

**BROOME COUNTY LEGISLATURE
REGULAR SESSION
APRIL 18, 1996**

The Legislature convened at 4:00 P.M. with a call to order by the Chair, Arthur J. Shafer. The Clerk, Richard R. Blythe, read the fire exit announcement and called the Attendance Roll: Present-15, Absent-4 (Mr. Howard, Mr. Kavulich, Mr. Mather & Mr. Schofield)

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

Mr. Miller moved, seconded by Mr. Pasquale that the minutes of the Regular Session of March 21, 1996, be approved as prepared and presented by the Clerk. **Carried.** Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

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

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY EXECUTIVE

Letters from the County Executive, Timothy M. Grippen:

- 1.Nominating Gary R. Coles to membership on Forest Practice Board.
- 2.Nominating 4 persons to membership on Fish and Wildlife Management Board.
- 3.Letter of resignation from Robert D. Kulick (Resource Recovery Agency).

PRESENTATION OF PETITIONS, COMMUNICATIONS, NOTICES & REPORTS:

COMMUNICATIONS:

- 1.Minutes from:

- a. Binghamton Regional Airport
 - b. Association of Towns and Villages
 - c. EMC Solid Waste Committee
 - d. EMC's Natural Resources Committee
 - e. EMC Ad Hoc Committee on Alternative Transportation and
BMTS Bicycle and Pedestrian Plan Advisory Committee
 - f. Willow Point Nursing Facility
 - g. Soil and Water Conservation District
 - h. Association of Towns and Villages
2. Board of Elections: 1996 Enrollment Statistics
 3. Resolutions adopted at the NYS Association of Counties' 1996 Annual
Legislative Conference.
 4. Resolution from Town of Chenango (Provide amendments and
additions to local laws, ordinances and resolutions compiled into the
"Code of the Town".

NOTICES:

1. Notice of Petition & Action for Declaratory Judgement (City of
Binghamton vs. County of Broome).
2. Order to Show Cause (Sybil Merrill, Petitioner).

REPORTS:

1. Monthly Reports:
 - a. Broome Community College (Budget Transfers, January 1996;
Above Minimum Reports, February 1996).
 - b. Department of Social Services (November and December 1995).
2. Annual Reports:
 - a. Office for Aging
 - b. Office of County Clerk
 - c. Department of Social Services
 - d. Vestal Public Library
 - e. Deposit Free Library (Treasurer's Report)

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- f. George F. Johnson Memorial Library (Financial Report)
- g. Fenton Free Library
- 3. Office of Risk Management: Unemployment Insurance Reserve (Statement of Changes in Fund Balance 1995).
- 4. Report of Examination (Catskill Regional Off-Track Betting Corporation).
- 5. Landfill Gas Feasibility Study, Nanticoke Landfill (February 1996).
- 6. Broome County Public Library: Engineering Report of Physical Condition and Structural Evaluation at Midtown Mall.

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY LEGISLATURE

Letters from the Chair, Arthur J. Shafer:

- 1. Appointing William H. Miller as voting member and Jane R. Sweet as Acting Chair for Brian K. Mather, Personnel Committee, April 10, 1996.

Mr. Cahill moved, seconded by Mrs. Coffey, to receive and file the above referenced report(s) and to authorize and direct the Clerk to index said report(s) in the 1996 JOURNAL OF PROCEEDINGS and to publish pertinent portions of said reports as may be directed by the Chair.

Carried. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

Several resolutions were taken out of order, however, for the sake of clarity, all resolutions are presented in numerical order.

Mrs. Sweet and Mrs. Coffey were designated by the Chair as participants in the 'short roll call' for the session.

Mrs. Sweet seconded the preferred agenda.

RESOLUTION BROUGHT OFF THE TABLE FROM THE SESSION OF APRIL 20, 1995

Mr. Burger moved, seconded by Mr. Whalen that Resolution #95-170 which had been tabled at the regular session of April 20, 1995 be brought off the table in order to consider Project M-43. Mr. Burger's motion **carried**. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield). The following resolution was brought forward for consideration:

RESOLUTION NO. 170 of 1995 (Adjusted for Project M-43)

by FINANCE COMMITTEE

Seconded by Mr. Pasquale

BOND RESOLUTION DATED: _____ / A RESOLUTION AUTHORIZING THE ISSUANCE OF \$2,000,000 SERIAL BONDS OF THE COUNTY OF BROOME, NEW YORK, TO PAY THE COST OF CERTAIN SOLID WASTE PROJECTS IN AND FOR SAID COUNTY.

RESOLVED, by this County Legislature of the County of Broome, New York, as follows:

Section 1. The objects or purposes to be financed by the County of Broome, N.Y. pursuant to this resolution and their maximum estimated costs, are as follows:

<u>Project Code</u>	<u>Project Name</u>	<u>Maximum Est. Cost</u>
M-43	Acquisition of and	
\$2,000,000	improvement to a materials	
	recovery facility	

Section 2. The total maximum estimated cost of the aforesaid objects or purposes is \$2,000,000 which shall be financed by the issuance of

\$2,000,000 serial bonds of said County, hereby authorized to be issued therefore pursuant to the Local Finance Law.

Section 3. SEQR DETERMINATION: It is hereby declared to be the intent of this County Legislature that the projects listed above shall not commence until all steps have been taken under the New York State Environmental Quality Review Act ("SEQR") to ensure that said proposed projects are in compliance with the provisions thereof and, to this end, it is hereby determined that, until such compliance has been accomplished, the only obligations which shall be issued pursuant to this resolution shall be to provide funds for engineering, architectural and legal fees, including studies, surveys and testing of the site thereof, which will, at least, assist in the SEQR compliance process. Notwithstanding the foregoing, it is hereby further determined that no further resolution of this County Legislature shall be required in order to permit the issuance of obligations pursuant to this resolution once these proposed projects have been determined to be in compliance with the provisions of SEQR.

Section 4. It is hereby determined that the period of probably usefulness of the aforesaid specific objects or purposes described in Section 1 of this resolution is twenty-five years pursuant to subdivision 6 of paragraph a of Section 11.00 of the Local Finance Law.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized including renewals of such notes is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents and shall be sold in such manner as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the

consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining debt service, shall be determined by the Commissioner of Finance, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Commissioner of Finance shall determine consistent with the provisions of the Local Finance Law.

Section 7. The faith and credit of said County of Broome, New York, are hereby irrevocably pledged for the payment of the principal of and interest of such bonds as the same respectively become due and payable.

An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 8. The validity of such bonds 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 an action, suit or proceeding contesting such 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 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150.2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described

herein.

Section 10. This resolution, which takes effect upon its approval by the County Executive, shall be published in full in the Press & Sun Bulletin, which is the only newspaper having circulation in said County for such purpose, together with a notice of the Clerk of the Legislature is substantially the form provided in Section 81.00 of the Local Finance Law.

Mr. Augostini moved, seconded by Mr. Wike to **call the question** on the resolution. The call of the question **carried**. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

The resolution **lost**.

Ayes-3 Coffey, Pasquale & Whalen

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

Absent-4 Howard, Kavulich, Mather & Schofield

RESOLUTIONS HELD OVER FROM PREVIOUS SESSION OF
MARCH 21, 1996

RESOLUTION NO. 90 held over by Mr. Cahill.

by PUBLIC WORKS, PUBLIC SAFETY & EMERGENCY
SERVICES and ENVIRONMENT COMMITTEES

**RESOLUTION IN CONNECTION WITH THE BROOME
COUNTY PUBLIC SAFETY COMPLEX, DECLARING THAT
NO SUPPLEMENTAL ENVIRONMENTAL IMPACT
STATEMENT IS NECESSARY BY REASON OF THE
ACQUISITION OF PROPERTY OF R.G. INGERSOLL WAITE
ON UPPER FRONT STREET, TOWN OF DICKINSON, FOR A
REDESIGNED ENTRANCE.**

Carried. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

RESOLUTION NO. 91 held over by Mr. Cahill.

by PUBLIC WORKS, PUBLIC SAFETY & EMERGENCY SERVICES and FINANCE COMMITTEES

RESOLUTION DECLARING THE ACQUISITION OF REAL PROPERTY OF R.G. INGERSOLL WAITE ON UPPER FRONT STREET, TOWN OF DICKINSON, TO BE EXEMPT FROM THE PUBLIC HEARING REQUIREMENT OF THE EMINENT DOMAIN LAW AND AUTHORIZING THE ACQUISITION OF SAID REAL PROPERTY BY PURCHASE OR CONDEMNATION.

Mr. Cahill moved, seconded by Mrs. Hudak to amend the last Further Resolved paragraph to reflect a maximum purchase price of \$75,800, which, according to Mr. Cahill is the assessed value of the property. The amendment **carried.** Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

The amended paragraph is as follows:

FURTHER RESOLVED, that this County Legislature hereby authorizes the acquisition by purchase or condemnation of said real property, for a price not to exceed \$75,800, for the re-designed entrance to Broome Community College and the Public Safety Facility and other County facilities.

