

papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

Resolution carried by the following roll call: Ayes-17, Nays-1 (Warner); Absent-1 (Hudak).

Mr. Pasquale moved, seconded by Mr. Seeley to adjourn to the call of the Clerk at 4:24 p.m. Carried.

**REGULAR SESSION
THURSDAY, JULY 18, 1991
AT 4:00 P.M.**

The Legislature convened at 4:00 p.m. and was called to order by the Chairman, Arthur J. Shafer.

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

The Chairman, Mr. Shafer, led the members of the Legislature in the Pledge of Allegiance to the Flag.

Invocation was delivered by the Reverend Phillip Singer, Broome County Jail Chaplain.

Mr. Pasquale moved, seconded by Mr. Bielecki that the minutes of the June 27, 1991 Regular Session be approved as prepared and as presented by the Clerk. Carried.

Mr. Shafer opened the public hearing on the 8th year review of Agricultural District #3, Town of Sanford at 4:05 p.m. and invited public comment. The Clerk read the Notice of the Hearing that had been published in the Press & Sun Bulletin and in the Deposit Courier and indicated that notices of the hearing had also been distributed to several hundred+ property owners within the proposed district. The Clerk further acknowledged the assistance of Town of Sanford Clerk Louise Proffitt. Mrs. Proffitt posted notices of the hearing at 5 locations in the Town of Sanford and her certification was made a part of the hearing. No one approached the podium to speak and the hearing was closed at 4:06 p.m.

The following written or oral presentations were made by the Office of the County Executive:

Supplemental Budget Message for 1991-1992 BCC Budget from Deputy County Executive, T. Kevin Tobin.

The following communications were presented to the County Legislature:

Minutes from: Airport Advisory Board; Resource Recovery Agency; Public

Library; Cornell Cooperative Extension.

Letter from Assemblyman James Tallon, Jr. regarding contractual assessment agreements.

Resource Recovery Agency: List of significant correspondence (June 10, 1991); Letter from John F. Guinan enclosing Agency's 1992 "Request for Financial Assistance".

Draft of revised version of County Solid Waste Management Plan, Generic Environmental Impact Statement.

List of Certified 1990 State Equalization Rates.

Letter requesting State-wide County support for Cortland County Resolutions passed May 22, 1991 (Persons in Need of Supervision; Raising Age of Mandatory Secondary Education and Parental Financial Obligation).

The following reports were presented to the County Legislature:

Broome County Construction Report, Department of Planning.

Comprehensive Annual Financial Report.

1990 Annual Reports: Broome County Public Library; Broome Community College, plus Audit Report and Management Letter; STOP-DWI Program.

Broome County Department of Personnel New Employee Forms, Position Change Requests Forms, Change-in-Status Forms and Report of Terminations.

Monthly Reports: Department of Social Services, May 1991; Broome Community College, Above Minimum Hire, May 1991.

Second Quarter Expense Report from Broome County Chamber of Commerce Convention and Visitors Bureau.

Department of Audit and Control: Payroll Payout Audit (Departments of Mental Health and Emergency Services); Petty Cash Audits for County Department; Contract Audits (PROBE, SAREMS, Bates Troy, Inc.).

Environmental Management Council: Final Report in Illegal Dumping of Solid Waste (Finding Solutions for Broome County).

Final Report on Structure and Leadership (information pertinent to selection process, Health Director/Commissioner).

Written or Oral Presentations of the County Legislature:

Letters from Chairman, Arthur J. Shafer:

Appointing Emil J. Bielecki as Acting Chairman from June 28 through July 9, 1991.

Appointing Emil J. Bielecki designated representative for Robert J. Warner as voting member of Personnel Committee, July 10, 1991.

Appointing Emil J. Bielecki designated representative for Robert J. Warner and David L. Lindsey as Acting Chairman of Public Safety & Emergency

Services Committee, July 10, 1991.

Letter from Acting Chairman, Emil J. Bielecki:

Appointing David L. Lindsey designated representative for Daniel A. Schofield as voting member of Transportation and Personnel Committees, July 8 and 10, 1991; Wanda Hudak designated representative for Robert J. Warner as voting member of the County Administration, Economic Development and Planning Committee, July 11, 1991; Wanda Hudak designated representative for Daniel A. Schofield as voting member and Emil J. Bielecki as Acting Chairman of the Finance Committee, July 11, 1991.

Appointing Kathleen M. Greenmun designated representative for Michael P. Pazzaglini as voting member of the Environment Committee, July 9, 1991.

Appointing Wanda Hudak designated representative for Michael Pazzaglini as voting member of the Transportation Committee, July 8, 1991; Peter W. Yeager designated representative for Michael Pazzaglini and Emil Bielecki as Acting Chairman of the County Administration, Economic Development and Planning Committee, July 11, 1991.

Mr. Pasquale moved, seconded by Mr. Augustini that the reports be received and filed and any pertinent portions thereof be placed in the Journal of Proceedings. Carried.

RESOLUTION NO. 263 by the Health and Finance Committees regarding renewal of Health Department's Infant Health Assessment Program which was held over at the June 27, 1991 session at the request of Mrs. Greenmun was again presented for

consideration. Mrs. Greenmun moved, seconded by Mrs. Wagstaff to change the word "Renewal" in the title and Resolved paragraph to "Revision", and change the word "renew" to "revise" in the second Whereas paragraph. Amendment carried.

The resolution as amended carried.

The Preferred Agenda was introduced at this time (Resolutions No. 266-290).

RESOLUTION NO. 266

By Community and Social Services Committee

Seconded by Mrs. Hudak

RESOLUTION MANDATING TRANSPORTATION COMPANIES DOING BUSINESS WITH BROOME COUNTY TO PROVIDE CHILD RESTRAINT SEATS IN TAXICABS, LIVERIES, AND VANS WHEN PROVIDING SERVICE ON BEHALF OF BROOME COUNTY GOVERNMENT

WHEREAS, The Community and Social Services Committee requests this Legislature to establish a policy whereby all taxi cabs and vans that do business with Broome County be required to provide child restraint seats in all taxi cabs, liveries, and vans which provide service on behalf of Broome County Government, and

WHEREAS, Federal Law, as set forth in the Federal Motor Vehicle Safety Standards, as set forth in 49 C.F.R. 571.213, requires such seats for children under age four, and

WHEREAS, while New York State Vehicle and Traffic Law, section 1229-c, requires the same such restraining seats, taxis, liveries and buses, other than school buses, are specifically exempted, and

WHEREAS, your sponsoring committees desire to improve public safety in Broome County by requiring all transportation companies that do business on behalf of Broome County, through the various departments, to utilize child restraint seats in taxicabs, liveries, and vans at all times when providing service on behalf of Broome County, now therefore be it

RESOLVED, effective September 1, 1991, that this County Legislature hereby mandates that all transportation companies that do business on behalf of Broome County shall utilize child restraint seats in accordance with Federal Motor Vehicle Safety Standards, for children under the age of four, in those taxicabs, liveries, and vans which will provide service on behalf of Broome County Government.

Carried.

