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**BROOME COUNTY LEGISLATURE  
REGULAR SESSION  
THURSDAY, JULY 22, 1999**

The Legislature convened at 4:04pm with a call to order by the Chair, Daniel A. Schofield. The Clerk, Louis P. Augostini, read the fire exit announcement and called the Attendance Roll, Present-16, Absent-3 (Hudak, Hull, Mather).

The Chair, Mr. Schofield, 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 Mr. O'Day, that the minutes of the June 14, 1999 Special Session, the June 17, 1999 Regular Session and the June 24, 1999 Special Session be approved as prepared and presented by the Clerk. **Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

Mr. Schofield noted that the committee minutes for the period June 11, 1999 through July 15, 1999 had been distributed to the members of each committee for review and that they are also on file in the Clerk's Office. The Clerk indicated that a quorum of all committees were present. Mr. Schofield asked for corrections to the committee minutes and receiving none, asked for approval. A motion to approve the committee minutes was made by Mr. Kavulich and seconded by Mr. Burger. **Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

**ANNOUNCEMENTS FROM THE CHAIR**

Ms. Lupardo introduced members of her family who were present at the meeting.

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

Letters from the County Executive, Jeffrey P. Kraham:

1. Public Emergency-George Harvey Justice Building (ruptured water main).
2. Nominating K. House, D. Marinaccio to membership on Youth Bureau Advisory Board.
3. Nominating 4 persons to membership on Environmental Management Council.
4. Nominating L. Sperling to membership on Nursing Home Board of Directors.
5. Nominating M. Bosket to membership on Foster Grandparent Advisory Council.
6. Nominating 3 persons to membership on Board of Ethics.
7. Appointing Terrence M. Kane as Deputy County Executive of Administration, effective July 12, 1999.
8. Appointing Jose Pacheco, MD as Broome County Coroner, effective August 9, 1999.

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

A. Petitions: None

B. Communications:

1. CSEA Collective Bargaining Agreement
2. Minutes from:
  - a. Binghamton Regional Airport (Progress meetings 9, 10, 11-Terminal Renovation)
  - b. Cornell Cooperative Extension
  - c. Soil and Water Conservation District
  - d. Environmental Management Council
  - e. EMC Committee on Alternative Transportation and BMTS Bicycle and Pedestrian Plan Advisory Committee
  - f. Landfill Citizens Advisory Committee and Environmental Management Council
  - g. Safety Committee
3. Recommended Broome Community College Budget, 1999-2000

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4. Geographical Information System (GIS) Needs Assessment and Implementation Plan
  5. Resolutions from Town of Chenango:
    - a. Local Law 1, 1999 (Code of the Town of Chenango)
    - b. Sales Tax Distribution
    - c. Support for the elimination of the Sunset Provision of the Local Government Records Management Improvement Fund (LGRMIF)
  6. Town of Fenton: Public Hearing, July 7, 1999, 7:00 p.m. (Local Law—Regulation of Telecommunications Facilities)
  7. National Association for the Advancement of Colored People: Copy of letter to Dr. Donald Dellow, President, Broome Community College, regarding complaint of racial discrimination in employment discharge of Wendell Tuck.
- C. Notices:
1. State Farm Mutual Automobile Insurance Company (on behalf of Rita Frank) vs. Broome County
  2. Tanya Smith vs. Broome County
- D. Reports:
1. Monthly Report: Broome Community College (Budget Transfers, April and May 1999)
  2. Department of Audit and Control:
    - a. Prepaid Paper Supplies Inventory Audit
    - b. Sheriff's Department (Fixed Assets Status Report)
  3. 1998 Annual Report:
    - a. Community Alternative Systems Agency (CASA)
    - b. Office of Emergency Services
    - c. Cornell Cooperative Extension
  4. Ross Park Zoo (report documenting expenditures for first half of 1999)
  5. Division of Information Technology: Year 2000 Readiness Report
  6. Department of Finance: Audited Comprehensive Annual Financial Report (year ending December 31, 1998)

#### **WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY LEGISLATURE**

Letters from the Chair, Daniel A. Schofield:

1. Appointing Brian K. Mather as Acting Chair, Finance Committee, for William T. Wike at joint Education, Culture and Recreation and Finance Committees, June 24, 1999.
2. Appointing the following Legislators for Brian K. Mather:
  - a. Jane R. Sweet as Acting Chair and James L. Holley as voting representative, Personnel Committee, July 12, 1999.
  - b. Chris W. Burger as voting representative, Public Safety and Emergency Services Committee, July 14, 1999.
  - c. Wanda Hudak as voting representative, Finance Committee, July 15, 1999.
3. Appointing the following Legislators for Thomas A. Hull:
  - a. Chris W. Burger as voting representative, Personnel Committee, July 12, 1999.
  - b. Patrick F. O'Day as Acting Chair and Arlene Nannery as voting representative, Education, Culture and Recreation Committee, July 13, 1999.
  - c. Chris W. Burger as voting representative, Community and Social Services Committee, July 15, 1999.
4. Appointing the following Legislators at the Public Hearing, 5:00 p.m., for the Proposed Broome Community College Budget, 1999-2000:
  - a. Arlene Nannery for Thomas A. Hull, Education, Culture and Recreation Committee.
  - b. George M. Kolba, Jr. for Wayne L. Howard and Jane R. Sweet for Brian K. Mather, Finance Committee.

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Mr. Holley moved, seconded by Mr. Kolba, to receive and file the above referenced report(s) and to authorize and direct the Clerk to index said report(s) in the 1999 JOURNAL OF PROCEEDINGS and to publish pertinent portions of said reports as may be directed by the Chair. **Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

Mr. Shafer and Mr. Kavulich were designated as participants in the 'Short Roll Call.'

#### RESOLUTIONS TABLED FROM PREVIOUS SESSION

##### RESOLUTION NO. 215

(Tabled to the July 22, 1999 Session at the May 20, 1999 Session)

By Public Safety & Emergency Services and Finance Committees      Seconded by Mr. Kolba  
**RESOLUTION AUTHORIZING AGREEMENTS WITH VARIOUS MUNICIPALITIES AND EMERGENCY SERVICES ORGANIZATIONS FOR THE PURCHASE OF COMMUNICATIONS EQUIPMENT FROM 911 FUNDS.** Resolution was tabled with an amendment on the floor to insert Item #6 which would read "Proposed equipment purchases shall be submitted to the Public Safety and Emergency Services Committee for review **Amendment carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather Mr. Kolba moved, seconded by Mr. Shafer, to amend the RESOLVED paragraph to read "3. The maintenance of the equipment shall be the responsibility of Broome County." **Amendment carried**, Ayes-15, Nays-1 (Pasquale), Absent-3 (Hudak, Hull, Mather). **Resolution as amended carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

#### RESOLUTIONS HELD OVER FROM PREVIOUS SESSION

##### RESOLUTION NO. 259

(Held over by Ms. Hudak)

By Community & Social Services and Finance Committees      Seconded by Ms. Hudak  
**RESOLUTION AUTHORIZING ACCEPTANCE OF FAMILY VIOLENCE PREVENTION COUNCIL (FORMERLY CHILD ABUSE PREVENTION COUNCIL) OF A DONATION OF \$850 FOR THE ANNUAL SPRING CONFERENCE**

Mr. Schofield asked Mrs. Nannery if the Community & Social Services Committee was polled to withdraw this resolution in lieu of a replacement resolution presented as Resolution No. 355. She responded in the affirmative and the Chair declared the **resolution as withdrawn**.

##### RESOLUTION NO. 305

(Held over by Mr. Pasquale)

By County Administration, Economic Development & Planning Committee

Seconded by Mr. Howard

##### **RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON ETHICS BOARD**

Mr. Burger stated that he had polled the County Administration, Economic Development & Planning Committee to withdraw this resolution in lieu of a replacement resolution presented as Resolution No. 367. The Chair declared the **resolution as withdrawn**.

#### RESOLUTIONS RECALLED FROM PREVIOUS SESSIONS

Mr. Burger moved, seconded by Mr. Wike to recall Permanent Resolution No. 261 for amendment. **Motion to recall carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

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### RESOLUTION NO. 261

By County Administration, Economic Development & Planning and Finance Committees  
Seconded by Ms. Hudak

#### **RESOLUTION AUTHORIZING AGREEMENT WITH NEW YORK STATE ASSOCIATION OF EMPLOYMENT & TRAINING PROFESSIONALS, INC. FOR CONSULTANT SERVICES FOR THE OFFICE OF EMPLOYMENT & TRAINING**

WHEREAS, the Director of the Office of Employment and Training requests authorization for an agreement with the New York State Association of Employment & Training Professionals, Inc. for consultant services, and

WHEREAS, said services are necessary to develop a Broome-Tioga Workforce Investment Board, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the New York State Association of Employment & Training Professionals, Inc., 111 Pine Street, Albany, New York 12207 for consultant services for the Office of Employment & Training, and be it

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

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 720722.4747.308085 (Other Fees for Services), and be it

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

Mr. Burger moved, seconded by Mr. Brunza, to change the budget line to 720730.4747.308084. **Amendment carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather). **Resolution as amended carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

Mrs. Sweet moved, seconded by Mr. O'Day, to recall Permanent Resolution No. 276 for amendment. **Motion to recall carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

### RESOLUTION NO. 276

By Health Services and Finance Committees

Seconded by Ms. Hudak

#### **RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH K & A RADIOLOGIC TECHNOLOGY, INC. FOR DIRECT BILLING TO MEDICARE FOR WILLOW POINT NURSING HOME**

WHEREAS, this County Legislature, by Resolution 51 of 1999, authorized an agreement with K & A Radiologic Technology, Inc. for direct billing to Medicare for the period January 1, 1999 through June 30, 1999, at a cost not to exceed \$10,000, and

WHEREAS, said services are necessary due to the implementation of a Federally mandated Prospective Payment System, and

WHEREAS, it is necessary to authorize the amendment of said agreement to extend the term through December 31, 1999 at an additional cost of \$2,000, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with K & A Radiologic Technology, Inc., 193 Riverside Drive, Johnson City, New York 13790 for direct billing to Medicare to extend the term through December 31, 1999, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an additional amount not to exceed \$2,000, total amended contract not to exceed \$12,000 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 160192.4747.204000 (Other Fees for Services), and be it

FURTHER RESOLVED, that Resolution 51 of 1999, to the extent consistent herewith, shall remain in full force and effect, and be it

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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.

Mrs. Sweet moved, seconded by Mr. O'Day, to amend the first WHEREAS paragraph to read "...at an additional \$12,000..." and to amend the first FURTHER RESOLVED to read "...an amount not to exceed \$12,000, total amended contract not to exceed \$22,000...". **Amendment carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather). **Resolution as amended**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

Mrs. Sweet moved, seconded by Mr. O'Day, to recall Permanent Resolution No. 277 for amendment. **Motion to recall carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

### RESOLUTION NO. 277

By Health Services and Finance Committees

Seconded by Ms. Hudak

#### **RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH LOURDES HOSPITAL FOR LAB TESTING FOR WILLOW POINT NURSING HOME**

WHEREAS, this County Legislature, by Resolution 98 of 1999, authorized an amendment to the agreement with Lourdes Hospital for lab testing for Willow Point Nursing Home at a cost of \$21,600 for the period July 1, 1998 through June 30, 1999, and

WHEREAS, it is necessary to authorize the amendment of said agreement to extend the term through December 31, 1999 at an additional cost of \$18,000, and

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

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Lourdes Hospital, 169 Riverside Dr., Binghamton, New York 13905 for lab testing for Willow Point Nursing Home to extend the term through December 31, 1999, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an additional amount of \$18,000, total amended contract not to exceed \$39,600 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 160192.4747.204000 (Other Fees for Services), and be it

FURTHER RESOLVED, that Resolution 98 of 1999, 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.

