsey, Mather, Miller,
O'Day, Pasquale, Sweet, Whalen & Shafer

Nays-2 Cahill & Wike

Absent-3 Burger, Hudak & Schofield

RESOLUTION NO. 223 heldover by Mr. Lindsey

RESOLUTION AUTHORIZING THE BROOME COUNTY ATTORNEY TO RETAIN EXPERT WITNESSES FOR PENDING CIVIL LITIGATION.

The resolution **carried.** Ayes-16, Absent-3 (Burger, Hudak & Schofield)

Mr. Augustini moved, seconded by Mr. Pasquale to adjourn @ 4:25 P.M.

Carried. Ayes-16, Absent-3 (Burger, Hudak & Schofield)

**BROOME COUNTY LEGISLATURE
REGULAR SESSION
MAY 18, 1995**

The Legislature convened at 4:00 P.M. with a call to order by the Chair, Arthur J.

Shafer. The Clerk, Richard R. Blythe, read the fire exit announcement and called the Attendance Roll: Present - 17, Absent - 2 (Mr. Mather & Mr. Pasquale)

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

Mr. Miller moved, seconded by Mrs. Sweet that the minutes of the April 20, 1995 Regular Session and the April 25, 1995 Special Session be approved as prepared and presented by the Clerk. **Carried.** Ayes-17, Absent-2 (Mr. Mather & Mr. Pasquale)

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

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY EXECUTIVE

Letter from the County Executive, Timothy M. Grippen:

Nominating A. Weingold, C. Gable and P. King to membership on the Community Services Board.

COMMUNICATIONS:

1. Minutes from:

- a. Public Library
- b. Willow Point Nursing Facility
- c. EMC's Natural Resources Committee
- d. Soil and Water Conservation District
- e. Broome-Tioga-Tompkins Private Industry Council
- f. Environmental Management Council
- g. Emergency Medical Services

2. Town of Kirkwood (Public Hearing, May 30, 1995, 7:00 p.m.-Local Law amending Zoning Ordinance).

3. 1995-96 Proposed Budget for Broome Community College

D. REPORTS:

1. Department of Finance: Semi-Annual Report (Mortgage Tax Receipts and Disbursements-October 1, 1994 through March 31, 1995).

2. Monthly Report: Broome Community College (Budget Transfers, March 1995).

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY LEGISLATURE

PRESENTATION: Odyssey of the Mind Recognition

Chenango Bridge Elementary School & West Middle School

Letters from the Chair, Arthur J. Shafer:

Appointing the following as voting representatives for B. Mather:

a.A. Kavulich (Acting Chair) and William H. Miller, Personnel Committee, May 10, 1995.

b. James L. Holley, Transportation Committee, May 11, 1995.

Appointing the following as voting representatives:

a. Louis P. Augostini (Acting Chair) and Wanda Hudak for Thomas A. Hull, Public Works Committee, May 9, 1995.

b. Jane R. Sweet for Chris W. Burger, Community and Social Services Committee, May 9, 1995.

Mr. Cahill moved, seconded by Mrs. Coffey to receive and file the above noted reports and to authorize the Clerk to publish pertinent portions in the Journal of Proceedings. **Carried.** Ayes-17, Absent-2 (Mr. Mather & Mr. 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 seconded by Mr. Whalen. Mr. Holley and Mr. Kavulich were designated by the Chair as the participants in the 'short roll call' for the session.

RESOLUTIONS HELD OVER FROM PREVIOUS SESSION of April 20, 1995

RESOLUTION NO. 180 heldover by Mrs. Sweet

RESOLUTION REQUIRING THAT COUNTY RETIREES WHO RETIRE ON OR AFTER JANUARY 1, 1996 OBTAIN MEDICARE PART A AND PART B COVERAGE WITHOUT REIMBURSEMENT OF THE COST THEREOF

Carried. Ayes-16, Nays-1 (Cahill), Absent-2 (Mather & Pasquale)

Legislative Note: The date of January 1, 1995 in the title and in the WHEREAS portion of the resolution was changed from April 1, 1995 to reflect actions taken in committee to amend the resolution.

RESOLUTION NO. 206 heldover by Mr. Burger

RESOLUTION DIRECTING THE INITIATION OF AN ENVIRONMENTAL REVIEW WITH RESPECT TO A LEACHATE RECIRCULATION STUDY BY THE DIVISION OF SOLID WASTE MANAGEMENT AT THE NANTICOKE LANDFILL AND RENDERING A "NEGATIVE DECLARATION" WITH RESPECT THERETO

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

RESOLUTION TABLED AT THE PREVIOUS SESSION OF APRIL 20, 1995

REGULAR SESSION OF MAY 18, 1995

Mr. Burger moved, seconded by Mr. Miller to remove Resolution Number 95-209 from the table. **Carried.** Ayes-16, Nays-1 (Hudak), Absent-2 (Mather & Pasquale)

RESOLUTION NO. 209 by ENVIRONMENT and FINANCE COMMITTEES

Seconded by Mr. Cahill

RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH STEARNS & WHELER ENVIRONMENTAL ENGINEERS AND SCIENTISTS FOR PROFESSIONAL SERVICES ASSOCIATED WITH THE CONSTRUCTION OF A LEACHATE TREATMENT FACILITY AT THE NANTICOKE LANDFILL.

WHEREAS, this County Legislature, by Resolution 361 of 1994, authorized an agreement with Stearns & Wheler Environmental Engineers and Scientists for professional engineering services associated with the construction of a leachate treatment facility at the Nanticoke Landfill, at a cost of \$450,000, and

WHEREAS, it is necessary to authorize the amendment of said agreement to include construction review services associated with the construction of the leachate treatment facility at the Nanticoke Landfill, and

WHEREAS, the Director of Solid Waste Management has requested authorization for said amendments, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Stearns & Wheler Environmental Engineers and Scientists, One Remington Park Drive, Cazenovia, New York 13035 for construction review services associated with the construction of a leachate treatment facility at the Nanticoke Landfill and to extend the contract term an additional twelve (12) months, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an additional \$500,000 for a total amount not to exceed under this contract of \$950,000, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 235036.2018.501282 (Landfill), and be it

FURTHER RESOLVED, that Resolution 361 of 1994, to the extent consistent herewith, shall remain in full force and effect, and be it

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

Mr. Burger moved, seconded by Mr. Cahill that the resolution be amended, reducing the change from +\$500,000 to +\$300,000 so that the first FURTHER RESOLVED

REGULAR SESSION OF MAY 18, 1995

would read as follows:

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an additional \$300,000 for a total amount not to exceed under this contract of \$750,000, and be it

The amendment **carried**. Ayes-17, Absent-2 (Mather & Pasquale)

The resolution as amended, **carried**. Ayes-17, Absent-2 (Mather & Pasquale)

RESOLUTIONS INTRODUCED AT THIS SESSION

RESOLUTION NO. 226 by The Hon. Margaret M. Coffey

Seconded by Mr. Whalen

RESOLUTION AUTHORIZING ABANDONMENT BY BROOME COUNTY OF A PORTION OF THE OLD NEW YORK STATE ROUTE 79 IN THE TOWN OF WINDSOR

WHEREAS, pursuant to Section 115-b of the Highway Law, the Commissioner of Public Works has recommended the removal of a portion of Old New York State Route 79 in the Town of Windsor from the County road system, because said road does not fall within the criteria established for inclusion in the County road system, and

WHEREAS, no agreement has been reached with the Town of Windsor concerning such proposed abandonment, and

WHEREAS, the Regional Director of the New York State Department of Transportation, acting for the Commissioner of Transportation, has approved such abandonment to the Town of Windsor by letter to the Commissioner of Public Works dated November 14, 1994, a copy of which is annexed hereto as Exhibit "A", now therefore, be it

RESOLVED, that this County Legislature hereby authorizes removal of a portion of Old New York State Route 79 in the Town of Windsor from the County road system, said abandoned road being described as follows:

Abandon 425± feet of Old New York State Route 79. Commencing left of 10 + 40 centerline and ending left of 14 + 60 centerline. This centerline is shown on the plans for the reconstruction of New York State Route 79 (1993), State contract D254269. These plans are on file in the New York State Department of Transportation.

and be it

FURTHER RESOLVED, that the Broome County Official Highway Map shall be amended accordingly.