RESOLUTION NO. 267

By Community and Social Services and Finance Committees

Seconded by Mrs. Hudak

RESOLUTION AUTHORIZING AGREEMENT WITH THE LAW OFFICES

OF FREDERICK W. BURR FOR COLLECTION SERVICES IN CONNECTION WITH THE DEPARTMENT OF SOCIAL SERVICES PUBLIC ASSISTANCE PROGRAM FOR 1991 THROUGH 1992

WHEREAS, New York State's Codes, Rules, and Regulations authorizes a local Social Services district to contract for legal services pertaining to recovering costs of public assistance, and

WHEREAS, due to the complexity of administering Public Assistance Program, local Social Services Department, including Broome County's Department of Social Services, are subjected to fraudulent practices in the Public Assistance Application Process as well as practices that result in public assistance overpayments, and

WHEREAS, the Social Services' official is required to recover overpayments through all reasonable steps necessary and the Commissioner desires to contract with the Law Offices of Frederick W. Burr for professional services to enhance and amplify the department's current recovery programs, and

WHEREAS, the Law Offices of Frederick W. Burr specializes in collection and litigation services and is ready, willing, and able to perform such services for the Broome County Department of Social Services as an enhancement to Social Service current recovery programs, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of agreement with the Law Offices of Frederick W. Burr, 400 Plaza Drive P.O. Box 2038, Binghamton, New York, 13902 for collection and litigation services in connection with non-recoupment recovery's of cost of public assistance for the Broome County Department of Social Services as more fully defined in the proposal for collection and litigation services dated July 30, 1990 a copy of same which is on file with the Clerk of this Legislature, for a one year term with option to renew, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor on a sliding fee scale, not to exceed 25% of amounts recovered through collection efforts , not including recoupment amounts, and be it,

FURTHER RESOLVED, that the payments hereinabove authorized shall be deducted from amounts recovered on accounts after payments of disbursements advance, and be it

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

Carried.

RESOLUTION NO. 268

By Community and Social Services and Finance Committees

Seconded by Mrs. Hudak

RESOLUTION AUTHORIZING AGREEMENT WITH ROCHE BIOMEDICAL LABORATORIES FOR PHLEBOTOMY AND BLOOD GENETIC MARKER TESTING FOR THE ESTABLISHMENT OF PATERNITY FOR THE DEPARTMENT OF SOCIAL SERVICES FOR 1991 THROUGH 1994.

WHEREAS, the Department of Social Services requests authorization for an agreement with Roche Biomedical Laboratories for Phlebotomy and Blood Genetic Marker Testing for the establishment of paternity for the period May 1, 1991 through April 30, 1994 at a cost of \$270 per test, and

WHEREAS, these tests are vital for the successful prosecution of paternity establishment cases and include expert witness testimony by physicians from Roche concerning test results and procedures and state of the art test procedures involving DNA, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Roche Biomedical Laboratories, P.O. Box 2230, Burlington, North Carolina, 27216-2230 for Phlebotomy and Blood Genetic Marker Testing for the establishment of paternity for the Department of Social Services for the period May 1, 1991 through April 30, 1994, and, be it

FURTHER RESOLVED, that in consideration of said services, Broome County shall pay Roche Biomedical Laboratories \$270 per test, total cost not to exceed \$19,464 for the period January 1, 1991 through April 30, 1992, be it

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

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

RESOLUTION NO. 269

By Community and Social Services, Personnel and Finance Committees

Seconded by Mrs. Hudak

RESOLUTION AUTHORIZING REVISION OF THE DEPARTMENT OF SOCIAL SERVICES HOME ENERGY ASSISTANCE PROGRAM (HEAP) AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1990 THROUGH 1991

WHEREAS, this County Legislature, by Resolutions 455 of 1990, and 183 of 1991, authorized the participation by the Department of Social Services in the Home Energy Assistance Program (HEAP) for the period November 1, 1990 through November 15, 1991 and adopted a program budget in connection therewith in the total amount of \$2,167,552, and

WHEREAS, it is necessary at this time to revise said program to transfer money from the Personal Services appropriations to the Contractual Expenses appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Department of Social Services Home Energy Assistance Program (HEAP) for the period November 1, 1990 through November 15, 1991, and be it

FURTHER RESOLVED, that this County Legislature hereby adopts and approves the revised program budget annexes hereto as Exhibit "A" in the total amount of \$2,167,552, for the period November 1, 1990 through November 15, 1991, and be it

FURTHER RESOLVED, that Resolutions 455 of 1990, and 183 of 1991, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

Carried.

RESOLUTION NO. 270

By County Administration, Economic Development and Planning and Finance Committees

Seconded by Mrs. Hudak

RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH COMPUTER AID, INCORPORATED, FOR PROGRAMMING AND TECHNICAL SUPPORT SERVICES FOR THE DEPARTMENT OF COMPUTER SERVICES FOR 1991

WHEREAS, this County Legislature, by Resolution 538 of 1990, authorized an agreement with Computer Aid, Incorporated, for programming and technical support services for the Department of Computer Services for the period January 1, 1991 through December 31, 1991, at a cost not to exceed \$40,000.00, and

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

WHEREAS, the Department of Computer Services 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 Computer Aid, Incorporated, 130 West Main Street, Endicott, New York, 13760-8731 for programming and technical support services for the period January 1, 1991 through December 31, 1991, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$65,000.00, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 370007.4726.101000 (contracted date of processing services), and be it

FURTHER RESOLVED, that Resolution 538 of 1990, to the extent consistent herewith, shall remain in full force and effect, and be it

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

Carried.

RESOLUTION NO. 271

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

RESOLUTION AUTHORIZING AGREEMENT WITH XONITEK SYSTEMS CORPORATION FOR LAN (LOCAL AREA NETWORK) SOFTWARE FOR THE DEPARTMENT OF COMPUTER SERVICES FOR 1991.

WHEREAS, the Department of Computer services requests authorization for an

agreement with Xonitek Systems Corporation for the installation of LAN (Local Area Network) Software on the Department of Mental Health PC LAN System and installation of a new PC LAN System at the Highway Department, for the period July 18, 1991 through December 31, 1991 at a cost not to exceed \$5,200, and

WHEREAS, said agreement is necessary due to the Department of Mental Health's purchase of new hardware making new installation of LAN Software necessary, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Xonitek System Corporation, 20-24 Wall Street, Binghamton, New York, 13901 for installation of LAN (local area network) Software on the Department of Mental Health PC LAN System and the installation of a new PC LAN System at the Broome County Highway Department for the period July 18, 1991 through December 31, 1991, and be it

FURTHER RESOLVED, that in consideration of said services, Broome County shall pay Xonitek Systems Corporation an amount not to exceed \$5,200.00 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 370007.4726.0101000 (contracted date of processing services), and be it

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

Carried.

RESOLUTION NO. 272

By the Environment Committee
Seconded by Mrs. Hudak

RESOLUTION APPROVING REVISED BY-LAWS FOR THE BROOME COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

WHEREAS, Article 47 of the New York State Environmental Conservation Law authorizes counties to establish Environmental Management Councils, and

WHEREAS, this County Legislature, by Resolution 277 of 1971, created the Broome County Environmental Management Council (EMC), and

WHEREAS, this County Legislature by Resolutions 366 of 1976, 341 of 1980, and 525 of 1987 expanded the membership and established By-Laws of the Broome County Environmental Management Council, and

WHEREAS, The Environmental Management Counsel requests this Legislature to approve the Environmental Management Council's proposed revised By Laws annexed hereto as Exhibit "A" now therefore be it

RESOLVED, that this County Legislature hereby approves the Broome County Environmental Management Council revised By-Laws as annexed hereto as Exhibit "A" and be it

FURTHER RESOLVED, that Resolutions 277 of 1971, 366 of 1976, 341 of 1980 and 525 of 1987, to the extent consistent herewith, shall remain in full force and effect.

Carried.

RESOLUTION NO. 273

By Environment Committee

Seconded by Mrs. Hudak

RESOLUTION RENDERING A "NEGATIVE DECLARATION" WITH RESPECT TO THE ENVIRONMENTAL REVIEW OF AGRICULTURAL DISTRICT NO. 3 UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT

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

WHEREAS, the State Environmental Quality Review Act requires an Agricultural District be reviewed every eight (8) years for a determination of environmental impact, and

WHEREAS, Broome County Agricultural District No. 3 is scheduled for an eight (8) year review, and

WHEREAS, this County Legislature has responsibility for SEQRA compliance when Agricultural Districts undergo an eight (8) year review, and

WHEREAS, this County Legislature, by Resolution 158 of 1991, designated itself lead agency with respect to the Environmental Review of Broome County Agricultural District No. 3, now, therefore, be it

RESOLVED, that this County Legislature, based on the environmental assessment form annexed hereto as Exhibit "A" hereby determines and declares that the continuation of Agricultural District No. 3 will not have a significant effect on the environment, and be it

FURTHER RESOLVED, that this County Legislature hereby adopts the "Negative Declaration" annexed hereto as Exhibit "A".