Mrs. Sweet moved, seconded by Mr. O'Day, to amend the second WHEREAS paragraph to read "...at an additional cost of \$39,600..." and the first FURTHER RESOLVED paragraph to read "...an additional amount of \$39,600, total amended contract not to exceed \$61,200...". **Amendment carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather). **Resolution as amended carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

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**RESOLUTIONS INTRODUCED AT THIS SESSION**

**RESOLUTION NO. 322**

By Finance Committee

Seconded by Mr. Miller

**RESOLUTION AUTHORIZING SETTLEMENT OF CLAIMS IN CONNECTION WITH 1994 NEW LIBRARY DESIGN/BUILD/LEASE PROPOSAL**

WHEREAS, this County Legislature by Resolution Number 37A of 1993 authorized bonds to be issued to pay for plans in preparation of a new central library, and

WHEREAS, this County Legislature by Resolution Number 71 of 1993 authorized an agreement with Carrow Architects for design analysis and review of a new central library, and

WHEREAS, in connection with said design analysis and review a competition was held to determine the preferred developer to design/build/lease the proposed new central library to the county, and

WHEREAS, the RFP seeking developers interested in competing for the contract to design/build/lease the new central library stated that in the event a contract was not awarded to the winner of the competition Broome County "will in good faith enter into negotiations with this Team to determine a just compensation for services rendered to that date", and

WHEREAS, Akel-Lane Development, LLC submitted a proposal that won the competition, and

WHEREAS, due to funding restrictions and other factors Broome County was not able to enter into a contract for the design/build/lease of the new central library, and

WHEREAS, Akel-Lane Development, LLC seeks reimbursement for their costs in connection with preparing specifications and drawings in connection with the proposal pursuant to the RFP, and

WHEREAS, negotiations have taken place between the County Executive and Akel-Lane Development, LLC in an attempt to resolve the Akel-Lane claim resulting in a proposed settlement of \$300,000 in full satisfaction of any claims Akel-Lane Development, LLC may have against Broome County in connection with the central library design/build/lease competition, and

WHEREAS, the County Attorney requests authorization to settle this claim for the sum of \$300,000 to be paid without interest, now, therefore, be it

RESOLVED, that this County Legislature hereby approves the proposed settlement of the Akel-Lane Development, LLC claim against the county for its costs in preparing specifications and drawings in connection with the RFP competition for the design/build/lease of a new central library in the amount of \$300,000.00, to be paid without interest, and be it

FURTHER RESOLVED, that the County Executive or the County Attorney is hereby authorized to execute any settlement documents in connection with the Akel-Lane claim, and be it

FURTHER RESOLVED, that the settlement will be paid from funds to be budgeted in the year 2000 budget.

**Held over 'under the rules'** by Mr. Howard.

**RESOLUTION NO. 323**

By County Administration, Economic Development & Planning, Community & Social Services and Finance Committees

Seconded by Mr. Burger

**RESOLUTION AUTHORIZING LEASE OF SPACE IN THE METROCENTER FOR USE BY THE OFFICE OF EMPLOYMENT AND TRAINING AND THE DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Director of Employment & Training and the Commissioner of Social Services have received a proposal from Metrocenter Associates, LLC to lease to Broome County up to 25,000 sq. ft. of space in the Metrocenter for use by the County in connection with various job training programs at a cost of \$10.95 per square foot which includes utilities, taxes and Landlord's renovations prior to taking possession for a term not to exceed fifteen years, and

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WHEREAS, by utilizing this space of Office of Employment and Training and the Department of Social Services will be able to provide more services centralized under one roof with adjacent parking and handicapped accessibility, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a lease with Metrocenter Associates, LLC for up to 25,000 square feet of space in the Metrocenter at a cost not to exceed \$10.95 per square foot or \$273,750 annually during the term of the lease, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Landlord an amount not to exceed \$10.95 per square foot or \$273,750 annually during the term of the lease, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line various.4422.308044 and 4422.308045, 670018.4422.103000, 670455.4422.102204, 670455.4422.104277, 670455.4422, and 670455.4422.104245 (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-15, Nays-0, Absent-3 (Hudak, Hull, Mather), Abstain-1 (O'Day - his firm does business with the Metrocenter).

### **RESOLUTION NO. 324**

By Public Works and Finance Committees

Seconded by Mr. Shafer

#### **RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH O'BRIEN & GERE ENGINEERS, INC. FOR ASBESTOS AND LEAD PAINT SAMPLING AND TESTING FOR THE DEPARTMENT OF PUBLIC WORKS FOR 1999-2000**

WHEREAS, this County Legislature, by Resolution 177 of 1998, authorized the renewal of an agreement with O'Brien & Gere Engineers, Inc. for asbestos sampling for the period May 16, 1998 through May 15, 1999 at an amount not to exceed \$15,000, and

WHEREAS, said services are necessary to provide sampling and testing for lead paint and asbestos to confirm the presence or absence of hazardous materials on an "as needed basis", and

WHEREAS, said agreement expired by its terms on May 15, 1999 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 O'Brien & Gere Engineers, Inc., 441 Commerce Road, Vestal, NY 13850 for sampling and testing for lead paint and asbestos for various projects for the period May 16, 1999 through May 15, 2000, and be it

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

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line various.4746.various (Engineering and Architectural Services), and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

### **RESOLUTION NO. 325**

By Finance Committee

Seconded by Mr. Shafer

#### **RESOLUTION AUTHORIZING SALE OF COUNTY OWNED PROPERTIES**

WHEREAS, this County Legislature, by Local Law No. 9, 1986, authorized the sale of county property by means other than as authorized by County Law Section 215 (to the highest bidder after public advertisement), with the approval of the County Legislature, and

WHEREAS, the Director of Real Property Tax Services requests that this County Legislature authorize the sale of these parcels with revenue to Broome County, now, therefore, be it

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RESOLVED, that this County Legislature hereby authorizes the sale of a parcel of real property located in the Village of Endicott, known as Tax Map No. 157.10-3-37 to Michael McKilligan for \$5,500.00, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes the sale of a parcel of real property located in the Town of Fenton, known as Tax Map No. 097.01-2-10 to Charles and Marjorie Kark, 53 Winn Hill Road, Port Crane, NY 13833 for \$1,500, and be it

FURTHER RESOLVED, that the revenue received pursuant to these sales be credited to budget line 630004.0212.101000 (Sale 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-16, Nays-0, Absent-3 (Hudak, Hull, Mather).**

### **RESOLUTION NO. 326**

By County Administration, Economic Development & Planning and Public Safety & Emergency Services Committees

Seconded by Mr. Miller

**RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 3, 1999, ENTITLED: "A LOCAL LAW AUTHORIZING THE COUNTY OF BROOME TO ACT AS AN AUTHORIZED AGENT FOR PARTICIPATING LOCAL AUTHORITIES IN ACCORDANCE WITH SECTION 1224 OF THE NEW YORK STATE VEHICLE AND TRAFFIC LAW".**

WHEREAS, Section 1224 of New York State Vehicle and Traffic Law allows municipalities to auction or convert to use unclaimed vehicles found abandoned along public roadways located within those municipalities, and

WHEREAS, Section 1224 does not include counties as one of the types of municipalities able to auction or convert to use abandoned vehicles so discovered and unclaimed, and

WHEREAS, Section 1224 provides for the establishment of local laws by counties that enable counties to become agents who are authorized to auction or convert to use abandoned vehicles, and

WHEREAS, the County of Broome wishes the Broome County Sheriff's Office to have the ability to act under the authority of Section 1224, allowing the Broome County Sheriff to auction said vehicles for revenue or to convert suitable vehicles for law enforcement use, now, therefore, be it

RESOLVED, that Local Law Intro. No. 3, 1999, entitled: "A LOCAL LAW AUTHORIZING THE COUNTY OF BROOME TO ACT AS AN AGENT FOR PARTICIPATING LOCAL AUTHORITIES IN ACCORDANCE WITH SECTION 1224 OF THE NEW YORK STATE VEHICLE AND TRAFFIC LAW," be and the same hereby is adopted and approved in accordance with the Broome County Charter, Vehicle and Traffic Law, Municipal Home Rule Law, and all the applicable statutes and laws pertaining thereto.

### **LOCAL LAW INTRO. NO. 3, 1999**

#### **A Local Law Authorizing the County of Broome to Act as an Agent for Participating Local Authorities In Accordance With Section 1224 of the New York State Vehicle and Traffic Law**

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

Section 1. The purpose of this Local Law is to enable Broome County to act as an agent of participating local authorities to remove and dispose of abandoned vehicles, in accordance with the regulations promulgated by the New York State Commissioner of Motor Vehicles.

Section 2. The County of Broome is hereby authorized to contract with any local authority that adopts a resolution in support of such contract, to act as its agent for the purpose of removing and disposing of abandoned vehicles located within such local authority.

Section 3. The Broome County Sheriff's Office is hereby designated as the agency of County government to carry out the removal and disposition of abandoned vehicles pursuant to this local law, subject to the regulations as promulgated by the New York State Commissioner of Motor Vehicles.



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Section 4. This Local Law shall become effective following a public hearing and upon filing with the Secretary of State.

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

#### **RESOLUTION NO. 327**

By Public Works and Finance Committees

Seconded by Mr. Shafer

#### **RESOLUTION AUTHORIZING AGREEMENT WITH STRATEGIC POWER MANAGEMENT, LLC FOR CONSULTING SERVICES FOR THE LANDFILL ENERGY PROJECT FOR 1999-2000**

WHEREAS, the Division of Solid Waste Management requests authorization for an agreement with Strategic Power Management, LLC for consulting services for the Landfill Energy Project at a cost not to exceed \$9,000 for 1999 and 2000, and

WHEREAS, said services are necessary to provide the County and Meridian Resources, LLC, the firm collecting the gas at the Nanticoke Landfill, with the best options available for power utilization from the landfill gas-to-energy facility, and

WHEREAS, Strategic Power Management, LLC is a regulatory, energy, and management consultant with negotiations experience, including experience with the potential buyer of the generated power, NYSEG, and whose input would be very beneficial in selecting options for power utilization, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Strategic Power Management, LLC, P.O. Box 248, East Norwich New York for consulting services for the period August 1, 1999 through January 31, 2000, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$9,000 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 235036.4545.501319 (Contracted Services), and be it

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

**Carried**, Ayes-14, Nays-2 (Brunza, Whalen), Absent-3 (Hudak, Hull, Mather).

#### **RESOLUTION NO. 328**

By Health Services and Finance Committees

Seconded by Mr. O'Day

#### **RESOLUTION AUTHORIZING AGREEMENT WITH NEW YORK STATE CATHOLIC HEALTH PLAN, INC., D/B/A FIDELIS CARE NEW YORK, FOR THE HEALTH DEPARTMENT'S CLINICS/HOME HEALTH SERVICES FOR 1999**

WHEREAS, the Acting Director of Health requests authorization for an agreement with New York State Catholic Health Plan, Inc., d/b/a Fidelis Care New York, for managed Medicaid care for clinic and home care services for August 1, 1999 through December 31, 1999, and

WHEREAS, said services are necessary to allow the Broome County Health Department to receive reimbursement for managed Medicaid services rendered to the Catholic Health Plan enrollees, and

WHEREAS, health maintenance organizations, by their nature, require periodic rate adjustments, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with New York State Catholic Health Plan, Inc., d/b/a Fidelis Care New York, 100 State Street, Albany, New York 12207 for managed Medicaid care for clinic patients and maternal child health home nursing visits for the period August 1, 1999 through December 31, 1999, and be it

FURTHER RESOLVED, that in consideration of said services, the County will receive a fee for services (established Medicaid rates) rendered for the term of this agreement, and be it

FURTHER RESOLVED, that the Acting Director of Public Health is authorized to approve any and all rate changes as warranted for the term of this agreement, and be it

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FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget lines 480228.0070.101000 and 480293.0070.101080 (Fees for Services), and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