The resolution as amended **carried.** Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

RESOLUTION NO. 98 held over by Mr. Holley.

by PERSONNEL and HEALTH SERVICES COMMITTEES
**RESOLUTION AUTHORIZING PERSONNEL CHANGE
REQUESTS FOR WILLOW POINT NURSING HOME.**

Mrs. Sweet moved, seconded by Mr. Holley to delete the last two Further Resolved paragraphs and the related transfer of funds. The amendment **carried**. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

The resolution as amended **carried**. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield) The amended version is as follows:

RESOLUTION NO. 98 (final version as adopted)
by PERSONNEL and HEALTH SERVICES COMMITTEES
Seconded by Mr. Cahill

**RESOLUTION AUTHORIZING PERSONNEL CHANGE
REQUESTS FOR WILLOW POINT NURSING HOME.**

RESOLVED, that in accordance with a request from the Willow Point Nursing Home, as contained in PCR# 96-284, this County Legislature hereby authorizes the **reclassification** of one (1) full-time Dietary Clerk position at budget line WC160119.1000, minimum salary \$14,788, Grade 07, Union Code 04 (CSEA) to one (1) full-time Clerk position at budget line WC160119.1000, minimum salary \$14,296, Grade 06, Union Code 04 (CSEA), effective February 1, 1996, and be it

FURTHER RESOLVED, that in accordance with a request from the Willow Point Nursing Home, as contained in PCR# 96-288, this County Legislature hereby authorizes the **reclassification** of one (1) full-time Dietary Clerk position at budget line WC160119.1000, minimum salary \$14,788, Grade 07, Union Code 04 (CSEA) to one (1) full-time Clerk position at budget line WC160119.1000, minimum salary \$14,296, Grade 06, Union Code 04 (CSEA), effective March 21, 1996.

RESOLUTION NO. 136 held over by Mr. Pasquale.
by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT &
PLANNING and ENVIRONMENT COMMITTEES
**RESOLUTION URGING THE PUBLIC SERVICE
COMMISSION TO HAVE A REHEARING ON THE NEED FOR
A PROPOSED NEW YORK STATE ELECTRIC & GAS
CORPORATION GAS PIPELINE.**

Mr. Pasquale moved, seconded by Mr. Augustini to **table** the resolution.
The tabling **carried.** Ayes-15, Nays-0, Absent-4 (Howard, Kavulich,
Mather & Schofield)

RESOLUTION NO. 146 held over by Mr. Lindsey.
by PERSONNEL, PUBLIC SAFETY & EMERGENCY SERVICES
and FINANCE COMMITTEES
**RESOLUTION AUTHORIZING PERSONNEL CHANGE
REQUESTS FOR SHERIFF.**

The resolution was **withdrawn** following a poll of committee members.

RESOLUTIONS INTRODUCED AT THIS SESSION

RESOLUTION NO. 154
by Hon. Thomas A. Hull
Seconded by Mrs. Coffey
**RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 3, 1996,
ENTITLED: "A LOCAL LAW AMENDING THE BROOME
COUNTY CHARTER AND ADMINISTRATIVE CODE IN
CONFORMANCE WITH THE RECOMMENDATIONS OF THE
CENTER FOR GOVERNMENTAL RESEARCH."**

RESOLVED, that Local Law Intro. No. 3, 1996, entitled: "A Local

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Law Amending the Broome County Charter and Administrative Code in Conformance with the Recommendations of the Center for Governmental Research," be and the same hereby is adopted and approved in accordance with the Broome County Charter, the Municipal Home Rule, and all the applicable statutes and laws pertaining thereto.

LOCAL LAW INTRO. NO. 3, 1996

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

Section 1. Section C203(N) of the Broome County Charter shall be amended to read as follows:

§C203(N) To award all contracts for professional services where the amount involved exceeds [two thousand five hundred dollars (\$2,500.00)] ten thousand dollars (\$10,000.00).

Section 2. Section A1202 of the Broome County Administrative Code shall be amended to read as follows:

A1202 Approval of Professional Services Contracts.

The Board of Acquisition and Contract shall award all contracts for professional services involving expenditures of [two thousand five hundred dollars (\$2,500.00)] ten thousand dollars (\$10,000.00) or less.

Section 3. Article XII of the Broome County Administrative Code shall

be amended to add a new Section A1207 to read as follows:

§A1207. Lease of Real Property

The Board of Acquisition and Contract shall be authorized to approve leases of real property for terms not to exceed five years where the expenditures under said lease shall not exceed Fifty Thousand Dollars (\$50,000.00) per annum.

Section 4. Section A1201 of the Broome County Administrative Code shall be amended to read as follows:

§A1201. Board created; organization and procedures.

There shall be a Board of Acquisition and Contract which shall consist of the County Executive, the Commissioner of Public Works and the Chairman of the County Legislature or their designees. The Board of Acquisition and contract shall have all the powers and duties in relation to the acquisition of real property and the approval and execution of contracts as are set forth in §§A1202, A1203, A1204, A1205 [and], A1206 and A1207 of this Article.

The Board of Acquisition and Contract shall meet at the call of the County Executive, who shall serve as Chairman of such Board. All meetings of the Board of Acquisition and Contract shall be open to the public, and the Board shall be required to keep written minutes of its proceedings, which shall be available to public inspection at all reasonable times.

The Board of Acquisition and Contract shall adopt rules of procedure for the conduct of its meetings and shall establish its regular meeting dates.

The Board of Acquisition and Contract shall have and exercise all powers and duties conferred or imposed upon it by the Charter and this Code. The members of such Board shall receive no additional salary or compensation for their services, but shall, within the appropriations provided therefor, be entitled to actual and necessary disbursements and expenses in performing the duties of their office.

The Board of Acquisition and Contract may make recommendations to the County Legislature relative to the operations of the Board and County contracts.

Section 5. Section C610 of the Broome County Charter shall be amended to read as follows:

§C610. Appropriations; reduction and transfer after budget adoption.

If, at any time during the fiscal year, it appears that the revenues available will be insufficient to meet the amounts appropriated, the County Executive shall report to the County Legislature without delay the estimated amount of the deficit, remedial action taken by him and his recommendations as to further action. The County Legislature shall take such action as it deems necessary to prevent or minimize any deficit. For that purpose, it may, by resolution, reduce one (1) or more appropriations; but

no appropriation for debt service may be reduced, and no appropriation may be reduced by more than the unencumbered balance thereof or below any amount required by law to be appropriated. The Legislature may also, if it so desires, borrow temporarily pursuant to the Local Finance Law in any amount not greater than such deficit for that purpose.

The County Executive may, at any time during the fiscal year, transfer part or all of any unencumbered appropriation balance between classifications of expenditures within the same administrative unit, provided that prior approval by resolution of the County Legislature shall be required if the proposed transfer would affect any [salary rate or] individual salary or fringe benefit line total in an amount which would exceed two thousand five hundred dollars (\$2,500.00) and further provided that prior approval by resolution of the County Legislature shall be required if the proposed transfer would affect the total appropriations for the Broome County Veterans Memorial Arena or the Broome County Performing Arts Theater (The Forum). If the County Executive so requests in writing, the County Legislature, by resolution effective immediately, may transfer part or all of any unencumbered appropriation balance from one county administrative unit to another, or a contingent fund to any administrative unit; provided, however, that no such transfer shall be made from appropriations for debt service, and no appropriation may be reduced below any amount required by law to be appropriated.

The County Executive may at any time during the fiscal year transfer part or all of any appropriation in a grant budget subject to

approved grant limits, provided that prior approval of the County Legislature shall be required should the transfer modify any grant budget line by fifteen percent (15%) or greater. For transfers within grant budgets not requiring legislative approval, the County Executive shall notify the County Legislature of such transfer within 30 days of his or her approval of the transfer.

Section 6. Section A609 of the Broome County Administrative Code shall be amended to read as follows:

§A609. Transfers.

The County Executive may, at any time during the fiscal year, transfer part or all of any unencumbered appropriation balance between classifications of expenditures within the same administrative unit, provided that prior approval by resolution of the County Legislature shall be required if the proposed transfer would affect any [salary rate or] salary line total in an amount which would exceed two thousand five hundred dollars (\$2,500.00) and further provided that prior approval by resolution of the County Legislature shall be required if the proposed transfer would affect the total appropriations for the Broome County Veterans Memorial Arena or the Broome County Performing Arts Theater (The Forum).

If the County Executive so requests in writing, the County Legislature, by resolution effective immediately, may transfer part or all of any unencumbered appropriation balance from one county administrative unit to another, or a contingent fund

to any administrative unit; provided, however, that no such transfer shall be made from appropriations for debt service, and no appropriation may be reduced below any amount required by law to appropriated.

The County Executive may at any time during the fiscal year transfer part or all of any appropriations in a grant budget subject to approved grant limits, provided that prior approval by the County Legislature shall be required should the transfer modify any grant budget line by fifteen percent (15%) or greater. For transfers within grant budgets not requiring legislative approval, the County Executive shall notify the County Legislature of such transfers within 30 days of his or her approval of the transfer.

Section 7. Section C606 of the Broome County Charter is hereby amended to read as follows:

§C606. Public hearing.

Not later than the [20th] sixth day of October, the Clerk of the County Legislature shall cause to be published in the official newspapers and such other newspapers as may be designated by the County Legislature a notice of the place and time, not less than seven (7) days after such publication nor later than the [first day of November] 16th day of October, at which time the County Legislature will hold a public hearing on the proposed budget, the capital program, the budget message submitted by the County Executive and any report, if submitted, by the County Legislature or a committee designated by that body.