Mr. Lindsey moved, seconded by Mr. Augustini to **call the question** on the resolution.

The call of the question **carried.** Ayes-16, Nays-1 (Schofield), Absent-2 (Mather & Pasquale)

The resolution **Lost.**

Ayes-5Coffey, Kavulich, Lindsey, Schofield & Whalen

Nays-12Augustini, Burger, Cahill, Holley, Howard, Hudak, Hull, Miller, O'Day, Sweet,
Wike & Shafer

Absent-2 Mather & Pasquale

RESOLUTION NO. 227 by The Hon. Margaret M. Coffey

Seconded by Mr. Whalen

**RESOLUTION AUTHORIZING ABANDONMENT BY BROOME COUNTY
OF A PORTION OF THE OLD CHENANGO TOWPATH IN THE TOWN OF
FENTON**

WHEREAS, pursuant to Section 115-b of the Highway Law, the Commissioner of Public Works has recommended the removal of a portion of the Old Chenango Towpath in the Town of Fenton from the County road system, because said road does not fall within the criteria established for inclusion in the County road system, and

WHEREAS, no agreement has been reached with the Town of Fenton concerning such proposed abandonment, and

WHEREAS, the Regional Director of the New York State Department of Transportation, acting for the Commissioner of Transportation, has approved such abandonment to the Town of Fenton by letter to the Commissioner of Public Works dated November 14, 1994, a copy of which is annexed hereto as Exhibit "A", now therefore, be it

RESOLVED, that this County Legislature hereby authorizes removal of a portion of the Old Chenango Towpath in the Town of Fenton from the County road system, said abandoned road being described as follows:

Abandon 685± feet of the Old Chenango Towpath, S.H. NO. 175. Commencing at Station 1 + 80 centerline and ending at Station 8 + 65 centerline. This centerline is shown on the plans for the reconstruction of the Chenango Towpath (1969), State Contract FARC 66-149. These plans are on file in the New York State Department of Transportation.

and be it

FURTHER RESOLVED, that the Broome County Official Highway Map shall be amended accordingly.

The resolution **Lost.**

Ayes-5Coffey, Kavulich, Lindsey, Schofield & Whalen

Nays-12 Augustini, Burger, Cahill, Holley, Howard, Hudak, Hull, Miller, O'Day, Sweet,
Wike & Shafer
Absent-2 Mather & Pasquale

RESOLUTION NO. 228 by PERSONNEL & FINANCE COMMITTEES

Seconded by Mr. Lindsey

RESOLUTION AUTHORIZING A LABOR AGREEMENT WITH AFSCME LOCAL 1912 FOR JANUARY 1, 1995 THROUGH DECEMBER 31, 1997

WHEREAS, The County of Broome, under the provisions of the Civil Service Law (Taylor Law) has heretofore recognized AFSCME Local 1912 as an employee organization for those certain Broome County employees represented by said union, and

WHEREAS, this County Legislature by Resolution No. 617 of 1991, authorized a written agreement with AFSCME Local 1912 setting forth the terms and conditions of employment for those employees represented by said union for the period January 1, 1992 through December 31, 1994, and

WHEREAS, a tentative agreement has been reached with AFSCME Local 1912 for the period January 1, 1995 through December 31, 1997, and

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

RESOLVED, that this County Legislature hereby authorizes an agreement with AFSCME Local 1912, setting forth the terms and conditions of employment for those employees represented by said union, for the period January 1, 1995 through December 31, 1997, and be it

FURTHER RESOLVED, that the said agreement shall be upon substantially similar terms and conditions as the 1992 to 1994 written Labor Agreement with the exception of those changes listed on Exhibit "A" attached hereto, and be it

FURTHER RESOLVED, that the County Executive or 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-2 (Cahill & Hudak), Absent-2 (Mather & Pasquale)

RESOLUTION NO. 229 by TRANSPORTATION and FINANCE COMMITTEES
Seconded by Mr. Whalen

RESOLUTION AUTHORIZING ACCEPTANCE A GIFT OF FUNDS FROM ALLEGHENY AIRLINES MEC, AIRLINES PILOTS ASSOCIATION TO THE DEPARTMENT OF AVIATION FOR AIRPORT RESCUE AND FIRE FIGHTING EQUIPMENT AND TRAINING.

WHEREAS, Allegheny Airlines MEC, Airlines Pilots Association, based at the Binghamton Regional Airport, desires to donate a gift of \$500.00 to the Department of Aviation Airport Rescue and Fire Fighting Division to be used to purchase equipment and provide training in connection therewith, and

WHEREAS, it is necessary for this County Legislature to authorize the acceptance of this gift, now, therefore, be it

RESOLVED, this County Legislature hereby authorizes the acceptance of \$500.00 from Allegheny Airlines MEC, Airline Pilot Association, for use by the Department of Aviation Airport Rescue and Fire Fighting Division for equipment and training, and be it

FURTHER RESOLVED, that said sum shall be credited to budget line 210187.0491.207000 (Miscellaneous CFR income), and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately.

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

RESOLUTION NO. 230 by TRANSPORTATION AND FINANCE COMMITTEES
Seconded by Mr. Whalen

RESOLUTION AUTHORIZING ACCEPTANCE OF OFFER FROM NEW YORK STATE OF \$3,000.00 FOR .154± ACRES OF LAND ADJACENT TO STATE ROUTE 201 AT THE COUNTY PUBLIC TRANSPORTATION FACILITY IN THE TOWN OF VESTAL.

WHEREAS, the People of the State of New York on February 10, 1995 acquired by eminent domain .154± acres in fee without access of land then owned by the County adjacent to State Route 201 at the rear of the Public Transportation Facility on Old Mill Road in the Town of Vestal in connection with rehabilitation and widening of the existing bridge on said Route 201 over the Susquehanna River, and

WHEREAS, the New York State Department of Transportation has offered the County \$3,000.00 in compensation of such acquisition; and

WHEREAS, the Commissioner of Transportation and the Department of Law have recommended that the County accept such offer because such offer is not manifestly unfair and the amount involved does not justify the expense of litigation, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the acceptance of the

offer of the New York State Department of Transportation of \$3,000.00 in compensation for the acquisition of the parcel of land referred to above, shown and described in Exhibit "A" attached hereto, and be it

FURTHER RESOLVED, that the County Executive is hereby authorized to execute and deliver for and on behalf of the County an Agreement of Adjustment completely setting the matter of such acquisition for the amount of \$3,000.00, and be it

FURTHER RESOLVED, that the revenue hereinabove authorized shall be credited to budget line 220004.0212.203000 (Sales of Real Property), and be it

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

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

RESOLUTION NO. 231 by HEALTH SERVICES, PERSONNEL and FINANCE COMMITTEES

Seconded by Mr. Cahill

RESOLUTION AUTHORIZING ACCEPTANCE OF MENTAL HEALTH/JUVENILE JUSTICE PROJECT GRANT FROM THE NEW YORK STATE DIVISION FOR YOUTH AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1995.