Carried.

RESOLUTION NO. 274

By Environment Committee

Seconded by Mrs. Hudak

RESOLUTION ADOPTING A PLAN OR PROPOSAL FOR THE CONTINUATION OF BROOME COUNTY AGRICULTURAL DISTRICT NO. 3, LOCATED WITHIN THE TOWN OF SANFORD FOR AN ADDITIONAL

**EIGHT (8) YEAR PERIOD PURSUANT TO SECTION 303 OF THE
AGRICULTURE AND MARKETS LAW**

WHEREAS, this County Legislature, by Resolution 372 of 1974, created Broome
County Agricultural District No. 3 within the Town of Sanford, and

WHEREAS, pursuant to the provisions of the New York State Agriculture and Markets Law, this County Legislature conducted an eight year review of Agricultural District No. 3, and by Resolution 302 of 1983, this County Legislature adopted a plan to continue Broome County Agricultural District No. 3 for an additional eight years, and

WHEREAS, pursuant to the provisions of the New York State Agriculture and Markets Law this County Legislature has conducted an eight year review of Agricultural District No. 3, and

WHEREAS, during the statutory 30 day period for public review commencing March 12, 1991, following the publication on March 12, 1991 of the notice of said period for public review, as provided for and permitted by Section 303, paragraph 8 of Article 25AA of the New York State Agriculture and Markets Law, only one modification to Broome County Agricultural District No. 3 was filed, and

WHEREAS, the Broome County Planning Department and the Broome County Agricultural Districting Advisory Committee by reports duly filed, have recommended that said Broome County Agricultural District No. 3 be continued for an additional eight year period EXCEPT that both the Planning Department and the Advisory committee have recommended modification to Agricultural District No. 3 as follows:

Deletion of three parcels,

Addition of twenty-nine parcels, and the

Incorporation of Agricultural District No. 2, which was recertified, effective 2/18/91, for an additional eight years.

Parcels to be deleted:

Town of Sanford

Tax Map No.

5-56S2

7-34S2

7-34S3

Parcels to be added:

Agricultural District No. 2-Town of Sanford, Broome County, New York and the following parcels:

Town of Sanford

Tax Map No.

3-9S1	7-24S1
3-19	7-24S2
3-20	7-24S4
3-20S2	7-2-25S5
3-27	7-2-25S6
4-10S14X	7-2-A2
4-21X	7-2-A3
4-21S2X	7-2-A4

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4-21S10	7-2-B3
4-48	7-2-B4
5-15	7-3-1
6-8S2	9-12
6-21	9-12S1
7-3	9-13
7-23S5	

and it is the intention of this County Legislature that said recommended modifications be accepted and approved by this County Legislature, in that Broome County Agricultural District No. 3 except as so modified, shall otherwise be approved and adopted as originally created, and

WHEREAS, the Public Hearing has been duly advertised in accordance with the provisions of the Agriculture and Markets Law on the question of the continuation by the Broome County Legislature of Broome County Agricultural District No. 3 located within the Town of Sanford, County of Broome, New York for an additional eight year period, and

WHEREAS, in order to further the continuation of said plan for Broome County Agricultural District No. 3 as modified in the Town of Sanford, it is necessary that this County Legislature, pursuant to Section 303 of the New York State Agricultural and Markets Law adopt such plan or proposal and submit the same for approval and certification to the Commissioner of Agriculture and Markets of the State of New York for that department's review and recommendation, now, therefore, be it

RESOLVED, that this County Legislature hereby adopts a plan or proposal for the continuation of an additional eight years of Broome County Agricultural District No. 3 located within the Town of Sanford within the County of Broome, New York except that this County Legislature, approves, adopts and accepts the modifications to said district in accordance with the recommended modification of the Broome County Planning Department and the Broome County Agricultural Districting Advisory Committee as aforesaid which shall result in the modifications as follows:

- Deletion of three parcels,
- Addition of twenty-nine parcels, and the
- Incorporation of Agricultural District

No. 2 which was recertified, effective 2/18/91, for an additional eight years.

Parcels to be deleted:

Town of Sanford

Tax Map No.

5-56S2

7-34S2

7-34S3

Parcels to be added:

Agricultural District No. 2-Town of Sanford, Broome County, New York, and the following parcels:

Town of Sanford

Tax Map No.

3-9S1 7-24S1

3-19 7-24S2

3-20 7-24S4

3-20S2 7-2-25S5

3-27 7-2-25S6

4-10S14X 7-2-A2

4-21X 7-2-A3

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4-21S2X	7-2-A4
4-21S10	7-2-B3
4-48	7-2-B4
5-15	7-3-1
6-8S2	9-12
6-21	9-12S1
7-3	9-13
7-23S5	

and said Agricultural District located within the Town of Sanford as herein approved and modified is hereby continued for an additional eight (8) year period in accordance with the provisions of Section 303 of the New York State Agriculture and Markets Law, and be it

FURTHER RESOLVED, that the Clerk of this County Legislature pursuant to Section 303 of the Agriculture and Markets Law is hereby directed on behalf of this County Legislature to submit to the Commissioner of Agriculture and Markets a certified copy of this Resolution and a copy of the plan or proposal for the continuation of Broome County Agricultural District No. 3 located within the Town of Sanford, which proposal heretofore has been filed with the Clerk of this Legislature and with the Broome County Clerk and the Broome County Planning Department and the Broome County Agricultural Districting Advisory Committee, it being noted herein that less than 180 days have passed from the date said proposal was submitted to this body to the date of adoption of this Resolution.

Carried.

RESOLUTION NO. 275

By the Environment Committee

Seconded by Mrs. Hudak

RESOLUTION ESTABLISHING THE TIMETABLE FOR STATE ENVIRONMENTAL QUALITY REVIEW ACT PUBLIC COMMENT PHASE AND ASSIGNING TASKS AND DUTIES IN CONNECTION THEREWITH

WHEREAS, the Broome County Legislature is the lead agency for the proposed Broome County Solid Waste Management Plan, and

WHEREAS, the Legislature, by Resolution 91-179, accepted the Draft Solid Waste Management Plan, as amended and determined that the Draft Generic Environmental Impact Statement accompanying the Plan is complete, and

WHEREAS, this Legislature has determined that a public hearing could aid this Legislature's decision making processes by providing a forum for, and an efficient mechanism for the collection of public comment, and

WHEREAS, it is desired at this time to initiate the public comment phase of SEQRA process, to establish a timetable for certain events in connection therewith, and to assign various duties in connection therewith, now, therefore, be it

RESOLVED, that the Legislature fixes the public comment period on the Draft Broome County Solid Waste Management Plan/DGEIS to commence immediately and to conclude on September 16, 1991, and be it

FURTHER RESOLVED, that all written comments on the Draft Solid Waste Management Plan/DGEIS shall be filed with the Clerk of the Legislature, 6th floor Broome County Office Building, Box 1766, Binghamton, New York 13902 and the Clerk shall maintain a file of all such comments and transmit them to the Legislature,

and be it

FURTHER RESOLVED, that this Legislature determines that based on the aforesaid factors and those set forth in 6 NYCRR Section 617.8(d), a public hearing should be held, and be it

FURTHER RESOLVED, that said public hearing shall be held in two sessions, one commencing at 1:30 pm and the other commencing at 7:00 pm both to be held on August 20, 1991, and be it

FURTHER RESOLVED, that both session shall be held in the Legislative Chambers, 6th Floor, Broome County Office Building, Government Plaza, Binghamton, New York, and be it

FURTHER RESOLVED, that the Clerk of the Legislature and the Broome County Clerk shall preside over such hearings and shall make all necessary arrangements for said hearing, including having transcripts thereof prepared and transmitted to the Legislature, and be it

FURTHER RESOLVED, that the Chairman of this Legislature in connection with the Department of Law and Department of Solid Waste Management is hereby authorized to prepare and file a combined "Notice of Completion and Hearing", as provided in 6 NYCRR Section 617.10(c) and (e), and file and make available copies of the Draft Solid Waste Management Plan/DGEIS, as provided in 6 NYCRR Section 617.10(d).

