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**BROOME COUNTY LEGISLATURE  
REGULAR SESSION  
JULY 19, 2007**

The Legislature convened at 5:00 p.m. with a call to order by the Chair, Mark R. Whalen. The Clerk, Eric S. Denk, read the fire exit announcement and called the Attendance Roll, Present-18, Absent-1 (Shafer).

The Chair, Mr. Whalen, led the members of the Legislature in the Pledge of Allegiance to the Flag, followed by an invocation by Ms. Buchta.

Mr. Mather made a motion, seconded by Mr. LaBare, that the session minutes of June 21, 2007 be approved as prepared and presented by the Clerk. **Carried.** Ayes-18, Nays-0, Absent-1 (Shafer)

Mr. Whalen noted that the committee minutes for the period June 21, 2007 through July 18, 2007 had been distributed to the members of each committee for review and that they are also on file in the Clerk's Office. The Clerk indicated that a quorum of all committees were present. Mr. Whalen asked for corrections to the committee minutes. Seeing none, a motion to approve the committee minutes was made by Mr. Herz, seconded by Mr. Garnar. **Carried.** Ayes-18, Nays-0, Absent-1 (Shafer)

**ANNOUNCEMENTS FROM THE CHAIR**

Mr. Whalen gave the floor to Mr. Materese and Mr. LaBare who presented a plaque and proclamation to Eugene Lyons for his outstanding achievements in track and field.

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

- A. Letters from the County Executive, Barbara J. Fiala:
1. Appointment to Environmental Management Council Board of Directors
  2. Appointment to the Conservation Advisory Committee
  3. Appointment to the Environmental Management Board of Directors

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

- A. PETITIONS: NONE
- B. COMMUNICATIONS:
1. EMC Recycling & Waste Management Committee Meeting Minutes 6/25/07
  2. BAC Meeting Minutes 6/27/07
  3. Cornell Cooperative Extension of Broome County 5/24/07
  4. Environmental Management Council Meeting Minutes 6/7/07
  5. Broome County Soil & Water Conservation District Meeting Minutes 6/19/07
  6. Town of Lisle-Resolution Supporting Designation of the Upper Susquehanna River and Tributaries as a National Heritage River
  7. Village of Whitney Point-Resolution Expressing Support for an Underpass or Overpass to Provide Access to the Broome County Landfill Section IV
  8. Health Department-Public Hearing-Local Early Intervention Coordinating Council Meeting 7/26/07
  9. EMC-Natural Resources Committee Meeting Minutes 6/21/07
- C. NOTICES:
1. Public Hearing-Broome Community College 2007-2008 Budget
  2. Committee of the Whole 7/19/07
  3. Special Education, Culture & Recreation Committee Meeting 7/19/07
- D. REPORTS:
1. Broome Community College Budget Transfers 5/07

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2. Public Hearing Meeting Minutes-Draft Supplemental Environmental Impact Statement for Broome County Landfill Section IV Entrance Evaluation
  3. County of Broome-2006 Comprehensive Annual Financial Report

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

- A. Letters from the Chair, Mark R. Whalen
1. Designations for Mr. Schofield and Mr. Sanfilippo
  2. Designation for Mr. Marinich (Mr. Schofield)
  3. Designations for Mr. Shafer

Mr. Denk announced the correct date of 3/26/07 for the EMC Recycling & Waste Management Committee Meeting Minutes. Mr. Denk announced a communication received for an Open House Public Hearing, for the NY Route 17/I-81 Interchange to be held on Thursday, July 26, 2007 at 4:30 at the Theodore Roosevelt Elementary School, 9 Ogden Street, Binghamton. Mr. Kuzel made a motion, seconded by Mr. Gamar, to receive and file the above referenced reports and to authorize and direct the Clerk to index said reports in the 2007 JOURNAL OF PROCEEDINGS and to publish pertinent portions of said reports as may be directed by the Chair. **Carried.**

Mr. Cleary and Mr. Keibel were designated as participants with Chairman Whalen in the 'Short Roll Call'. Resolutions were acted upon out of order, but for the purpose of clarity, they are presented here in numerical order.

**RESOLUTIONS INTRODUCED AT THIS SESSION**

**RESOLUTION NO. 376**

By: Education, Culture and Recreation and Finance Committees

Seconded by: Mr. Garnar

**RESOLUTION APPROVING SALE OF A PORTION OF THE BRANDYWINE WATERSHED PROPERTY WITH AN ACCESS EASEMENT**

WHEREAS, the County of Broome now owns certain property referred to as the Brandywine Watershed as shown on Exhibit "A", and

WHEREAS, in conformity with the procedures established by this County Legislature and in accordance with all applicable laws, the Commissioner of Parks and Recreation requests authorization to sell a portion of said property to Walter and Audrey Finch, and

WHEREAS, the land to be sold for the sum of \$1,500 is a portion of tax map number 145.05-1-22 as shown on the attached Exhibit "A", now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the sale of County-owned property as indicated on Exhibit "A" attached herewith as tax map number 145.05-1-22 for the sum of \$1,500 to Walter and Audrey Finch, 102 Old State Road, Binghamton, New York 13901, and be it

FURTHER RESOLVED, that the payments hereinabove referenced shall be credited to budget line 054103.0212.101000 (Miscellaneous Revenue - Sale of Property), and be it

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

The Clerk noted that the resolution will be corrected to show the correct address of 108 Old State Road.

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

**RESOLUTION NO. 377**

By: Economic Development and Planning Committee

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**RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL BOARD OF DIRECTORS**

WHEREAS, Barbara J. Fiala, Broome County Executive, pursuant to the authority vested in her by Resolution 277 of 1971, Resolution 64 of 1973, Resolution 366 of 1976 and Resolution 341 of 1980, has duly designated and appointed the following named individuals to membership on the Broome County Environmental Management Council Board of Directors, for the terms indicated, subject to confirmation by this County Legislature:

| <u>NAME</u>  | <u>TERM EXPIRING</u>        |
|--|-----------------------------|
| Cindy Westerman<br>116 Carol Avenue<br>Vestal, New York 13850        | Reappointment<br>12/31/08   |
| Erin Heard<br>8 Edgewood Road<br>Binghamton, New York 13903          | New Appointment<br>12/31/08 |
| Chris W. Burger<br>110 Walters Road<br>Whitney Point, New York 13862 | New Appointment<br>12/31/08 |

and

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

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

**RESOLUTION NO. 378**

By: Public Safety and Emergency Services and Finance Committees

**RESOLUTION AUTHORIZING RENEWAL OF THE EMERGENCY MANAGEMENT PERFORMANCE GRANT FOR THE OFFICE OF EMERGENCY SERVICES FOR 2006-2007**

WHEREAS, this County Legislature, by Resolution 219 of 2006, authorized and approved continued participation in the Emergency Management Performance Grant for the Office of Emergency Services in the amount of \$43,319 for the period October 1, 2005 through September 30, 2006, and

WHEREAS, said program grant provides federal funds to offset costs for the Emergency Management Performance Program within Broome County, and

WHEREAS, it is desired to renew said program grant in the amount of \$48,707.34 for the period October 1, 2006 through September 30, 2007, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$48,707.34 from the New York State Emergency Management Office, 120 Washington Avenue, Building 22, Suite 101, Albany, New York 12226-2251, for the Office of Emergency Services' Emergency Management Performance Grant for the period October 1, 2006 through September 30, 2007, and be it

FURTHER RESOLVED, that the revenue hereinabove authorized shall be credited to budget line 460006.0369.101000 (Civil Defense-Federal Aid), and be it

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

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

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### RESOLUTION NO. 379

By: Public Works and Finance Committees

#### **RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH THE VILLAGE OF ENDICOTT FOR TREATMENT OF LEACHATE FROM THE NANTICOKE LANDFILL FOR THE DIVISION OF SOLID WASTE MANAGEMENT FOR 2007-2009**

WHEREAS, this County Legislature, by Resolution 479 of 2005, authorized renewal of the agreement with the Village of Endicott for the final treatment of effluent from the County leachate treatment facility at the Nanticoke Landfill at a formula based cost not to exceed \$180,000, plus the necessary lab analysis fees, for the period September 1, 2005 through August 31, 2007, and

WHEREAS, said agreement is necessary to dispose of effluent from the County leachate treatment facility at an approved wastewater treatment plant, and

WHEREAS, said agreement expires by its terms on August 31, 2007, and it is desired at this time to renew said agreement on substantially similar terms and conditions, at the rates based on the following formulas, total cost not to exceed \$90,000 per year, total amount not to exceed \$180,000 for the period September 1, 2007 through August 31, 2009:

1. \$12 per 1,000 gallons for those discharges to the Endicott facility in excess of 70 percent of the total monthly leachate production from the Nanticoke Landfill
2. \$13 per 1,000 gallons for those discharges to the Endicott facility greater than 50 percent, but less than 70 per cent of the total monthly leachate production from the Nanticoke Landfill
3. \$14 per 1,000 gallons for those discharges to the Endicott facility greater than 30 percent but less than 50 per cent of the total monthly leachate production from the Nanticoke Landfill
4. \$15 per 1,000 gallons for those discharges to the Endicott facility less than 30 percent of the total monthly leachate production from the Nanticoke Landfill.  
and

WHEREAS, laboratory expenditures incurred as a result of leachate disposal and treatment shall be paid by Broome County, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with the Village of Endicott, 1009 East Main Street, Endicott, New York 13760, for treatment of effluent from the County leachate treatment facility at the Nanticoke Landfill, for the Division of Solid Waste Management for the period September 1, 2007 through August 31, 2009, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount based on the above formulas, plus necessary lab analysis fees, total cost not to exceed \$90,000 per year, total amount not to exceed \$180,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 230086.4449.206000 (Subcontracted Program Expense), and be it

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

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

### RESOLUTION NO. 380

By: Public Works and Finance Committees

#### **RESOLUTION AUTHORIZING RENEWAL OF AN AGREEMENT WITH THE ITHACA AREA WASTEWATER TREATMENT FACILITY FOR DISCHARGE OF RAW LEACHATE FROM THE LEACHATE COLLECTION SYSTEM AT THE NANTICOKE LANDFILL FOR THE DIVISION OF SOLID WASTE MANAGEMENT FOR 2007-2008**

WHEREAS, this County Legislature, by Resolution 469 of 2006 authorized renewal of an agreement with the Ithaca Area Wastewater Treatment Facility for the discharge of raw leachate from the leachate collection system at the Nanticoke Landfill at a cost not to exceed \$6.00 per

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1,000 gallons of leachate, plus a surcharge of \$5.64 per 1,000 gallons (52 cents per pound) if the leachate exceeds 1,384 milligrams per liter Biological Oxygen Demand (BOD), total cost not to exceed \$81,000, for the period October 1, 2006 through September 30, 2007, and

WHEREAS, said services are necessary to discharge raw leachate to a treatment facility for final treatment and discharge into a major watercourse, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of an agreement with the Ithaca Area Wastewater Treatment Facility, 525 Third Street, Ithaca, New York 14850, for discharge of raw leachate from the leachate collection system at the Nanticoke Landfill, for the period October 1, 2007 through September 30, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$6.00 per 1,000 gallons of leachate, plus a surcharge of \$5.64 per 1,000 gallons if the leachate exceeds 1,384 milligrams per liter Biological Oxygen Demand (BOD), a total cost not to exceed \$81,000, for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 230086.4457.206000 (Subcontracted Program Expense), and be it

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

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

### **RESOLUTION NO. 381**

By: Public Works and Finance Committees

#### **RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR A STATE GRANT-IN-AID FOR A MUNICIPAL WASTE REDUCTION AND/OR RECYCLING PROJECT AND SIGNING OF THE ASSOCIATED STATE CONTRACT UNDER THE APPROPRIATE LAWS OF NEW YORK STATE**

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects, and

WHEREAS, the County of Broome, herein called the Municipality, has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws, and

WHEREAS, it is necessary that a contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the State, and the Municipality be executed for such State Aid, now therefore, be it

RESOLVED, by the County Legislature of the County of Broome, that the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized, and be it

FURTHER RESOLVED, that the Broome County Executive is directed and authorized as the official representative of the Municipality to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State, and be it

FURTHER RESOLVED, that the Municipality agrees that it will fund its portion of the cost of said Municipal Waste Reduction and/or Recycling Project, and be it

FURTHER RESOLVED, that five (5) Certified Copies of this Resolution be prepared and sent to the NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, ALBANY, NEW YORK 12233-7253, together with ONE complete application, and be it

FURTHER RESOLVED, that this resolution shall take effect immediately.

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

### **RESOLUTION NO. 382**

By: Health and Human Services and Finance Committees

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**RESOLUTION AUTHORIZING REVISION OF THE PREVENTIVE DENTISTRY/DENTAL SEALANT PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A REVISED PROGRAM BUDGET FOR 2006-2007**

WHEREAS, this County Legislature, by Resolution 293 of 2006, authorized and approved renewal of the Preventive Dentistry/Dental Sealant Program Grant for the Department of Health and adopted a program budget in the total amount of \$84,423 for the period July 1, 2006 through June 30, 2007, and

WHEREAS, said program grant promotes good oral hygiene to Broome County school children by providing dental exams, cleanings, sealants and educational services, and

WHEREAS, it is necessary at this time to revise said program to reflect a decrease in the amount of \$40,843 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Preventive Dentistry/Dental Sealant Program Grant to reflect a decrease of \$40,843 for the period July 1, 2006 through June 30, 2007, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$43,580, and be it

FURTHER RESOLVED, that Resolution 293 of 2006, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

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

**RESOLUTION NO. 383**

By: Health and Human Services and Finance Committees

**RESOLUTION AUTHORIZING AN AGREEMENT WITH HC LONGACRE-PRICE MD PLLC, (D/B/A EVA CARE GYN) FOR SERVICES FOR THE DEPARTMENT OF HEALTH'S HEALTHY LIVING PARTNERSHIP INTEGRATED CANCER SERVICES PROGRAM GRANT FOR THE PERIOD 2007-2008**

WHEREAS, the Director of Public Health requests authorization for an agreement with Longacre-Price MD PLLC (d/b/a Eva Care GYN) for services for the Department of Health's Healthy Living Partnership Integrated Cancer Services Program Grant at rates set by the New York State Department of Health Upstate Reimbursement Schedule for the period August 1, 2007 through March 31, 2008, and

WHEREAS, said agreement is necessary to provided screenings, diagnostics, and follow-up services for breast, cervical, and colorectal cancer, to uninsured or underinsured women and men over fifty years of age in five counties, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Longacre-Price MD PLLC (d/b/a Eva Care GYN),9578 State Route 434, Vestal, New York 13850, for services for the Department of Health's Healthy Living Partnership Integrated Cancer Services Program Grant for the period August 1, 2007 through March 31, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at the rates set by the New York State Department of Health Upstate Reimbursement Schedule attached as Exhibit "A", and be it

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FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 480376.4715.105241 (Other Health and Medical Services) for the period April 1, 2006 through June 29, 2007, 480376.4715.105xxx (Other Health and Medical Services) for the period June 30, 2007 through March 31, 2008, and 480376.4707/4715.105311 (Medical & Hospital Services/Other Health & Medical Services) for the period April 1, 2007 through March 31, 2008, and be it

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

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

#### **RESOLUTION NO. 384**

By: Health and Human Services

#### **RESOLUTION AUTHORIZING AN AGREEMENT WITH THE STATE UNIVERSITY OF NEW YORK AT ONEONTA FOR STUDENT INTERN SERVICES FOR THE DEPARTMENT OF HEALTH FOR THE PERIOD 2006-2007**

WHEREAS, the Director of Public Health requests authorization for an agreement with the State University of New York at Oneonta for student intern services for the Department of Health, at no expense to the County, for the 2006-2007 school year, and

WHEREAS, said agreement is necessary for the placement of students for intern experience at the Broome County Health Department, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the State University of New York at Oneonta, Office of Finance and Administration, 200 Netzer Administration Building, Oneonta, New York 13820-4015 for student intern services for the Department of Health, at no expense to the County for the 2006-2007 school year, and be it

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

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

#### **RESOLUTION NO. 385**

By: Health and Human Services, Personnel and Finance Committees

#### **RESOLUTION AUTHORIZING RENEWAL OF THE STEPS TO A HEALTHIER US INITIATIVE PROGRAM GRANT FOR DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2007-2008**

WHEREAS, this County Legislature, by Resolution 368 of 2006, authorized and approved renewal of the Steps to a Healthier US Initiative Program Grant for the Department of Health and adopted a program budget in the amount of \$435,530 for the period September 22, 2006 through September 21, 2007, and

WHEREAS, said program grant helps promote healthy lifestyles in Broome County by seeking to reduce the instances of obesity, diabetes and asthma through community and school based interventions, and

WHEREAS, it is desired to renew said program grant in the amount of \$457,530 for the period September 22, 2007 through September 21, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$457,530 from Health Research, Inc., One University Place, Rensselaer, New York 12144-3455, for the Department of Health's Steps to a Healthier US Initiative Program Grant for the period September 22, 2007 through September 21, 2008, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$457,530, and be it