### **RESOLUTION NO. 329**

By Finance Committee

Seconded by Mr. Shafer

#### **RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S. FOR LONG TERM HEALTH CARE INSURANCE FOR BROOME COUNTY EMPLOYEES FOR 1999-2000**

WHEREAS, this County Legislature, by Resolution 265 of 1998, authorized an agreement with the Equitable Life Assurance Society of the U.S. to offer long term health care insurance to County employees at no cost to the County for the period July 1, 1998 through June 30, 1999, and

WHEREAS, said agreement expires by its terms on June 30, 1999 and it is desired at this time to renew said agreement on similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with the Equitable Life Assurance Society of the U.S., 4100 Old Vestal Road, Vestal, New York 13850 to offer long term health care insurance for Broome County employees for the period July 1, 1999 through June 30, 2000 at no cost to the County and with no obligation on the part of County employees to purchase said insurance, and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

### **RESOLUTION NO. 330**

By Community & Social Services, Personnel, County Administration, Economic Development & Planning and Finance Committees

Seconded by Mr. Shafer

#### **RESOLUTION AUTHORIZING RENEWAL OF DEPARTMENT OF SOCIAL SERVICES DAY CARE HOMES REGISTRATION GRANT AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1999-2000**

WHEREAS, this County Legislature, by Resolution 287 of 1998, authorized renewal of the Department of Social Services Day Care Homes Registration Grant and adopted a program budget in the amount of \$107,435 for the period August 1, 1998 through July 31, 1999, and

WHEREAS, said grant program provides for the registration and inspection, including investigations and enforcement referrals, of family day care homes and school-age child care programs on the local level, and

WHEREAS, it is desired to renew said grant program for the Day Care Homes Registration, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$111,500 from the New York State Office of Children and Family Services, Early Childhood Services Division, 40 N. Pearl Street, 11-B, Albany, New York 12243 for the Day Care Homes Registration Program Grant for the period August 1, 1999 through July 31, 2000, 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 \$111,500, 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

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FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) are hereby authorized to make any transfers of funds required within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

### **RESOLUTION NO. 331**

By Community & Social Services and Finance Committees                      Seconded by Mr. Shafer

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE OFFICE FOR AGING AND OUR LADY OF LOURDES MEMORIAL HOSPITAL FOR DELIVERY OF MEALS TO CERTIFIED HOME HEALTH AGENCY CLIENTS FOR 1999**

WHEREAS, the Director of Office for Aging requests authorization for an agreement with Our Lady of Lourdes Memorial Hospital for delivery of meals to Certified Home Health Agency clients for the period June 20, 1999 through December 31, 1999, and

WHEREAS, said services are necessary to provide home delivered meals to Certified Home Health Agency clients, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Our Lady of Lourdes Memorial Hospital, 169 Riverside Drive, Binghamton, New York 13905 for delivery of meals to Certified Home Health Agency clients for the period June 20, 1999 through December 31, 1999, and be it

FURTHER RESOLVED, that in consideration of said services, the Contractor shall pay the County an amount not to exceed \$8.00 (Meals On Wheels) and \$3.00 (Congregate) per client, per day for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 760744.0538.104263 (Long Term Home Health Care Fees), and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

### **RESOLUTION NO. 332**

By Community and Social Services and Finance Committees                      Seconded by Mr. Shafer

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE OFFICE FOR AGING AND OUR LADY OF LOURDES MEMORIAL HOSPITAL FOR SOCIAL DAY CARE SERVICES FOR CERTIFIED HOME HEALTH AGENCY CLIENTS FOR 1999**

WHEREAS, the Director of Office for Aging requests authorization for an agreement with Our Lady of Lourdes Memorial Hospital for social day care services for its Certified Home Health Agency clients for the period June 20, 1999 through December 31, 1999 at a cost not to exceed \$32.00 per client, per day, and

WHEREAS, said services are necessary to provide social day care for Certified Home Health Agency clients, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Our Lady of Lourdes Memorial Hospital, 169 Riverside Drive, Binghamton, New York 13905 for social day care services for Certified Home Health Agency clients for the period June 20, 1999 through December 31, 1999, and be it

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FURTHER RESOLVED, that in consideration of said services, the Contractor shall pay the County an amount not to exceed \$32.00 per client, per day for a full day of social day care for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 760983.0538.104295 (Long Term Home Health Care Fees), and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

### **RESOLUTION NO. 333**

By Community & Social Services and Finance Committees

Seconded by Mr. Shafer

#### **RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH IDEAL SENIOR LIVING CENTER, INC. FOR OFFICE FOR AGING'S MEALS ON WHEELS PROGRAM FOR 1999-2000**

WHEREAS, this County Legislature, by Resolution 385 of 1998, authorized a renewal of the agreement with Ideal Senior Living Center, Inc. for the period August 2, 1998 through August 1, 1999 with revenue to Broome County of \$8.00 per day for each long-term client served home-delivered meals, and

WHEREAS, said services are necessary to provide meals for long-term home health care clients, and

WHEREAS, said agreement expires by its terms on August 1, 1999 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 Ideal Senior Living Center, Inc., 600 High Street, Endicott, New York 13760 for the Office for Aging's Meals on Wheels Program for the period August 2, 1999 through August 1, 2000, and be it

FURTHER RESOLVED, that in consideration of said services, the Contractor shall pay the County \$8.00 per day for each long-term client served home-delivered meals for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 760744.0538.104263 (Long Term Home Health Care Revenue), and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

### **RESOLUTION NO. 334**

By Community & Social Services and Finance Committees

Seconded by Mr. Shafer

#### **RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH IDEAL SENIOR LIVING CENTER, INC. FOR THE OFFICE FOR AGING'S SOCIAL DAY CARE SERVICES FOR 1999-2000**

WHEREAS, this County Legislature, by Resolution 386 of 1998, authorized the renewal of an agreement with Ideal Senior Living Center, Inc. for social day care services for its Long Term Health Care Program clients at an amount not to exceed \$32.00 per client, per day, and

WHEREAS, said services are necessary to provide social day care to Ideal Senior Living Center Long Term Home Health Care clients, and

WHEREAS, said agreement expires by its terms on August 1, 1999 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 Ideal Senior Living Center, 600 High Street, Endicott, New York 13760 for social day care services for Long Term Home Health Care clients for the period August 2, 1999 through August 1, 2000, and be it

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FURTHER RESOLVED, that in consideration of said services, the Contractor shall pay the County an amount not to exceed \$32.00 per client, per day for a full day of social day care for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 760983.0538.104295 (Long Term Home Health Care Fees), and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution. **Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

### RESOLUTION NO. 335

By Community & Social Services and Finance Committees

Seconded by Mr. Shafer

#### **RESOLUTION AUTHORIZING CANCELLATION OF OFFICE FOR AGING UNCOLLECTIBLE REPLACEMENTS FOR BOUNCED CHECKS FOR THE MEALS ON WHEELS PROGRAM FOR 1995-1998**

WHEREAS, the Fiscal Services Administrator of the Office for Aging has advised that for the 1995 through 1998, certain amounts owed to the Meals on Wheels Program currently remain unpaid and uncollected, and

WHEREAS, repeated efforts have been made to collect these accounts but have been unsuccessful, either because the individuals cannot be located or because the costs involved in bringing suit would greatly outweigh the potential recovery, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the cancellation and charge-off of the Office for Aging uncollectible replacements for bounced checks for the Meals on Wheels Program for 1995 through 1998 for the following individuals:

<u>Bank Date</u>	<u>Check Date</u>	<u>Amount</u>	<u>Client</u>
01-23-95	01-09-95	\$28.00*	Crumm
12-18-97	12-05-97	\$50.00	Sumida
03-26-98	03-10-98	\$75.00	Friends
04-16-98	04-06-98	\$20.00	Williams

\* Check amount was \$48.00; Resolution 143 of 1998 erased \$20.00 of that amount. This is the difference.

and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

### RESOLUTION NO. 336

By County Administration, Economic Development & Planning and Finance Committees

Seconded by Mr. Shafer

#### **RESOLUTION AUTHORIZING AGREEMENT WITH GRAPHIC SERVICE & EQUIPMENT CO., INC. FOR THE DEPARTMENT OF INFORMATION TECHNOLOGY FOR LEASE/PURCHASE OF A RYOBI OFFSET PRINTER FOR 1999 to 2004**

WHEREAS, the Director of Information Technology requests authorization for an agreement with Graphic Service Equipment Co., Inc. for the lease/purchase of a Ryobi 3302 Two-Color Offset Printer with the Crestline/Kompac Dampening System, at a cost not to exceed \$68,817.60, and

WHEREAS, said services are necessary to purchase on installment an offset printer for the Central Services Division of the Department of Information Technology, and

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WHEREAS, the Ryobi 3302 Two-Color Offset Printer with the Crestline/Kompac Dampening System is included in the New York State Contract Group 22827-Offset Press Award #2773-G, and

WHEREAS, the lease/purchase price of \$68,817.60 is less expensive than the low bidder, now therefore be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Graphic Service & Equipment Co., Inc., P.O. Box 2440, 425 Eastline Road, Ballston Spa, New York 12020, for the lease/purchase of the Ryobi 3302M Two-Color Offset Printer with the Krestline/Kompac Dampening System, for the period September 1, 1999 through September 30, 2004, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor the amount of \$1,146.96 per month for 60 months for a total amount not to exceed \$68,817.60 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 370049.4419.101000 (General Office Expenses), and be it

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

**Held over 'under the rules'** by Mr. Burger.

### **RESOLUTION NO. 337**

By County Administration, Economic Development & Planning and Finance Committees

Seconded by Mr. Shafer

#### **RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH LEXIS/NEXIS FOR LEGAL RESEARCH FOR THE BROOME COUNTY LAW DEPARTMENT FOR 1999-2001**

WHEREAS, this County Legislature, by Resolution 269 of 1998, authorized the Broome County Law Department to participate in the New York State Office of General Services contract CMS0415 with Lexis/Nexis for computerized legal research services for the period June 1, 1998 through May 31, 1999 at a cost not to exceed \$15,000, and

WHEREAS, said services are necessary for efficient and prompt availability of legal materials including cases, statutes, regulations and codes, and

WHEREAS, said agreement expired by its terms on May 31, 1999 and it is desired at this time to renew said agreement, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the Broome County Law Department to participate in the New York State Office of General Services contract CMS0415 with Lexis/Nexis, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Lexis/Nexis, 475 Park Avenue South (4<sup>th</sup> Floor), New York, New York 10016 for computerized legal research services for the period June 1, 1999 through May 31, 2001, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$15,000 per year, total cost not to exceed \$30,000 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 390005.4726.101000 (Contract Data Processing), and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

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**RESOLUTION NO. 338**

By County Administration, Economic Development & Planning and Finance Committees  
Seconded by Mr. Shafer

**RESOLUTION AUTHORIZING AGREEMENT WITH OUTSOURCING SERVICES INTERNATIONAL FOR SET-UP AND NETWORKING SERVICES FOR THE DEPARTMENT OF INFORMATION TECHNOLOGY FOR 1999**

WHEREAS, the Director of Information Technology requests authorization for an agreement with Outsourcing Services International (OSI) for set-up and networking services for July 1, 1999 through December 31, 1999, at a cost not to exceed \$38,480, and

WHEREAS, said services are necessary to provide set-up and networking services for all County departments as part of the Capital PC Replacement Plan, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Outsourcing Services International, P.O. Box 156, 423 Commerce Road, Vestal, New York 13851-0156, for the period July 1, 1999 through December 31, 1999, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$38,480 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 370031.4726.502301 (Contracted Data Processing Services), and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

**RESOLUTION NO. 339**

By Transportation and Finance Committees Seconded by Mr. Shafer

**RESOLUTION AUTHORIZING AGREEMENT WITH BRIDGESTONE/FIRESTONE, INC., DIVISION OF MILEAGE SALES, FOR LEASE OF BUS TIRES FOR THE DEPARTMENT OF TRANSPORTATION FOR 1999-2002**