Carried.

RESOLUTION NO. 276

By the Finance Committee

Seconded by Mrs. Hudak

RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR PROBATION

RESOLVED, that in accordance with a request from the Probation Department, in order to provide funds for state mileage reimbursement, as requested by BT#895, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

Index Code	Subobject	Project	Title	Amount
FROM:280057	8010	102510	State Retirement	\$ 366
TO :280057	4461	102510	Mileage	\$ 366

Carried.

RESOLUTION NO. 277

By Finance Committee

Seconded by Mrs. Hudak

RESOLUTION AUTHORIZING REMOVAL OF CERTAIN PARCELS FROM THE 1988 IN REM FORECLOSURE WHEREAS, the Director of Real Property Tax Services advises that the below listed parcels are presently on the 1988 In Rem Foreclosure list, and

WHEREAS, for the reasons hereinafter set forth it is necessary to authorize the removal of these parcels from the 1988 In Rem foreclosure, now, therefore, be it

RESOLVED, that the below listed parcels shall be removed from the 1987 In Rem foreclosure:

TOWN	PARCEL	PROPERTY OWNER	REASON
Conklin	4-1-7	John Lynch	Bankruptcy
Maine	5-3-32 & 5-3-44	Joyce A. Haines	Bankruptcy
Union	2-L4-P-174X	Agnes & Leroy Kitchin	Bankruptcy
Vestal	15-2-A-81	Thomas & Roxanne Rathbone	Bankruptcy
Vestal	15-5-B-100	Vincent & Elizabeth Gennett	Bankruptcy
Vestal	17-3-30	Michael A & Suzanne Gance	Bankruptcy
Kirkwood	2-26-S7	Robert Rogers	Parcel does not exist, Taxes were part of Parcel 2-4-A-1X
Sanford	6-4-H01	Vassel	Parcel does not exist,
Parcel 6-4		Peter	taxes were paid under

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TOWN	PARCEL	PROPERTY OWNER	REASON
Union	3-D5-4-F2	Hoover Douglas & Sharon	Parcel does not not exist
Union	3-G9-7	Tiamann, Louise A.	Parcel does not exist,
Binghamton	2-2-21	Tallo James J. & Marlene	Bankruptcy
Colesville	9-39S2	Robinson Walter R.	Bankruptcy
Chenango	7-3-B-270X	Toasperms, Inc.	Bankruptcy
Carried.			

taxes were billed under

RESOLUTION NO. 278

By the Finance Committee

Seconded by Mrs. Hudak

RESOLUTION APPROVING SALE OF 1987 IN REM FORECLOSURE PROPERTIES TO FORMER OWNERS

WHEREAS, the County of Broome now owns certain parcels of real property by virtue of the completion of proceedings and foreclosure in rem for year 1987, and

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

WHEREAS, the Director of Real Property Tax Services advises that the former owners of certain properties have requested to have the properties sold back to them, and the Director and your sponsoring committee recommends that such requests be granted based on the unusual circumstances of each such case as reviewed and approved by your sponsoring committee, now, therefore, be it

RESOLVED, that the sale back to the former owners of the parcels listed below for the amounts as stated is hereby approved by this County Legislature based on the unusual circumstances of each such case, as determined by your sponsoring committee as well as the undue hardship to the former owners that the failure to approve such sales would cause:

<u>TOWN</u>	<u>TAX MAP NUMBER</u>	<u>FORMER OWNER</u>	<u>OWNER</u>
	<u>SALE AMOUNT</u>		
Chenango	5-25-S3	William Brown RR 10 Box 185 Binghamton, NY 13901	\$11,642.00
Sanford	1-1-351	Walter & Audrey Raymond Lippincot Place Deposit, NY 13754	5,087.18

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Union	1-G12-B-253	Nathan & Emily Pendleton	398.07
	1-G12-B-254	52 North Harrison Street Johnson City, NY 13790	
Union	2-K4-L-122	Sally Yoder	5,767.04
		122 East Wendel Street Endicott, NY 13760	

and, be it

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

Carried.

RESOLUTION NO. 279

By Finance Committee

Seconded by Mrs. Hudak

RESOLUTION AUTHORIZING CORRECTION OF ERROR IN 1991 TOWN AND COUNTY TAX BILL IN THE TOWN OF CONKLIN

WHEREAS, due to an error in the ARLM System, a town and county tax bill for property located in the Town of Binghamton was issued with an improper tax amount, and

WHEREAS, the Director of Real Property and Tax Service has reviewed the tax bill and has found the same to be in error, and

WHEREAS, it is necessary that this County Legislature hereby approve the correction of the tax bill and to levy the correct tax owed, now, therefore, be it

RESOLVED, that this County Legislature hereby approves the correction of the town and county tax bill of Lance Wulfers and Kathryn Kroon/Wulfers, 347A Brady Hill Rd, Binghamton, New York, 13904, as indicated below:

	INCORRECT TAX	CORRECT TAX
County	\$ 5,037.53	\$ 503.75
Town Gen	\$ 62.63	\$ 6.26
Hwy 1-4	\$ 502.10	\$ 50.21
Sch. Relevy	\$14,545.31	\$1,454.53
Fire 1	\$ 635.20	\$ 63.52
TOTAL	\$20,782.77	\$2,078.27

and, be it

FURTHER RESOLVED, that this County Legislature orders that the tax officer having jurisdiction of the tax rolls correct said tax rolls and the tax bills in accordance with Section 554 of the Real Property Tax Law, and be it

FURTHER RESOLVED, that the Clerk of this Legislature is hereby directed to transmit a copy of this Resolution to each tax officer having jurisdiction of the respective tax roles.

Carried.

RESOLUTION NO. 280

By Finance Committee

Seconded by Mrs. Hudak

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH WILLIAM MERCER, INCORPORATED, FOR HEALTH CARE CONSULTING SERVICES FOR THE DEPARTMENT OF RISK AND INSURANCE FOR 1991 THROUGH 1992.

WHEREAS, this County Legislature, by Resolution 235 of 1990, authorized an agreement with William Mercer, Incorporated, for consulting, auditing, and actuarial services for the Department of Risk and Insurance for the period January 1, 1990 through December 30, 1990 at a cost not to exceed \$23,000.00, and

WHEREAS, said services are necessary for the efficient and affective administration of this County's Health Benefit Program, and

WHEREAS, said agreement expires by its term on December 31, 1990 and it is desired at this time to renew said agreement on substantially similar terms and conditions, with an increase in cost, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of agreement with William Mercer, Incorporated, 1166 Avenue Of The Americas, New York, NY 10036 for consulting, auditing, and actuarial services in connection with this county's Health Benefit Program for the period July 1, 1991 through July 1, 1992, and be it

FURTHER RESOLVED, that in consideration of said services, this County shall pay William Mercer Incorporated an amount not to exceed \$38,000.00 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 050047.4724.601000 (Actuarial Consultant), and be it

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

Carried.