WHEREAS, the Department of Mental Health requests authorization to accept a Mental Health/Juvenile Justice Grant in the amount of \$60,000.00 for the period June 1, 1995 through December 31, 1995, and

WHEREAS, said project will develop closer working relationships between the Probation Department and the Mental Health Clinic staff and will facilitate diversion of children who are in need of mental health and/or alcohol and substance abuse services by linking them to these services at the earliest opportunity while such children are under supervision of the Probation Department, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$60,000.00 from the New York State Division For Youth for the period June 1, 1995 through December 31, 1995, 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 \$60,000.00 for the period June 1, 1995 through December 31, 1995, 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.

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

RESOLUTION NO. 232 by HEALTH SERVICES, COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING, PERSONNEL and FINANCE COMMITTEES

Seconded by Mr. Whalen

RESOLUTION AUTHORIZING REVISION OF THE HEALTH DEPARTMENT INFANT HEALTH ASSESSMENT PROGRAM (IHAP) AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1994 THROUGH 1995.

WHEREAS, this County Legislature, by Resolution 94-497, authorized the Health Department Infant Health Assessment Program (IHAP) grant and adopted a program budget in connection therewith in the amount of \$89,769.00 for the period October 1, 1994 through September 30, 1995, and

WHEREAS, said grant program identifies and registers infants and children at risk for developmental delays, and

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

RESOLVED, that this County Legislature hereby authorizes and approves revision of the Health Department Infant Health Assessment Program (IHAP) Grant for the period October 1, 1994 through September 30, 1995, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$102,056.00, and be it

FURTHER RESOLVED, that Resolution 94-497, 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, 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-17, Nays-0, Absent-2 (Mather & Pasquale)

RESOLUTION NO. 233 by HEALTH SERVICES and FINANCE COMMITTEES

Seconded by Mr. Whalen

RESOLUTION AUTHORIZING RENEWAL OF HEALTH DEPARTMENT BREAST AND CERVICAL CANCER EDUCATION AND DETECTION GRANT AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1995 THROUGH 1996.

WHEREAS, this County Legislature, by Resolutions 94-230 and 94-352, authorized and approved the Health Department Breast and Cervical Cancer Detection and Education Grant and adopted a program budget in connection therewith in the amount of \$239,223.00 for the period July 1, 1994 through June 30, 1995, and

WHEREAS, said grant program provides breast and cervical screening, diagnostic and treatment services for financially eligible women; and

WHEREAS, it is desired to renew said grant program for the period July 1, 1995 through June 30, 1996 in the amount of \$177,405.00, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$177,405.00 from the New York State Department of Health for the Health Department Breast and Cervical Cancer Detection and Education Program for the period July 1, 1995 through June 30, 1996, 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 \$177,405.00, 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-17, Nays-0, Absent-2 (Mather & Pasquale)

RESOLUTION NO. 234 by HEALTH SERVICES and FINANCE COMMITTEES
Seconded by Mr. Whalen

RESOLUTION AUTHORIZING RENEWAL OF SOUTHERN TIER AIDS PROJECT HIV/AIDS EDUCATION AND TESTING GRANT FOR BROOME AND OTSEGO COUNTIES ADMINISTERED BY THE HEALTH DEPARTMENT FOR 1995 THROUGH 1996.

WHEREAS, this County Legislature, by Resolution 94-338, authorized and approved the Southern Tier Aids Program (STAP) grant for the Health Department HIV/AIDS Education and Testing in Broome and Otsego County in the amount of \$19,500.00 for the period July 1, 1994 through June 30, 1995, and

WHEREAS, it is desired to renew said grant program for the period July 1, 1995 through June 30, 1996 in the amount of \$19,500.00, now therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$19,500.00 from the Southern Tier Aids Program (STAP) for HIV/AIDS education and testing for Broome and Otsego Counties, said grant to be administered through the Broome County Health Department, for the period July 1, 1995 through June 30, 1996, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$19,500.00 for the period July 1, 1995 through June 30, 1996, 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.

REGULAR SESSION OF MAY 18, 1995

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

RESOLUTION NO. 235 by HEALTH SERVICES and FINANCE COMMITTEES

Seconded by Mr. Whalen

RESOLUTION AUTHORIZING AGREEMENT WITH CASTLE GARDENS SENIOR LIVING COMMUNITY, FOR HEALTH DEPARTMENT HOME HEALTH AIDE SERVICES FOR 1995.

WHEREAS, the Health Department requests authorization for an agreement with Castle Gardens Senior Living Community for home health aide services for the period May 1, 1995 through December 31, 1995, at a cost of \$11.00 per hour, and

WHEREAS, said services are necessary to provide aide services to clients residing at Castle Gardens Senior Living Community who are presently enrolled in the Broome County Health Department Certified Home Health Agency, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Castle Gardens Senior Living Community, 1715 Castle Gardens Road, Vestal, New York 13850, for Health Department home health aid services, for Castle Gardens clients presently enrolled by the Broome County Health Department Certified Home Health Agency at a cost of \$11.00 per hour for the period May 1, 1995 through December 31, 1995, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$11.00 per hour, total amount not to exceed budgetary appropriations for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480061.4710.101050 (Home Health Aide 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-17, Nays-0, Absent-2 (Mather & Pasquale)

RESOLUTION NO. 236 by HEALTH SERVICES and FINANCE COMMITTEES

Seconded by Mr. Whalen

RESOLUTION AUTHORIZING CANCELLATION OF UNCOLLECTIBLE HEALTH DEPARTMENT DEBTS FOR 1995.

WHEREAS, the Fiscal Manager of the Health Department has advised that for the calendar year 1995, certain amounts owed to the Health Department currently remain unpaid and uncollected, and

WHEREAS, repeated efforts have been made to collect these four accounts but

have been unsuccessful, either because the individuals cannot be located or because the costs involved in bringing suit would greatly outweigh costs owed to the Health Department and potential recovery, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the cancellation and charge-off of the four uncollectible Health Department accounts, and be it

FURTHER RESOLVED, that the Commissioner of Finance and the Broome County Comptroller are hereby authorized to make necessary accounting entries to implement the intent and purpose of this Resolution.

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

RESOLUTION NO. 237 by COMMUNITY & SOCIAL SERVICES and FINANCE COMMITTEES

Seconded by Mr. Whalen

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH ROCHE BIOMEDICAL LABORATORIES, INC. FOR PHLEBOTOMY AND BLOOD GENETIC MARKER TESTING FOR THE ESTABLISHMENT OF PATERNITY FOR THE DEPARTMENT OF SOCIAL SERVICES FOR 1994 THROUGH 1999.