Section 8. Subdivisions (B), (C), (D), and (E) of Section C607 of the Broome County Charter are hereby amended to read as follows:

(B) If the budget, as submitted by the County Executive, is adopted by resolution of the County Legislature with no changes, such budget shall be deemed to have been adopted without any further action by the County Executive. If, however, the budget as passed by the County Legislature contains any changes, the same shall be presented by the Clerk of the County Legislature to the County Executive not later than the [15th] first day of November for his examination and consideration. If the County Executive approves all the changes, he shall affix his signature to a statement thereof and return the budget, together with such statement, to the Clerk of the County Legislature, and the budget, including the changes as part thereof, shall then be deemed to be adopted.

(C) If the budget, with any changes, is not returned by the County Executive to the Clerk of the County Legislature with his objections on or before the [19th] fifth day of November, it shall be deemed adopted.

(D) If the County Executive objects to any one (1) or more of the changes, he shall append to the budget a statement of the changes to which he objects, setting forth his reasons therefor, and shall, not later than the [19th] fifth day of November, return the budget with his objections to the Clerk of the County Legislature, who shall present the same to the County Legislature at a meeting to be held not later than the [25th] 11th day of November. The County Legislature shall

thereupon enter the objections upon its journal and proceed to reconsider the changes to which objection is made by the County Executive. If, upon such reconsideration, three-fifths (3/5) of the whole number of members of the County Legislature vote to approve such changes, or any of them, the budget, with the changes so approved, together with any changes not so objected to by the County Executive, shall be deemed adopted. If the Legislature fails to act on or to override such objections by said three-fifths vote on or before the [27th] 13th day of November, the objections shall become final and deemed adopted without the changes objected to by the County Executive.

(E)If a budget has not been adopted as herein provided on or before the [27th] 13th day of November, then the proposed budget as submitted by the County Executive, plus all changes as to which he has failed to object shall be the budget for the ensuing fiscal year.

Section 9.§C608 of the Broome County Administrative Code shall be amended to read as follows:

§A608. Budget controls.

(A)No county officer, employee, administrative unit or other authorized agency as defined in § A603(a) of this Code shall, during a fiscal year, expend or contract to expend any money or incur any liability or enter into any contract which, by its terms, involves the expenditure of money for any of the purposes for which provision is

made in the budget in excess of the amounts appropriated for such fiscal year or for any other purpose, except as otherwise provided in this Code, the Charter or the Local Finance Law. The unexpended balance of each appropriation, less the commitments outstanding at the close of the fiscal year for which it was made, shall lapse at the close of such fiscal year and shall be deemed as revenue for the purpose of preparing, during the following fiscal year, the tentative budget for the ensuing fiscal year pursuant to § A604(C)(2) of this Article, and in this respect no assignment of a requisition number, line item or a request by letter or other means to the Comptroller or any other county officer from any administrative unit for the purpose of holding over after the close of such fiscal year any unencumbered balance, or part thereof, of any appropriation shall be construed to be a commitment or the encumbering of any such appropriation, provided that nothing herein contained shall be construed to require the lapsing of appropriations which may or are required to be made for an indefinite period or which include state refunds, allocations or grants applicable to said appropriations pursuant to any other provision of law, and provided, further, that nothing herein shall be construed to prevent the making of appropriations or contracts for the construction of permanent public improvements or works not to be completed during the fiscal year, or the acquisition of property therefor, or the establishment of bond or capital accounts, sinking funds or reserve funds, and each such appropriation, account or fund shall continue in full force until the purpose for which it was made shall have been

accomplished or shall have been abandoned by a two-thirds vote of the County Legislature. Any contract, verbal or written, made in violation of this section shall be null and void.

(B)The County Executive shall maintain control at all times over the expenditures of each administrative unit, officer, employee and financial activity of the county in accordance with the provisions of the Charter and this Code.

(C)Notwithstanding the provisions of subparagraph (A) departments within the General Fund of the County may request the reappropriation in the current fiscal year of up to twenty-five percent (25%) of the audited unexpended balance of each appropriation, less commitments outstanding at the close of the fiscal year for which it was made and less unrealized revenues which were budgeted in the fiscal year for which it was made. Reappropriation pursuant to this subsection shall be approved in the same manner as Budget Transfers pursuant to §609 of the Broome County Charter and §609 of this Administrative Code except that all reappropriations require the prior approval of the County Legislature.

Section 10. Section A1602 of the Broome County Administrative Code is hereby amended to read as follows:

§A1602. Powers and Duties.

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The Personnel Officer shall have and exercise all the powers and duties heretofore or hereafter lawfully granted or imposed by the Charter, this Code, Local Law, ordinance or resolution of the County Legislature, order or direction of the County Executive or by any applicable provisions of any act of the State Legislature not inconsistent with the Charter or the Code. The Personnel Officer shall have the authority to approve all title changes not affecting the grade or function of the position.

Section 11. This Local Law shall take effect upon the approval of the voters at a referendum to be held at the next general election in accordance with the Municipal Home Rule Law.

Note: Material in [brackets] deleted.

Material underlined added.

Mr. Cahill moved, seconded by Mr. Miller to **call the question** on the resolution.

The call of the question **carried**.

Ayes-14 Augustini, Burger, Cahill, Coffey, Holley, Hudak, Lindsey, Miller, O'Day, Sweet, Wike & Shafer

Nays-1 Hull

Absent-4 Howard, Kavulich, Mather & Schofield

The resolution **lost**.

Ayes-3 Hull, Pasquale & Whalen

Nays-12 Augustini, Burger, Cahill, Coffey, Holley, Hudak, Lindsey,

Miller, O'Day, Sweet, Wike & Shafer
Absent-4Howard, Kavulich, Mather & Schofield

RESOLUTION NO. 155

by PUBLIC SAFETY & EMERGENCY SERVICES, PERSONNEL
and FINANCE COMMITTEES

Seconded by Mrs. Sweet

**RESOLUTION AUTHORIZING RENEWAL OF NEW YORK
STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR
THE AID TO PROSECUTION PROGRAM GRANT FOR THE
OFFICE OF THE DISTRICT ATTORNEY AND ADOPTING A
PROGRAM BUDGET IN CONNECTION THEREWITH FOR
1996 THROUGH 1997.**

WHEREAS, this County Legislature, by Resolution 113 of 1995, authorized and approved the New York State Division of Criminal Justice Services for the Aid to Prosecution Program Grant and adopted a program budget in the amount of \$135,829 for the period April 1, 1995 through March 31, 1996, and

WHEREAS, said grant program provides for the enhancement of criminal prosecution of the most serious criminal offenses and offenders by assuring that the most experienced prosecutors and investigators handle the most serious cases which receive more intensive preparation and high quality forensic services in order to better serve the citizens of Broome County, and

WHEREAS, it is desired to renew said grant program for the period April 1, 1996 through March 31, 1997, in the amount of \$141,382, now therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$135,829 from the New York State Division of Criminal Justice Services for the period April 1, 1996 through March 31, 1997, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A"

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in the total amount of \$141,382 for the period April 1, 1996 through March 31, 1997, and be it

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

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

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

Carried. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

RESOLUTION NO. 156

by PUBLIC WORKS, HEALTH and FINANCE COMMITTEES

Seconded by Mrs. Sweet

RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH O'BRIEN & GERE ENGINEERS, INC., FOR CONSULTANT ENGINEERING SERVICES FOR WILLOW POINT NURSING FACILITY ASBESTOS REMOVAL FOR 1995 THROUGH 1997.

WHEREAS, this County Legislature, by Resolution 445 of 1995, authorized an amendment of an agreement with O'Brien & Gere Engineers, Inc., for consultant engineering services for Willow Point Nursing Facility's Asbestos Removal, at a total cost not to exceed \$273,172, for the term ending June 30, 1996, and

WHEREAS, it is necessary to authorize the amendment of said agreement for professional services necessary for another phase of

asbestos remediation of the facility, including project inspection services, construction contract administration, and post construction services, (Phase III, Part B), and to extend the term of the agreement, and

WHEREAS, the cost of Phase III, Part B, is \$104,301, and

WHEREAS, the Director of Facilities Management has requested authorization for said amendments as approved by the Department of Law, now, therefore, be it

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

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an additional amount of \$104,301, total compensation not to exceed \$377,473, and be it

FURTHER RESOLVED, the time for completion of said contract shall be revised from June 30, 1996, to January 31, 1997, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 160267.4746.502270 (Engineering/Architectural Services), and be it

FURTHER RESOLVED, that Resolution 445 of 1995, to the extent consistent herewith, shall remain in full force and effect, and be it

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

Carried. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

RESOLUTION NO. 157

by PUBLIC WORKS, PUBLIC SAFETY & EMERGENCY SERVICES and FINANCE COMMITTEES

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Seconded by Mrs. Sweet

RESOLUTION AUTHORIZING AGREEMENT WITH McFARLAND-JOHNSON, INC., FOR CONSTRUCTION OBSERVATION SERVICES FOR THE PUBLIC SAFETY FACILITY FOR 1996.