RESOLUTION NO. 281

By Health and Finance Committees

Seconded by Mrs. Hudak

RESOLUTION AUTHORIZING AGREEMENT WITH WATER STREET ASSOCIATES FOR THE DRUG AWARENESS CENTER FOR OFFICE SPACE LEASE FOR 1991 THROUGH 1992

WHEREAS, the Drug Awareness Center requests authorization for an agreement with Water Street Associates for the rental of space for the offices of the Youth Education Services Community Action Project (YESCAP) for the period July 1, 1991 through March 31, 1991 at a cost of \$479.16 per month, all utilities included, and

WHEREAS, said agreement is necessary to house the office of the YESCAP Program which is a Drug and Alcohol Prevention Program operating in Broome and Tioga Counties, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Water Street Associates, 168 Water Street, Binghamton, New York, 13901 for rental of office space for the YESCAP Program for the period July 1, 1992 through March 31, 1992, and be it

FURTHER RESOLVED, that in consideration of said services Broome County shall pay Water Street Associates \$479.16 per month, utilities included, total cost not to exceed \$4,313 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 470062.4422 (Building and Land Rental), and be it

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

Carried.

RESOLUTION NO. 282

By Health, Transportation and Finance Committees
Seconded by Mrs. Hudak

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH BC COUNTRY AND BC LIFT FOR SOCIAL TRANSPORTATION SERVICES FOR LONG-TERM HOME HEALTH CARE PROGRAM FOR THE DEPARTMENT OF HEALTH FOR 1991.

WHEREAS, this County Legislature, by Resolution 287 of 1990, authorized an agreement with BC Lift and BC Country for social transportation for long-term home health care program for non-ambulatory clients for the period June 1, 1990 through December 31, 1990 at a cost not to exceed \$4,750.00, and

WHEREAS, said services are necessary to provide transportation for the Health Department's non-ambulatory clients to attend social day care programs, and

WHEREAS, said agreement expires by its term on December 31, 1990 and it is desired at this time to renew said agreement on substantially similar terms and conditions, with an increase in cost, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of agreement with BC Lift and BC Country, Broome County Department of Transportation, 413 Old Mill Road, Vestal, New York, 13850 for social transportation for long-term home health care programs for non-ambulatory clients of the Broome County Health Department for the period January 1, 1991 through December 31, 1991, and be it

FURTHER RESOLVED, that in consideration of said services, Broome County shall pay the BC Lift and BC Country \$ 16.68 per one way trip on BC Country and \$7.08 per one way trip on BC Lift, total cost not to exceed \$3,000 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480061.4715.101000 (other health and medical services), and be it

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

Carried.

RESOLUTION NO. 283

By Personnel Committee
Seconded by Mrs. Hudak

RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUESTS FOR THE HEALTH AND PROBATION DEPARTMENTS

RESOLVED, that in accordance with a request from the Health Department, as contained in PCR #91-281, this County Legislature hereby authorizes the elimination of one full-time Account Clerk position at budget line 480020.1000, minimum salary

\$13,038, grade 7, and the creation of two part-time Account Clerk positions, at budget line 480020.1500, minimum salary \$6.6605/hr., grade 7, effective July 8, 1991, and be it

FURTHER RESOLVED, that in accordance with a request from the Probation Department, as contained in PCR #91-303, this County Legislature hereby authorizes the elimination of one full-time Probation officer position at budget line 280008.1000 (C.O.M.B.A.T. Grant), minimum salary \$21,108, grade 16, and the creation of one full time Senior Probation officer position at budget line 280008.1000 (C.O.M.B.A.T. Grant), minimum salary \$23,496, grade 18, effective June 10, 1991, and be it

FURTHER RESOLVED, that in accordance with a request from the Probation Department, as contained in PCR #91-306, this County Legislature hereby authorizes the freezing of one full-time Senior probation officer position at budget line 280024.1000, minimum salary \$23,496, grade 18 and the unfreezing of one full-time Probation officer position at budget line 280024.1000, minimum salary \$21,108, grade 16, effective July 22, 1991.

Carried.

RESOLUTION NO. 284

By Personnel Committee

Seconded by Mrs. Hudak

RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUESTS FOR THE DEPARTMENT OF CENTRAL KITCHENS

RESOLVED, that in accordance with a request from the Department of Central Kitchens, as contained in PCR#252, this County Legislature hereby authorizes the elimination of one full-time Head Cook position, at budget line 230045.1000,

salary \$15,309, grade 10, and the establishment of one full-time Cook position at budget line 230045.1000, minimum salary \$13,755, grade 8, effective June 1, 1991.

Carried.

RESOLUTION NO. 285

By Public Safety and Emergency Services and Finance Committees

Seconded by Mrs. Hudak

RESOLUTION ACCEPTING A GIFT OF \$1,060.46 FROM THE AMERICAN LEGION AUXILIARY, BROOME COUNTY COMMITTEE, AND THE ESTABLISHMENT OF A TRUST FUND IN CONNECTION THEREWITH FOR ADVANCED EMT SCHOLARSHIPS FOR VOLUNTEER EMS PROVIDERS

WHEREAS, the Department of Emergency Services requests that this County Legislature authorize the acceptance of \$1,060.46 from the American Legion Auxiliary, Broome County Committee, to the Department of Emergency Services, and

WHEREAS, said donation is intended to be used for advanced Emergency Medical Technician (EMT) scholarships for volunteer Emergency Medical Services (EMS) providers, and

WHEREAS, it is also necessary to establish a trust fund for administration of this gift, now, therefore, be it

RESOLVED, that this County Legislature hereby accepts \$1,060.46 from the American Legion Auxiliary, Broome County Committee, to the Department of Emergency Services to be used for advanced EMC scholarships for volunteer EMS providers, and be it

FURTHER RESOLVED, that this County Legislature hereby approves the establishment of the trust fund for the Department of Emergency Services in the amount of \$1,060.46 and further authorizes the Commissioner of Finance to establish this trust fund, and, be it

FURTHER RESOLVED, that the administration has said funds shall be in accordance with those rules and procedures governing the use of petty cash funds and trust funds created by the County Comptroller including, but not limited to, the requirement that at all times the trust fund allowance be fully accounted for in the form of cash on hand, receipts and records.

Carried.

RESOLUTION NO. 286

By Public Safety and Emergency Services and Finance Committees

Seconded by Mrs. Hudak

RESOLUTION AUTHORIZING REVISION OF THE DEPARTMENT OF EMERGENCY SERVICES HAZARDOUS MATERIAL RESPONSE GRANT

FOR 1989 THROUGH 1991

WHEREAS, this County Legislature, by Resolution 505 of 1988 authorized the participation by the Department of Emergency Services in the Hazardous Materials Response Grant Program for the period April 1, 1988 through March 31, 1989 and adopted a program budget in connection therewith in the total amount of \$35,000, and

WHEREAS, it is necessary at this time to revise said program to reflect an extension of the grant period, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Department of Emergency Services Hazardous Materials Response Grant for the period April 1, 1989 through March 31, 1991 in the total amount of \$35,000, and be it

FURTHER RESOLVED, that Resolution 505 of 1988, to the extent consistent herewith, shall remain in full force and effect, and be it

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

papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution, and be it

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

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

Carried.

RESOLUTION NO. 287

By Public Safety and Emergency Services and Finance Committees

Seconded by Mrs. Hudak

RESOLUTION AUTHORIZING REVISION OF THE DEPARTMENT OF EMERGENCY SERVICES HAZARDOUS MATERIALS HANDLING GRANT FOR 1989 THROUGH 1991

WHEREAS, this County Legislature, by Resolution 506 of 1988 authorized the participation by the Department of Emergency Services in the Hazardous Materials Handling Grant Program for the period April 1, 1989 through March 31, 1990 and adopted a program budget in connection therewith in the total amount of \$44,200, and

WHEREAS, it is necessary at this time to revise said program to reflect an extension of the grant period, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Department of Emergency Services Hazardous Materials Handling Grant for the period April 1, 1989 through March 31, 1991 in the total amount of \$44,200, and be it

FURTHER RESOLVED, that Resolution 506 of 1988, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

Carried.