WHEREAS, this County Legislature, by Resolution 91-268, duly adopted July 18, 1991, authorized an agreement with Roche Biomedical Laboratories, Inc. for Phlebotomy and Blood Genetic Marker Testing for the establishment of paternity for the period May 1, 1991, through April 30, 1994, at a cost of \$270.00 per test, and

WHEREAS, said agreement expired by its terms on April 30, 1994, and it is desired at this time to renew said agreement on substantially similar terms and conditions at a reduced cost, and

WHEREAS, Broome County Family Court routinely orders Human Leukocyte Antigen and Red Blood Cell testing in contested paternity cases, and Roche Biomedical Laboratories is recognized by the Court as an accredited genetic marker testing agency, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with Roche Biomedical Laboratories, Inc., PO Box 2230, Burlington, North Carolina 27216 for Phlebotomy and Blood Genetic Marker Testing for the establishment of paternity for the Department of Social Services for the period April 30, 1994, through May 1, 1999, and be it

FURTHER RESOLVED, that in consideration of said services, Broome County shall pay Roche Biomedical Laboratories \$75.00 per person tested for the period January 1, 1995, through March 31, 1995, and \$70.00 per person tested from March 15, 1995, through May 1, 1999, for a total cost not to exceed \$15,000.00 for the period

REGULAR SESSION OF MAY 18, 1995

January 1, 1995, through December 31, 1995, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 670034.4703.103000 (lab services), and be it

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

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

RESOLUTION NO. 238 by COMMUNITY & SOCIAL SERVICES, COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING and FINANCE COMMITTEES

Seconded by Mr. Whalen

RESOLUTION AUTHORIZING REVISION OF OFFICE FOR AGING SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAMS (SCSEP) ADMINISTRATION GRANT AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1994 THROUGH 1995.

WHEREAS, this County Legislature, by Resolution 265 of 1994, authorized the continued participation by the Office for Aging in the Senior Community Service Employment Programs Administration Grant Program for the period July 1, 1994 through June 30, 1995 and adopted a program budget in connection therewith in the total amount of \$143,517, 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 Senior Community Service Employment Programs Administration Grant for the period July 1, 1994 through June 30, 1995 in the total amount of \$132,002, 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 \$132,002 for the period July 1, 1994 through June 30, 1995, and be it

FURTHER RESOLVED, that Resolution 265 of 1994, 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-17, Nays-0, Absent-2 (Mather & Pasquale)

RESOLUTION NO. 239 by PUBLIC WORKS and FINANCE COMMITTEES

Seconded by Mr. Whalen

RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH O'BRIEN & GERE ENGINEERS, INC. FOR CONSULTANT ENGINEERING SERVICES FOR WILLOW POINT NURSING HOME ASBESTOS REMOVAL.

WHEREAS, this County Legislature, by Resolution 374 of 1992, authorized an agreement with O'Brien & Gere Engineers, Inc. for consultant engineering services for Willow Point Nursing Homes Asbestos Removal - Phase I, at a cost not to exceed \$42,026.00, and

WHEREAS, this County Legislature, by Resolution 207 of 1993, authorized an amendment of an agreement with O'Brien & Gere Engineers, Inc. for consultant engineering services for Willow Point Nursing Home Asbestos Removal, at an additional cost not to exceed \$188,223.00 for the term of the agreement, and

WHEREAS, it is necessary to authorize an amendment of said agreement in order to compensate the consultant for additional time and expense arising from delays caused by the general contractor, Kotasek Corporation, in the amount of \$9,786.00, which amount has been deducted from the amount due the general contractor by action of the Board of Acquisition and Contract approving a change order (deduct) on April 5, 1995, and

WHEREAS, it is also necessary to authorize the amendment of said agreement to extend the time for completion of the work, and

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

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with O'Brien & Gere Engineers, Inc., 441 Commerce Road, Vestal, New York 13850 for engineering consulting services in connection with Willow Point Nursing Home Asbestos Removal, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an additional \$9,786.00, total compensation not to exceed \$240,035.00, and be it

FURTHER RESOLVED, that the time for completion of said contract shall be

REGULAR SESSION OF MAY 18, 1995

revised from August 31, 1994 to September 30, 1995, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 160267.4746.501256 (Architectural/Engineering Services), and be it

FURTHER RESOLVED, that Resolution 374 of 1992 and Resolution 207 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-17, Nays-0, Absent-2 (Mather & Pasquale)

RESOLUTION NO. 240 by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING and FINANCE COMMITTEES

Seconded by Mr. Whalen

RESOLUTION ESTABLISHING BROOME COUNTY CLERK'S OFFICE POLICY FOR OVERPAYMENT OF FILING FEES.

WHEREAS, the Broome County Clerk's Office permits filing of documents either in person or by mail, and

WHEREAS, when documents are mailed to the clerk's office often times the filing fees have been over estimated and a refund is due, and

WHEREAS, usually the refund is for a small amount, usually under five dollars, however, after taking into account the administration costs, staff time, bookkeeping procedures, and mailing costs, it is not cost-effective for the Clerk's office to process and mail a refund for less than five dollars, further, when the refunds are processed and mailed, most of the checks sent are not cashed in that they are for such a small amount, and

WHEREAS, it is desired at this time to establish a County Clerk's office policy whereby no refund would be due and processed for overpayment of filing fees mailed to the County Clerk's office unless the refund is over \$5.00, now, therefore, be it

RESOLVED, this County Legislature hereby establishes that the County Clerk's office policy with regard to overpayment of filing fees sent by mail is that no refund would be processed and due for any overpayment of filing fees mailed to the County Clerk's office unless the refund is over five dollars (\$5.00), and be it

FURTHER RESOLVED, that any revenue realized as a result of this policy shall be credited to budget line 300012.0015.101000 (Clerk Fees), and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately.

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

RESOLUTION NO. 241 by ENVIRONMENT COMMITTEE

Seconded by Mr. Whalen

RESOLUTION AUTHORIZING AGREEMENT WITH THE CASTLE CREEK FIRE COMPANY TO INDEMNIFY THE COUNTY OF BROOME FROM AND AGAINST ANY AND ALL DAMAGES AND CLAIMS WHICH MAY ARISE FROM THE FIRE COMPANY USE OF COUNTY PROPERTY FOR FIRE TRAINING.

WHEREAS, the Division of Solid Waste Management requests authorization for an agreement with Castle Creek Fire Company to indemnify the County of Broome for and against damages and claims which may arise from the fire company's use of county owned property for a fire training exercise, and

WHEREAS, the fire company proposes to burn structures located on county owned property on Dunham Hill Road, and

WHEREAS, this training exercise will include burning the abandoned structures on this property which are currently in an unsafe condition, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Castle Creek Fire Company, Inc., Castle Creek, New York, 13744, to indemnify the County of Broome from and against any and all damages and claims which may arise from the Fire Company's use of County owned property on Dunham Hill Road for a fire training exercise, and be it

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

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

RESOLUTION NO. 242 by ENVIRONMENT COMMITTEE

Seconded by Mr. Whalen

RESOLUTION AUTHORIZING AGREEMENT WITH THE HARPURSVILLE FIRE DEPARTMENT TO INDEMNIFY THE COUNTY OF BROOME FROM AND AGAINST ANY AND ALL DAMAGES AND CLAIMS WHICH MAY ARISE FROM THE FIRE DEPARTMENT'S USE OF COUNTY OWNED PROPERTY FOR A FIRE TRAINING EXERCISE.

WHEREAS, the Division of Solid Waste Management requests authorization for an agreement with the Harpursville Fire Department to indemnify the County of Broome from and against damages and claims which may arise from the fire

REGULAR SESSION OF MAY 18, 1995

departments use of county owned property on East Windsor Road for a fire training exercise, and

WHEREAS, said fire training exercise will include the burning of abandoned structures currently in an unsafe condition on County owned property on East Windsor Road, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with The Harpursville Fire Department, 2 Main Street, PO Box 98, Harpursville, New York, 13787 to indemnify the County of Broome from and against any and all damages and claims which may arise from the fire department use of county owned property on East Windsor Road for a fire training exercise, and be it

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

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

RESOLUTION NO. 243 by ENVIRONMENT COMMITTEE

Seconded by Mr. Whalen

RESOLUTION AUTHORIZING ACCEPTANCE OF A FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED BROOME COUNTY HAZARDOUS WASTE COLLECTION FACILITY AND AUTHORIZING ADDITIONAL ADMINISTRATIVE TASKS IN CONNECTION THEREWITH.