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

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

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

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

### **RESOLUTION NO. 386**

By: Health and Human Services and Finance Committees

#### **RESOLUTION AUTHORIZING REVISION OF THE JUVENILE JUSTICE PROGRAM GRANT FOR THE DEPARTMENT OF MENTAL HEALTH, ADOPTING A REVISED PROGRAM BUDGET AND AUTHORIZING AMENDMENT TO THE AGREEMENT WITH OUR LADY OF LOURDES HOSPITAL FOR 2006-2007**

WHEREAS, this County Legislature, by Resolution 661 of 2005, as amended by Resolutions 31 and 262 of 2007, authorized the continued participation in the Juvenile Justice Program Grant for the Department of Mental Health, adopted a program budget in the total amount of \$212,500 and authorized an agreement with Our Lady of Lourdes Hospital to administer said program in the amount of \$212,500 for the period January 1, 2006 through December 31, 2007, and

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

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$35,000 in grant appropriations and amend the agreement with Our Lady of Lourdes Hospital to reflect an increase in the amount of \$35,000, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Juvenile Justice Program Grant to reflect an increase of \$35,000 for the period January 1, 2006 through December 31, 2007, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$247,500, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Our Lady of Lourdes Hospital, 169 Riverside Drive, Binghamton, New York 13905, to reflect an increase of \$35,000 for services for the Department of Mental Health's Juvenile Justice Program Grant for the period January 1, 2006 through December 31, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an additional \$35,000, total amount not to exceed \$247,500 for the term of the agreement, and be it

FURTHER RESOLVED, that Resolution 661 of 2005 and Resolutions 31 and 262 of 2007, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

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

### **RESOLUTION NO. 387**

By: Health and Human Services and Finance Committees

#### **RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH BACH HARRISON, LLC FOR STUDENT SURVEYS AND ANALYSIS FOR THE DEPARTMENT OF MENTAL HEALTH FOR 2006-2007**

WHEREAS, this County Legislature, by Resolution 659 of 2006, authorized an agreement with Bach Harrison, LLC for student surveys and analysis for the Department of Mental Health at a cost not to exceed \$15,000 for the period October 1, 2006 through September 30, 2007, and

WHEREAS, said agreement is necessary to provide and analyze student surveys that measure and assess the risk and protective factors associated with adolescent alcohol, tobacco and other drug use, and

WHEREAS, it is necessary to authorize an amendment to said agreement to increase the not to exceed amount by \$2,181 for additional analysis and development of a customized profile report, and

WHEREAS, the Commissioner of Mental Health 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 Bach Harrison, LLC, 116 South 500 East, Salt Lake City, Utah 84102 to increase the not to exceed amount by \$2,181 for additional analysis and development of a customized profile report for the Department of Mental Health for the period October 1, 2006 through September 30, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an additional, \$2,181, total amount not to exceed \$17,181 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 470153.4747.105235 (Other Fees for Services), and be it

FURTHER RESOLVED, that Resolution 659 of 2006, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

### **RESOLUTION NO. 388**

By: Health and Human Services and Finance Committees

#### **RESOLUTION AUTHORIZING RENEWAL OF DSS/BCC CREDIT AND NON-CREDIT TRAINING PROGRAM GRANT FOR DEPARTMENT OF SOCIAL SERVICES AND ADOPTING A PROGRAM BUDGET FOR 2007-2008**

WHEREAS, this County Legislature, by Resolution 338 of 2006, authorized and approved the DSS/BCC Credit and Non-Credit Training Program Grant for the Department of

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Social Services and adopted a program budget in the amount of \$45,292 for the period August 1, 2006 through July 31, 2007, and

WHEREAS, Broome County has made an application to the New York State Office of Children and Family Services for DSS/BCC Credit and Non-Credit Training Program Grant funds, and

WHEREAS, said program grant provides DSS employees with educational opportunities and workshops geared toward enhancing their skills on the job and preparing them for promotional opportunities within the Department, and

WHEREAS, it is desired to renew said program grant in the amount of \$71,742 for the period August 1, 2007 through July 31, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$71,742 from the New York State Office of Children and Family Services, 40 N. Pearl St., 11-B, Albany, New York 12243, for the DSS/BCC Credit and Non-Credit Training Program Grant for the period August 1, 2007 through July 31, 2008, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$71,742, and be it

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

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

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

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

### **RESOLUTION NO. 389**

By: Health and Human Services and Finance Committees

#### **RESOLUTION AUTHORIZING RENEWAL OF DSS/BU CREDIT AND NON-CREDIT TRAINING PROGRAM GRANT FOR DEPARTMENT OF SOCIAL SERVICES AND ADOPTING A PROGRAM BUDGET FOR 2007-2008**

WHEREAS, this County Legislature, by Resolution 337 of 2006, authorized and approved the DSS/BU Credit and Non-Credit Training Program Grant for the Department of Social Services and adopted a program budget in the amount of \$34,063 for the period August 1, 2006 through July 31, 2007, and

WHEREAS, Broome County has made an application to the New York State Office of Children and Family Services for DSS/BU Credit and Non-Credit Training Program Grant funds, and

WHEREAS, said program grant provides DSS employees with educational opportunities and workshops geared toward enhancing their skills on the job and preparing them for promotional opportunities within the Department, and

WHEREAS, it is desired to renew said program grant in the amount of \$51,532 for the period August 1, 2007 through July 31, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$51,532 from the New York State Office of Children and Family Services, 40 N. Pearl St., 11-

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B, Albany, New York 12243, for the DSS/BU Credit and Non-Credit Training Program Grant for the period August 1, 2007 through July 31, 2008, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$51,532, and be it

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

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

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

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

### **RESOLUTION NO. 390**

By: Health and Human Services, Personnel and Finance Committees

#### **RESOLUTION AUTHORIZING REVISION OF THE MEDICAID TECHNOLOGIES IMPROVEMENT PROGRAM GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES AND ADOPTING A REVISED PROGRAM BUDGET FOR 2007**

WHEREAS, this County Legislature, by Resolution 577 of 2006, as amended by Resolution 222 of 2007, authorized and approved renewal of the Medicaid Technologies Improvement Program Grant for the Department of Social Services and adopted a program budget in the total amount of \$256,033 for the period January 1, 2007 through December 31, 2007, and

WHEREAS, said program grant provides for two full-time clerk positions, two full-time senior clerk positions, one full-time Examiner position and one Human Services Coordinator I position whose responsibility will be to perform Medicaid eligibility determinations, ensure quality control and image the Medicaid program records, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$36,363 and approve the addition of one Human Services Coordinator II position, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Medicaid Technologies Improvement Program Grant to reflect an increase of \$36,363 and approve the addition of one Human Services Coordinator II position as shown on Exhibit "A", for the period January 1, 2007 through December 31, 2007, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$292,396, and be it

FURTHER RESOLVED, that Resolution 577 of 2006 and Resolution 222 of 2007, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

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

### **RESOLUTION NO. 391**

By: Education, Culture and Recreation and Finance Committees

**RESOLUTION AUTHORIZING APPLICATION FOR NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION ENVIRONMENTAL PROTECTION FUNDS FOR THE BROOME COUNTY PERFORMING ARTS THEATER (THE FORUM) FOR THE DEPARTMENT OF PARKS AND RECREATION**

WHEREAS, the Broome County Department of Parks and Recreation is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a project to be located at the Broome County Performing Arts Theater (The Forum), a site located within the territorial jurisdiction of this County Legislature, and

WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located", now, therefore, be it

RESOLVED, that this Legislature of Broome County hereby does approve and endorse the application of the Broome County Department of Parks and Recreation for a grant under the Environmental Protection Fund for a project known as the Broome County Performing Arts Theater (The Forum) Project and located within this community, and be it

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

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

### **RESOLUTION NO. 392**

By: Education, Culture and Recreation and Finance Committees

**RESOLUTION AUTHORIZING CANCELLATION OF UNCOLLECTIBLE BROOME COUNTY VETERANS MEMORIAL ARENA ACCOUNTS FOR 2003**

WHEREAS, the Commissioner of Parks and Recreation has advised that for the calendar year 2003, certain amounts owed to the Broome County Veterans Memorial Arena 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 uncollectible Broome County Veterans Memorial Arena accounts as follows:

Ms. Laurene D. Brown  
Specialty Gift Basket  
Po Box 1123  
Binghamton, New York 13902  
Check #2026 in the amount of \$150