WHEREAS, the Commissioner of Public Transportation requests authorization for an agreement with Bridgestone/Firestone Inc., Division of Mileage Sales, for lease of bus tires for August 1, 1999 through July 31, 2002, at a cost not to exceed \$38,502 per year, and

WHEREAS, the Director of Purchasing requested bids for lease of city/Suburban 55 mph tires for Broome County Transit buses based on term lease and mileage rates, and

WHEREAS, Bridgestone/Firestone, Inc., Division of Mileage Sales, was determined the low bidder, and

WHEREAS, said services provided with a lease agreement are more cost effective than purchase, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Bridgestone/Firestone, Inc., Division of Mileage Sales, 1200 Firestone Parkway, Akron, Ohio 44317-0001, for lease of bus tires for the period August 1, 1999 through July 31, 2002, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$38,502 per year for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 220004.4348.203115 (Tires and Tubes), and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

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**RESOLUTION NO. 340**

By Transportation and Finance Committees

Seconded by Mr. Shafer

**RESOLUTION AUTHORIZING AGREEMENT WITH LEIGH FISHER ASSOCIATES FOR FINANCIAL CONSULTANT SERVICES FOR THE DEPARTMENT OF AVIATION FOR 1999-2000**

WHEREAS, the Commissioner of Aviation requests authorization for an agreement with Leigh Fisher Associates for financial consultant services for the period August 1, 1999 through July 31, 2000 with a one-year renewal option, at a cost not to exceed \$29,000 including expenses, and

WHEREAS, said services are necessary to develop and calculate airline rates/charges based on audit and actual financial data and to assist the County in the negotiation of airline lease agreements, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Leigh Fisher Associates, Post Office Box 8007, San Francisco International Airport, San Francisco, California 94128-8007 for financial consultant services for the Department of Aviation for the period August 1, 1999 through July 31, 2000, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$29,000 including expenses for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 210195.4449.207000 (Other Operational Expense), and be it

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

**Carried, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).**

**RESOLUTION NO. 341**

By Transportation and Finance Committees

Seconded by Mrs. Sweet

**RESOLUTION AUTHORIZING AN INCREASE IN PUBLIC PARKING FEES AT THE BINGHAMTON REGIONAL AIRPORT**

WHEREAS, this County Legislature, by Resolution 225 of 1991, established current parking rates at the Binghamton Regional Airport, and

WHEREAS, the Commissioner of Aviation deems it necessary to amend current rates to generate revenue while staying competitive with other airports and parking providers in the area, now, therefore, be it

RESOLVED, that this County Legislature hereby approves and authorizes the following schedule of parking fees at the Binghamton Regional Airport:

<u>SHORT TERM</u>	
First Half Hour	\$.75
Second Half Hour	\$.50
First through Fourth Hour	\$1.25/hr.
Fifth & Sixth Hour	\$1.50/hr.
Maximum Daily	\$8.00/day
Maximum Weekly	\$40.00/week
<u>LONG TERM</u>	
Hourly Rate	\$1.50/hr
Maximum Daily Rate	\$6.00/day
Maximum Weekly Rate	\$30.00/week



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FURTHER RESOLVED, that the revenue from said fees shall be credited to budget line 210153.0487.207000 (Parking Operation Revenue), and be it

FURTHER RESOLVED, that the foregoing parking fees shall, in each case, include the applicable New York State sales tax.

**Carried**, Ayes-14, Nays-2 (Brunza, Whalen), Absent-3 (Hudak, Hull, Mather).

### RESOLUTION NO. 342

By Transportation and Finance Committees

Seconded by Mr. Shafer

**RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH THE CITY OF BINGHAMTON SCHOOL DISTRICT FOR TRANSPORTATION OF STUDENTS DURING THE 1999-2002 SCHOOL YEARS**

WHEREAS, this County Legislature, by Resolution 270 of 1996, authorized an agreement with the City of Binghamton School District for the transportation of students during the 1996-1997, 1997-1998 and 1998-1999 school years, and

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

WHEREAS, said agreement expires by its terms on the last school day of the 1998-1999 school year and it is desired at this time to renew said agreement on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with the City of Binghamton School District for the transportation of students for the next three school years at the rates as follows:

<u>Academic Year</u>	<u>Formula</u>
1999-2000	\$161,680 + CPI
2000-2001	1999-2000 amount + CPI
2001-2002	2000-2001 amount + CPI

and be it

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

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

### RESOLUTION NO. 343

By Transportation and Finance Committees

Seconded by Mr. Shafer

**RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH BINGHAMTON UNIVERSITY FOR BUS TRANSPORTATION OF STUDENTS FOR 1999-2002**

WHEREAS, this County Legislature, by Resolution 215 of 1996, authorized an agreement with the State University of New York at Binghamton to furnish bus transportation to students during the 1996-1997, 1997-1998 and 1998-1999 academic years, and

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

WHEREAS, said agreement expires by its terms at the end of the academic year 1998-1999 and it is desired at this time to renew said agreement on substantially similar terms and conditions with an increase in revenue to Broome County, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Binghamton University for bus transportation for students as follows:

1. The term of the agreement shall be for the academic years 1999-2000, 2000-2001 and 2001-2002, beginning in the Summer and ending in the Spring of each year. The dates for the commencement and expiration of each academic year shall be established by Binghamton University officials and the Department of Transportation.

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2. Students may board the bus by showing a validated Binghamton University identification card.
  3. Payment to Broome County for services rendered shall be as follows:

<u>Academic Year</u>	<u>Formula</u>
Summer 1999-Spring 2000	\$268,000
Summer 2000-Spring 2001	1999-2000 amount + CPI (Max CPI = 3.5)
Summer 2001-Spring 2002	2000-2001 amount + CPI (Max CPI = 4.0)

and be it

FURTHER RESOLVED, that the revenue hereinabove authorized shall be credited to budget line 220004.0094.203000 (Binghamton University O.C.C. Contract), and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution. **Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

### RESOLUTION NO. 344

By County Administration, Economic Development & Planning Committee

Seconded by Mr. Shafer

#### **RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL**

WHEREAS, the County Executive, pursuant to the authority vested in him by Resolution 277 of 1971, Resolution 64 of 1973, Resolution 366 of 1976 and Resolution 341 of 1980, and pending confirmation by this Legislature, has duly designated and appointed the following individuals to membership on the Broome County Environmental Management Council, for the terms indicated:

<u>NAME</u>	<u>TERM EXPIRING</u>
David H. Bird 3016 Box 46 Rte. 79 Harpursville, NY 13787	New Appointment Term Expiring 12/31/00
Thomas Evans P.O. Box 46 Knapp Hill Road Castle Creek, NY 13744	New Appointment Term Expiring 12/31/00
Ilyssa Manspeizer 4 Taylor Place Binghamton, NY 13744	New Appointment Term Expiring 12/31/00
Jon Oakes 32 Frost Road Windsor, NY 13865	New Appointment Term Expires 12/31/00

WHEREAS, it is desired at this time, to confirm said appointments, now, therefore, be it RESOLVED, that this County Legislature, pursuant to the provisions of Resolution 277 of 1971, Resolution 64 of 1973, Resolution 366 of 1976 and Resolution 341 of 1980, does hereby confirm the appointments of the above-named individuals to membership on the Broome County Environmental Management Council in accordance with their appointments by the County Executive.

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

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**RESOLUTION NO. 345**

By Community & Social Services Committee

Seconded by Mr. Shafer

**RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME COUNTY YOUTH BUREAU ADVISORY BOARD**

WHEREAS, the County Executive, pursuant to the authority vested in him by Resolution 163 of 1971 and Resolution 133 of 1976, and pending confirmation by this Legislature, has duly designated and appointed the following individuals to membership on the Broome County Youth Bureau Advisory Board, for the terms indicated:

<u>NAME</u>	<u>TERM EXPIRING</u>
Kathleen House 1985 Montrose Avenue Binghamton, NY 13903	New Appointment Term Expiring 12/31/01
Dorothy Marinaccio 21 Pleasant Court Binghamton, NY 13905	New Appointment Term Expiring 12/31/01

WHEREAS, it is desired at this time, to confirm said appointments, now, therefore, be it RESOLVED, that this County Legislature, pursuant to the provisions of Resolution 163 of 1971 and Resolution 133 of 1976, does hereby confirm the appointments of the above-named individuals to membership on the Broome County Youth Bureau Advisory Board in accordance with their appointments by the County Executive.

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

**RESOLUTION NO. 346**

By Finance, Public Works and County Administration, Economic Development & Planning Committees

Seconded by Mr. Shafer

**RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH GZA ENVIRONMENTAL OF NEW YORK FOR SITE INVESTIGATION SERVICES**

WHEREAS, this County Legislature, by Resolution No. 181 of 1998, authorized an agreement with GZA GeoEnvironmental of New York for site investigation services at 312 Maple Street, Endicott, NY, in connection with a voluntary clean-up agreement with the New York State Department of Environmental Conservation previously authorized by this County Legislature by Resolution No. 155 of 1998 at a cost not to exceed \$25,000, and

WHEREAS, this County Legislature, by Resolution No. 512 of 1999, authorized an amendment of said agreement to extend the term for ninety days and provide additional investigation services at an additional cost of \$9,000, total amount not to exceed \$ 34,000, and

WHEREAS, it is necessary to authorize a further amendment to said GZA agreement to extend the term for 180 days and provide for additional site investigation and remediation in connection with the remediation plan pursuant to the voluntary clean-up at an additional cost of \$26,000, total cost of the GZA agreement as amended not to exceed \$60,000, and

WHEREAS, the Director of the Environmental Management Council 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 GZA GeoEnvironmental of New York, 364 Nagel Drive, Buffalo, NY 14225 for an extension of 120 days in the contract term and for additional site investigation and remediation pursuant to the remediation plan approved by the New York State Department of Environmental Conservation, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an additional \$26,000, total for the contract with GZA not to exceed \$60,000, and be it

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FURTHER RESOLVED, that in furtherance of this Resolution this County Legislature hereby authorizes the Budget Director, Commissioner of Finance and Comptroller to make the following transfer of funds:

From: 900084.4752.101000 (Contingency)	\$ 26,000
To: 900043.4756.101000 (Tax Acquired Property Expense)	\$ 26,000

and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 900043.4756.101000 (Tax Acquired Property Expense), and be it

FURTHER RESOLVED, that Resolution 181 of 1998 and Resolution 512 of 1999, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that this resolution shall constitute the approval of this County Legislature for remediation of the environmental hazards present at 312 Maple Street, Endicott, New York pursuant to the remediation plan approved by NYSDEC as required by Resolution No. 155 of 1998 at a total cost not to exceed the \$60,000 authorized herein, and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

### **RESOLUTION NO. 347**

By Finance and Public Works Committees

Seconded by Mr. Shafer

#### **RESOLUTION AUTHORIZING A VOLUNTARY CLEANUP PROGRAM AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR PROPERTY KNOWN AS THE FORMER SHERIFF'S FIRING RANGE**

WHEREAS, the Broome County Sheriff's Office operated a firing range from the mid 1950s to 1993 on property adjacent to the former site of the Broome County jail, and

WHEREAS, during that period of time, the range was used by the Sheriff's Office, local police departments, the FBI, and the secret service as a practice shooting range, and

WHEREAS, the site of the firing range was transferred to Broome Community College in a land swap involving the construction of the new Broome County Public Safety Facility, and

WHEREAS, the Sheriff's Firing Range may be considered a "Brownfield" defined as an industrial or commercial site with actual or perceived contamination, which prevents the site from being fully utilized, and

WHEREAS, the site is eligible for a "voluntary cleanup program" (VCP) whereby once the contaminants have been fully identified and contained on site and/or remediated, the site may be used for specified purposes and the owner released from further liability within defined parameters, and

WHEREAS, the County, as the owner of the site, has potential environmental liability, and WHEREAS, a VCP agreement with the New York State Department of Environmental Conservation will allow for investigation of the contamination at the site and the development of a remediation plan which, upon completion, will permit the use of the site with the consequent limitation of County liability, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a Voluntary Cleanup Agreement with the New York State Department of Environmental Conservation in connection with the Sheriff's Firing Range to provide for site investigation and remediation plans, and be it

FURTHER RESOLVED, that this resolution shall constitute the approval of this County Legislature for remediation of the environmental hazards present at the Sheriff's Firing Range pursuant to the remediation plan approved by NYSDEC, 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.