RESOLUTION NO. 288

By Public Safety and Emergency Services, Personnel and Finance Committees
Seconded by Mrs. Hudak

RESOLUTION AUTHORIZING REVISION OF THE PROBATION DEPARTMENT INTENSIVE SUPERVISION PROGRAM GRANT IN ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1990 THROUGH 1991

WHEREAS, this County Legislature, by Resolution 195 of 1991, authorized the participation by the Probation Department in the Intensive Supervision Program Grant for the period April 1, 1991 through December 31, 1991 in the total amount of \$100,000, and

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

RESOLVED, that this County Legislature hereby authorizes a revision of the Probation Department's Intensive Supervision Program Grant for the period April 1, 1991 through December 31, 1991 in the total amount of \$99,849, and be it

FURTHER RESOLVED, that this County Legislature hereby adopts and approves the revised program budget annexed hereto as Exhibit "A" in the total amount of \$99,849 for the period April 1, 1991 through December 31, 1991, and be it

FURTHER RESOLVED, that Resolution 195 of 1991, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

Carried.

RESOLUTION NO. 289

By Transportation Committee
Seconded by Mrs. Hudak

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH DOT/FAA, EASTERN REGION, FOR CONTINUED LAND USE FOR AN

AIRCRAFT INSTRUMENT LANDING SYSTEM FOR RUNWAY 16 FOR THE DEPARTMENT OF AVIATION FOR 1991 THROUGH 1992 WITH AUTOMATIC RENEWALS ON AN ANNUAL BASIS, UNTIL 2005.

WHEREAS, this County Legislature, by Resolution 388 of 1990, authorized an agreement with DOT/FAA, Eastern Region, for continued land use for an aircraft instrument landing system for runway 16 for the Department of Aviation, for the period October 1, 1989 through September 30, 1991 at no cost to Broome County, and

WHEREAS, said agreement is necessary in that the instrument landing system localizer for runway 16 is essential to the safe operation of the airfield, and

WHEREAS, said agreement expires by its term on September 30, 1991 and it is desired at this time to renew said agreement on substantially similar terms and conditions, with no cost to Broome County, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with DOT/FAA, Eastern Region, Federal Building, John F. Kennedy International Airport, Jamaica, New York, 11430 for the period October 1, 1991 through September 30, 1992, with automatic renewals on an annual basis, until September 30, 2005, at no cost to Broome County or to DOT/FAA, and be it

FURTHER RESOLVED, that the County Executive or his dully 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.

RESOLUTION NO. 290

By Transportation, Education, Culture and Recreation and Finance Committees
Seconded by Mrs. Hudak

RESOLUTION AUTHORIZING BROOME COUNTY DEPARTMENT OF PUBLIC TRANSPORTATION TO PROVIDE FREE TRANSPORTATION FOR SUMMER FUN PROGRAMS FOR 1991.

WHEREAS, this County Legislature, by Resolution 285 of 1990, authorized The Department of Public Transportation to provide free transportation for Summer Fun programs for 1990 hosted by various municipalities within Broome County, and

WHEREAS, the Summer Fun programs provide summer outdoor recreational activities, including field trips, for its participants, and

WHEREAS, it is desired at this time to provide free transportation for such programs in all municipalities hosting said programs during off peak hours on existing fixed routes with no additional costs other than the normal costs of operating such routes, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the Department of Public Transportation to provide free transportation for Summer Fun programs hosted

by various municipalities within Broome County during off peak hours on existing fixed routes.

Carried.

The regular agenda was introduced at this time.

RESOLUTION NO. 291

By Community and Social Services, Personnel and Finance Committees

Lack of a second.

RESOLUTION AUTHORIZING REVISION OF THE OFFICE FOR AGING NATIONAL COUNSELING COUNSEL ON AGING (NCOA) SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM GRANT AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1990 THROUGH 1991.

WHEREAS, this County Legislature, by Resolutions 256 and 710 of 1990, authorized the participation by the Office of Aging in the National Counsel on Aging (NCOA) Senior Community Service Employment Program for the period July 1, 1990 through June 30, 1991 and adopted a program budget in connection therewith in the total amount of \$ 230,600, and

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

RESOLVED, that this County Legislature hereby authorizes a revision of the Office of Aging National Counsel on Aging (NCOA) Senior Community Service Employment Program Grant for the period July 1, 1990 through June 30, 1991 in the total amount of \$234,600, and be it

FURTHER RESOLVED, that this County Legislature hereby adopts and approves the revised program budget annexed hereto as Exhibit "A" in the total amount of \$234,600 for the period July 1, 1990 through June 30, 1991, and be it

FURTHER RESOLVED, that Resolutions 256 and 710 of 1990, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

not affect a personnel line.

This resolution was withdrawn by committee.

RESOLUTION NO. 292

By County Administration, Economic Development and Planning and Finance Committees

Seconded by Mrs. Wagstaff

RESOLUTION AUTHORIZING AGREEMENT WITH ANDY WALKER'S AUCTION UNLIMITED FOR AUCTIONEERING SERVICES FOR THE DEPARTMENT OF GENERAL SERVICES, PURCHASING DIVISION AUCTION SCHEDULED FOR SEPTEMBER 14, 1991.

WHEREAS, the Department of General Services, Purchasing Division, requests authorization for an agreement with Andy Walker's Auction Unlimited for auctioneering services for September 14, 1991 at a cost of \$700.00 for expenses and 3.9 percent of the auctioneers gross receipts for Broome County Government and Broome Community College, and

WHEREAS, said agreement is necessary for the Broome County Government's eighth annual auction for sale of surplus supplies, materials, equipment and vehicles as designated by Broome County, and

WHEREAS, all political subdivisions of Broome County shall be eligible to offer surplus supplies, materials, equipment and vehicles for sale at the auction, and

WHEREAS, as a fee for participating in the auction, the political subdivisions shall pay 7% of the Auctioneer's gross receipts attributable to its property, and

WHEREAS, 3.9% of said fee shall be payable to the auctioneer and 3.1% shall be payable to the Broome County Commissioner of Finance, and

WHEREAS, the County's share of said fee shall be used at the discretion of the Commissioner of General Services to pay the expenses of the auction, now, therefore, be it

RESOLVED, this County Legislature hereby authorizes an agreement with Andy Walker's Auction Unlimited, Route 11, Grossett Drive, Kirkwood, New York 13795 for auctioneering services for September 14, 1991 auction, and be it

FURTHER RESOLVED, that in consideration of said services, Broome County shall pay Andy Walker's Auction Unlimited \$700.00 expenses plus 3.9 percent of the auctioneers gross receipts for the term of this agreement, and be it

FURTHER RESOLVED, that the Auctioneer shall retain from the payment due the participating political subdivisions 7 percent of the Auctioneer's gross receipts attributable to the sale of the political subdivision's supplies, materials, equipment and vehicles. The Auctioneer shall keep 3.9% for his fee and remit the remaining 3.1% to the County, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from the proceeds of the auction referred to above, and be it

FURTHER RESOLVED, that the Commissioner of General Services will submit to the Finance Committee on August 8, 1991 a list of items to be sold at Auction from

Broome County Government and Broome Community College for approval, and be it

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

Carried.

RESOLUTION NO. 293

By Environment Committee

Seconded by Mrs. Greenmun

RESOLUTION TO ENDORSE THE MODEL COMMUNITY PROJECT

WHEREAS, the New York State 1988 Solid Waste Management Act mandated that Source Reduction (the prevention of Waste) must be the #1 solid waste management practice, ahead of recycling, landfilling and incineration, and

WHEREAS, the New York State 1988 Solid Waste Management Act mandates that 40% of the waste stream be recycled and 8-10% be source reduced, and

WHEREAS, the Broome County Legislature believes that any comprehensive Solid Waste Management plan should meet the 8-10% source reduction goal set by the 1988 New York Solid Waste Management Act, and

WHEREAS, source reduction is not only the lowest cost and the environmentally most sound solid waste management approach, but the only one that solves the problem at its roots, and

WHEREAS, the Model Community Project, conducted by Earthday Southern Tier and volunteers from local environmental and conservation groups, promotes county-wide source reduction through a multitude of public education efforts and the creation of model establishments without any cost to the County, now, therefore, be it

RESOLVED, that this County Legislature endorse Phase I of the Model Community Project, as described in the attached Exhibit "A" and agrees to incorporate this activity in the County's future solid waste management plan.