Ms. Laurene D. Brown  
Specialty Gift Basket  
Po Box 1123

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Binghamton, New York 13902  
Check #2032 in the amount of \$95

and be it

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

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

### **RESOLUTION NO. 393**

By: Transportation and Rural Development, County Administration and Finance Committees  
**RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH TRAPEZE SOFTWARE GROUP, INC. FOR SOFTWARE MAINTENANCE FOR DEPARTMENT OF TRANSPORTATION FOR 2007-2008**

WHEREAS, this County Legislature, by Resolution 611 of 2006, authorized renewal of an agreement with Trapeze Software Group, Inc. for software support and maintenance for the Department of Public Transportation at an amount not to exceed \$10,519.60, for the period October 1, 2006 through September 30, 2007, and

WHEREAS, said agreement provides maintenance, updates and support for the Department of Transportation's Paratransit scheduling and dispatching software, and

WHEREAS, said agreement expires by its terms on September 30, 2007, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$10,900, for the period October 1, 2007 through September 30, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Trapeze Software Group, Inc., 8360 East Via De Ventura Suite L-200, Scottsdale, Arizona 85258 for software support and maintenance for the Department of Public Transportation for the period October 1, 2007 through September 30, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$10,900 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 220004.4513.203120 (Software Maintenance), and be it

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

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

### **RESOLUTION NO. 394**

By: Economic Development and Planning, Transportation and Rural Development, and Finance Committees

**RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH WENDEL DUCHSCHERER, ARCHITECTS & ENGINEERS FOR DESIGN SERVICES OF THE INTERMODAL TRANSIT TERMINAL FOR THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT FOR 2006-2009**

WHEREAS, this County Legislature, by Resolution 198 of 2006, authorized an agreement with Wendel Duchscherer, Architects and Engineers for engineering/design services of the Intermodal Transit Terminal for the Department of Public Transportation at an amount not to exceed \$631,160 for the period June 1, 2006 through May 31, 2009, and

WHEREAS, said agreement provides for services in connection with the proposed construction of a new Intermodal Transit Terminal and the needed planning information to assist decision makers, and

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WHEREAS, additional building investigation and environmental site review is required by the Programmatic Agreement between Broome County, State Historic Preservation Office and the Federal Transit Authority, and

WHEREAS, it is necessary to authorize an amendment to said agreement to increase the not to exceed amount by \$415,561, and

WHEREAS, the Commissioner of Economic Development and Planning 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 Wendel Duchscherer, Architects and Engineers, 140 John James Audubon Parkway, Suite 201, Amherst, New York 14228, to increase the not to exceed amount by \$415,561 for the Department of Planning and Economic Development, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$1,046,721 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 225011.4443.501468 (Engineering Expenses), and be it

FURTHER RESOLVED, that Resolution 198 of 2006, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

#### **RESOLUTION NO. 395**

By: Economic Development and Planning, Transportation and Rural Development, and Finance Committees

Seconded by: Mr Garnar

#### **RESOLUTION AUTHORIZING AN AGREEMENT WITH C & S CONSTRUCTION MANAGEMENT SERVICES FOR INTERMODAL TRANSIT TERMINAL FOR PERIOD ENDING DECEMBER 31, 2009**

WHEREAS, the Commissioner of Planning requests authorization for an agreement with C & S Construction Management Services for construction management services for the Intermodal Transit Terminal project at a cost not to exceed \$352,328, for the period June 1, 2007 through December 31, 2009, and

WHEREAS, said services are necessary to oversee the construction of the Intermodal Transit Terminal, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with C & S Construction Management Services, 499 Col. Eileen Collins Blvd., Syracuse, New York 13212, for construction management services for the period June 1, 2007 through December 31, 2009, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$352,328 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 225011.4443.501468 (Engineering Expenses), and be it

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

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

#### **RESOLUTION NO. 396**

By: Economic Development and Planning and Finance Committees

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**RESOLUTION AUTHORIZING AN AGREEMENT WITH THE BINGHAMTON-JOHNSON CITY JOINT SEWAGE TREATMENT AUTHORITY FOR DIGITAL SERVICES PERFORMED BY THE DEPARTMENT OF PLANNING FOR PERIOD ENDING JUNE 30, 2008**

WHEREAS, the Commissioner of Planning requests authorization for an agreement with the Binghamton-Johnson City Joint Sewage Treatment Authority for digital services performed by the Department of Planning for the period ending June 30, 2008, and

WHEREAS, said services are necessary to use GPS technology to digitally capture the Binghamton-Johnson City Joint Sewage Treatment Plant system features and attributes to convert to GIS format, and

WHEREAS, the information can then be used to create paper maps and the data can be used to examine a wide range of issues including infiltration, and

WHEREAS, the Binghamton-Johnson City Joint Sewage Treatment Authority will pay Broome County \$7,500 for these services, now, therefore be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the Binghamton-Johnson City Joint Sewage Treatment Authority, Joint Sewage Board, 38 Hawley St., Binghamton, New York 13901, for digital services for the period ending June 30, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the Contractor shall pay the County an amount not to exceed \$7,500 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 440016.0464.101000 (Other Local Governments), and be it

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

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

**RESOLUTION NO. 397**

By: Economic Development and Planning Committee

**RESOLUTION AUTHORIZING REVISION OF THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF BINGHAMTON, THE VILLAGES OF ENDICOTT AND JOHNSON CITY AND THE TOWNS OF KIRKWOOD AND UNION FOR ESTABLISHING THE BROOME COUNTY EMPIRE ZONE ADMINISTRATIVE BOARD**

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

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

WHEREAS, it is necessary to authorize revision to said agreement to reorganize the program to make it more effective and efficient, and

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

RESOLVED, that this County Legislature hereby authorizes revision to the agreement with the City of Binghamton, the Villages of Endicott and Johnson City, and the Towns of Kirkwood and Union, in order to make the Empire Zone program more effective and efficient for the Department of Planning, and be it

FURTHER RESOLVED, that said agreement shall reduce the number of persons on the Broome County Empire Zone Administrative Board from 17 to 11; and the County member shall serve as the Chair of the Board; and it shall act as the Zone Administrative Entity; and be it

FURTHER RESOLVED, that said agreement shall revise the cash and in kind contributions of the municipal members as follows:

|             |                |
|-------------|----------------|
| <b>Cash</b> | <b>In-kind</b> |
|-------------|----------------|

|                    | Current | Proposed | Current | Proposed |
|--------------------|---------|----------|---------|----------|
| Town of Kirkwood   | 26%     | 25%      | 0%      | -0-      |
| City of Binghamton | 33%     | 25%      | 50%     | 25%      |
| Town of Union      | 33%     | 25%      | 20%     | 25%      |
| Broome County      | 7%      | 25%      | 30%     | 50%      |
|                    | 100%    | 100%     | 100%    | 100%     |

FURTHER RESOLVED, that in there will be no new expenditures without further appropriation, and be it

FURTHER RESOLVED, that Resolution 109 of 2001, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

### RESOLUTION NO. 398

By: County Administration and Finance Committees

#### **RESOLUTION AUTHORIZING AN AGREEMENT WITH THE TOWN OF VESTAL FIRE DISTRICT FOR RENTAL OF STORAGE SPACE FOR THE BROOME COUNTY BOARD OF ELECTIONS FOR 2007**

WHEREAS, the Broome County Board of Elections is responsible for facilitating elections in Broome County, including storage of voting machines, and

WHEREAS, the Broome County Board of Elections stored voting machines from January 1, 2007 through April 30, 2007 at the Fire Station No. 3, 2164 Old Owego Road, Ross Corners, Vestal, New York, owned by the Town of Vestal Fire District, 605 Vestal Parkway West, Vestal, New York 13850, and

WHEREAS, the Broome County Board of Elections will store voting machines from May 1, 2007 through December 31, 2007 at the Fire Station No. 3, 2164 Old Owego Road, Ross Corners, Vestal, New York, owned by the Town of Vestal Fire District, 605 Vestal Parkway West, Vestal, New York 13850, and

WHEREAS, the Board of Elections requests authorization to pay the Town of Vestal Fire District rental payments of \$291.66 per month for four months, and \$291.67 per month for eight months, total not to exceed \$3,500, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the Town of Vestal Fire District, 605 Vestal Parkway West, Vestal, New York 13850 for rental of storage space from January 1, 2007 through April 30, 2007, and from May 1, 2007 through December 31, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$3,500 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 410001.4449.101000 (Other Operational Expenses), and be it

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

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

### RESOLUTION NO. 399

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By: County Administration and Finance Committees