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Mr. Miller moved, seconded by Mr. Shafer to amend the resolution to include the following two paragraphs as the second and third FURTHER RESOLVED paragraphs:

FURTHER RESOLVED, that the County is hereby authorized to pay the New York State Department of Environmental Conservation an amount not to exceed \$5,000 for their administration costs associated with this "Voluntary Cleanup Program", and be it

FURTHER RESOLVED, that the payments hereinabove authorized, shall be made from budget line 035121.4746.501234 (Engineering and Architectural Services), and be it

**Amendment carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

**Resolution as amended carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

#### **RESOLUTION NO. 348**

By Health Services and Finance Committees

Seconded by Mr. Shafer

#### **RESOLUTION AUTHORIZING AGREEMENT WITH MONA WYSOCKI FOR SPEECH PATHOLOGY SERVICES FOR THE HEALTH DEPARTMENT'S DIVISION OF CHILD DEVELOPMENT PRESCHOOL EDUCATION PROGRAM FOR 1999-2000**

WHEREAS, the Acting Director of the Health Department requests authorization for an agreement with Mona Wysocki for speech pathology services for September 1, 1999 through June 30, 2000, at a cost of \$35 per ½ hour, total not to exceed budget appropriations, and

WHEREAS, said services are necessary to provide speech pathology services to children ages 3 to 5, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Mona Wysocki, P.O. Box 286, Whitney Point, New York 13862, for the Health Department's Division of Child Development Preschool Education Program, for the period September 1, 1999 through June 30, 2000, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$35 per ½ hour, total not to exceed budgeted appropriations, for the term of this agreement, and be it

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

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

#### **RESOLUTION NO. 349**

By Finance and Education, Culture & Recreation Committees

Seconded by Mr. Shafer

#### **RESOLUTION ADOPTING THE BUDGET FOR BROOME COMMUNITY COLLEGE FOR SEPTEMBER 1, 1999 THROUGH AUGUST 31, 2000**

WHEREAS, Broome Community College receives funding from four major areas: Broome County Government and other sponsor's support, tuition, and state aid, as well as miscellaneous offset revenue for its specific and general expenses, and

WHEREAS, New York State Law sets ceilings for tuition charges and State aid to ensure an equitable distribution of financial responsibility among the sponsoring local government, students and State government, and

WHEREAS, pursuant to the Broome County Charter and Code, Article XXIII-A, Broome Community College has submitted a proposed budget for the year commencing September 1, 1999 and ending August 31, 2000, and

WHEREAS, on July 13, 1999, a public hearing was held on this proposed budget and the budget message submitted by the County Executive and copies of the proposed budget and the budget message have been available for inspection and/or procurement for at least seven days prior to this hearing pursuant to this County's Charter and Code, now, therefore, be it

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RESOLVED, that the proposed unrestricted budget of Broome Community College, as corrected and amended in the amount of \$29,912,186 be and hereby is adopted for said Broome Community College for the year commencing September 1, 1999 and ending August 31, 2000, and be it

FURTHER RESOLVED, that Broome County shall provide \$5,250,853 as an appropriation for its annual contribution to the support of Broome Community College's operating budget, and be it

FURTHER RESOLVED, that the above adopted budget is summarized as follows:

SUMMARY OF BROOME COMMUNITY COLLEGE BUDGET  
Fiscal Year September 1, 1999 through August 31, 2000

	Operating Budget Totals (unrestricted)
Appropriations:	\$29,912,186
Estimated Revenues:	
Misc. Offsets to Expenses	\$ 2,189,724
State Aid	\$ 8,848,700
Student Tuition	\$ 10,481,664
Sponsors' Support:	
Broome's Contribution (Sponsor's Contribution)	\$ 5,250,853
Other Counties Chargebacks	\$ 1,705,035
Out-of-State Tuition	\$ 839,124
Appropriated Fund Balance	<u>\$ 597,086</u>
Total Revenues:	\$29,912,186

and be it

FURTHER RESOLVED, that the Budget Director is hereby authorized, empowered and directed to correct any modifications, changes, and/or typographical errors, including additions, and to file same with the Clerk of the Broome County Legislature.

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

**RESOLUTION NO. 350**

By Public Safety & Emergency Services and Finance Committees      Seconded by Mr. Shafer  
**RESOLUTION REQUESTING AUTHORIZATION FOR THE MANAGER AT THE FRONT STREET DOG SHELTER TO ACCEPT APPLICATIONS FOR DOG LICENSES**

WHEREAS, Vicki Bugonian is the duly appointed Manager at the Front Street Dog Shelter, and

WHEREAS, under the Agriculture and Markets Law, it is necessary for this Legislature to authorize Ms. Bugonian to accept applications for licenses for dogs being redeemed or adopted at the Front Street Dog Shelter, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the County Executive to execute all documents necessary to apply for and obtain authorization for Vicki Bugonian to accept applications for licenses for dogs being redeemed or adopted at the Front Street Dog Shelter.

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

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**RESOLUTION NO. 351**

By Community & Social Services and Finance Committees Seconded by Mr. Shafer  
**RESOLUTION AUTHORIZING REVISION OF FAMILY VIOLENCE PREVENTION COUNCIL GRANT PROGRAM**

WHEREAS, this County Legislature, by Resolution 603 of 1998, authorized revision of the Ongoing Child Abuse Prevention and Education Grant Program (now known as the Family Violence Prevention Council Grant) and adopted a revised program budget in connection therewith in the total amount of \$120,659.00, and

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

RESOLVED, that this County Legislature hereby authorizes a revision of the Family Violence Prevention Council Grant Program to include an increase in grant appropriations in the amount of \$2,439.00, 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 \$123,098.00, and be it

FURTHER RESOLVED, that Resolution 603 of 1998 and all subsequent resolutions, to the extent consistent herewith, shall remain in full force and effect, and be it

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

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) are hereby authorized to make any transfers of funds within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

**RESOLUTION NO. 352**

By Public Works and Finance Committees Seconded by Mr. Shafer  
**RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH CLOUGH, HARBOUR & ASSOCIATES, LLP FOR THE DEPARTMENT OF PUBLIC WORKS FOR BUILDING PERMIT REVIEW AND INSPECTION SERVICES FOR 1999**

WHEREAS, this County Legislature, by Resolution 125 of 1997, authorized an agreement with Clough, Harbour & Associates, LLP for engineering services for project building code review, administration and code compliance inspections for the period January 1, 1997 through December 31, 1998 at an amount not to exceed \$150,000, and

WHEREAS, said services are necessary to enforce the provisions of Local Law No. 11 of 1992 establishing the procedures for local enforcement of the Uniform Fire Prevention and Building Code, and

WHEREAS, said agreement expired by its terms on December 31, 1998 and it is desired at this time to renew said agreement for the period January 1, 1999 through December 31, 1999 on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Clough, Harbour & Associates, LLP, 111 Winners Circle, P. O. Box 5269, Albany, New York 12205-5269 for project building code review, administration and code compliance inspections for the period January 1, 1999 through December 31, 1999, and be it

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FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$75,000 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from the appropriate capital and operating budget lines for the departments or projects for which the services are required, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.  
**Carried, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).**

### **RESOLUTION NO. 353**

By Health Services and Finance Committees

Seconded by Mr. Shafer

#### **RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH VARIOUS VENDORS TO PROVIDE SERVICES FOR THE HEALTH DEPARTMENT'S DIVISION OF CHILD DEVELOPMENT EARLY INTERVENTION PROGRAM FOR 1999**

WHEREAS, this County Legislature, by Resolution 470 of 1998, authorized an agreement with various vendors for services for the Health Department's Division of Child Development for the period January 1, 1999 through December 31, 1999, and

WHEREAS, said agreement provides various services, including itinerant speech, occupational, and physical therapies, special education, medical services (including psychological evaluations, social history, physical examinations, and non-physician evaluation), classroom and personal care aides, service coordination, interpreters, nursing services, counseling, and transportation for the Health Department's Division of Child Development Early Intervention Program, and

WHEREAS, the Acting Director of the Health Department has requested authorization of an amendment of said agreement to include social work services provided by the Southern Tier Independence Center for the period September 1, 1999 through December 31, 1999, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Southern Tier Independence Center, 87-89 Chenango Street, Binghamton, New York 13901 for social work services for the Health Department's Division of Child Development Early Intervention Program for the period September 1, 1999 through December 31, 1999, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at a rate set by the New York State Department of Health, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480293.various.101082, and be it

FURTHER RESOLVED, that Resolution 470 of 1998, to the extent consistent herewith, shall remain in full force and effect, and be it

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

**Carried, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).**

### **RESOLUTION NO. 354**

By Transportation and Finance Committees

Seconded by Mr. O'Day

#### **RESOLUTION ESTABLISHING AN ENTRANCE FEE FOR THE 1999 AVIATION DAY OPEN HOUSE AT THE BINGHAMTON REGIONAL AIRPORT**

WHEREAS, the County proposes to conduct an Aviation Day Open House at the Binghamton Regional Airport on September 11, 1999, and

WHEREAS, the purpose of this event is to promote community awareness in connection with the airport and is part of the airport community relations program, and



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WHEREAS, there will be exhibits including planes on the field and aircraft performance teams all of which create expenses in connection with the event, and

WHEREAS, in order to offset, in part, the costs associated with the 1999 Aviation Day Open House, the airport proposes an entrance fee of three dollars (\$3.00) per person for those attending the event with children under the age of eight years admitted free of charge, now therefore be it

RESOLVED, that this County Legislature hereby authorizes an admission fee in the amount of \$3.00 per person for the 1999 Aviation Day Open House at the Binghamton Regional Airport to be held on September 11, 1999 (with children under the age of 8 admitted free of charge), and be it

FURTHER RESOLVED, that the entrance fees authorized herein shall be deposited in the Aviation Community Relations Trust Account (Fund 60, GL525, Subsidiary 525052) to be used to defray expenses in connection with the Aviation Day Open House. and be it

FURTHER RESOLVED, 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. Pasquale moved, seconded by Mr. Wike to amend the fourth WHEREAS to read "...children under the age of twelve years..." and the RESOLVED to read "... (with children under the age of 12 admitted free...)". **Amendment failed** Ayes-9 (Brunza, Holley, Kavulich, Nannery, Pasquale, O'Day, Schofield, Whalen, Wike), Nays-7 (Burger, Howard, Kolba, Lupardo, Miller, Shafer, Sweet), Absent-3 (Hudak, Hull, Mather). Mr. Wike made a motion to call the question, seconded by Mr. Pasquale. **Motion to call the question carried**, Ayes-13 (Holley, Howard, Lupardo, Kolba, Miller, Nannery, O'Day, Pasquale, Schofield, Shafer, Sweet, Whalen, Wike), Nays-3 (Brunza, Burger, Kavulich), Absent-3 (Hudak, Hull, Mather). **Resolution as presented carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

#### RESOLUTION NO. 355

By Community & Social Services and Finance Committees

Seconded by Mr. Shafer

#### **RESOLUTION AUTHORIZING THE FAMILY VIOLENCE PREVENTION COUNCIL TO CO-SPONSOR A CONFERENCE ON PSYCHOLOGICAL DYNAMICS OF PRENATAL, POSTPARTUM AND PARENTING INTERVENTIONS**

WHEREAS, the Family Violence Prevention Council facilitates early intervention of suspected violence by supporting and/or providing training to all professionals to increase their skills in identification/assessment, reporting/referral procedures and appropriate responses, and

WHEREAS, the Family Violence Prevention Council requests authorization to co-sponsor along with the Mothers & Babies Perinatal Network of SCNY, Inc. and United Health Services Hospitals, Inc., a conference on Psychological Dynamics of Prenatal, Postpartum and Parenting Interventions for April 29-30, 1999, and

WHEREAS, the conference included sessions on pregnancy and domestic violence, risk assessment, the impact of domestic violence on infants and children, parenting with mental illness, and other topics related to the goals of the Family Violence Prevention Council, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the Family Violence Prevention Council to co-sponsor the conference on Psychological Dynamics of Prenatal, Postpartum and Parenting Interventions on April 29-30, 1999, at a cost of \$850, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 640003.4467.104023 (Non-Employee Education & Training), 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.