WHEREAS, this County Legislature, by Resolution No. 86 of 1995, and pursuant to the requirements of the State Environmental Quality Review Act (SEQRA), accepted as complete the draft Environmental Impact statement (DEIS) for the proposed Broome County Hazardous Waste Collection Facility, and issued the same for public review, circulation, and comment, and

WHEREAS, said Resolution directed that a public hearing be held on March 16, 1995 to receive oral comments on the DEIS, and

WHEREAS, said Resolution further directed that the Chairman of the Legislature shall preside over the aforesaid public hearing; transcripts of said hearing prepared and transmitted to this Legislature; that the Clerk of the Legislature receive, file and transmit to this Legislature all written comments submitted with respect to the DEIS; and that the Division of Solid Waste Management coordinate the preparation of the Final Environmental Impact Statement (FEIS), and submit the same for this Legislature's

consideration, and

WHEREAS, said Resolution provided the public comment on the DEIS would continue to be received until the close of business on March 31, 1995, and

WHEREAS, the Division of Solid Waste Management has submitted a proposed FEIS to this Legislature for consideration, as was directed by Resolution No. 86 of 1995, and

WHEREAS, the proposed FEIS incorporates the DEIS by reference and contains any revisions or supplements thereto; including copies of substantive comments received on the DEIS and their source; and contains this Legislature's responses to substantive comments received, and

WHEREAS, this Legislature has reviewed said FEIS and believes that it is appropriate at this time to accept said FEIS as complete, to issue and file a notice of completion in connection therewith, and to authorize the filing thereof, all as provided in 6 NYCRR §617.14, now, therefore, be it

RESOLVED, that this County Legislature, based on the factors set forth in 6 NYCRR §617.14 hereby accepts as complete the FEIS for the proposed Broome County Hazardous Waste Collection Facility, and directs the Division of Solid Waste Management, in cooperation with the Department of Law to file the FEIS and a suitable notice of completion as provided in 6 NYCRR §617.11, and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately.

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

RESOLUTION NO. 244 by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING COMMITTEE

Seconded by Mr. Whalen

RESOLUTION AUTHORIZING ACCEPTANCE OF FOUR MICROFILMING CAMERAS FROM SYRACUSE AGWAY FOR USE BY THE BROOME COUNTY CLERK'S OFFICE RECORDS MANAGEMENT DIVISION.

WHEREAS, the Syracuse Agway has upgraded the cameras in its records management program and has four cameras it no longer uses and desires to give Broome County these four microfilming cameras for use by the Broome County Clerk's office Records Management Division, and

WHEREAS, said cameras will be of help to the County Clerk's Office Records Management Division in that it will be able to produce more film at lower cost, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the acceptance of four microfilming cameras from Syracuse Agway, Agway Inc., Box 4933, Syracuse,

REGULAR SESSION OF MAY 18, 1995

NY 13221 for use by the County Clerks Office Records Management Division, and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately.

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

RESOLUTION NO. 245 by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING COMMITTEE and FINANCE COMMITTEES

Seconded by Mr. Whalen

RESOLUTION AUTHORIZING RENEWAL OF JOB TRAINING PARTNERSHIP ACT TITLE 11A 5% INCENTIVE GRANT (JTPA 11A 5% INCENTIVE GRANT) FOR OFFICE OF EMPLOYMENT & TRAINING AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1994 THROUGH 1997.

WHEREAS, this County Legislature, by Resolution 222 of 1994, authorized and approved the Job Training Partnership Act Title IIA 5% Incentive Grant and adopted a program budget in the amount of \$32,645 for the period July 1, 1993 through June 30, 1996, and

WHEREAS, said grant program provides for employment and training programs and services for eligible residents of Broome, Tioga and Tompkins Counties, more specifically the funds will be used to purchase computers for completion of case management system in the three counties

WHEREAS, it is desired to renew said grant program for Office of Employment & Training in the amount of \$40,565, now therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$40,656 from New York State Department of Labor for the period July 1, 1994 through June 30, 1997, 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 \$40,565 for the period July 1, 1994 through June 30, 1997, 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-17, Nays-0, Absent-2 (Mather & Pasquale)

RESOLUTION NO. 246 by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING COMMITTEE and FINANCE COMMITTEES

Seconded by Mr. Whalen

RESOLUTION AUTHORIZING ACCEPTANCE OF JOB TRAINING PARTNERSHIP ACT TITLE III DEFENSE DIVERSIFICATION PROJECT (JTPA TITLE III DDP) PROGRAM GRANT FOR OFFICE OF EMPLOYMENT & TRAINING AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1995 THROUGH 1996.

WHEREAS, the Office of Employment & Training requests authorization to accept the Job Training Partnership Act Title III Defense Diversification Program Grant in the amount of \$832,000 for the period January 1, 1995 through June 30, 1996, and

WHEREAS, said grant program provides employment and training programs and services for eligible residents of Broome, Tioga and Tompkins Counties, more specifically for out placement services, skills upgrading and retraining for employees of companies that had been dependent on defense contracts

WHEREAS, it is now desired to accept said program grant, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$ 832,000 from New York State for the period January 1, 1995 through June 30, 1996, 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 \$ 832,000 for the period January 1, 1995 through June 30, 1996, 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-17, Nays-0, Absent-2 (Mather & Pasquale)

RESOLUTION NO. 247 by EDUCATION, CULTURE & RECREATION and

FINANCE COMMITTEES

Seconded by Mr. Whalen

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH BINGHAMTON GIANT MARKET INC. FOR LEASE OF SPACE FOR BENJAMIN FRANKLIN BRANCH LIBRARY ON A MONTHLY BASIS FOR 1995 TO 1996

WHEREAS, this County Legislature, by Resolution 219 of 1994, authorized an agreement with Giant Operating Corporation for lease of space at 307 Conklin Avenue for the Benjamin Franklin Branch Library at a cost of \$600 per month, total cost not to exceed \$7,200 for the period June 1, 1994 through May 31, 1995, and

WHEREAS, said agreement expires by its terms on May 31, 1995, 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 Binghamton Giant Market Inc., 100 Oakdale Road, P.O. Box 490, Johnson City, NY, 13790 for lease of space at 307 Conklin Avenue for the Benjamin Franklin Branch Library, on a monthly basis, for the period June 1, 1995 through May 31, 1996, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$600 per month, total cost not to exceed \$7,200 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 842005.4422.304218 (Building and Land Rental), and be it

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

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

RESOLUTION NO. 248 by FINANCE COMMITTEE

Seconded by Mr. Whalen

RESOLUTION AUTHORIZING SALE OF COUNTY PROPERTIES OF THE 1995 TAX SALE AUCTION (1991 IN REM FORECLOSURE)

WHEREAS, the County of Broome now owns certain parcels of real property as a result of the 1991 in rem foreclosure action, and

WHEREAS, this County Legislature has heretofore authorized the Director of Real Property Tax Service to sell such properties in conformity with procedures established by this Legislature and in accordance with all applicable laws, and

WHEREAS, the Director of Real Property Tax Service advises that a tax sale

auction for 1995 was held and tabulation of all bids submitted was undertaken by the Director of Real Property Tax Service, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the conveyance of certain real property to the successful bidders in the 1995 Broome County tax sale auction as indicated on the attached Exhibit A, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to execute quit claim deeds, approved as to form by the Department of Law, conveying the properties listed above to the successful bidders in each such case, together with other such documents as may be necessary to implement the intent of this Resolution.