WHEREAS, the Director of Facilities Management requests authorization for an agreement with McFarland-Johnson, Inc., for construction observation services for the period March 1, 1996 through June 30, 1996, at a cost not to exceed \$7,000.00, and

WHEREAS, said services are necessary to complete project inspection, including checking contractor punch list work, change order work, and warranty call-back work, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with McFarland-Johnson, Inc., 171 Front Street, Binghamton, New York, 13902, for construction observation services for the Public Safety Facility, for the period March 1, 1996 through June 30, 1996, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$7,000.00 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 035113.4747.501234 (Other Fees for Services), and be it

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

Carried. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

RESOLUTION NO. 158

by PUBLIC WORKS, HEALTH and FINANCE COMMITTEES

Seconded by Mrs. Sweet

RESOLUTION AUTHORIZING AGREEMENT WITH JENNINGS ENVIRONMENTAL MANAGEMENT, INC., FOR AIR QUALITY MONITORING AND LABORATORY ANALYSIS FOR WILLOW POINT NURSING FACILITY FOR 1996 AND 1997.

WHEREAS, the Director of Facilities Management requests authorization for an agreement with Jennings Environmental Management, Inc., for air quality monitoring and laboratory analysis to support asbestos remediation work for Phase III for the Willow Point Nursing Facility Asbestos Remediation Project, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Jennings Environmental Management, Inc., P.O. Box 831, Binghamton, New York, 13902, for air quality monitoring and laboratory analysis to support asbestos remediation work for Phase III for the Willow Point Nursing Facility, for the period May 1, 1996 through January 31, 1997, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$147,807 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 160267.4746.502270 (Engineering/Architectural Services), and be it

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

Carried. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

RESOLUTION NO. 159

by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT &

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PLANNING and FINANCE COMMITTEES

Seconded by Mrs. Sweet

RESOLUTION AUTHORIZING AGREEMENT WITH TRAINING AND DEVELOPMENT CORPORATION FOR OFFICE OF EMPLOYMENT AND TRAINING FOR CASE MANAGEMENT SYSTEM SOFTWARE TRAINING SERVICES.

WHEREAS, Director of Office of Employment and Training requests authorization for an agreement with Training and Development Corporation for Case Management System software training services for the period May 1, 1996 through May 3, 1996, at a cost not to exceed \$2,952.00, and

WHEREAS, said services are necessary to provide staff training with respect to the proper use of the Case Management System, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Training and Development Corporation, 18 School Street, Bucksport, Maine, 04416, for Case Management System software training services, for the period May 1, 1996 through May 3, 1996, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$2,952.00 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 720730.4463.308049; 720730.4463.308051; and 720748.4463.308052 (Education & Training), and be it

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

Carried. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

RESOLUTION NO. 160

by HEALTH SERVICES, PERSONNEL and FINANCE
COMMITTEES

Seconded by Mrs. Sweet

**RESOLUTION AUTHORIZING REVISION OF THE HEALTH
DEPARTMENT WOMEN, INFANTS AND CHILDREN (WIC)
PROGRAM AND ADOPTING A REVISED PROGRAM BUDGET
IN CONNECTION THEREWITH FOR 1995 THROUGH 1996.**

WHEREAS, this County Legislature, by Resolution 434 of 1995, authorized the Health Department Women, Infants and Children (WIC) Program for the period October 1, 1995 through September 30, 1996, and adopted a program budget in connection therewith in the total amount of \$797,086, and

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

RESOLVED, that this County Legislature hereby authorizes a revision of the Health Department Women, Infants and Children (WIC) Program for the period October 1, 1995 through September 30, 1996, in the total amount of \$797,086, 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 \$797,086 for the period October 1, 1995 through September 30, 1996, and be it

FURTHER RESOLVED, that Resolution 434 of 1995, 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

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grant agreement for the purpose of expending any unexpended grant funds, and be it

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

Carried. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

RESOLUTION NO. 161

by HEALTH SERVICES and FINANCE COMMITTEES

Seconded by Mrs. Sweet

RESOLUTION AUTHORIZING AGREEMENTS WITH BRIAN P. COLPOYS FOR SPEECH THERAPY SERVICES FOR THE HEALTH DEPARTMENT DIVISION OF CHILD DEVELOPMENT EARLY INTERVENTION AND EDUCATIONALLY HANDICAPPED CHILDREN'S PROGRAMS FOR 1996.

WHEREAS, the Health Department Division of Child Development requests authorization for an agreement with Brian P. Colpoys for speech therapy services for its Early Intervention and Educationally Handicapped Children's Programs patients for the period May 1, 1996 through December 31, 1996, at a cost not to exceed state mandated rates, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Brian P. Colpoys, 3644 Rath Avenue, Endwell, New York, 13760, for speech therapy services for the Health Department Division of Child Development Early Intervention and Educationally Handicapped Children's Programs, for the period May 1, 1996 through December 31, 1996, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed the State

mandated rates for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 480202.4701.101000 (Screenings, Evaluations); 480202.4716.101000 (Home-based Services); and 480285.4706.101000 (Therapy Services), and be it

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

Mrs. Sweet moved, seconded by Mr. Augostini to **table** the resolution.

The tabling **carried**.

Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

RESOLUTION NO. 162

by HEALTH SERVICES, COUNTY ADMINISTRATION,
ECONOMIC DEVELOPMENT & PLANNING and FINANCE
COMMITTEES

Seconded by Mrs. Sweet

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

WHEREAS, this County Legislature, by Resolutions 233 and 600 of 1995, authorized the Health Department Breast and Cervical Cancer Education and Detection Grant Program for the period July 1, 1995 through June 30, 1996, and adopted a program budget in connection therewith in the total amount of \$166,906, and

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

RESOLVED, that this County Legislature hereby authorizes a revision of the Health Department Breast and Cervical Cancer Education and Detection Grant Program for the period July 1, 1995 through June 30, 1996, in the total amount of \$166,906, 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 \$166,906 for the period July 1, 1995 through June 30, 1996, and be it

FURTHER RESOLVED, that Resolutions 233 and 600 of 1995, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

Carried. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

RESOLUTION NO. 163

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by HEALTH SERVICES and FINANCE COMMITTEES

Seconded by Mrs. Sweet

RESOLUTION AUTHORIZING AGREEMENT WITH CENTRAL DIAGNOSTIC IMAGING FOR BREAST AND CERVICAL SCREENING, DIAGNOSIS AND TREATMENT SERVICES FOR THE HEALTH DEPARTMENT BREAST AND CERVICAL CANCER DETECTION EDUCATION PROGRAM FOR 1995 AND 1996.

WHEREAS, the Health Department Breast and Cervical Cancer Detection Education Program requests authorization for an agreement with Central Diagnostic Imaging for breast and cervical screening, diagnosis and treatment services for qualified persons for the period July 1, 1995 through June 30, 1996, at a cost not to exceed the budgeted appropriations, and

WHEREAS, said agreement is necessary to provide services for eligible persons within the service delivery area, now, therefore, be it

RESOLVED, this County Legislature hereby authorizes an agreement with Central Diagnostic Imaging, 6 Newton Avenue, Norwich, New York, 13815, for breast and cervical screening, diagnosis and treatment services for the period July 1, 1995 through June 30, 1996, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed the budgeted rates, a copy of the services and amounts are more particularly described on the attached Exhibit "A", and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480251.4707.102935 (Medical and Hospital 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.

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Carried. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

RESOLUTION NO. 164

by PUBLIC WORKS and FINANCE COMMITTEES

Seconded by Mrs. Sweet

RESOLUTION AUTHORIZING ABANDONMENT OF HIGHWAY RIGHT OF WAY ON COMMERCIAL DRIVE IN THE TOWN OF MAINE.

WHEREAS, the Superintendent of Highways requests that this County Legislature authorize the abandonment of the highway right of way on Commercial Drive in the Town of Maine, as indicated on the annexed Exhibit "A", and

WHEREAS, the Superintendent of Highways has determined that the highway right of way is no longer needed for County purposes and recommends that any and all rights to said right of way be abandoned by Broome County, and

WHEREAS, the prospective purchaser of said property which contains the highway right of way has agreed to pay the County an amount not to exceed \$2,500.00 for said abandonment, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the abandonment of any and all rights to the highway right of way located on Commercial Drive in the Town of Maine, more particularly described on the annexed Exhibit "A", and be it

FURTHER RESOLVED, that in consideration of said abandonment, Bettiol Services of Oneonta, Inc., P.O. Box 848, Oneonta, New York, 13820, shall pay the County an amount not to exceed \$2,500.00, and be it

FURTHER RESOLVED, that the payments hereinabove made shall be credited to budget line 080002.0212.301000 (Sales of Real Property), and be it

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

Carried. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

RESOLUTION NO. 165

by PUBLIC SAFETY & EMERGENCY SERVICES and FINANCE COMMITTEES

Seconded by Mrs. Sweet

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH ADIRONDACK-APPALACHIAN REGIONAL EMS COUNCIL FOR OFFICE AND EQUIPMENT RENTAL LOCATED AT THE OFFICE OF EMERGENCY SERVICES FOR 1996 THROUGH 1997.