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

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**RESOLUTION NO. 356**

By Education, Culture & Recreation and Finance Committee

Seconded by Mr. Shafer

**RESOLUTION AUTHORIZING AGREEMENT WITH THE STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION FOR TOURIST ORIENTED DIRECTIONAL SIGN  
PERMIT FOR 1999-2000**

WHEREAS, the Acting Commissioner of Parks & Recreation requests authorization for an agreement with the State of New York Department of Transportation for a Tourist Oriented Directional Sign permit for July 7, 1999 through July 6, 2000, at a cost not to exceed \$350, and

WHEREAS, said directional signs are necessary to direct visitors to the Broome County Veterans Memorial Arena (The Arena) and to the Broome Center for the Performing Arts (The Forum), and

WHEREAS, said directional signs will be located on State-owned property at Interstate Route 81 Exit 4S and New York State Route 17 Exit 72 in the City of Binghamton, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the State of New York Department of Transportation, 44 Hawley Street, Binghamton, New York 13901-3200 for the period July 7, 1999 through July 6, 2000, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$350 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 655027.4448.306000 (The Arena – Advertising and Promotion Expenses) and 650010.4448.101000 (The Forum – Advertising and Promotion Expenses), and be it

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

**Carried,** Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

**RESOLUTION NO. 357**

By Public Works Committee

Seconded by Mr. Shafer

**RESOLUTION DIRECTING INITIATION OF ENVIRONMENTAL REVIEW OF AGRICULTURAL  
DISTRICT NO. 3 UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT**

WHEREAS, pursuant to the Agriculture and Markets Law, this County Legislature heretofore established Agricultural District No. 3, and

WHEREAS, the State Environmental Quality Review Act requires Agricultural Districts to be reviewed every eight years for a determination of environmental impact, and

WHEREAS, Broome County Agricultural District No. 3 is scheduled for an eight year review, and

WHEREAS, this County Legislature has responsibility for SEQRA compliance when Agricultural Districts undergo an eight year review, and

WHEREAS, it is therefore necessary to initiate procedures with respect to the State Environmental Quality Review Act, now, therefore, be it

RESOLVED, that this County Legislature hereby declares its intention to seek lead agency status with respect to the environmental review of Broome County Agricultural District No. 3, and be it

FURTHER RESOLVED, that this County Legislature hereby designates the Environmental Management Council as coordinator for such review.

**Carried,** Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

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## RESOLUTION NO. 358

By Public Works Committee

Seconded by Mr. Shafer

### RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME COUNTY AGRICULTURAL AND FARM LAND PROTECTION BOARD

WHEREAS, Daniel A. Schofield, Chair of the Broome County Legislature, pursuant to the authority vested in him by Article 25AAA of the Agriculture and Markets Law, has duly designated and appointed the following named individuals to membership on the Broome County Agricultural and Farm Land Protection Board, subject to confirmation by this County Legislature:

<u>NAME &amp; Address</u>	<u>TERM EXPIRING</u>
Dewey A. Decker 123 NYS Route 41 Windsor, New York 13865	December 31, 2002 Active Farmer (Reappointment/4-year term)
Steve Livingston 167 Hunts Corners Road Richford, New York 13835	December 31, 2002 Active Farmer (New appointment/4-year term)
Glenn S. Winsor 2883 NYS Route 79 Harpursville, New York 13787	December 31, 2002 Active Farmer (Reappointment/4-year term)
April Lucas 1335 River Road Binghamton, New York 13901	December 31, 2002 Agricultural Land Preservation
William H. Miller 178 Main Street Windsor, New York	December 31, 2000 Member of County Legislature
David A. Bradstreet 363 Perry Road Binghamton, New York 13905	Coterminous Appointment County Cornell Cooperative Extension Agent
Chris W. Burger 110 Walters Road Whitney Point, New York 13862	Coterminous Appointment Chair of County Soil & Water Conservation District Board of Directors
James L. Hackett 3715 Maplehurst Drive Endwell, New York 13760	Coterminous Appointment County's Planning Director
John E. Cahill 3716 Alpine Drive Endwell, New York 13760	Coterminous Appointment County's Director of Real Property Tax Service

and

WHEREAS, it is desired at this time to confirm said appointments, now, therefore, be it RESOLVED, that this County Legislature, pursuant to the provisions of Article 25-AA of the Agriculture and Markets Law, does hereby confirm the appointments of the above-named individuals to membership on the Broome County Agricultural and Farm Land Protection Board for the terms indicated, in accordance with their appointment by the Legislative Chair.

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

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**RESOLUTION NO. 359**

By Community & Social Services and Finance Committees

Seconded by Mr. Shafer

**RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENTS WITH VARIOUS PROVIDERS FOR PERSONAL CARE/HOMEMAKER SERVICES IN CONNECTION WITH THE OFFICE FOR AGING'S EXPANDED IN-HOME SERVICES FOR THE ELDERLY PROGRAM FOR 1999-2000**

WHEREAS, this County Legislature, by Resolution 150 of 1999, as amended by Resolution 239 of 1999 authorized renewal of agreements with various contractors for the provision of in-home personal care/homemaker services in connection with the Expanded In-home Services for the Elderly Program (EISEP) for the Office for Aging for the period April 1, 1999 through March 31, 2000, at varying costs, and

WHEREAS, it is necessary to authorize an amendment to said agreements to include the currently authorized hourly rate for nursing supervisors, and

WHEREAS, the Director of the Office for Aging 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 agreements with the following vendors to include the currently approved hourly Medicaid rate for nursing supervisors for the period April 1, 1999 through March 31, 2000:

<u>Contractor</u>	<u>Nursing Supervisors</u>
Family & Children's Society of Broome County 257 Main St. Binghamton, NY 13905	\$34.34 per hour
Staffings Healthcare Systems P. O. Box 1015 Binghamton, NY 13902-1015	\$45.24 per hour
Interim Healthcare Systems 38 Front St. Binghamton, NY 13905	\$59.45 per hour
Olsten Health Services 41 Chenango St. Binghamton, NY 13901	\$45.93 per hour
Homemakers of Broome County d/b/a Caregivers P. O. Box 2071 Binghamton, NY 13902	\$58.77 per hour

and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 760942.4457.104296 (Subcontracted Program Expense), and be it

FURTHER RESOLVED, that Resolution 150 of 1999 as amended by Resolution 239 of 1999, to the extent consistent herewith, shall remain in full force and effect, and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

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**RESOLUTION NO. 360**

By Health Services Committee

Seconded by Mr. Shafer

**RESOLUTION CONFIRMING THE APPOINTMENT OF LYNNE SPERLING TO MEMBERSHIP ON THE NURSING HOME BOARD OF DIRECTORS**

WHEREAS, the County Executive, pursuant to the authority vested in him by Article XIV of the Broome County Charter and Administrative Code and pending confirmation by this Legislature, has duly designated and appointed Lynne Sperling to membership on the Nursing Home Board of Directors for a term expiring December 31, 2001, and

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

RESOLVED, that this County Legislature, pursuant to the provisions of Article XIV of the Broome County Charter and Administrative Code, does hereby confirm the appointment of Lynne Sperling, 37 Karlada Drive, Binghamton, New York 13905 to membership on the Nursing Home Board of Directors in accordance with her appointment by the County Executive.

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

**RESOLUTION NO. 361**

By Community & Social Services Committee

Seconded by Mr. Shafer

**RESOLUTION CONFIRMING THE APPOINTMENT OF MARY JANE BOSKET TO MEMBERSHIP ON THE BROOME COUNTY FOSTER GRANDPARENT ADVISORY BOARD**

WHEREAS, the County Executive, pursuant to the authority vested in him by Resolution 61 of 1973, and pending confirmation by this Legislature, has duly designated and appointed Mary Jane Bosket to membership on the Broome County Foster Grandparent Advisory Board for a term expiring December 31, 1999, and

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

RESOLVED, that this County Legislature, pursuant to the provisions of Resolution 61 of 1973, does hereby confirm the appointment of Mary Jane Bosket, 49 Fair Street, Deposit, New York 13754 to membership on the Broome County Foster Grandparent Advisory Board in accordance with her appointment by the County Executive.

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

**RESOLUTION NO. 362**

By Community & Social Services, Personnel and Finance Committees

Seconded by Mr. Shafer

**RESOLUTION AUTHORIZING RENEWAL OF THE WEATHERIZATION REFERRAL AND PACKAGING PROGRAM (WRAP) GRANT FOR OFFICE FOR AGING AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1999-2000**

WHEREAS, this County Legislature, by Resolution 375 of 1998, authorized and approved the Weatherization Referral and Packaging Program and adopted a program budget in the amount of \$25,354 for August 1, 1998 through July 31, 1999, and

WHEREAS, said grant program provides for screening and assessment of elderly, low-income housing to determine energy-related needs and to determine if client's needs can be met by the weatherization program, and

WHEREAS, it is desired at this time to renew said grant program, now therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$24,624 from New York State Office for Aging, Empire State Plaza, Agency Building 2, Albany, New York 12223-0001, for the Weatherization Referral and Packaging Program (WRAP) for the period August 1, 1999 through July 31, 2000, 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 \$24,624, 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

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FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) are hereby authorized to make any transfers of funds required within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

### **RESOLUTION NO. 363**

By Public Works Committee

Seconded by Mr. Shafer

#### **RESOLUTION SETTING DATE, TIME AND PLACE FOR A PUBLIC HEARING CONCERNING THE RENEWAL OF AGRICULTURAL DISTRICT # 3 IN THE TOWN OF SANFORD**

WHEREAS, this County Legislature by Resolution No. 372 of 1974 adopted the proposal to create Agricultural District # 3 in the Town of Sanford, which district was thereafter created pursuant to Section 303 of the Agriculture and Markets Law with an effective date of December 10, 1974, and

WHEREAS, pursuant to Section 303-a of the New York State Agriculture and Markets Law, the County Legislative Body is required to review a district eight years after its creation and every eight years thereafter, and

WHEREAS, pursuant to the provisions of the New York State Agriculture and Markets Law, this County Legislature conducted eight-year reviews of Agricultural District # 3 in 1983 and 1991 and by Resolution 302 of 1983 and Resolution 274 of 1991, this County Legislature adopted plans to continue Broome County Agricultural District # 3 for an additional eight years each time, and

WHEREAS, the current eight-year review process has been undertaken, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to Section 303-a of the Agriculture and Markets Law, hereby:

1. Directs the Clerk of the Legislature to prepare, publish and post the notices required by Section 303-a (2) (a) of the Agriculture and Markets Law
2. Directs the Broome County Agricultural and Farm Land Protection Board to prepare the report required pursuant to Section 303-a (2) (b) of the Agriculture and Markets Law
3. Directs the Broome County Commissioner of Planning and Economic Development to prepare the report required pursuant to Section 303-a (2)(c) of the Agriculture and Markets Law

and be it

FURTHER RESOLVED, that this County Legislature hereby designates the Public Works Committee of this Legislature to hold a public hearing on the continuation of Agricultural District # 3, and be it

FURTHER RESOLVED, that this County Legislature hereby designates Wednesday, August 11, 1999 at 5:00 pm in the Legislative Chambers as the date, time and place said public hearing is to take place, and be it

FURTHER RESOLVED, that the Clerk of this Legislature is hereby directed to cause to be published the appropriate notices of said public hearing in accordance with the Broome County Charter and Code.