A request was made by Mr. Augostini to allow Jeffrey Oliver, Chairman of Earth Day Southern Tier Organization to speak concerning the Model Community Project. The request was granted and Mr. Oliver requested the Legislature to approve the resolution.

Resolution Carried.

RESOLUTION NO. 294

By Environment and County Administration, Economic Development and Planning Committees

Seconded by Mr. Bielecki

**RESOLUTION ADOPTING LOCAL LAW INTRO. NO.9, 1991, ENTITLED:
"A LOCAL LAW REGULATING THE DISPOSAL OF SOLID WASTE IN
BROOME COUNTY"**

WHEREAS, this Legislature acknowledges the growing costs associated with the disposal of solid waste and the resulting inclination of those who may seek to avoid such costs by depositing such material along highways, vacant lots, on business sites, in private dumpsters, and other places, and

WHEREAS, such activities are hereby deemed to pose an imminent hazard to the public health, safety and welfare of the residents of Broome County, and

WHEREAS, this Legislature believes the adoption and vigorous enforcement of this local law will be an effective deterrent to the indiscriminate dumping of solid waste, and

WHEREAS, this County Legislature requests that the Broome County Security

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Division, Broome County Sheriff's Department and municipal police departments and courts of law vigorously enforce this law, now, therefore, be it

RESOLVED, that Local Law Intro. No. 9, 1991, entitled: "A Local Law regulating the disposal of solid waste in Broome County", be and the same hereby is adopted and approved in accordance with the Broome County Charter and all the applicable statutes and laws pertaining thereto.

County of Broome

Local Law Intro No. 9, 1991.

A LOCAL LAW REGULATING THE DISPOSAL OF SOLID WASTE IN BROOME COUNTY

Be it enacted by the Legislature of the County of Broome as follows:

SECTION 1. DECLARATION OF PURPOSE

The purpose of this law is to prohibit the disposal of solid waste at any location other than facilities or sites authorized by the State of New York, County of Broome, City of Binghamton, or any town or village situated in the County of Broome.

The Broome County Legislature acknowledges the growing costs associated with the disposal of solid waste and the resulting inclination of those who may seek to avoid such costs by depositing such material along highways, vacant lots, on business sites, in private dumpsters, and other places. Such activities are hereby deemed to pose an imminent hazard to the public health, safety, and welfare of the residents of the County.

The adoption and vigorous enforcement of this local law is intended to be an effective deterrent to indiscriminate dumping of solid waste.

SECTION 2. DEFINITIONS

A. The term "solid waste" shall mean all putrescible and nonputrescible materials or substances that are discarded or rejected as being spent, worthless, useless, or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludge from air or water treatment facilities, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles and offal.

B. The term "dispose" shall mean to discharge, deposit, inject, dump, spill, leak or place into or on any land or water, or onto or in any receptacle or dumpster, such solid waste or any constituent thereof.

C. The term "person" shall mean any individual, firm, public or private corporation, political subdivision, government agency, trust, estate, or any other legal entity whatsoever.

D. The term "open dump" shall mean a solid waste disposal area which does not comply with required public health and environmental controlled practices.

SECTION 3. PROHIBITED ACTIVITIES

A. No person shall dispose of solid waste in the County of Broome except at:

(1) A disposal facility exempt from the requirements of 6 NYCRR Part 360 if its exempt status is unaffected by such disposal; or

(2) A disposal facility authorized to accept such waste for disposal pursuant to said Part 360 or to an order issued by the New York State Department of Environmental Conservation or a Court having jurisdiction.

B. There shall be no open dumps in Broome County. This shall not be construed as to prohibit disposal areas located in the property areas of a farm as otherwise permitted by law except in cases creating a public health nuisance as defined in the Broome County Sanitary Code and such other state and local laws as may apply.

SECTION 4. ENFORCEMENT AND PENALTIES

A. All provisions of this local law are enforceable by the Broome County Security Department and/or the Broome County Sheriff's Department, or their designees.

B. Failure to comply with this local law by any person or tenant in case where a lease agreement gives specific responsibility for solid waste disposal to said tenant, shall be an offense punishable as provided.

C. Any person who commits a violation of Section 3(A) and/or 3(B) as noted above is subject to arrest and punishment upon conviction as hereinafter provided:

(1) First Offense - Conviction of a first offense as provided by this local law shall be punishable by a fine of not less than \$50 nor more than \$1500, and/or a term of imprisonment not to exceed fifteen days, together with restitution based on avoided disposal fees and cost of collection and hauling and/or community service.

Violation of this provision shall be a violation as defined by Section 55.10(3) of the Penal Law of the State of New York.

(2) Second or Subsequent Offense - Conviction of a second or subsequent offense within 5 years shall be punishable by a fine of not less than \$500 nor more than \$2500, and/or a term of imprisonment not to exceed six months, together with restitution based on avoided disposal fees and cost of collection and hauling, and/or community service.

Violation of this provision shall be a misdemeanor as defined by Section 55.10(2) of the Penal Law of the State of New York.

(3) Conviction of any company, partnership, municipality, or any entity other than an individual person shall be subject to a fine of not less than \$500 nor more than \$2500, and/or community service.

D. Each day during which a violation continues may be deemed to be a separate violation.

E. Enforcement shall be effected as follows:

by a peace officer or police officer as provided by the Criminal Procedure Law of the State of New York.

F. Civil Enforcement: Notwithstanding the penalties set forth above, the Broome County Attorney may institute a civil action to obtain restitution to the County of Broome from such offender for the actual costs incurred in rectifying the problem created by the aforesaid violation or improper disposal of solid waste, or to abate, enjoin, or otherwise compel cessation of the violation of any provision of this law; including, but not limited to reasonable attorney's fees and environmental testing.

G. Disposition of Fines: Any fines collected shall be split 50/50 with the municipality in which the violation occurred and with Broome County. The portion of fine made payable to the County of Broome shall be transmitted to the Broome County Division of Budget and Finance.

H. Area of Enforcement: This local law shall be enforced in all municipalities within Broome County including municipalities that have enacted ordinances regulating the disposal of solid waste.

SECTION 5. SEVERABILITY

A. If any clause, sentence, paragraph, section, or article of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

B. This local law shall be liberally construed to effectuate its objectives and

purposes.

SECTION 6. EFFECTIVE DATE

This local law shall take effect immediately upon the filing of a copy with the Secretary of State.

At the request of Mr. Shafer, Resolution No. 294 was held over under the rule.

RESOLUTION NO. 295

By Environment and Finance Committees

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING A SUPPLEMENTAL AGREEMENT WITH SHUMAKER/CALOCERINOS & SPINA, JOINT VENTURE, FOR CONSTRUCTION REVIEW SERVICES FOR LANDFILL CLOSURE AND WELL ABANDONMENT/CLOSURE PLAN FOR THE DIVISION OF SOLID WASTE MANAGEMENT

WHEREAS, this County Legislature, by Resolutions 617 of 1988 and 263 of 1989, authorized an agreement with Vernon O. Shumaker/Calocerinos & Spina, Joint Venture, for the performance of engineering or other consulting services in connection with the County's Solid Waste Management Program, at a cost not to exceed \$1,853,210, and

WHEREAS, it is necessary to authorize a supplemental agreement for construction review services for landfill closure and abandonment of wells/closure plan, and

WHEREAS, the Division of Solid Waste Management has requested authorization for said supplemental agreement, as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a supplemental agreement with Vernon O. Shumaker/Calocerinos & Spina, Joint Venture, 423 Commerce Road, P.O. Box 427, Vestal, NY, 13850-0427 for construction review services for landfill closure and abandonment of wells/closure plan, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$2,459,004.79, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 235036.4457.501200 (subcontracted program expense), and be it

FURTHER RESOLVED, that Resolutions 617 of 1988 and 263 of 1989, to the extent consistent herewith, shall remain in full force and effect, and be it

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

At the request of Mr. Malley, Resolution No. 295 was held over under the rule.