WHEREAS, this County Legislature, by Resolutions 119 and 407 of 1995, authorized renewal of an agreement with Adirondack-Appalachian Regional EMS Council (AAREMS) for office space, furniture, copier access, telephone and fax service in the Office of Emergency Services Building located in the new Public Safety Facility for the period April 1, 1995 through March 31, 1996 with revenue to Broome County at the annual rate, for the last six months thereof of \$1,890.00 plus charges for various services, and

WHEREAS, said agreement expires by its terms on March 31, 1996, and it is desired at this time to renew said agreement for the period April 1, 1996 through March 31, 1997, on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Adirondack-Appalachian Regional EMS Council, c/o Mark Zeek, Box 212, Main Street, Speculator, New York

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12164, for office space, furniture, copier access, telephone and fax use in the new Public Safety Facility for the period April 1, 1996 through March 31, 1997, and be it

FURTHER RESOLVED, that in consideration of said services, the Adirondack-Appalachian Regional EMS Council shall pay the Broome County Office of Emergency Services the sum of \$1,890.00, plus copier, telephone and fax charges, for the terms of this agreement, and be it

FURTHER RESOLVED, that the revenue hereinabove authorized shall be credited to revenue line 460006.0068.101000 (Other Public Safety Departmental Income), and be it

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

Carried. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

RESOLUTION NO. 166

by HEALTH SERVICES and FINANCE COMMITTEES

Seconded by Mrs. Sweet

RESOLUTION AUTHORIZING ACCEPTANCE OF FUNDS FROM NEW YORK STATE OFFICE OF MENTAL HEALTH AND AGREEMENT WITH VOCATIONAL REHABILITATION SERVICES FOR SHELTERED WORKSHOP BUDGET DEFICIT FOR 1996.

WHEREAS, the Commissioner of Mental Health requests authorization to accept \$44,000 from the New York State Office of Mental Health in order to address a 1995 budget deficit for Sheltered Workshop for the Disabled, Inc., and to enter into an agreement with Vocational Rehabilitation Services for such purpose, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$44,000 from New York State Office of Mental Health for the period April 1, 1996 through December 31, 1996, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$44,000 for the period April 1, 1996 through December 31, 1996, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with Vocational Rehabilitation Services, a division of Sheltered Workshop for the Disabled, Inc., 204 Court Street, Binghamton, New York, 13902, for the period April 1, 1996 through December 31, 1996, and be it

FURTHER RESOLVED, that the County shall pay the Contractor \$44,000, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 470138.5009.104XXX (Vocational Rehabilitation Services), and be it

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

Carried. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

RESOLUTION NO. 167

by HEALTH SERVICES AND FINANCE COMMITTEES

Seconded by Mrs. Sweet

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH THE RESEARCH FOUNDATION, STATE UNIVERSITY

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OF NEW YORK, FOR THE DEPARTMENT OF MENTAL HEALTH FOR 1996.

WHEREAS, this County Legislature, by Resolution 451 of 1995, authorized an agreement with The Research Foundation, State University of New York for continuation of a graduate training program at a cost not to exceed \$5,345, and

WHEREAS, said agreement is sponsored by Broome County to provide graduate psychology students with clinical training in the Broome County community, and

WHEREAS, said agreement expired by its terms on December 31, 1995, and it is desired at this time to renew said agreement for the period January 1, 1996 through December 31, 1996, on substantially similar terms and conditions, with an increase in monthly cost, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with The Research Foundation, State University of New York, Office of Research and Sponsored Programs, P.O. Box 6000, Binghamton, New York, 13902 for the Department of Mental Health for the period January 1, 1996 through December 31, 1996, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$18,375.00 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 470013.4747.101000 (Other Fees for Services), and be it

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

Carried. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

RESOLUTION NO. 168

by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING and FINANCE COMMITTEES

Seconded by Mrs. Sweet

RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH SARBRO REALTY CORPORATION FOR OFFICE SPACE LOCATED AT 81 STATE STREET, BINGHAMTON, NEW YORK, FOR THE DEPARTMENT OF EMPLOYMENT AND TRAINING SOUTHERN TIER REGIONAL CAREER CENTER (STRCC) FOR 1995 THROUGH 1997.

WHEREAS, this County Legislature, by Resolutions 571 of 1994, and 428 of 1995, authorized an agreement with Sarbro Realty Corporation for office space located at 81 State Street, Binghamton, New York, for the Department of Employment and Training Southern Tier Regional Career Center (STRCC) for the period July 1, 1994 through June 30, 1997, at a cost of \$84,550 for the period July 1, 1994 through October 1, 1995, and \$97,216 annually beginning October 1, 1995 through June 30, 1997, and

WHEREAS, it is necessary to authorize the amendment of said agreement to increase the not to exceed amount, and

WHEREAS, the Office of Employment and Training 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 Sarbro Realty Corporation, 11 Charlotte Street, P.O. Box 1111, Binghamton, New York, 13902, for Southern Tier Regional Career Center (STRCC) for the period October 1, 1995 through June 30, 1997, and be it

FURTHER RESOLVED, that in consideration of said property, the

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County shall pay the Contractor for the period July 1, 1994 through June 30, 1997, total amount of \$84,550; for the period October 1, 1995 through June 30, 1996, total amount of \$97,216; and for the period July 1, 1996 through June 30, 1997, the total amount of \$101,410, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line Various.4422.308XXX (Building & Land Rental), and be it

FURTHER RESOLVED, that Resolutions 571 of 1994, and 428 of 1995, to the extent consistent herewith, shall remain in full force and effect, and be it

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

Carried. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

RESOLUTION NO. 169

by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING and FINANCE COMMITTEES

Seconded by Mrs. Sweet

RESOLUTION AUTHORIZING REVISION OF OFFICE OF EMPLOYMENT AND TRAINING JOB TRAINING PARTNERSHIP ACT TITLE IIC PROGRAM GRANT AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1994 THROUGH 1997.

WHEREAS, this County Legislature, by Resolution 222 of 1994, authorized the Office of Employment and Training Job Training Partnership Act Title IIC Program Grant for the period July 1, 1994 through June 30, 1997, and adopted a program budget in connection therewith in the total amount of \$452,403, 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 Office of Employment and Training Job Training Partnership Act Title IIC Program Grant for the period July 1, 1994 through June 30, 1997, in the total amount of \$405,346, 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 \$405,346 for the period July 1, 1994 through June 30, 1997, and be it

FURTHER RESOLVED, that Resolution 222 of 1994, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

Carried. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

RESOLUTION NO. 170

by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING, PERSONNEL and FINANCE COMMITTEES

Seconded by Mrs. Sweet

RESOLUTION AUTHORIZING REVISION OF OFFICE OF

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EMPLOYMENT AND TRAINING JOB TRAINING PARTNERSHIP ACT (JTPA) TITLE IIB PROGRAM GRANT AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1994 THROUGH 1997.

WHEREAS, this County Legislature, by Resolutions 201 and 311 of 1995, authorized the Office of Employment and Training JTPA Title IIB Program Grant for the period July 1, 1994 through June 30, 1997, and adopted a program budget in connection therewith in the total amount of \$861,474, 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 Office of Employment and Training JTPA Title IIB Program for the period July 1, 1994 through June 30, 1997, in the total amount of \$710,193, 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 \$710,193 for the period July 1, 1994 through June 30, 1997, and be it

FURTHER RESOLVED, that Resolutions 201 and 311 of 1995, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

transfers within the budgetary limits as set out in Exhibit "A" as attached hereto provided that said budget transfers do not affect a personnel line.

Carried. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

RESOLUTION NO. 171

by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING, PERSONNEL and FINANCE COMMITTEES

Seconded by Mrs. Sweet

RESOLUTION AUTHORIZING REVISION OF OFFICE OF EMPLOYMENT AND TRAINING JOB TRAINING PARTNERSHIP ACT TITLE IIC PROGRAM GRANT AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1995 THROUGH 1998.

WHEREAS, this County Legislature, by Resolutions 201 and 469 of 1995, authorized the Office of Employment and Training JTPA Title IIC Program Grant for the period July 1, 1995 through June 30, 1998, and adopted a program budget in connection therewith in the total amount of \$104,435, 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 Employment and Training JTPA Title IIC Program Grant for the period July 1, 1995 through June 30, 1998, in the total amount of \$255,716, 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 \$255,716 for the period July 1, 1995 through June 30, 1998, and be it

FURTHER RESOLVED, that Resolutions 201 and 469 of 1995, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the County Executive or his duly

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

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

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

Carried. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

RESOLUTION NO. 172 by COMMUNITY & SOCIAL SERVICES and FINANCE COMMITTEES

Seconded by Mrs. Sweet

RESOLUTION AUTHORIZING RENEWAL OF THE DEPARTMENT OF SOCIAL SERVICES LOW INCOME DAY-CARE PROGRAM AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1996 THROUGH 1997.