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

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**RESOLUTION NO. 364**

By Public Works and Finance Committees

Seconded by Mr. Shafer

**RESOLUTION AUTHORIZING AGREEMENT WITH HAWK ENGINEERING, P.C. FOR LAND SURVEYING SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS FOR 1999-2000**

WHEREAS, the Commissioner of Public Works requests authorization for an agreement with Hawk Engineering, P.C. for Land Surveying Services for July 1, 1999 through December 31, 2000, pursuant to the rate schedule attached hereto as Exhibit "A", total cost not to exceed \$75,000, and

WHEREAS, said services are necessary to assist County personnel to relieve a backlog of work projects, providing services County personnel are not licensed to perform and to provide such specialty services as aerial surveys, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Hawk Engineering, P.C., P. O. Box 427, Binghamton, New York 13902-0427, for Land Surveying Services for the period July 1, 1999 through December 31, 2000, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor in accordance with the rate schedule attached hereto as Exhibit "A", total cost not to exceed \$75,000 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line Various.4746.Variou (Engineering and Architectural Services), and be it

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

**Carried,** Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

**RESOLUTION NO. 365**

By Public Works and Finance Committees

Seconded by Mr. Shafer

**RESOLUTION AUTHORIZING AGREEMENT WITH SHUMAKER CONSULTING ENGINEERS & LAND SURVEYORS, P.C. FOR LAND SURVEYING SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS FOR 1999-2000**

WHEREAS, the Commissioner of Public Works requests authorization for an agreement with Shumaker Consulting Engineers & Land Surveyors, P.C. for Land Surveying Services for July 1, 1999 through December 31, 2000, pursuant to the rate schedule attached hereto as Exhibit "A", total cost not to exceed \$75,000, and

WHEREAS, said services are necessary to assist County personnel to relieve a backlog of work projects, providing services County personnel are not licensed to perform and to provide such specialty services as aerial surveys, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Shumaker Consulting Engineering & Land Surveying, P.C., 320 North Jensen Road, Vestal, New York 13850-2131, for Land Surveying Services for the period July 1, 1999 through December 31, 2000, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor in accordance with the rate schedule attached hereto as Exhibit "A", total cost not to exceed \$75,000 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line Various.4746.Variou (Engineering and Architectural Services), and be it

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

**Carried,** Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

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**RESOLUTION NO. 366**

By County Administration, Economic Development & Planning Committee  
Seconded by Mr. Shafer

**RESOLUTION CONFIRMING THE APPOINTMENT OF TERRENCE M. KANE AS DEPUTY COUNTY EXECUTIVE FOR ADMINISTRATION**

WHEREAS, the County Executive, pursuant to the authority vested in him by Article III, Section 304 of the Broome County Charter, has duly designated and appointed, pending confirmation by this County Legislature, Terrence M. Kane as Deputy County Executive for Administration, effective July 12, 1999, and

WHEREAS, it is desired at this time, in accordance with the provisions of said Charter, to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of the Broome County Charter, does hereby confirm Terrence M. Kane, 1 Briar Court, Binghamton, New York, 13905 as Deputy County Executive for Administration in accordance with his appointment by the County Executive.

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

**RESOLUTION NO. 367**

By County Administration, Economic Development & Planning Committee  
Seconded by Mr. Shafer

**RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON ETHICS BOARD**

WHEREAS, Jeffrey P. Kraham, Broome County Executive, pursuant to the authority vested in him by Resolution No. 109, adopted April 20, 1971, has duly designated and appointed the following named individuals to membership on the Ethics Board, subject to confirmation by this County Legislature:

<u>NAME</u>	<u>TERM EXPIRING</u>
Catherine Schaewe 805 Annabelle Street Vestal, NY 13850	New Appointment Term Expires Dec. 31, 2001
Eugene E. Peckham 12 Campbell Road Binghamton, NY 13905	New Appointment Term Expires Dec. 31, 2001
Joseph A. Griffin 394 Johnson Road Kirkwood, NY 13795	New Appointment Term Expires Dec. 31, 2001

and

WHEREAS, it is desired to confirm said appointments, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Resolution 109, adopted April 20, 1971, hereby confirms the appointments of the above-named individuals to membership on the Ethics Board for the terms indicated, in accordance with their appointment by the County Executive.

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

**RESOLUTION NO. 368**

By County Administration, Economic Development & Planning Committee  
Seconded by Mr. Shafer

**RESOLUTION AUTHORIZING THE FORMATION OF A WORKFORCE INVESTMENT AREA PURSUANT TO THE WORKFORCE INVESTMENT ACT**

WHEREAS, the Workforce Investment Act of 1998 (hereinafter the "ACT") replaces the Job Training Partnership Act effective July 1, 2000, and



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WHEREAS, the Act requires the formation of Workforce Investment Areas, and  
WHEREAS, pursuant to the ACT, units of local government having a population of 200,000 or more that were a Service Delivery Area under the Job Training Partnership Act (hereinafter JTPA) may be designated a Workforce Investment Area, and

WHEREAS, pursuant to Resolution No. 290 of 1984 this County Legislature authorized an agreement with Tioga County prescribing the method by which the Counties of Broome and Tioga would function as a Service Delivery area pursuant to the JTPA; and

WHEREAS, pursuant to Resolution No. 208 of 1989 this County Legislature authorized a revision to the prior agreement with Tioga County to provide for the inclusion of Tompkins County in the Service Delivery Area and the Service Delivery Area, as amended, has continued to function, and

WHEREAS, the Counties of Broome and Tioga having previously functioned, together with Tompkins County, as a Service Delivery Area, pursuant to the JTPA, and being counties with a combined population of over 200,000 now wish to be designated a Workforce Investment Area pursuant to the ACT, now therefore be it

RESOLVED, that this County Legislature hereby endorses the creation of a Workforce Investment Area consisting of the Counties of Broome and Tioga, and petitions the Governor of the State of New York to so create said Workforce Investment Area, and be it

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

FURTHER RESOLVED, that this endorsement of the creation of Workforce Investment Area is contingent upon a similar endorsement by the Board of Supervisors of Tioga County, and be it

FURTHER RESOLVED, that the Clerk of this Legislature is hereby directed and authorized to forward a certified copy of this Resolution to the Legislative Clerk of Tioga County, the Governor of New York State, and the New York State Commissioner of Labor.

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

#### **RESOLUTION NO. 369**

By Personnel and Public Safety & Emergency Services Committees      Seconded by Mr. Shafer  
**RESOLUTION CONFIRMING APPOINTMENT OF JOSE PACHECO AS A BROOME COUNTY CORONER**

WHEREAS, John A. Keating, M.D. has submitted his resignation from the position of Broome County Coroner, and

WHEREAS, Jeffrey P. Kraham, Broome County Executive, pursuant to the powers vested in him by Article XVIII of the Broome County Charter, has duly designated and appointed, pending confirmation by this Legislature, Jose Pacheco, M.D. 4220 Emerson Place, Vestal, New York 13850 as a Broome County Coroner to replace Dr. Keating, and

WHEREAS, it is desired at this point in time, in accordance with the provisions of Article XVIII of the Broome County Charter to confirm said appointment, now therefore be it

RESOLVED, that this County Legislature, pursuant to the provisions of Article XVIII of the Broome County Charter, does confirm the appointment of Jose Pacheco, M.D., 4220 Emerson Place, Vestal, New York 13850, as a Broome County Coroner, in accordance with his appointment by the County Executive.

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

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**RESOLUTION NO. 370**

By Finance Committee

Seconded by Mr. Shafer

**RESOLUTION AUTHORIZING CANCELLATION OF REAL PROPERTY TAXES ON PARCEL IN THE TOWN OF DICKINSON**

WHEREAS, Broome Community College (the "College") is the owner of Record of real property located in the Town of Dickinson listed on the tax rolls as tax map parcel 1-17S1-X, and

WHEREAS, said parcel is exempt from all real property taxes except for special district taxes, and

WHEREAS, in January 1990 the College was billed by the Town of Dickinson for expenses in connection with Sewer District No. 2 in the amount of \$2,229.56, pump station capital charges in the amount of \$51.33 and Water District No. 3 capital charges in the amount of \$45,951.20 for a total special district tax bill in the amount of \$48,302.09, and

WHEREAS, the College contested the Water District No. 3 charge in the amount of \$45,951.20 claiming that it was not a capital expense of the district but rather a maintenance expense and, as such, not a proper special district tax and, pursuant to the Real Property Tax Law, appealed the levy of this special district tax to the Broome County Director of Real Property Tax Services, and

WHEREAS, although the College was prepared to pay that portion of the special district tax levy relating to the sewer charges, the Town of Dickinson refused to accept a partial payment and returned the entire amount to the County as unpaid, and

WHEREAS, Broome County has paid to the Town of Dickinson the entire amount of the 1990 special district tax levied against Broome Community College, and

WHEREAS, in the spring of 1997 the Broome County Director of Real Property Tax Services made his determination that the Water District 3 capital charges was in error, concluding that the activity was more properly categorized as maintenance, and

WHEREAS, the County has demanded repayment from the Town of Dickinson of the full amount paid to the Town when the 1990 Broome Community College special district tax levy was returned unpaid, and

WHEREAS, the Town of Dickinson has challenged the determination that the activity was a maintenance activity and not a capital project, and

WHEREAS, after due deliberation and having determined that genuine issues of fact are present, the County Attorney has entered into settlement discussions with the Town of Dickinson resulting in an offer by the Town to repay \$15,000 being approximately one-third of the amount in controversy, the College having paid to the county that portion of the special district tax levy not in controversy, and

WHEREAS, the Commissioner of Finance and the Director of Real Property Tax Services have requested authority to cancel the remaining outstanding tax bill in the amount of \$37,938.59 (being the original tax levy less the amount paid by the College plus penalties) and to clear the record, now therefore be it

RESOLVED, that taxes will be canceled on the following parcel of real property:

1990 Town of Dickinson special district tax, parcel 1-17S1-X, record owner Broome Community College, amount to be canceled \$37,938.59.

and be it

FURTHER RESOLVED, that this partial cancellation of taxes is conditioned upon the receipt by the Commissioner of Finance of the sum of \$15,000 paid by the Town of Dickinson in full settlement of the claims of Broome County in connection with this matter, and be it

FURTHER RESOLVED, that the Commissioner of Finance is authorized to make the appropriate entries to effect the partial cancellation of taxes and provided for herein.

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

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**RESOLUTION NO. 371**

By County Administration, Economic Development & Planning, Personnel and Finance Committees  
Seconded by Mr. Shafer

**RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 4, 1999, ENTITLED "A LOCAL LAW ELECTING A RETIREMENT INCENTIVE PROGRAM AS AUTHORIZED BY CHAPTER 70, LAWS OF 1999, FOR THE ELIGIBLE EMPLOYEES OF THE COUNTY OF BROOME"**

RESOLVED, that Local Law Intro. No. 4, 1999, entitled, "A Local Law Electing a Retirement Incentive Program as Authorized by Chapter 70, Laws of 1999, for the Eligible Employees of the County of Broome," be and the same is hereby adopted and approved in accordance with the Broome County Charter, Municipal Home Rule Law and all the applicable statutes and laws pertaining thereto.