RESOLUTION NO. 296

By Finance and Education, Culture & Recreation Committees

Seconded by Mr. Warner

RESOLUTION ADOPTING THE BUDGET FOR BROOME COMMUNITY COLLEGE FOR 1991 THROUGH 1992

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WHEREAS, pursuant to the Broome County Charter and Administrative Code, Article XXIII A, a proposed budget for Broome Community College has been submitted for the year commencing September 1, 1991 and ending August 31, 1992, and

WHEREAS, the Broome Community College Board of Trustees expects to receive grant monies in the amount of \$881,590 for the year commencing September 1, 1991 and ending August 31, 1992, and

WHEREAS, on July 15, 1991 a public hearing was held on this proposed budget and the Budget Message submitted by the County Executive and copies of the proposed budget and the Budget Message have been available for inspection and/or procurement for at least seven days prior to this hearing pursuant to this County's Charter and Administrative Code, now therefore be it

RESOLVED, that the proposed budget of Broome Community College, as corrected and amended, be and hereby is adopted for said Broome Community College for the year commencing September 1, 1991 and ending August 31, 1992, and be it

FURTHER RESOLVED, that the above adopted budget, as corrected and amended, in summarized as follows:

SUMMARY OF BROOME COMMUNITY COLLEGE BUDGET

Fiscal Year September 1, 1991 through August 31, 1992

Appropriations:	\$25,167,044	\$881,590	\$26,333,877
Estimated Revenue:			
State Aid	8,333,877		8,333,877
Student Tuition	7,842,714		7,842,714
Misc. Offsets to Expenses	1,318,070		1,318,070
County Contribution	4,805,678		4,805,678
Charges to Other Counties	1,226,240		1,226,240
Out of State Tuition	588,645		588,645
Appropriated Fund Balances	1,051,820		1,051,820
Various Grant Revenues		<u>881,590</u>	<u>881,590</u>
Total Revenues	\$25,167,044	\$881,590	\$26,048,634

and be it

FURTHER RESOLVED, that the Budget Director is hereby authorized, empowered and directed to correct any modifications, changes, and/or typographical errors, including additions.

At the request of Mr. Bielecki, Resolution No. 296 was held over under the rule.

RESOLUTION NO. 297

By Health, Personnel and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING RENEWAL OF YOUTH EDUCATION SERVICES COMMUNITY ACTION PROJECT (YESCAP) GRANT FOR THE DRUG AWARENESS CENTER AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1991 THROUGH 1992

WHEREAS, this County Legislature, by Resolutions 171, 311 and 450 of 1990, authorized and approved the Youth Education Services Community Action Project (YESCAP) grant for the Drug Awareness Center in Broome and Tioga Counties and adopted a program budget in connection therewith in the amount of \$198,039 for the period April 1, 1990 through March 31, 1991, and

WHEREAS, said program provides drug abuse prevention education by promoting various drug prevention activities in the school districts and communities in Broome and Tioga Counties through publicized peer leadership programs and the establishment of community action groups, and

WHEREAS, it is desired at this time to renew said grant program for the period April 1, 1991 through May 31, 1992 in the amount of \$77,600, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves the acceptance of \$77,600 from the New York State Division of Alcoholism for the YESCAP drug prevention program for the period April 1, 1991 through March 31, 1992, 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 \$77,600 for the period April 1, 1991 through March 31, 1992, and be it

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

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

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

Carried.

RESOLUTION NO. 298

By Intergovernmental Relations and Finance Committees

Seconded by Mrs. Coffey

RESOLUTION REGARDING ELECTION CHARGEBACKS AND THE ESTABLISHMENT OF A COUNTY-WIDE POLICY IN CONNECTION THEREWITH

WHEREAS, the City, Towns and Villages of Broome County have made known to this Legislature concerns regarding the current Broome County Policy regarding election chargebacks as outlined in Resolution 533 of 1990, and

WHEREAS, their concerns include lack of knowledge as to final numbers prior to the city, towns', and villages' budget process dates, input with regard to the Board of Elections, and internal Broome County Chargebacks, and

WHEREAS, it is the desire of this Legislature to clearly state what this Broome County Legislature's position is with regard to election chargebacks, now, therefore, be it

RESOLVED, that this County Legislature hereby establishes the following policy with regard to election chargebacks as incurred by the Broome County Board of Elections:

1. Election chargebacks under the New York State Election Law and County Laws are appropriate.

2. Resolution 533 of 1990, adopted December, 1990, which indicates that Broome County intends to pass 100 percent of the certified election cost to the cities, towns, and villages located partly or wholly within Broome County is still the (general) valid policy statement of this Legislature.
3. Changes to the policy statement as indicated in paragraph two above may be modified if deemed necessary by this County Legislature.
4. No Broome County Inter-Departmental chargebacks will be passed on to local Broome County municipalities as part of the election chargeback process.
5. Broome County Board of Elections costs such as personnel lines (1000-1700), Fringe Benefits lines (8000) and lines (4000) such as printing of ballots and related items and legal notices and election night expenses shall be included in computing the base chargebacks.
6. This Legislature will make diligent efforts to notify the city, towns, and villages of Broome County as early as possible so that the respective budget processes of the respective city, villages, and towns can be adjusted accordingly.
7. This County Legislature is willing to initiate a graduated percentage of the election costs owed starting with the 1990 election costs and eventually working up to whereby the city, towns, and villages would be responsible for 100 percent of the election costs over a period of several years, and be it

FURTHER RESOLVED, a three year cap will be placed on election charges to the city, towns, and villages of Broome County and the elections chargebacks will be put forth so that we will build to 100 percent election chargebacks over a seven year term beginning in 1988 and ending with 1994 as set forth in Exhibit "A". No internal county chargebacks will be passed back to city, towns, or villages located wholly or partly in Broome County, and be it

FURTHER RESOLVED, that the Broome County Board of Elections is requested to "break out" costs indicated in paragraph #5, above for the purpose of assisting in the implementation of this policy.

EXHIBIT A
ELECTION CHARGEBACKS - ACTUAL & PROPOSED

<u>Year of Election Expense</u>	<u>Year of Adoption of County Budget Oct/Nov</u>	<u>Year of Property Tax Levy...Jan.</u>	<u>Actual or Not Not to Exceed¹</u>	<u>% Factor</u>	<u>Amount of Election Chargeback Year</u>	
1988	1989	1990	\$ 391,616	38%	\$ 150,000	A
1989	1990	1991	\$ 304,038	60%	\$ 182,423	B

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1990	1991	1992	\$ 349,218*	70%	\$ 244,452	1
1991	1992	1993	\$ 350,000**	80%	\$ 280,000	2
1992	1993	1994	\$ 350,000**	90%	\$ 315,000	3
1993	1994	1995	\$ 350,000**	100%	\$ 350,000	4
1994	1995	1996				

¹Actual Expenses but not chargebacks (from other depts.)

Notes: *Based on a review of Personnel lines #1000 through #1700

The following 4000 lines: #4318 (ballot) #4419 (legals
and election night expenses)

Fringe Benefits...the 8000 lines

**The \$350,000 cap would be put in place until the percentage factor reaches 100%. Should the actual expenses not exceed \$350,000 the amount of the election chargeback to the City and Towns would be based on the lower amount.

Once 100% is reached in Year 6, the following years "actual" will be based on the 1000 lines, selected 4000 lines and the 8000 lines.

At the request of Mrs. Coffey, Resolution No. 298 was held over under the rule.

Mr. Pasquale moved, seconded by Mr. Yeager to adjourn to the call of the Clerk at 4:25 p.m. Carried.