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

RESOLUTION NO. 249 by HEALTH SERVICES and FINANCE COMMITTEES

Seconded by Mr. Whalen

RESOLUTION AUTHORIZING ACCEPTANCE OF NEW YORK STATE DEPARTMENT OF HEALTH GRANT FOR THE BROOME COUNTY HEALTH DEPARTMENT DIVISION OF CHILD DEVELOPMENT FOR RESPITE SERVICES FOR ELIGIBLE CHILDREN/FAMILIES IN THE EARLY INTERVENTION PROGRAM AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1995.

WHEREAS, the Health Department Division of Child Development requests authorization to accept a New York State Department of Health Early Intervention Program Grant in the amount of \$6,600.00 for the period June 1, 1995 through September 30, 1995, and

WHEREAS, said grant program is designed to provide respite services for eligible children and families in the Health Department Division of Child Development Early Intervention Program, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$6,600.00 from the New York State Department of Health Early Intervention Program, Corning Tower, Room 208, Albany, New York 12237 for the Health Department Division of Child Development Early Intervention Program for respite services for eligible children/families for the period June 1, 1995 through September 30, 1995, 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 \$6,600.00 for the period June 1, 1995 through September 30, 1995, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or

REGULAR SESSION OF MAY 18, 1995

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-17, Nays-0, Absent-2 (Mather & Pasquale)

RESOLUTION NO. 250 by FINANCE, HEALTH SERVICES and PERSONNEL COMMITTEES

Seconded by Mr. Whalen

RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR THE DEPARTMENT OF HEALTH

RESOLVED, that in accordance with a request from the Department of Health, in order to provide funds for a personal services chargeback to allow the use of temporary help from another division while a full-time employee is on leave of absence, as requested by BT# 8740, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index</u>	<u>Sub-</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
	<u>Code</u>	<u>object</u>	<u>Code</u>		
FROM:	480210	1000	102853	Salaries, Full-Time	\$ 853
TO :	480210	4610	102853	Personal Svces. Chargeback	\$ 853

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

RESOLUTION NO. 251 by FINANCE COMMITTEE

Seconded by Mr. Whalen

RESOLUTION AUTHORIZING DISTRIBUTION OF MORTGAGE TAX RECEIPTS PURSUANT TO SECTION 271 OF THE NEW YORK STATE TAX LAW

WHEREAS, the County Clerk and the Commissioner of Finance have presented their report concerning mortgage tax receipts for the period October 1, 1994 through March 31, 1995, pursuant to Section 261 of the New York State Tax Law, and the same has been apportioned to the various municipalities thereto, now, therefore, be it

RESOLVED, that the Commissioner of Finance be and hereby is authorized to pay the Treasurer of the City of Binghamton and to respective supervisors of the 16 towns and villages of Broome County, those amounts listed on Exhibit "A" attached hereto.

EXHIBIT A

1995 Semi-Annual Mortgage Tax Distribution
October, 1994 through April, 1995

DICKINSON	- Village of Port Dickinson	\$ 1,914.10	
	- Outside	<u>\$10,058.67</u>	\$11,972.77
LISLE	- Village of Lisle	\$ 368.44	
	- Outside	<u>\$ 6,419.99</u>	\$ 6,788.43
SANFORD	- Village of Deposit	\$ 438.00	
	- Outside	<u>\$ 4,919.82</u>	\$ 5,357.82
TRIANGLE	- Village of Whitney Point	\$ 1,970.27	
	- Outside	<u>\$ 8,818.52</u>	\$10,788.79
UNION	- Village of Johnson City	\$13,516.40	
	- Village of Endicott	\$18,858.33	
	- Outside	<u>\$91,726.33</u>	\$124,101.06
WINDSOR	- Village of Windsor	\$ 1,603.72	
	- Outside	<u>\$24,233.15</u>	\$25,836.87
BARKER			\$ 6,411.48
BINGHAMTON (TOWN)			\$18,775.71
CHENANGO			\$38,731.77
COLESVILLE			\$10,743.62
CONKLIN			\$28,668.30

REGULAR SESSION OF MAY 18, 1995

FENTON	\$15,466.25
KIRKWOOD	\$24,713.06
MAINE	\$11,756.03
NANTICOKE	\$ 4,119.18
VESTAL	\$85,485.58
CITY OF BINGHAMTON	<u>\$83,669.36</u>
TOTALS	<u>\$513,386.08</u>

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

RESOLUTION NO. 252 by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING and FINANCE COMMITTEES

Seconded by Mr. Whalen

RESOLUTION AUTHORIZING THE RENUNCIATION OF THE DEVISE UNDER THE WILL OF WILLIAM BIELECKI OF APPROXIMATELY TWO AND ONE-HALF ACRES OF LAND ALONG THE CHENANGO RIVER IN THE TOWN OF FENTON

WHEREAS, the Will of William Bielecki, M.D., late of Montrose, Pennsylvania, dated August 26, 1994, contained a bequest as follows:

THIRD:I devise approximately 2 1/2 acres of land which I own along the Chenango River to the Broome County Parks Department or the agency in charge of parks in Broome County, for public use. Said 2 1/2 acre parcel is further identified as the parcel having the old lock on it.

and

WHEREAS, the Commissioner of Planning and Economic Development has determined that the County lacks the funding needed to restore the historic canal lock on said property in accordance with the apparent desire of Dr. Bielecki, and

WHEREAS, the New York State Department of Parks, Recreation, and Historic Preservation has indicated that it will restore the canal lock if title to the site is transferred to the State of New York, and

WHEREAS, the Personal Representative of Dr. Bielecki has indicated that he will transfer said property to the State of New York if Broome County renounces the bequest to it under the will of Dr. Bielecki, and

WHEREAS, this County Legislature desires that the historic canal lock be restored for the benefit of the public, including residents of Broome County, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renunciation of the devise under Article Third of the Will of William Bielecki of approximately two and

one-half acres of land along the Chenango River in the Town of Fenton to the Broome County Parks Department or the agency in charge of parks in Broome County, and the relinquishing of all claims to such property, and be it

FURTHER RESOLVED, that this County Legislature hereby directs the Clerk of the County Legislature to advise Paul A. Kelly, Esquire, 25 Public Avenue, Montrose, PA 18801, Personal Representative of William Bielecki, that it desires the transfer of such property directly to the State of New York for the purpose of restoration of the canal lock thereon by the New York State Department of Parks, Recreation, and Historic Preservation for the benefit and enjoyment of the public, and be it

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

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

RESOLUTION NO. 253 by HEALTH SERVICES COMMITTEE

Seconded by Mr. Whalen

RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE COMMUNITY SERVICES BOARD.

WHEREAS, Timothy M. Grippen, Broome County Executive, pursuant to the powers vested in him by Article VIII of the Broome County Charter and Administrative Code, has duly designated and appointed, pending confirmation by this Legislature, the following named individuals to membership on the Community Services Board for the terms indicated:

<u>NAME</u>	<u>TERM EXPIRING</u>
Ann Weingold 60 Blackstone Avenue Binghamton, NY 13903	New appointment Term expires 12/31/97
Cynthia Gable 457 Cherry Valley Hill Rd. Maine, NY 13802	New appointment Term expires 12/31/97
Paul King 58 Davis Street Binghamton, NY 13905 (to fill an unexpired term)	New appointment Term expires 12/31/96

and

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

RESOLVED, that this County Legislature, pursuant to the provisions of Article VIII of the Broome County Charter and Administrative Code, does hereby confirm the appointments of the above-named individuals to membership on the Community Services Board in accordance with their appointment by the County Executive.