**LOCAL LAW INTRO. NO. 4, 1999**

**A Local Law Electing a Retirement Incentive as Authorized by Chapter 70,  
Laws of 1999, for the Eligible Employees of the County of Broome**

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

SECTION 1. The County of Broome hereby elects to provide all its eligible employees With a retirement incentive program authorized by Chapter 70, Laws of 1999.

SECTION 2. The commencement date of the retirement incentive shall be August 2, 1999 and shall end on September 3, 1999.

SECTION 3. The open period, during which eligible employees may retire and receive the additional retirement benefit, shall be 33 days in length.

SECTION 4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this Local Law shall be paid as one lump sum or in 5 annual installments. The amount of the annual payment shall be determined by the actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the County of Broome for each employee who receives the retirement benefits payable under this Local Law.

SECTION 5. This Local Law shall take effect on upon filing with the Secretary of State.  
**Carried,** Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

**RESOLUTION NO. 372**

By Personnel, Finance, Public Works, Health Services and County Administration, Economic Development & Planning Committees  
Seconded by Mr. Burger

**RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST FOR DPW, WILLOW POINT NURSING HOME, OET, AND INFORMATION TECHNOLOGY**

RESOLVED, that in accordance with a request from the Commissioner of Public Works as contained in PCR#99-285, this County Legislature hereby authorizes the creation of (1) Facility Manager position, Full Time, at budget line 030031.1000.101000, minimum salary of \$33,368, Grade 22, Union BAPA, effective date 7/26/99, and be it

FURTHER RESOLVED, that in accordance with a request from the Commissioner of Public Works as contained in PCR#99-286, this County Legislature hereby authorizes the abolishment of (1) Engineer I position, Full Time, at budget line 030023.1000.101000, minimum salary of \$33,298, Grade 21, Union CSEA and the creation of (1) Facility Manager position, Full Time, at budget line 030031.1000.101000, minimum salary of \$33,368, Grade 22, Union BAPA, effective date 7/26/99, and be it

FURTHER RESOLVED, that in accordance with a request from the Administrator of Willow Point Nursing Home as contained in PCR#99-281, this County Legislature hereby authorizes the abolishment of (1) Maintenance Supervisor position, Full Time, at budget line 160127.1000.204000, minimum salary of \$24,561, Grade 15, Union BAPA, effective date 7/26/99, and be it

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FURTHER RESOLVED, that in accordance with a request from the Administrator of Willow Point Nursing Home as contained in PCR#99-261, this County Legislature hereby authorizes the creation of (1) Supervising Nurse position, Full Time, at budget line 160077.1000.204000, minimum salary of \$26,395, Grade 16, Union BAPA, effective date 8/9/99, and be it

FURTHER RESOLVED, that in accordance with a request from the Administrator of Willow Point Nursing Home as contained in PCR#99-259, this County Legislature hereby authorizes the abolishment of (1) RPN (Nursing Home) position, Part Time, at budget line 160085.1500.204000, minimum salary of \$24,891 FTE, Grade 14, Union CSEA, effective date 8/9/99, and be it

FURTHER RESOLVED, that in accordance with a request from the Administrator of Willow Point Nursing Home as contained in PCR#99-260, this County Legislature hereby authorizes the abolishment of (2) LPN positions, Part Time, at budget line 160085.1500.204000, minimum salary of \$20,379 FTE, Grade 10, Union CSEA, effective date 8/9/99, and be it

FURTHER RESOLVED, that in accordance with a request from the Director of Employment and Training as contained in PCR#99-274, this County Legislature hereby authorizes the abolishment of (1) Senior Account Clerk position, Full Time, at budget line 720722.1000.308078, minimum salary of \$18,227, Grade 09, Union CSEA, effective date 7/22/99, and be it

FURTHER RESOLVED, that in accordance with a request from the Director of Information Technology as contained in PCR#99-279, this County Legislature hereby authorizes the abolishment of (1) Computer Programmer position, Full Time, at budget line 370007.1000.101000, minimum salary of \$31,640, Grade 20, Union CSEA and the creation of (1) Computer Programmer Analyst position, Full Time, at budget line 370007.1000.101000, minimum salary of \$36,612, Grade 23, Union BAPA, effective date 7/26/99, and be it

FURTHER RESOLVED, that in accordance with a request from the Director of Information Technology as contained in PCR#99-290, this County Legislature hereby authorizes the creation of (1) Mail Clerk position, Part Time, at budget line 370049.1500.101000, minimum salary of \$15,743 FTE, Grade 06, Union CSEA, effective date 7/26/99, and be it

FURTHER RESOLVED, that in accordance with a request from the Director of Information Technology as contained in PCR#99-291, this County Legislature hereby authorizes the upgrade of (1) Network Specialist position, Full Time, at budget line 370007.1000.101000, minimum salary of \$31,184, Grade 20, Union BAPA, to (1) Network Specialist position, Full Time, at budget line 370007.1000.101000, minimum salary of \$34,707, Grade 22, Union BAPA, effective date 7/26/99, and be it

FURTHER RESOLVED, that in accordance with a request from the Director of Information Technology as contained in PCR#99-292 this County Legislature hereby authorizes the creation of (1) Assistant Director of Information Technology position, Full Time, at budget line 370007.1000.101000, minimum salary of \$57,331, Grade H, (Union) Admin II, effective date 7/26/99, and be it

FURTHER RESOLVED, that in accordance with a request from the Director of Information Technology as contained in PCR#99-293 this County Legislature hereby authorizes the creation of (1) Network Specialist position, Full Time, at budget line 370007.1000.101000, minimum salary of \$34,707, Grade 22, Union BAPA, effective date 7/26/99, and be it

FURTHER RESOLVED, that in accordance with a request from the Director of Information Technology as contained in PCR #99-297, this County Legislature hereby authorizes the creation of (1) Courier position, Full Time, at budget line 370049.1000.101000, minimum salary of \$18,227, Grade 09, Union CSEA, effective date 7/26/99.

**Carried, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).**

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**RESOLUTION NO. 373**

By County Administration, Economic Development & Planning, Personnel and Finance  
Committees Seconded by Mr. Miller

**RESOLUTION AUTHORIZING THE HIRING OF LYLE MARSH AS ASSISTANT DIRECTOR OF  
INFORMATION TECHNOLOGY ABOVE THE MINIMUM SALARY.**

WHEREAS, the Director of Information Technology has recommended the hiring of Lyle Marsh, as Assistant Director of Information Technology at an annual salary of \$60,000 which is 4.65% above the minimum salary of \$57,331, and

WHEREAS, Lyle Marsh is qualified as Assistant Director of Information Technology and has experience and/or education which justify said salary, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the hiring of Lyle Marsh, as Assistant Director of Information Technology, Grade H, and annual salary of \$60,000 at budget line 370007.1000.101000, effective 8/9/99.

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

**RESOLUTION NO. 374**

By Finance, Personnel and County Administration, Economic Development & Planning  
Committees Seconded by Mr. Shafer

**RESOLUTION AUTHORIZING THE BUDGET TRANSFER AND PERSONNEL CHANGE  
REQUESTS FOR RISK AND INSURANCE AND LEGISLATURE**

RESOLVED, that in accordance with a request from the Risk Manager in order to transfer funds to cover the cost of the upgrade of the Workers' Compensation Analyst as requested by BF#0001425 this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds: (see PCR 99-283)

	<u>Index code</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
FROM:	390005	1000	101000	Salaries, Full Time	3,650
TO:	050088	1000	254000	Salaries, Full Time	3,340
	050088	8010	254000	State Retirement	260
	050088	8030	254000	Social Security	50

and be it

FURTHER RESOLVED, that in accordance with a request from the Risk Manager, as contained in PCR#99-283, this County Legislature hereby authorizes the upgrade of (1) Workers' Compensation Analyst position, Full Time, at budget line 050088.1000.254000, salary \$27,773, (Union) Administrative effective date 7/26/99, and be it

FURTHER RESOLVED, that in accordance with a request from the Clerk of the Legislature in order to transfer funds to cover the cost of the change of the 2<sup>nd</sup> Deputy Part time to 3<sup>rd</sup> Deputy Full Time as requested by BF#0000932 this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds: (see PCR 99-272, & 99-273)

	<u>Index code</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
FROM:	900084	4752	101000	Contingent Fund	8,048
	240028	1500	101000	Salaries, Part time	8,500
TO:	240028	1000	101000	Salaries, Full Time	10,210
	240028	8020	101000	State Retirement	124
	240028	8030	101000	Social Security	524
	240028	8060	101000	Health Insurance	5,690

and be it

FURTHER RESOLVED, that in accordance with a request from the Clerk of the Legislature as contained in PCR#99-272 and 99-273, this County Legislature hereby authorizes the abolishment of (1) Second Deputy Clerk of the Legislature position, Part Time, at budget line 240028.1000.101000, salary \$28,998 FTE, (Union) Administrative and the creation of (1) Third

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Deputy Clerk of the Legislature position, Full Time, at budget line 240028.1000.101000, salary \$22,833, (Union) Administrative effective date 7/26/99, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) are hereby authorized to make any necessary modification to these transfers to satisfy the intent of this resolution.

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

### RESOLUTION NO. 375

By Finance and Community & Social Services Committees

Seconded by Mr. Shafer

#### **RESOLUTION AUTHORIZING THE BUDGET TRANSFER FOR REAL PROPERTY TAX SERVICES AND VETERANS SERVICES**

RESOLVED, that in accordance with a request from the Director of Real Property Tax Services in order to fund unanticipated utilities costs on foreclosed property an increase in legal advertisement fees, and to fund temporary help and overtime necessary to input the record cards in the new Doc Star System as requested in BF#0001752 this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index code</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
FROM	900084	4752	101000	Contingent Fund	65,000
TO	630004	1600	101000	Salaries, Temporary	25,000
	630004	1700	101000	Salaries, Overtime	1,000
	630004	4448	101000	Legal Advertising	3,000
	630004	4725	101000	Other Financial Services	4,400
	630004	4756	101000	Tax Acquired Property Exp.	31,600

and be it

FURTHER RESOLVED, that in accordance with a request from the Director of Veterans Services in order to cover the increase in the number and cost of burial services as requested in BF#0001761 this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index code</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
FROM:	900084	4752	101000	Contingent Fund	48,720
TO:	420000	4589	101000	Burials	48,720

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

### RESOLUTION NO. 376

By Public Works Committee

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING AN APPLICATION TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR FUNDING FOR CONSTRUCTION OF A SALT STORAGE BUILDING FOR THE HIGHWAY DIVISION OF THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Department of Public Works, after thorough consideration of the various aspects of the need for construction of a salt storage building for the Highway Division of the Department of Public Works (the "Project") and the study of available data, has determined that the Project is desirable and is in the public interest, and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes assistance by the New York State Department of Environmental Conservation to municipalities for water quality improvement projects by means of a contract with the municipality, and this County Legislature deems it to be in the public interest and benefit to enter into such a contract, and

WHEREAS, the Broome County Soil and Water Conservation District is willing to assist in preparation of an application for such funding for the County, now, therefore, be it

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RESOLVED, that this County Legislature hereby authorizes the preparation and submission of an application to the New York State Department of Environmental Conservation for funding for construction of a salt storage building for the Highway Division of the Department of Public Works, such application to be prepared with the assistance of the Broome County Soil and Water Conservation District, and be it

FURTHER RESOLVED, that this County Legislature hereby provides assurance that the County of Broome will fund its portion of the cost of the Project and that funds shall be available to initiate field work for the Project within twelve (12) months of written approval of the application by the Department of Environmental Conservation, 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 one certified copy of this resolution shall be prepared and sent to the Albany office of the New York State Department of Environmental Conservation together with the Application for State Assistance Payments, and be it

FURTHER RESOLVED, that this resolution shall take effect immediately.

**Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather).

Mr. Pasquale moved to adjourn, seconded by Mr. Howard. **Motion to adjourn carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hull, Mather). Meeting adjourned at 4:52pm.

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