WHEREAS, this County Legislature, by Resolution 192 of 1995, authorized and approved the continued participation by the Department of Social Services in the Low Income Day-Care Program for the period April 1, 1995 through March 31, 1996 and adopted a program budget in the amount of \$169,273 , and

WHEREAS, said services are necessary to provide day care to low income families, and

WHEREAS, it is desired to renew said grant program for the period April 1, 1996 through March 31, 1997, in the amount of \$284,622, now therefore, be it

RESOLVED, that this County Legislature hereby authorizes and

approves acceptance of \$284,622 from the New York State Department of Social Services for the period April 1, 1996 through March 31, 1997, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$284,622 for the period April 1, 1996 through March 31, 1997, and be it

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

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

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

Carried. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

RESOLUTION NO. 173

by FINANCE and COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING COMMITTEES

Seconded by Mrs. Sweet

RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR THE OFFICE OF EMPLOYMENT AND TRAINING

RESOLVED, that in accordance with a request from the Office of Employment and Training, in order to provide funds to cover state

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retirement charges and to close out JTPA Program PY'93, as requested by BT# 10052, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Sub-object</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	720730	8040	308035	Workers' Compensation	\$ 300
TO :	720730	8010	308035	State Retirement	\$ 300

and be it

FURTHER RESOLVED, that in accordance with a request from the Office of Employment and Training, in order to provide funds to cover state retirement charges and to close out PY'93 IIB Youth Grant, as requested by BT# 10058, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Sub-object</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	720730	8030	308040	Social Security	\$ 594
	720730	8040	308040	Workers' Compensation	\$1,025
	720730	8070	308040	Unemployment Insurance	\$1,560
TO :	720730	8010	308040	State Retirement	\$3,179

Carried. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather &

Schofield)

RESOLUTION NO. 174

by PUBLIC SAFETY & EMERGENCY SERVICES and FINANCE COMMITTEES

Seconded by Mrs. Sweet

RESOLUTION AUTHORIZING REVISION OF THE BROOME COUNTY STOP-DWI PROGRAM HOLIDAY CLASSIC BASKETBALL TOURNAMENT GRANT, ADOPT A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH, AND AUTHORIZE THE ACCEPTANCE OF A GOVERNOR'S TRAFFIC SAFETY COMMITTEE GRANT FOR 1995 THROUGH 1996.

WHEREAS, this County Legislature, by Resolution 380 of 1995, authorized the Broome County STOP-DWI Program Holiday Classic Basketball Tournament Grant and adopted a program budget in connection therewith in the amount of \$74,300 for the period July 1, 1995 through June 30, 1996, and

WHEREAS, it is desired to revise said grant and accept a Governor's Traffic Safety Committee Grant in the amount of \$16,500 for the period October 1, 1995 through September 30, 1996, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the revision of the Broome County STOP-DWI Program Holiday Classic Basketball Tournament Grant for the period October 1, 1995 through September 30, 1996, in the amount of \$74,300, and be it

FURTHER RESOLVED, that this County Legislature authorizes the acceptance of a Governor's Traffic Safety Committee Grant in the amount of \$16,500, and be it

FURTHER RESOLVED, that this County Legislature hereby

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approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$74,300 for the period October 1, 1995 through September 30, 1996, and be it

FURTHER RESOLVED, that Resolution 95-380, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

Carried. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

RESOLUTION NO. 175 by COMMUNITY & SOCIAL SERVICES
and FINANCE COMMITTEES

Seconded by Mrs. Sweet

**RESOLUTION AUTHORIZING AGREEMENTS WITH
VARIOUS MANAGED CARE ORGANIZATIONS IN
CONNECTION WITH THE DEPARTMENT OF SOCIAL
SERVICES' MEDICAID MANAGED CARE PROGRAM
PURSUANT TO NEW YORK STATE REGULATION.**

WHEREAS, Broome County's Department of Social Services implemented a Medicaid Managed Care Program (MAX) in September 1991, and

WHEREAS, the MAX Program is a voluntary managed care

program which provides access to primary care services for nearly 4,000 Public Assistance and Medicaid eligible recipients, with current enrollment of approximately 16% of Broome County's eligible Medicaid recipients, and

WHEREAS, Broome County's Department of Social Services seeks to increase enrollment of Medicaid eligible recipients into managed care programs, and additional managed care programs and provider networks are required to ensure adequate capacity for Broome County's eligible Medicaid population, and

WHEREAS, New York State's Department of Health has implemented a new endeavor called "The Partnership Plan" which seeks to increase Medicaid recipient access to mainstream primary care practices, improve quality of care, and promote continuity, oversight and management of services to recipients in a cost-effective manner, and

WHEREAS, through a statewide procurement process, New York State's Department of Health and local social services districts will select managed care organizations that demonstrate a willingness to comply fully with established participation standards and submit an acceptable rate offer within New York State Department of Health guidelines, and

WHEREAS, New York State's Department of Health must obtain a federal waiver to implement a mandatory managed care program, but voluntary enrollments under New York State's Partnership Plan can commence, effective April 1, 1996, and Broome County's Department of Social Services will begin Partnership Plan enrollments on a voluntary basis effective April 1, 1996, and in the event New York State receives approval of its federal waiver request, it is anticipated New York State will mandate federally reimbursed categories of Public Assistance and Medicaid to enroll in a mandatory managed care plan, and

WHEREAS, New York State's Home Relief eligible population is also anticipated to be included in mandatory managed care in the event New York State is granted approval to receive federal reimbursement for its Home Relief eligibles, and

WHEREAS, these agreements are authorized by State and Federal

law, including Title XIX of the Social Security Act, Section 1115(a) of the Social Security Act, Social Services Law Sections 364-j and 365, and Article 5, Title II of the Social Services Law of New York, and

WHEREAS, Broome County's Department of Social Services is requesting authorization to enter into agreements effective April 1, 1996 through March 31, 1998, for the provision of full risk, capitated health plans, with managed care plans as approved by New York State's Department of Health and Broome County's Department of Social Services pursuant to New York State's Partnership Plan procurement process, now, therefore, be it

RESOLVED, this County Legislature hereby authorizes execution of contracts with various managed care organizations, in accord with New York State's Partnership Plan procurement process, and be it

FURTHER RESOLVED, payments made in connection herewith shall be made in accordance with approvals from the New York State Department of Social Services, from budget line 670083.4568.103000 (MMIS Medical Assistance) as authorized by this Legislature by each annual budget, and be it

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

Carried. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

RESOLUTION NO. 176

by FINANCE, PUBLIC WORKS and HEALTH SERVICES COMMITTEES

Seconded by Mr. Holley

RESOLUTION AMENDING THE 1996 CAPITAL IMPROVEMENT PROGRAMS FOR WILLOW POINT

NURSING HOME.

WHEREAS, this County Legislature by Resolution 94-475 previously authorized a capital project to complete remediation of asbestos at Willow Point Nursing Home, and

WHEREAS, O'Brien & Gere Engineers, having completed the preliminary design for this project, have revised the estimated costs to reflect increases due to recent regulatory changes and inflationary increases, now therefore be it

RESOLVED, that the 1996 Capital Improvement Program is hereby amended as follows:

FROM:

Project	Project		FAMIS	Year	Period
<u>Code</u>	<u>Title</u>	<u>Code</u>	<u>Start</u>	<u>Use</u>	
W-22C	WPNH-Asbestos Remediation PH III		502270	1996	
	5				

Project	<u>Distribution of Costs:</u>		<u>County Sources:</u>		
<u>Cost</u>	<u>Federal/Other</u>	<u>State</u>	<u>County</u>	<u>Bond</u>	
	<u>Transfer</u>				
\$332,840	\$0	\$0	\$332,840	\$0	
	\$332,840				

Project

Description: Remove and/or contain asbestos containing materials in the South Building, final phase, as determined by Asbestos Management Engineering Plan. Complete in six quarters; no stated impact upon operating budget. Requires a NYS Department of Health Certificate of Need.

TO:

Period

Project	Project		FAMIS	Year
	Probable			
<u>Code</u>	<u>Title</u>	<u>Code</u>	<u>Start</u>	<u>Use</u>
W-22C	WPNH-Asbestos Remediation PH III		502270	1996
	5			

Project	<u>Distribution of Costs:</u>		<u>County Sources:</u>		
<u>Cost</u>	<u>Federal/Other</u>	<u>State</u>	<u>County</u>	<u>Bond</u>	
	<u>Transfer</u>				
\$632,840	\$0	\$0	\$632,840	\$0	
	\$632,840				

Project
Description: Remove and/or contain asbestos containing materials in the South Building, final phase, as determined by Asbestos Management Engineering Plan. Complete in six quarters; no stated impact upon operating budget. Requires a NYS Department of Health Certificate of Need.

and be it

FURTHER RESOLVED, that in order to provide funding for said amendment that the 1996 Capital Improvement Program is further amended as follows:

FROM:

Project	Project		FAMIS	Year	Period
	Probable				
<u>Code</u>	<u>Title</u>	<u>Code</u>	<u>Start</u>	<u>Use</u>	
W-57	Resident Room Renovations		501329	1996	
	15				

Project	<u>Distribution of Costs:</u>		<u>County Sources:</u>		
<u>Cost</u>	<u>Federal/Other</u>	<u>State</u>	<u>County</u>	<u>Bond</u>	<u>Transfer</u>

\$2,480,000 \$0 \$0 \$2,480,000 \$2,010,000
 \$470,000

Project Description: No Change

TO:

Project	Project		FAMIS	Year	Period
<u>Code</u>	<u>Title</u>	<u>Code</u>	<u>Start</u>	<u>Use</u>	
W-57	Resident Room Renovations			501329	1996
	15				

Project	<u>Distribution of Costs:</u>			<u>County Sources:</u>	
<u>Cost</u>	<u>Federal/Other</u>	<u>State</u>	<u>County</u>	<u>Bond</u>	<u>Transfer</u>
\$2,480,000	\$0	\$0	\$2,480,000	\$2,310,000	
\$170,000					

Project Description: No Change

Carried. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

RESOLUTION NO. 177

by PUBLIC SAFETY & EMERGENCY SERVICES and FINANCE COMMITTEES

Seconded by Mrs. Sweet

RESOLUTION AUTHORIZING AN INCREASE OF PETTY CASH FUND FOR THE PUBLIC DEFENDER.