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

RESOLUTION NO. 254 by FINANCE and COUNTY ADMINISTRATION,
ECONOMIC DEVELOPMENT AND PLANNING COMMITTEES Seconded
by Mrs. Coffey

RESOLUTION AUTHORIZING HOME RULE REQUEST TO EXTEND THE EFFECTIVENESS OF PROVISIONS AUTHORIZING THE COUNTY OF BROOME TO IMPOSE AN ADDITIONAL ONE PERCENT SALES AND COMPENSATING USE TAX.

WHEREAS, by Resolution No. 395 of 1994, this Legislature requested the New York State Legislature to enact State Legislation to extend the effectiveness of provisions authorizing the County of Broome to impose an additional one percent of sales and compensating use taxes, and

WHEREAS, Assembly Bill A 5420 and Senate Bill S 4386 have been introduced into the New York State Assembly and Senate respectively to amend the tax law, in relation to extending the effectiveness of provisions authorizing the County of Broome to impose an additional one percent of sales and compensating use taxes, and

WHEREAS, pursuant to Article IX of the Constitution of the State of New York, it is necessary for this Legislature to enact a Home Rule Request for the passage of said legislation, now, therefore, be it

RESOLVED, that this County Legislature hereby urges and approves the adoption and passage of said Assembly Bill A 5420 and Senate Bill S 4386 entitled "An Act to Amend the Tax Law in Relation to extending the effectiveness of provisions authorizing the County of Broome to Impose an Additional One Percent of Sales and Compensating Use Taxes", and hereby declares that a necessity exists for the passage of such bill and that the local legislative body of the County of Broome does not have the power to enact such legislation by local law, and be it

FURTHER RESOLVED, that a Home Rule Request be submitted to the Senate and Assembly of the New York State Legislature indicating that the necessity exists for the enactment of said legislation.

Mr. Hudak moved, seconded by Mr. Holley that the resolution be amended to reflect a continuation of ½ % instead of 1%. Mr. Behnke, the County Attorney present, indicated that he felt that this amendment should be undertaken via separate resolution. No action was taken on the amendment and the resolution was **held over** under the 'Rules' by Mr. Cahill

RESOLUTION NO. 255 by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING and FINANCE COMMITTEES Seconded by Mr. Whalen

RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH BROOME LEGAL ASSISTANCE CORPORATION FOR THE PARTIAL HANDLING OF ASSIGNED COUNSEL CASES UNDER THE NEW YORK STATE FAMILY COURT ACT.

WHEREAS, by permanent Resolution 94-44, this Legislature did authorize an agreement with Broome Legal Assistance Corporation of Broome County, New York to provide for partial handling of assigned counsel cases in Broome County Family Court for residents of Broome County who are indigent and can not afford there own attorney, and

WHEREAS, this Resolution authorizes the County to pay Broome Legal Assistance Corporation the sum of \$110,000.00 for services rendered over a 12 month period beginning May 1, 1994 and ending April 31, 1995, and

WHEREAS, as of March 31, 1995 approximately \$59,500.00 was still unspent to provide for this legal representation, and

WHEREAS, the County Attorney has recommended that we continue with this program to develop a full body of data in order to compare the cost of this alternative payment for assigned counsel to the payment of assigned counsel to private attorney's, now, therefore, be it

RESOLVED, that this Legislature authorizes an extension of its agreement with Broome Legal Assistance Corporation in an amount not to exceed the previous \$110,000.00 authorized until a date uncertain when said funding has been consumed for the purposes and goals set forth in the original agreement, and be it

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

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

RESOLUTION NO. 256 by FINANCE AND EDUCATION, CULTURE &

RECREATION COMMITTEES

Seconded by Mr. Howard

RESOLUTION REQUESTING ADDITIONAL FUNDING FOR BROOME COUNTY COMMUNITY LIBRARIES.

WHEREAS, Community based libraries have for many years provided an efficient and cost effective service in addressing the education and information needs of Broome County residents, and

WHEREAS, a countywide revenue source has in previous years helped alleviate some of the negative aspects of the "free rider" concept where residents of several communities made use of the library services of neighboring communities without adequate compensation, and

WHEREAS, during the Fall 1994 Broome County budget deliberations, county funding for our community libraries was discontinued for fiscal year 1995, with resultant cuts in operating hours, employee benefits, and curtailed purchases of books and materials, and

WHEREAS, it is the desire of this legislature to halt the degradation of education and information services of Broome County's community libraries, while a mechanism is desired to address the "free rider" issue and assure fair and equitable funding for subsequent years, now, therefore, be it

RESOLVED, that this County Legislature directs and authorizes the Commissioner of Finance to make the necessary account transfers to fund the community libraries of Broome County an aggregate amount of \$80,000, said amount to be taken from the contingency account, and be it further

RESOLVED, that in accordance with a request from the Legislature, in order to provide funds for community library services, as requested by BT# 8664, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index</u>	<u>Sub-</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
	<u>Code</u>	<u>object</u>	<u>Code</u>		
FROM:	900084	4752	101000	Contingent Account	\$80,000
TO :	930016	9009	101000	Transfer to Special Revenue	\$80,000

and be it

RESOLVED, that the amount provided to each library shall be directly proportional to the individuals library's share of funding received in the 1994 fiscal year from Broome County.

Mr. Holley received permission from the Chair to abstain, as he is employed by the Vestal Library and his library would receive additional funding should the resolution be successful.

Lost.

Ayes-9 Augustini, Burger, Howard, Hull, Kavulich, Miller, O'Day, Sweet & Whalen

Nays-7 Cahill, Coffey, Hudak, Lindsey, Schofield, Wike & Shafer

Absent-2 Mather & Pasquale

Abstain-1 Holley

RESOLUTION NO. 257 by EDUCATION, CULTURE & RECREATION and FINANCE COMMITTEES

Seconded by Mrs. Sweet

RESOLUTION AUTHORIZING THE WAIVER OF THE \$1.00 PARKING FEE AT OTSININGO PARK FOR HEAD START FAMILIES END OF THE YEAR CELEBRATION ON JUNE 3, 1995.

WHEREAS, this Legislature by Local Law No. 22 of 1994 imposed a \$1.00 per car parking fee from May 1, 1995 to Columbus Day at Otsiningo Park, and

WHEREAS, Broome County Child Development Counsel Inc., has requested that this Legislature waive the fee for the Head Start Families end of the years celebration scheduled for June 3, 1995 at Otsiningo Park, and

WHEREAS, it is determined since 1965 the Head Start Program has served more than 5000 children from Binghamton, Johnson City, and surrounding areas, and

WHEREAS, that in 1994 over 266 families have been served, and

WHEREAS, over the last 5 years the Head Start Families have held there end of the year celebration at Otsiningo Park which is supported by fund raising efforts at the Head Start parents throughout the years, and

WHEREAS, the Broome County Child Development Counsel feels that the imposition of the \$1.00 per car charge under Local Law No. 22 of 1994 would impose a detriment from people attending this well deserved celebration, now, therefore, be it

RESOLVED, that this Legislature does waive the \$1.00 per car parking fee for the organizers and participants of Head Start end of the year celebration at Otsiningo Park scheduled for June 3, 1995, 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.

REGULAR SESSION OF MAY 18, 1995

Carried.