Seconded by: Mr. Cleary

**RESOLUTION AUTHORIZING AN AGREEMENT WITH STRATEGIC COMPUTER SOLUTIONS FOR IBM HARDWARE MAINTENANCE FOR THE DIVISION OF INFORMATION TECHNOLOGY FOR 2007-2010**

WHEREAS, the Director of Information Technology requests authorization for an agreement with Strategic Computer Solutions for IBM hardware maintenance for the Division of Information Technology at a cost not to exceed \$110,868.90, for the period June 1, 2007 through May 31, 2010, and

WHEREAS, said agreement is necessary for hardware maintenance on the tape library system that is used to backup all systems and is critical to the data retention and recovery as well as running many production jobs using tapes, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Strategic Computer Solutions, 5788 Widewaters Parkway, Syracuse, New York 13214 for IBM hardware maintenance for the Division of Information Technology for the period June 1, 2007 through May 31, 2010, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$110,868.90 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 370007.4514.101000 (Hardware Maintenance), and be it

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

**Carried.** Ayes-17, Nays-0, Absent-1 (Shafer), Abstain-1 (Schofield)

**RESOLUTION NO. 400**

By: County Administration and Finance Committees

Seconded by: Mr LaBare

**RESOLUTION AUTHORIZING AN AGREEMENT WITH STRATEGIC COMPUTER SOLUTIONS FOR IBM HARDWARE MAINTENANCE FOR THE DIVISION OF INFORMATION TECHNOLOGY FOR 2007-2010**

WHEREAS, the Director of Information Technology requests authorization for an agreement with Strategic Computer Solutions for IBM hardware maintenance for the Division of Information Technology at a cost not to exceed \$42,159.90, for the period June 1, 2007 through May 31, 2010, and

WHEREAS, said agreement is necessary for hardware maintenance on the mainframe, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Strategic Computer Solutions, 5788 Widewaters Parkway, Syracuse, New York 13214 for IBM hardware maintenance for the Division of Information Technology for the period June 1, 2007 through May 31, 2010, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$42,159.90 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 370007.4514.101000 (Hardware Maintenance), and be it

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

**Carried.** Ayes-17, Nays-0, Absent-1 (Shafer), Abstain-1 (Schofield)

**RESOLUTION NO. 401**

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By: County Administration and Finance Committees

Seconded by: Mr. Cleary

**RESOLUTION AUTHORIZING AN AGREEMENT WITH STRATEGIC COMPUTER SOLUTIONS FOR IBM SOFTWARE SUBSCRIPTION SERVICES FOR THE DIVISION OF INFORMATION TECHNOLOGY FOR 2007-2010**

WHEREAS, the Director of Information Technology requests authorization for an agreement with Strategic Computer Solutions for software subscription services for the Division of Information Technology at a cost not to exceed \$26,180, for the period July 8, 2007 through July 8, 2010, and

WHEREAS, said agreement is necessary for IBM software subscription services on the County's three IBM i-Series which provides support and upgrades to the operating systems, database and query language on the systems, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Strategic Computer Solutions, 5788 Widewaters Parkway, Syracuse, New York July 8, 2007 through July 8, 2010, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$26,180 for the term of the agreement, and be it

FURTHER RESOLVED, that \$10,734 shall be made from budget line 300012.4513.101000 and \$15,446 shall be made from budget line 370007.4513.101000 (Hardware: Contracted DP Services), and be it

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

**Carried.** Ayes-17, Nays-0, Absent-1 (Shafer), Abstain-1 (Schofield)

**RESOLUTION NO. 402**

By: County Administration and Finance Committees

**RESOLUTION AUTHORIZING AN AGREEMENT WITH MEL MANASSE & SON AUCTIONEERS FOR AUCTIONEER AND RELATED SERVICES AND ESTABLISHING PARTICIPATION RULES FOR THE ANNUAL COUNTY AUCTIONS FROM JUNE 1, 2007 THROUGH MAY 31, 2008**

WHEREAS, the Broome County Division of Purchasing requests authorization for an agreement with Mel Manasse & Son Auctioneers for auctioneer services for Broome County Government from June 1, 2007 through May 31, 2008, with an option to renew through May 31, 2011 at the sole discretion of Broome County, and

WHEREAS, the vendor shall be permitted to retain 9% of each of the auction's gross receipts, exclusive of sales taxes, and

WHEREAS, the auctioneer shall distribute proceeds from the auction of property owned by Broome County as follows:

all sales taxes;

a maximum of \$3,000 for publicity expenses;

\$1,500 for the Department of Public Works – Highway Division for facility usage;

\$1,500 for Department of Public Works – Buildings and Grounds for set up and delivery;

\$2,500 for Broome County Security expenses;

\$1,000 for Broome County Sheriff's Department expenses related to management of the Trustee Program (if trustees are used for setup);

9% to auctioneer's commission;

balance to be paid to Broome County,

and

WHEREAS, all political subdivisions and contract agencies of Broome County and Tioga County, as well as adjacent Counties and their political subdivisions and contract agencies, shall

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be eligible to offer surplus supplies, materials, equipment and vehicles for sale at the auction, and

WHEREAS, the auctioneer shall distribute proceeds from the auction of property owned by political subdivisions, contract agencies and adjacent Counties as follows:

- all sales taxes;
- 2 ½ % to Broome County Commissioner of Finance;
- 9% to auctioneer's commission;
- balance paid to the political subdivision that owned the property;

now, therefore be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Mel Manasse & Son Auctioneers, 2924 US Route 11, P.O. Box 738, Whitney Point, New York 13862, for auctioneer services, with an option to renew under the same terms and conditions through May 31, 2011 at the sole discretion of Broome County, and be it

FURTHER RESOLVED, that in consideration of auction services, the contractor shall retain from the sale of items attributed to Broome County Government:

- a maximum of \$3,000 for publicity expenses;
- \$1,500 for the Department of Public Works – Highway Division for facility usage;
- \$1,500 for Department of Public Works – Buildings and Grounds for set up and delivery;
- \$2,500 for Broome County Security expenses;
- \$1,000 for Broome County Sheriff's Department expenses related to management of the Trustee Program (if trustees are used for setup);
- 9% of the auctioneer's receipts (less the expenses previously noted) for the term of the agreement, and be it

FURTHER RESOLVED, that in consideration of auction services, the contractor shall retain from the sale of items attributed to political subdivisions, contract agencies and adjacent Counties:

- 2 ½ % to Broome County Commissioner of Finance;
- 9% to auctioneer's commission;
- balance paid to the political subdivision that owned the property,

and be it

FURTHER RESOLVED, that the auctioneer will collect sales tax where applicable, and be it

FURTHER RESOLVED, that authorization is hereby granted to allow participation from all political subdivisions and contract agencies of Broome County, all adjacent Counties and all political subdivisions and contract agencies of those adjacent Counties, and be it

FURTHER RESOLVED, the fee structure for all participating Counties, political subdivisions, and contract agencies, including Broome Community College, shall be as follows:

- 2 ½% of proceeds from the sale of items owned by political subdivisions will be paid to the Commissioner of Finance;
- 9% to auctioneer's commission;
- the rest to be paid to the political subdivisions, and be it

FURTHER RESOLVED, that Broome County Comptroller is hereby authorizing to review all revenues received from the auction and apportion those revenues to the appropriate departmental revenue budget lines, and be it

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

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

### RESOLUTION NO. 403

By: Finance Committee  
Seconded by: Mr. Cleary

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**RESOLUTION AUTHORIZING CORRECTIONS ERRORS ON TAX ROLLS FOR THE CITY OF BINGHAMTON AND THE TOWNS OF COLESVILLE, CONKLIN, UNION AND VESTAL**

WHEREAS, applications for Corrections of Tax Rolls pursuant to the Flood Assessment Relief Act of 2007, for the City of Binghamton and the Towns of Colesville, Conklin, Union and Vestal have been duly filed with the Director of Real Property Tax Service for the County of Broome, and

WHEREAS, the Director of Real Property Tax Service has filed a report pursuant to Section 554 of the Real Property Tax Law and certain claimed errors have been determined to exist that should be corrected, now, therefore, be it

RESOLVED, that this County Legislature hereby approves the application for correction and orders that the tax officer, having jurisdiction of the tax rolls, correct said tax rolls and the tax bills in accordance with the list attached hereto as Exhibit "A", pursuant to Section 554 of the Real Property Tax Law and be it

FURTHER RESOLVED, that the Real Property Tax Director and Commissioner of Finance are hereby authorized to issue any necessary refunds to property owners based on the corrected tax rolls and tax bills.