WHEREAS, the Public Defender currently has a petty cash fund which is inadequate for its current needs, and

WHEREAS, the department head has requested an increase of \$200.00 of said petty cash fund in order to have funds sufficient to meet its daily needs, and

WHEREAS, the Commissioner of Finance has determined that the petty cash fund should be increased by \$200.00, now, therefore, be it

RESOLVED, that this County Legislature hereby approves and

increases the petty cash fund for the Public Defender by \$200.00 to the total amount of \$300.00, and further authorizes the Commissioner of Finance to transfer \$200.00 to the petty cash fund previously established, and be it

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

Carried. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

RESOLUTION NO. 178

by ENVIRONMENT COMMITTEE

Seconded by Mrs. Sweet

RESOLUTION CONFIRMING APPOINTMENT OF GARY R. COLES TO MEMBERSHIP ON THE BROOME COUNTY FOREST PRACTICE BOARD.

WHEREAS, Timothy M. Grippen, Broome County Executive, pursuant to the powers vested in him by Section 9-0705 of the Environmental Conservation Law, has duly designated and appointed, pending confirmation by this Legislature, Gary R. Coles to membership on the Broome County Forest Practice Board, for a term expiring December 31, 1998, and

WHEREAS, it is desired at this point in time, in accordance with the provisions of Section 9-0705 of the Environmental Conservation Law to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Section 9-0705 of the Environmental Conservation Law, does hereby confirm the appointment of Gary R. Coles, P.O. Box 274, Route 26, Whitney Point, New York, 13862, to membership on the Broome County Forest Practice Board in accordance with his appointment by the County Executive.

Carried. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

RESOLUTION NO. 179 by ENVIRONMENT COMMITTEE

Seconded by Mrs. Sweet

RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE FISH AND WILDLIFE MANAGEMENT BOARD.

WHEREAS, Timothy M. Grippen, Broome County Executive, pursuant to the powers vested in him by Section 11-0501 of the New York State Environment Conservation Law, has duly designated and appointed, pending confirmation by this Legislature, the following named individuals to membership on the Fish and Wildlife Management Board for the terms indicated:

NAME TERM EXPIRING

Harry Woodfield 12/31/97
419 Upper Stella Ireland Road
Binghamton, New York 13905
(Sportsmens Rep.)

Donald Sherwood 12/31/97
P.O. Box 749
Whitney Point, New York 13862
(Alt. Sportsmens Rep.)

Robert Milgram 12/31/96
P.O. Box 620
Port Crane, New York 13833
(Landowner Rep.)

William T. Wike 12/31/97
607 Zimmer Avenue

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Endicott, New York 13760
(Legislative Rep.)
and

WHEREAS, it is desired at this point in time, in accordance with the provisions of Section 11-0501 of the New York State Environmental Conservation Law, to confirm said appointments, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Section 11-0501 of the New York State Environmental Conservation Law, does hereby confirm the appointments of the above-named individuals to membership on the Fish and Wildlife Management Board in accordance with their appointment by the County Executive.

Carried. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

RESOLUTION NO. 180

by ENVIRONMENT and FINANCE COMMITTEES

Seconded by Mrs. Sweet

RESOLUTION AUTHORIZING AN AGREEMENT WITH THE TOWNS OF BARKER, NANTICOKE AND MAINE FOR A HOST COMMUNITY AGREEMENT WITH RESPECT TO LANDFILL OPERATIONS.

WHEREAS, the Towns of Barker, Nanticoke and Maine (the "host communities") and the County of Broome have been negotiating a Host Community Benefit Agreement for several months, in connection with the present Broome County Landfill (now located in the Towns of Barker and Nanticoke) and any new landfill cells at the Broome County Landfill (to be located in the Towns of Barker and Nanticoke) (the present Broome County Landfill and any new cells at the Broome County Landfill are hereafter referred to as Landfill), and

WHEREAS, the Towns have recently submitted a new proposed agreement to the County for its review and comment, and

WHEREAS, it is deemed in the best interest of the County to make

a firm proposal to the three towns in an attempt to finalize this matter, now, therefore, be it

RESOLVED, that this County Legislature authorizes an agreement with the Towns of Barker, Nanticoke and Maine for host community benefits as part of the County's Landfill operations in the Towns of Barker and Nanticoke, and be it

FURTHER RESOLVED, the proposed Host Community Benefit Agreement shall, among other things, include the following points:

1. The County shall pay the host communities the following amounts per ton of municipal solid waste (MSW) tipped at the Landfill:

During 1996:	\$1.00
During 1997:	\$2.50
During 1998:	\$2.75
During 1999 and each year thereafter	\$3.00

Said payments shall be allocated among the host communities pursuant to their agreement as follows:

Town of Nanticoke	40%
Town of Barker	40%
Town of Maine	20%

As used herein the term MSW shall include, among other things, garbage, construction and demolition debris, leaf/yard waste, asbestos, tires, contaminated soil and any other waste products which are allowed to be disposed of at the Landfill pursuant to DEC permit.

A. In 1996, the County shall undertake a study to redesign the entrance to the Landfill to address the potential traffic hazards of the sharp curve on Knapp Road and to allow for adequate off-road truck queuing. The proposed redesign may include a traffic signal (if warranted) and/or a new queuing area within the property and the installation and/or construction of the same will be completed by the second quarter of 1997.

B. In addition to the County's payment to the host communities as set forth in paragraph 1, commencing in 1997, the County will contribute \$45,000 per year to the host communities to be applied to contractual payments to fire districts and/or volunteer fire companies for ambulance service and fire protection at the Landfill. Said \$45,000 payment will be allocated among the host communities pursuant to their agreement as follows:

Town of Nanticoke	33 1/3%
Town of Barker	33 1/3%
Town of Maine	33 1/3%

C. The County Executive shall include in said agreement, provisions relating to the continuance of the Nanticoke Landfill Citizen Advisory Committee as reflected in the "Nanticoke Landfill Memorandum of Understanding" dated December 2, 1985 with the addition of the host Town and County representatives as members. This committee shall retain all tasks, responsibilities and rights as expressed in the above mentioned memorandum including reviewing all landfill permits and modifications thereof and shall be permitted to retain an independent inspector at a cost to be charged against the Solid Waste

Management section of the County Budget not to exceed \$10,000 per year.

2. Commencing in year 2000 and continuing thereafter, the payments set forth in item 1 hereof shall be increased based upon the Consumer Price Index (Regional Northeast Consumer Price Index for the previous 12 months, June through July).

3. Language shall be included within this agreement providing that the host communities shall not sue or inhibit in any way the County's efforts to operate and expand the Landfill in return for payments detailed in this agreement.

4. The term of the agreement shall be 25 years or until the Landfill has been closed, whichever shall be later.

and be it,

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

Held over under the 'Rules' by Mr. Holley.

RESOLUTION NO. 181

by COMMUNITY AND SOCIAL SERVICES and FINANCE COMMITTEES

Seconded by Mr. Lindsey

RESOLUTION AUTHORIZING AGREEMENT WITH THE UNITED STATES DEPARTMENT OF VETERAN'S AFFAIRS AND THE SUNY HEALTH SCIENCE CENTER TO OPEN A VETERAN'S CLINIC IN BROOME COUNTY.

WHEREAS, the United States Department of Veteran's Affairs (VA) Hospital in Syracuse, New York, is willing to open a clinic in

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Broome County, and

WHEREAS, the SUNY Health Science Center (HSC) Clinical Campus has agreed to assist the VA with recruitment and selection of staff and will use said facilities for teaching opportunities, and

WHEREAS, the VA Clinic will create approximately 14 jobs with an annual payroll of \$1.25 million per year, and

WHEREAS, Broome County will agree to relocate its Veterans Service Center to this new clinic and will provide referrals and services, and

WHEREAS, Broome County Department of Social Services and Veterans Services will collaborate to refer veterans receiving medicaid to the VA Clinic, resulting in reduced medicaid expenditures, and

WHEREAS, Broome County will agree to provide the clinic space to the VA and HSC at County expense for the period July 1, 1996 through December 31, 1998, and

WHEREAS, the opening of this clinic will result in savings to the County over the term of this agreement, now, therefore, be it

RESOLVED, that this County Legislature authorizes an agreement with the United States Department of Veteran's Affairs, Syracuse, New York, and SUNY Health Science Center, Syracuse, New York, to open a clinic in Broome County to treat eligible veterans on the following terms and conditions:

- a)HSC will assist with recruitment and selection of staff of the VA Clinic and will use the facilities for teaching opportunities,
- b)Broome County will relocate its Veterans Service Agency in the same offices as the clinic and will provide referrals and services, and
- c)Broome County will lease the office space from the owner and sublease a portion to the clinic for the period July 1, 1996 through December 31, 2006. The lease will be at no cost to the VA for the period July 1, 1996 through December 31, 1998. Thereafter, the lease cost to the VA will be \$92,700 per year for the period January 1, 1999 through December 31, 2001, and \$97,900 per year for the period January 1, 2002 through December 31, 2006.

and be it further

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

Held over under the 'Rules' by Mr. O'Day.