Ayes-10 Burger, Coffey, Holley, Howard, Hull, Miller, O'Day, Sweet, Whalen & Shafer
Nays-7 Augostini, Cahill, Hudak, Kavulich, Lindsey, Schofield & Wike
Absent-2 Mather & Pasquale

RESOLUTION NO. 258 by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING FINANCE and PERSONNEL COMMITTEES

Seconded by Mr. Kavulich

RESOLUTION REQUESTING THAT THE STATE OF NEW YORK AMEND ITS 1995 EARLY RETIREMENT OPTION OFFERED TO LOCAL GOVERNMENT IN ORDER TO PROVIDE INCENTIVES TO EMPLOYEES WITH TEN YEARS OF SERVICE WHO ARE FIFTY YEARS OF AGE AND TO MAKE PROVISION THAT THE LOCAL GOVERNMENT WILL HAVE AN OPTION TO DETERMINE WHETHER THE POSITIONS FROM WHICH THOSE EMPLOYEES RETIRE BE FILLED.

WHEREAS, in 1995 the New York State Legislature offered an early retirement program to state and local government employees such that Broome County was provided with a local option to participate in said program specifically conditioned upon the permanent elimination of the positions retired from, and

WHEREAS, the Broome County Legislature as the policy making body of the County has determined that it is in the best interest of Broome County to be authorized to make an election to participate in an early retirement option without the constraint of permanently eliminating the position, and

WHEREAS, Broome County would like to be able to afford an early retirement option to its employees, such that it can make its own local assessment to which employees it would be offered to and how cost savings can be achieved by replacing those positions with lower paying entry level positions; now, therefore, be it

RESOLVED, the Broome County Legislature hereby request that the State of New York authorize an early retirement program wherein the County of Broome has an option to participate, such that it will allow the County to make determinations as to whether or not the employees eligible will be replaced by lower entry level salary personnel, and be it

FURTHER RESOLVED, that a copy of this Resolution shall be forwarded by the Clerk of this Legislature to the Governor of the State of New York, the Comptroller of the State of New York, the Senate Majority Leader, and the Assembly Majority Leader

of the State of New York.

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

RESOLUTION NO. 259 by AD HOC CHARTER & ADMINISTRATIVE CODE REVIEW and FINANCE COMMITTEES

Seconded by Mrs. Hudak

RESOLUTION WITH RESPECT TO ENACTMENT OF THE BROOME COUNTY PROPERTY TAX STABILIZATION AND RELIEF ACT.

WHEREAS, this County Legislature is the legislative, appropriating and policy-determining body of the county, and

WHEREAS, under the Charter its powers include, among others, the power to make appropriations, levy taxes, incur indebtedness and adopt a budget, including a capital plan, and

WHEREAS, previous legislation passed by the State Legislature has allowed other counties to place spending limitations on non-mandated annual disbursements; and

WHEREAS, this County Legislature wishes to maintain a more authoritative control over the policies governing discretionary expenditures on the whole rather than an ineffective line item budget review, and

WHEREAS, other counties have indicated that local personal income measurements have provided a more accurate barometer of the community's economic state than either fluctuating property assessments or corporate tax settlements, and

WHEREAS, this County Legislature strives to control county spending levels to be reflective of the overall economic situation of its constituents, now, therefore,

BE IT RESOLVED, that Broome County requests the New York State Legislature to adopt a law imposing a spending limitation on non-mandated disbursements, substantially as follows:

AN ACT, to impose a spending limitation on non-mandated disbursements in Broome County

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. This section and sections two through four of this act enact and shall constitute the "Broome county spending limitation act."

§ 2. Definitions. When used in this section and sections three and four of this act, the following terms shall have the following meanings, unless otherwise specified.

- a. "County" means Broome county.
- b. "County personal income" means the estimated dollar amount determined as total personal income in the county of Broome by the United States department of commerce or any successor agency.
- c. "County spending" means total annual disbursements of all governmental fund

types included in the cash basis financial plan of Broome county excluding spending mandated by the state of New York or the federal government, excluding the payment of all county funded debt service payments in support thereof, and excluding disbursements of federally funded programs (to the extent that such disbursements are supported by funds from the federal government).

- d. "Administrative unit" means any department, executive division, institution, office or other agency of county government.
- e. "Spending limitation" means the maximum amount of county spending established in county fiscal years 1996 and thereafter.
- f. "Reserve capacity" means the amount of additional spending by the county not subject to the spending limitation established in this chapter, which may be authorized by a resolution of the county legislature.
- g. "Emergency" means an extraordinary, unforeseen or unexpected occurrence or combination of circumstances in a given fiscal year which requires immediate and sudden fiscal action of a drastic but temporary nature.

§ 3. Establishment of annual spending limitation.

- a. For county fiscal years 1996 and thereafter, there shall be in effect an annual spending limitation determined as provided by subdivisions b and c of this section.
- b. The spending limitation for fiscal 1996 shall be two and seven-tenths percent of county personal income for the period January 1, 1993 through December 31, 1993. The spending limitation for fiscal 1997 and later fiscal years shall be two and seven-tenths percent of county personal income for the year beginning three years before the beginning of such fiscal year.
- c. In the event of a change in the method of funding of an administrative unit, program, or activity operated or sponsored by the county, by reason of privatization, consolidation, reorganization or otherwise, so that the appropriations for said administrative unit, program, or activity in any fiscal year will be less than one-half of the appropriations therefor in the previous fiscal year although the County's share of the cost of such administrative unit, program, or activity in that year will be at least ninety percent (90%) of such cost in the previous fiscal year, then the spending limitation for that fiscal year will be reduced by the amount of the difference between the County appropriations therefor for the previous fiscal year and the appropriations therefor for that fiscal year, and the spending limitation shall be reduced by the same amount in all fiscal years thereafter.

§ 4. Establishment of annual reserve capacity.

- a. Whenever the Broome county executive or the legislature determines the need

for additional county funded spending beyond the amounts fixed in the spending limitation, authorization may be provided for the use of reserve capacity as provided by subdivision b of this section.

- b. Upon a finding by the Broome county executive that the spending limitation required by this article would unduly limit the ability of the county to address an emergency, the county executive may prepare and submit his or her executive budget in a manner which excludes the amount or amounts of county spending necessary to address such emergency from the spending limitation. Neither the submission of such budget nor the enactment thereof shall be in violation of the provision of this act. Such amount or amounts and the purposes therefor shall be specified and stated separately in the executive budget submitted by the county executive. Provided further that if, after submission of the executive budget by the county executive, the county legislature, by a two-thirds vote finds that the spending limitation required by this act would unduly limit the ability of the county to address an emergency, the legislature may enact a budget amended in a manner which excludes the amount or amounts of county spending necessary to address such emergency from the spending limitation. The enactment of such budget shall not be in violation of the provisions of this act. Such amount or amounts and the purposes therefor shall be specified and stated separately in the budget as enacted. Provided further, that in no event shall the budget as recommended or enacted for any fiscal year provide for the exclusion of county spending necessary to address such emergency in an amount in excess of ten percent of spending from all county governmental funds for such fiscal year.

§ 5. The effectiveness of this act or of any local law necessitated by the provisions thereof shall not be subject to either mandatory or permissive referendum which would or might otherwise be required by the municipal home rule law.

§ 6. This act shall take effect immediately.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature shall forward a certified copy of this Resolution to the New York State Legislature.

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

Mr. Augustini moved, seconded by Mr. Whalen to **adjourn** at approximately 5:35 P.M.
Carried. Ayes-17, Nays-0, Absent-2 (Mather & Pasquale)