Mr. Schofield made a motion, seconded by Mr. Materese to show the correct tax information in Exhibit "A" for Town of Conklin tax map numbers 162.09-1-35, 161.12-2-29.1, 161.34-1-8, 228.07-1-18, 162.09-1-3 194.12-1-50, the Town of Kirkwood Tax map numbers 162.12-2-46, 228.11-1-12, 229.17-1-6, 195.01-1-13 and the Town of Vestal tax map 172.11-1-28 (duplicate).

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

**RESOLUTION NO. 404**

By: Transportation and Rural Development and Finance Committees

**RESOLUTION AUTHORIZING ACCEPTANCE OF FUNDING FROM THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR THE BINGHAMTON REGIONAL AIRPORT'S PARKING LOT IMPROVEMENT PROGRAM**

WHEREAS, the Commissioner of Aviation requests authorization to accept funding from the New York State Department of Transportation for the Binghamton Regional Airport's Parking Lot Improvement Program in the amount of \$600,000, and

WHEREAS, said funding will enable Binghamton Regional Airport to complete the third and final phase of the public side improvement efforts, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$600,000 from the State of New York Department of Transportation, Albany, New York 12232 for the Binghamton Regional Airport's Parking Lot Improvement Program, and be it

FURTHER RESOLVED, that the funds hereinabove authorized will be credited to budget line 211037.0466.501488 (State Aid), and be it

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

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

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

**RESOLUTION NO. 405**

By: Transportation and Rural Development and Finance Committees

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**RESOLUTION AUTHORIZING AN AGREEMENT WITH MCFARLAND-JOHNSON, INC. FOR CONSTRUCTION OBSERVATION SERVICES FOR THE DEPARTMENT OF AVIATION FOR 2007-2008**

WHEREAS, the Commissioner of Aviation request authorization for an agreement with McFarland-Johnson, Inc. for construction observation services for the Department of Aviation at a cost not to exceed \$134,819 for the period July 20, 2007 through June 1, 2008, and

WHEREAS, said agreement is necessary for construction observation and administrative duties specific to the Airport Parking Lot Improvements Project, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with McFarland-Johnson, Inc., 49 Court Street, PO Box 1980, Binghamton, New York 13902 for construction observation services for the Department of Aviation for the period July 20, 2007 through June 1, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$134,819 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 211037.2012.501488 (Parking Lots), and be it

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

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

**RESOLUTION NO. 406**

By: Transportation and Rural Development and Finance Committees

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO ACCEPT FUNDING FOR THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION COMMUNITY SOLUTIONS FOR TRANSPORTATION PROGRAM ON BEHALF OF THE DEPARTMENT OF PUBLIC TRANSPORTATION**

WHEREAS, this County Legislature, by Resolution 385 of 2006, authorized the County Executive to act on behalf of the Broome County Legislature to sign a grant agreement for the period October 2005 through June 2006, and

WHEREAS, said grant funding is designed to increase access for TANF-eligible persons to employment, as identified through a joint planning process, and consistent with the services described in the Community Solutions for Transportation Application approved by the New York State Department of Transportation and the New York State Department of Labor, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the County Executive to act on behalf of the Broome County Legislature to accept funding in the amount of \$208,324 from the New York State Department of Transportation for the Community Solutions for Transportation Program for the period July 2006 through June 2007, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 225029.various.213006, and be it

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

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

**RESOLUTION NO. 407**

By: Public Works and Finance Committees

**RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH SCS ENGINEERS, PC FOR CONSTRUCTION REVIEW SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS-DIVISION OF SOLID WASTE MANAGEMENT FOR 2003-2008**

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WHEREAS, this County Legislature, by Resolution 374 of 2003, as amended by Resolution 402 of 2005 and 348 and 739 of 2006, authorized an agreement with SCS Engineers, PC for design and construction review services for the Division of Solid Waste Management at a cost not to exceed \$90,019 for the period October 6, 2003 through June 30, 2007, and

WHEREAS, said agreement is necessary for design services to modify and upgrade the Broome County Landfill Gas Recovery System, from a recovery system to a recovery and emissions control system in order to meet more stringent EPA and NYSDEC gas emission control regulations and to design and permit a new collection infrastructure for the vertical landfill expansion of Sections II and III, and

WHEREAS, it is necessary to authorize an amendment to said agreement to increase the not to exceed amount by \$20,400 and extend the term through December 31, 2008, and

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

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with SCS Engineers, PC, 2 Crosfield Avenue, W. Nyack, New York 10994 to increase the not to exceed amount by \$20,400 and extend the term through December 31, 2008 for the Department of Public Works-Division of Solid Waste Management, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$110,419 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 230086.4457.206000 (Subcontracted Program Expense), and be it

FURTHER RESOLVED, that Resolutions 374 of 2003, 402 of 2005, 348 of 2006 and 739 of 2006, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

#### **RESOLUTION NO. 408**

By: Education, Culture and Recreation Committee

#### **RESOLUTION CONFIRMING APPOINTMENT TO MEMBERSHIP ON THE BROOME COMMUNITY COLLEGE BOARD OF TRUSTEES**

WHEREAS, Barbara J. Fiala, Broome County Executive, pursuant to the authority vested in her by Article XXIII-A of the Broome County Charter and Code, has duly designated and appointed the following named individual to membership on the Broome Community College Board of Trustees, for the term indicated, subject to confirmation by this County Legislature:

| <u>NAME</u>   | <u>TERM EXPIRING</u> |
|---|----------------------|
| George Akel<br>Akel Wholesale<br>100 Oakdale Road<br>PO Box 490<br>Johnson City, NY 13760 | 6/30/2015            |

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 XXIII-A of the Broome County Charter and Code, hereby confirms the appointment of the above-named individual to membership on the Broome Community College Board of Trustees for the terms indicated, in accordance with the appointment by the County Executive.

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

#### **RESOLUTION NO. 409**

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By: Finance and Transportation and Rural Development Committees

Seconded by: Mr. Cleary

**RESOLUTION AMENDING A BOND RESOLUTION DATED JANUARY 18, 2007 HERETOFORE ADOPTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF BROOME, NEW YORK ON SAID DATE WITH RESPECT TO THE MAXIMUM ESTIMATED COST AND PLAN OF FINANCING THEREFORE**

WHEREAS, Bond Resolution 46 of 2007, adopted by this County Legislature on January 18, 2007, set forth an Airport Parking Lot Rehabilitation project at \$1,300,000 and

WHEREAS, the costs are now estimated to be \$2,196,104, and

WHEREAS, it is the intent of this County Legislature to revise the maximum estimated cost for this resolution, as well as the plan of financing therefore, in light thereof, now, therefore be it

RESOLVED, by the County Legislature of the County of Broome, as follows

Section 1. Section 1 of the Bond Resolution referenced in the preamble hereto is hereby amended to read:

| <u>Project Name</u>                | <u>PPU/LFL</u> | <u>Maximum Estimated Cost</u> |
|------------------------------------|----------------|-------------------------------|
| Airport Parking Lot Rehabilitation | 30/15          | \$2,196,104                   |

Section 2. Section 3(a) of said Bond Resolution is also amended so that the aggregate maximum cost so set forth therein is increased by \$896,104 to \$12,413,122 and with amount of serial bonds to be issued increased by \$896,104 to \$12,413,122.

Section 3. This Resolution to the extent inconsistent with Resolution 46 of 2007 supersedes and amends said prior bond resolution.