RESOLUTION NO. 182

by COMMUNITY AND SOCIAL SERVICES COMMITTEE

Seconded by Mrs. Coffey & Mr. Lindsey

RESOLUTION AUTHORIZING AGREEMENT WITH J.M.I. PARTNERSHIP FOR OFFICE AND CLINIC SPACE FOR THE VETERAN'S SERVICE AGENCY.

WHEREAS, this County Legislature has authorized an agreement with United States Department of Veterans Affairs (VA) and SUNY Health Science Center (HSC) to open a veteran's clinic within Broome County, and

WHEREAS, one of the County's responsibilities under the agreement with the VA and HSC is to lease clinic and office space to be shared by the VA clinic and County's Veteran's Service Agency, now, therefore, be it

RESOLVED, that this County Legislature authorizes an agreement with J.M.I. Partnership, 201 Robinson Street, Binghamton, New York, 13904, for clinic and office space at the Airport Corporate Center for the Veteran's Service Agency and the VA clinic for the period July 1, 1996 through May 31, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the contractor an amount not to exceed \$87,000 per year for the first two years starting January 1, 1997 through December

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31, 1998; then \$92,700 per year for the term January 1, 1999 through December 31, 2001; and \$97,900 per year for the term January 1, 2002 through December 31, 2006, and be it

FURTHER RESOLVED, that payments hereinabove authorized shall be made from budget line 420000.4422.101000 (Building & 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.

Held over under the 'Rules' by Mrs. Coffey & Mr. O'Day.

RESOLUTION NO. 183

by PERSONNEL COMMITTEE

Seconded by Mrs. Sweet

RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUESTS FOR THE SHERIFF.

RESOLVED, that in accordance with a request from the Sheriff, as contained in PCR# 96-336, this County Legislature hereby authorizes the **change** of one (1) Correctional Facilities Director position at budget line A450023.1000, minimum salary \$50,042, Grade K, Union Code 02 (Admin) to one (1) First Assistant Correctional Facilities Administrator (DS/CO) position at budget line A450023.1000, minimum \$45,245, Grade I, Union Code 02 (Admin) and to also authorize hiring above the minimum at \$46,000 (\$755 or 1.7% greater), effective March 18, 1996, and be it

FURTHER RESOLVED, that in accordance with a request from the Sheriff, as contained in PCR# 96-337, this County Legislature hereby authorizes the **creation** of one (1) Second Assistant Correctional

Facilities Administrator (DS/CO) position at budget line A450023.1000, minimum \$38,048, Grade F, Union Code 02 (Admin) and to also authorize hiring above the minimum at \$39,000 (\$952 or 2.5% greater), effective April 18, 1996, and be it

FURTHER RESOLVED, that in accordance with a request from the Sheriff, and in concurrence with CGR, as contained in PCR #96-342, this County Legislature hereby authorizes the deletion of one (1) Deputy Sheriff Captain position at budget line A450056.1000, Grade NA, Union Code 05 (AFSCME), minimum salary \$39,989, effective March 18, 1996, and be it

FURTHER RESOLVED, that in accordance with a request from the Sheriff, as contained in PCR# 96-296, this County Legislature hereby authorizes the **creation** of one (1) Correction Sergeant position at budget line A450023.1000, minimum salary \$35,403, Grade NA, Union Code 05 (AFSCME), effective April 18, and be it

FURTHER RESOLVED, that in accordance with a request from the Sheriff, in order to provide funding for the aforementioned positions, as requested by BT# 9796, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index</u>	<u>Sub-</u>	<u>Project</u>	
	<u>Code</u>	<u>object</u>	<u>Code</u> <u>Title</u>	<u>Amount</u>
FROM:	900084	4752	101000 Contingent Account	
				\$13,258
	450056	1000	101000 Salaries, Full-Time	
				\$32,495
TO :	450023	1000	101000 Salaries, Full-Time	
				\$41,905

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	450023	8010	101000	State Retirement	\$ 321
	450023	8030	101000	Social Security	\$ 722
	450023	8040	101000	Workers Compensation	\$
236					
	450023	8050	101000	Life Insurance	\$
15					
	450023	8060	101000	Health Insurance	\$ 2,554

Carried. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

RESOLUTION NO. 184

by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING COMMITTEE

Seconded by Mrs. Sweet

RESOLUTION EXPRESSING THE NEED TO PROVIDE RELIABLE GAS SERVICE NOW AND IN THE FUTURE

WHEREAS, Broome County requires the continuation of a reliable supply of natural gas to existing homes and businesses, and

WHEREAS, an increase to the capacity of the natural gas system is required to continue new hookups of homes and businesses, and

WHEREAS, Broome County places a high priority on economic development which requires a reliable and adequate supply of natural gas, and

WHEREAS, NYSEG, on March 14, 1995, filed with the State of New York Public Service Commission (PSC) an application for a Certificate of Environmental Compatibility and Public Need for the construction of the Seneca Lake Storage Project Gas Transmission

Facilities (the "project"), and

WHEREAS, within its application, NYSEG filed a motion for severance of the issues and for a bifurcation of proceedings and for separate decision such that Phase I of the proceedings would address the total project need and certification of the west line routing and Phase II of the proceedings would address east line routing, and

WHEREAS, such bifurcation of the proceedings was required to permit the construction of the west line and compressor station in advance of the east line so as to permit the entire project to proceed in an orderly fashion and be in service for the winter 1996/1997, and

WHEREAS, on September 14, 1995, the PSC issued Opinion No. 95-15 granting a Partial Certificate of Environmental Compatibility and Public need to NYSEG for Phase I of the proceeding, and

WHEREAS, there is a need to provide for the continued reliability and additional capacity to serve the present and future natural gas needs of Broome County, and

WHEREAS, at this time before the PSC are those issues to be decided under Phase II of the Article VI proceeding in which NYSEG seeks the certification of the east line route which includes two M & R stations and approximately 8.1 miles of the east pipeline in Broome County, and

WHEREAS, the transition to the cleaner natural gas is deemed environmentally desirable, now, therefore be it

RESOLVED, that Broome County affirms the need and economic benefits associated with providing additional gas capacity and urges the expeditious review by the NYS Public Service Commission of an environmentally compatible strategy to achieve same, and be it

FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to John F. O'Mara, Chairman of the Public Service Commission.

Carried. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather &

Schofield)

RESOLUTION NO. 185

by HEALTH SERVICES and FINANCE COMMITTEES

Seconded by Mr. Wike

RESOLUTION REQUESTING THE STATE EDUCATION DEPARTMENT TO GRANT BROOME COUNTY AUTHORITY TO CONTINUE PAYING SERVICE PROVIDERS OF PRESCHOOL STUDENTS WITH DISABILITIES AT 1994-1995 RATES.

WHEREAS, the State Education Department notified the County Health Department Division of Child Development that it was retroactively increasing the rates paid to service providers for 1995-1996, and

WHEREAS, these retroactive rate adjustments will cost Broome County \$1,044,272 over projected expenditures, and

WHEREAS, the County Health Department was not notified of these rate adjustments until March 27, 1996, after the 1996 County budget was adopted, and

WHEREAS, the State has compounded this problem by failing to reimburse Broome County for over \$1.85 million which represents the State's share of program costs, and

WHEREAS, the State has advised if medicaid and welfare reforms are not adopted by the Federal government, the State will not be able to adequately fund an appropriation to reimburse retroactive claims for County preschool program expenditures, and

WHEREAS, this will result in the County's paying the entire cost of

the preschool program with the State planning to reimburse the County for the State's share of preschool program expenditures over a three to five-year period, and

WHEREAS, this County is opposed to being required to finance the State's deficit by having to assume the State's statutory fiscal liability, and

WHEREAS, the County wishes to balance the needs of its preschool students with disabilities with its inability to "lend" County tax resources to the State to fund the State's obligations, now, therefore, be it

RESOLVED, that Broome County hereby appeals the 1995-1996 rate certificate increase for the preschool students with disabilities program set forth in the March 27, 1996, letter to the County Health Department from the State Education Department, and be it

FURTHER RESOLVED, that the County requests that the rate certificates for this program be held at the 1994-1995 rates and the suggested rate increases be placed as pending, and be it

FURTHER RESOLVED, that certified copies of this resolution be furnished to Thomas Hamel, Program Services Unit, State Education Department; the Commissioner of the State Education Department; Hon. George Pataki, Governor; Hon. Joseph Bruno, Senate Majority Leader; Hon. Sheldon Silver, Assembly Speaker; Hon. Thomas Libous; Hon. Jay Dinga; and Hon. Robert Warner.

Carried. Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)

Mr. Augostini moved, seconded by Mr. Pasquale to **adjourn** at 4:31 P.M. The adjournment **carried.** Ayes-15, Nays-0, Absent-4 (Howard, Kavulich, Mather & Schofield)