Section 4. The validity of such bond and bond anticipation notes may be contested only if:

- 1) such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and any action, suit or proceeding contesting said validity is commenced within twenty days after the date of such publication, or
- 3) such obligations are authorized in violation of the provisions of the Constitution

Section 5. This Resolution, which takes effect upon its approval by the County Executive, shall be published in full in the Press and Sun Bulletin, which is the only newspaper having a general circulation in the County, together with the notice of Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

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

**RESOLUTION NO. 410**

By: Personnel, Public Works, and Finance Committees

**RESOLUTION AUTHORIZING PERSONNEL DATA RECORD CHANGE REQUEST FOR THE DEPARTMENT OF PUBLIC WORKS**

RESOLVED, that in accordance with a request contained in PDR# 07-569c from the Commissioner of Public Works, this County Legislature hereby authorizes the change of salary of the Deputy Commissioner of Public Works/Engineering, Grade G, at budget line 030023.1000.101000 at a salary of \$74,737 to Grade G, at budget line 030023.1000.101000 at a salary of \$ 69,846 effective July 1, 2007,

**Note:** This employee will no longer have the responsibility for managing the Solid Waste Division of DPW.

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



|     |        |      |        |                            |       |
|-----|--------|------|--------|----------------------------|-------|
|     | 480376 | 8063 | 105199 | Disability Insurance       | 5     |
|     | 480376 | 8070 | 105199 | Unemployment Insurance     | 1,604 |
| To: | 480376 | 1500 | 105199 | Salaries Part-Time         | 1,680 |
|     | 480376 | 4346 | 105199 | Training & Edu Supplies    | 8,403 |
|     | 480376 | 4349 | 105199 | Misc Operational Supplies  | 3,000 |
|     | 480376 | 4418 | 105199 | Dues & Memberships         | 40    |
|     | 480376 | 4448 | 105199 | Advertising & Promo Exp    | 2,000 |
|     | 480376 | 4462 | 105199 | Travel, Hotel & Meals      | 850   |
|     | 480376 | 4463 | 105199 | Education & Training       | 1,385 |
|     | 480376 | 4466 | 105199 | Adv Board/Trustees Exps    | 200   |
|     | 480376 | 4615 | 105199 | Gasoline Chargeback        | 55    |
|     | 480376 | 4616 | 105199 | Fleet Service Chargeback   | 55    |
|     | 480376 | 4617 | 105199 | Dup & Printing Chargeback  | 527   |
|     | 480376 | 4618 | 105199 | Office Supplies Chargeback | 429   |
|     | 480376 | 4626 | 105199 | Transportation Svcs Chgbk  | 325   |
|     | 480376 | 8060 | 105199 | Health Insurance           | 2,023 |

and be it

FURTHER RESOLVED, that in accordance with a request from the Public Health Director, in order to appropriate sufficient funds to various accounts to maximize funding of the 2006-7 WIC Grant, as requested by BF# 006487 & 88, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

|       | <u>Index Code</u> | <u>Subobject</u> | <u>Project Code</u> | <u>Title</u>             | <u>Amount</u> |
|-------|-------------------|------------------|---------------------|--------------------------|---------------|
| FROM: | 480376            | 1000             | 105200              | Salaries –Full Time      | 17,416        |
|       | 480376            | 1600             | 105200              | Salaries –Temporary      | 5,723         |
|       | 480376            | 4459             | 105200              | Reserve for Program      | 17,184        |
|       | 480376            | 8010             | 105200              | State Retirement         | 21,950        |
|       | 480376            | 8030             | 105200              | Social Security          | 1,337         |
|       | 480376            | 8040             | 105200              | Worker’s Compensation    | 7,850         |
|       | 480376            | 8050             | 105200              | Life Insurance           | 57            |
|       | 480376            | 8070             | 105200              | Unemployment             | 4,764         |
| TO:   | 480376            | 1500             | 105200              | Salaries – Part Time     | 24,446        |
|       | 480376            | 4422             | 105200              | Bldg & Land Rent         | 35,590        |
|       | 480376            | 4610             | 105200              | Personal Serv Chargeback | 3,162         |
|       | 480376            | 8060             | 105200              | Health Insurance         | 12,968        |
|       | 480376            | 8063             | 105200              | Disability Ins           | 115           |

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

### RESOLUTION NO. 413

By: County Administration and Finance Committees

#### **RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH LEVENE, GOULDIN & THOMPSON, LLP FOR LEGAL SERVICES WITH REGARD TO PENDING LITIGATION**

WHEREAS, this County Legislature, by Resolution 246 of 2006, authorized an agreement with Levene, Gouldin & Thompson, LLP for legal services ,and

WHEREAS, said agreement provides legal services in the civil action titled Scott Brothers v. Frederick J. Akshar, II, David E. Harder, Sheriff, Broome County Sheriff’s Office and the County of Broome, and

WHEREAS, it is necessary to authorize an amendment to said agreement to increase the amount of the contract, and

WHEREAS, the County Attorney 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 Levene, Gouldin & Thompson, LLP, 450 Plaza Dr., Vestal, New York 13850, to

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increase the contract by \$75,000, for legal services for the Department of Law and the Office of the Sheriff, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$150,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 390005.4736.101000 (Legal Charges & Fees), and be it

FURTHER RESOLVED, that Resolution 246 of 2006, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

#### **RESOLUTION NO. 414**

By: Public Safety and Emergency Services and Finance Committees

#### **RESOLUTION AUTHORIZING APPLICATION FOR JUSTICE ASSISTANCE GRANT JOINTLY WITH THE CITY OF BINGHAMTON**

WHEREAS, the City of Binghamton and the County of Broome are jointly eligible for a Justice Assistance Grant (JAG), offered through the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, and

WHEREAS, the Grant is the successor to two prior Bureau of Justice Assistance programs, the Local Law Enforcement Block Grant Program (LLEBG) and the Edward Byrne Memorial Formula Grant Program, and

WHEREAS, in past years the City of Binghamton has received 100% of the grants for the purpose of funding the City Parks and Substation Program, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the execution of an Interlocal Agreement between the City of Binghamton and the County of Broome to apply for the 2007 Justice Assistance Grant offered through the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, and be it

FURTHER RESOLVED, that the Interlocal Agreement will provide that the City of Binghamton retain 100% (\$19,680) from the JAG award and that there shall be no local match requirements to the Grant, and be it

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

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

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

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

#### **RESOLUTION NO. 415**

By: County Administration Committee

Seconded by: Mr. Hutchings

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**RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 6 OF 2007, ENTITLED "A LOCAL LAW AMENDING PART IV OF THE BROOME COUNTY CHARTER AND CODE (REGULATORY LOCAL LAWS) CHAPTER 168 BY ADDING ARTICLE IX, AUTOMATIC EXTERNAL DEFIBRILLATORS"**

WHEREAS, each year, more than 250,000 Americans die from sudden cardiac arrest, and

WHEREAS, according to medical experts, the key to survival is timely initiation of a "Chain of Survival", including cardio-pulmonary resuscitation (CPR), and

WHEREAS, because of recent technological advances, a portable lifesaving device called an Automated External Defibrillator, or AED, has become an important medical tool, and

WHEREAS, the AED guides the user through the process by audible or visual prompts without requiring any discretion or judgment, and

WHEREAS, the American Heart Association notes that with broad deployment of AEDs among the trained responders, as many as 50,000 deaths due to sudden cardiac arrest could be prevented each year, and

WHEREAS, requiring places of public assembly in Broome County to provide and maintain an automatic external defibrillator and provide a person trained in the use of said AED will promote the public health and welfare and help reduce the incidence death due to sudden cardiac arrest, now, therefore be it

RESOLVED, that Local Law Intro No. 5 of 1007 entitled "**A LOCAL LAW AMENDING PART IV OF THE BROOME COUNTY CHARTER AND CODE (REGULATORY LOCAL LAWS) CHAPTER 168 BY ADDING ARTICLE IX, AUTOMATIC EXTERNAL DEFIBRILLATORS**" be and the same hereby is adopted and approved in accordance with the Broome County Charter, the Municipal Home Rule Law and all applicable statutes and laws pertaining thereto:

**A LOCAL LAW AMENDING PART IV OF THE BROOME COUNTY CHARTER AND CODE (REGULATORY LOCAL LAWS) CHAPTER 168 BY ADDING ARTICLE IX, AUTOMATIC EXTERNAL DEFIBRILLATORS**

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

Section 1.

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

Article IX – Automated External Defibrillators

Section 168-45 - Definitions:

- A. AED – an automated external defibrillator.
- B. Places of Public Assembly shall be those places of public or private assembly or employment with an occupancy capacity of at least four hundred people, and shall include all facilities used for conducting recreational and sporting events, gymnasiums, theaters, business, malls, churches and religious and social organizations.
- C. Municipal recreation fields or facilities shall be those field or facilities used by youth and adult organizations for sporting events having a capacity of at least four hundred persons including spectators and participants in games or events.
- D. Golf Courses shall be all golf courses regardless of size and number of holes including municipal, public and private courses.
- E. Youth organizations shall be those organizations with enrollment or membership of two hundred or more persons.
- F. Fitness/Health Clubs shall be those fitness/health clubs with a membership of two hundred or more persons.
- G. Schools shall be those schools, whether public or private, with an enrollment of two hundred or more students.
- H. Adult residential facility shall be a facility with twenty or more

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residential dwelling units.

- I. First Responders shall be those persons who are members of an organized rescue squad whether public or private, volunteer of paid

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

- A. All places of public or private assembly or employment including all facilities used for conducting recreational and sporting events, gymnasiums, theaters, business, malls, churches and religious and social organizations during events attended by four hundred or more individuals.
- B. Golf Courses.
- C. All youth organizations during all sponsored sporting or recreational events attended by four hundred or more individuals including participants, officials and spectators.
- D. All Fitness/Health Clubs with membership of two hundred or more persons during hours of operation.
- E. All schools, public or private, during regular school hours and for extra curricular activities attended by four hundred or more individuals.
- F. Adult residential facilities.
- G. All first responders including volunteer organizations and paid professional organizations when responding to a medial emergency.

Section 168-47 – Facilities/Organizations Required to Have an AED available.

- A. All municipal recreation fields or facilities during events attended by four hundred or more individuals including participants, officials and spectators.

Section 168-48 – Investigations; Enforcement; Penalties.

Article VII of this Chapter shall apply

Section 168-49 – Waivers.

Those entities subject to the requirements of this Article that do not have an AED on site and a person trained in CPR and the use of an AED available on the effective date of this Article shall have six months from the effective date of this Article to comply with said requirements. Prior to the expiration of said six month period the Broome County Commissioner/Director of Health, upon application of the entity, may waive compliance with this Article for an additional period of six months.

Section 168-50 – Limitation of Liability.

Section 225(5-b)(e) of the New York Public Health Law shall be apply to any public access defibrillation provider or any employee or other agent of the provider who in accordance with the provisions of the Public Health Law and this local law voluntarily and without expectation of monetary compensation renders emergency medical or first aid treatment using an AED which has been made available pursuant to the requirements of this local law or the New York Public Health Law.

Section 168-51 – Inter-agency Cooperation.

All schools are encouraged to make their AED's available to community groups when non-sponsored events take place at their facilities. Troop C of the New York State Police when responding to incidents in Broome County is requested to provide an AED and trooper trained in its use.

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

Material in [brackets] deleted  
Material underlined added

Mr. Sanfilippo made a motion, seconded by Mr. Reynolds to amend the resolution to add a 5<sup>th</sup> Whereas paragraph to read "WHEREAS, New York State has a Good Samaritan Law which protects "any [lay] person who voluntarily and with out expectation of monetary compensation renders first aid or emergency treatment..."from liability against negligence, and ". Correct the resolution to Local Law Intro No. 6 of 2007 and remove reference to First Responders in Section 168-45, subdivision I and, Section 168-46, subdivision G. Remove reference of Churches and religious in Section 168-45 subdivision B and Section 168-46 subdivision A. Change in Section 168-45 subdivision B, Section 168-46 subdivision A and 168-47 subdivision A to "...organizations during a single event at which five hundred or more individuals are in attendance at any given moment in time". **Amendments carried.** Ayes-18, Nays-0, Absent-1 (Shafer) **Resolution is an automatic hold over.**

### RESOLUTION NO. 416

By: Finance Committee

Seconded by: Mr. Materese

**RESOLUTION INCREASING THE RATE OF TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, AND ON OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES, PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK**

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

SECTION 1. The first sentence of Section Two of Resolution No 180 of 1965, as amended, is amended to read as follows:

SECTION 2. Imposition of sales tax.

On and after June 1, 1974, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing March 1, 1994, and ending November 30, 2009, there is hereby imposed and there shall be paid an additional tax of one percent upon:

SECTION 2. Subdivision (e) of Section Three of Resolution No. 180 of 1965, as amended, is amended to read as follows:

(e) With respect to the additional tax of one percent imposed for the period commencing March 1, 1994, and ending November 30, 2009, the provisions of subdivision, (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to March 1, 1994, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to November 1, 1993, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to February 28, 1994. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to March 1, 1994, any transaction which may not be subject to the additional tax imposed effective on that date.

SECTION 3. Section Four of Resolution No. 180 of 1965, as amended, is amended to read as follows:

SECTION 4. Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after March 1, 1994, except as otherwise

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exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing March 1, 1994, and ending November 30, 2009, the tax shall be at the rate of four percent, and on and after December 1, 2009, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing March 1, 1994 and ending November 30, 2009, the tax shall be at the rate of four percent, and on and after December 1, 2009, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing March 1, 1994, and ending November 30, 2009, the tax shall be at the rate of four percent, and on and after December 1, 2009, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an additional or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D), and (E) of subdivision (a) of this section, for the period March 1, 1994, and ending November 30, 2009, the tax shall be at the rate of four percent, and on and after December 1, 2009, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance for the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

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- (f) For purposes of clause (F) of subdivision (a) of this section, for the period commencing March 1, 1994, and ending November 30, 2009, the tax shall be at the rate of four percent, and on and after December 1, 2009, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person

SECTION 4. Subdivision (k) of Section Six of Resolution No. 180 of 1965, as amended, is amended to read as follows:

(k) Exemption of certain energy sources and related services from additional one percent rate of tax. Notwithstanding any inconsistent provision of this resolution, receipts from the retail sale or use of fuel oil and coal used for residential purposes; the receipts from the retail sale or use of wood used for residential heating purposes; and the receipts from every sale, other than for resale, or use of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be exempt from the additional one percent rate of sales and compensating use taxes imposed by sections two and four, respectively, of this resolution for the period commencing March 1, 1994, and ending November 30, 2009.

SECTION 5. Subdivision One of Section Eleven of Resolution No. 180 of 1965, as amended, is amended to read as follows:

- (1) (A) In respect to the use of property used by the purchaser in the County prior to August 1, 1965  
(B) With respect to the additional tax of one percent imposed for the period beginning March 1, 1994 and ending November 30, 2009, in respect to the use of property used by the purchaser in this County prior to March 1, 1994.

SECTION 6. Subdivision (e) of Section 14 of Resolution No. 180 of 1965, as amended, is amended to read as follows:

- (e) Notwithstanding any other provision of this section to the contrary, one hundred percent of the net collections attributable to the additional one percent rate of sales and compensating use taxes imposed for the period December 1, 2007 through November 30, 2009, is hereby set aside for county purposes and shall be available for any county purpose.

SECTION 7. This enactment shall take effect on December 1, 2007.

Mr. Materese made a motion, seconded by Mr. Garnar to amend Section 4 second subdivision f to subdivision g. Section 5 should not be in bold print. Section 6, subdivision e the words "attributed to" should be changed to "from". Section 7 the word "on" should be removed.

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

## RESOLUTION NO. 417

By: Finance and Education, Culture and Recreation Committees  
Seconded by: Mr. Howard

### **RESOLUTION ADOPTING THE BUDGET FOR BROOME COMMUNITY COLLEGE FOR 2007-2008**

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

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

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

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RESOLVED, that the unrestricted operating budget for Broome Community College for the college fiscal year September 1, 2007 through August 31, 2008, in the sum of \$44,705,060 be approved, and be it

FURTHER RESOLVED, that the Sponsor Contribution for Broome Community College for the College fiscal year September 1, 2007 through August 31, 2008, in the sum of \$6,380,710 be approved, and be it

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

Mr. Schofield made a motion, seconded by Mr. Hull to amend the amount in the first Further Resolved paragraph to \$6,610,416. **Amendment failed.** Ayes-7, Nays-10 (Materese, Sanfilippo, Hutchings, Black, Cleary, Garnar, Kuzel, Reynolds, Buchta, Whalen), Absent-1 (Shafer), Abstain-1 (LaBare). **Resolution carried.** Ayes-17, Nays-0, Absent-1 (Shafer), Abstain-1 (LaBare).

### **RESOLUTION NO. 418**

By: Education, Culture and Recreation and Finance Committees

Seconded by: Mr. Hutchings

#### **RESOLUTION AUTHORIZING AN INTER MUNICIPAL AGREEMENT WITH THE CITY OF BINGHAMTON FOR SPONSORSHIP OF THE BROWNBAG LUNCHTIME CONCERT SERIES FOR 2007**

WHEREAS, the Commissioner of Parks and Recreation requests authorization for an inter municipal agreement with the City of Binghamton for sponsorship of the "Brownbag Lunchtime Concert Series" at a cost not to exceed \$2,000 for the period June 15, 2007 through August 24, 2007, and

WHEREAS, said agreement is necessary to co-sponsor, along with the City of Binghamton, Southern Tier Celebrates, the Music Performance Trust Funds and the Chenango County Arts Council, a series of free lunchtime concerts in downtown Binghamton during the Farmers Market, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an inter municipal agreement with the City of Binghamton, 38 Hawley Street, Binghamton, New York 13901 for sponsorship of the "Brownbag Lunchtime Concert Series" for the period June 15, 2007 through August 24, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the City of Binghamton an amount not to exceed \$2,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 542001.4449.101000 (Other Operational Expenses), and be it

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

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

Mr. Howard made a motion to adjourn, seconded by Mr. Hutchings. **Motion to adjourn carried.** The meeting was adjourned at 6:01 p.m.

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