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**BROOME COUNTY LEGISLATURE  
REGULAR SESSION  
THURSDAY, FEBRUARY 19, 2004**

The Legislature convened at 5:04 p.m. with a call to order by the Chair, Daniel A. Schofield. The Clerk, Louis P. Augustini, read the fire exit announcement and called the Attendance Roll, Present-16, Absent-3 (Brunza, Mather, Shafer).

The Chair, Mr. Schofield, led the members of the Legislature in the Pledge of Allegiance to the Flag, followed by a prayer offered by Legislator Hudak.

Mr. Miller made a motion, seconded by Mr. Burger, that the minutes of the January 22, 2004 be approved as prepared and presented by the Clerk. **Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

Mr. Schofield noted that the committee minutes for the period January 22, 2004 through February 18, 2004 had been distributed to the members of each committee for review and that they are also on file in the Clerk's Office. The Clerk indicated that a quorum of all committees were present. Mr. Schofield asked for corrections to the committee minutes. Seeing none, a motion to approve the committee minutes was made by Mr. Wike, seconded by Mr. Miller. **Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

**ANNOUNCEMENTS FROM THE CHAIR**

Chair Schofield announced that he is currently working on a proposal for a Metro Library System, which would include Johnson City, Endicott, Binghamton and Vestal. Funding would continue to rural libraries until such time as they want to join the Metro Library System.

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

- A. Letters from the County Executive, Jeffrey P. Kraham:
  - 1. Appointment to the Binghamton Regional Airport Advisory Board
  - 2. Appointments to the Broome County Family Violence Prevention Council

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

- A. Petitions: None
- B. Communications:
  - 1. Minutes:
    - a. EMC Natural Resources Committee 1/22/04
    - b. EMC Recycling & Waste Management Committee 12/15/03
    - c. Broome County Soil & Water Conservation District 1/6/04
    - d. Cornell Cooperative Extension of Broome County 11/20/03
    - e. Broome County Fire Advisory Board 12/18/03
    - f. Broome County Association of Municipal Clerks 1/15/04
  - 2. NYS Department of Agriculture and Markets-Receipt of materials for review of Broome County Agricultural District No. 5
  - 3. Personnel-Tentative agreement between County of Broome and Local 2012 Security and Law Enforcement Council 82 AFSME, AFL-CIO
  - 4. NYS Department of Environmental Conservation-Preliminary Environmental Assessment at 2011 East Main Street, Endicott
  - 5. IBM-Update on the Village of Endicott Groundwater Vapor Project 1/30/04
  - 6. Office of the Sheriff-Breakdown of the STEP Grant fringe benefits
- C. Notices: None

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D. Reports:

1. Department of Finance-Fourth Quarterly Report of 2003 Sales Tax Collections
2. BCC-December 2003 Budget Transfers
3. BCC-Above Minimum Hire Report
4. Board of Elections-2003 Annual Report
5. Broome County 2004 Salary Schedule
6. Office for Aging Plan for Services 2004-2008
7. Personnel-Broome County Employee Handbook
8. BCC-Audited Financial Statements year ending 8/31/03

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

Letters from the Chair, Daniel A. Schofield:

1. Designation for Mr. Wike 2/5/04
2. Designations for Mr. Shafer & Mr. Miller 2/9/04
3. Designation for Ms. Nannery 2/9/04
4. Designation for Ms. Nannery 2/12/04
5. Designations for Mr. Lindsey & Mr. Miller 2/12/04

Mr. Kuzel made a motion, seconded by Mr. Burger, to receive and file the above referenced reports and to authorize and direct the Clerk to index said reports in the 2004 JOURNAL OF PROCEEDINGS and to publish pertinent portions of said reports as may be directed by the Chair. **Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

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

**RESOLUTION RECALLED FROM PREVIOUS SESSION**

Mr. Lindsey made a motion to recall Resolution No. 26 of 2004, seconded by Mr. Howard. **Motion to recall carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

**RESOLUTION NO. 26**

By County Administration

Seconded by Mr. Lindsey

**RESOLUTION REQUESTING THE NEW YORK STATE LEGISLATURE NAME THE NEW YORK STATE PARK AT CHENANGO VALLEY THE LESTER R. STONE, JR. STATE PARK**

WHEREAS, Lester R. Stone, Jr. of Harpursville, New York at the age of 22 years paid the supreme sacrifice for his Country as an infantryman with the US Army in Vietnam, and

WHEREAS, Lester R. Stone, Jr., inducted into the Army of the United States on January 16, 1968, carried the badge of Combat Infantryman with honor and distinction, and

WHEREAS, Lester R. Stone, Jr. rose to the rank of Sergeant and served his Country well, earning numerous medals, including this Country's highest military recognition of services and valor in combat, the Medal of Honor, as well as the Bronze Star, the Purple Heart, the National Defense Service Medal, the Vietnam Service Medal, the Vietnam Campaign Medal (Vietnamese) and the Good Conduct Medal, and

WHEREAS, the President of the United States awarded Sergeant Stone the Medal of Honor posthumously for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty:

"Sergeant Lester R. Stone, Jr., distinguished himself on 3 March 1969 while serving as squad leader of the 1<sup>st</sup> Platoon, Company B 1<sup>st</sup> Battalion, 20<sup>th</sup> Infantry, 11<sup>th</sup> Infantry Brigade, 23<sup>rd</sup> Infantry Division (America). On this date, the 1<sup>st</sup> Platoon was on a combat patrol mission just west of Landing Zone Liz when it came under intense automatic weapons and grenade fire from a well-conceal company-size force of North Vietnamese regulars. Observing the platoon

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machine gunner fall critically wounded, Sergeant Stone rushed into the open area to the side of his injured comrade. Utilizing the machine gun, Sergeant Stone remained in the exposed area to provide cover fire for the wounded soldier who was being pulled to safety by another member of the platoon. With enemy fire impacting all around him, Sergeant Stone had a malfunction in the machine gun, preventing him from firing the weapon automatically. Displaying extraordinary courage under the most adverse conditions, Sergeant Stone repaired the weapon and continued to place on the enemy positions effective suppressive fire, which enabled the rescue to be completed. In a desperate attempt to overrun his position, an enemy force left its cover and charged Sergeant Stone. Disregarding the danger involved, Sergeant Stone rose to his knees and began placing intense fire on the enemy at pointblank range, killing six of the enemy before falling mortally wounded. His actions of unsurpassed valor were a source of inspiration to his entire unit, and he was responsible for saving the lives of a number of his fellow soldiers. His actions were in keeping with the highest traditions of the military professions and reflect great credit on him, his unit, and the United States Army.”

and

WHEREAS, the Broome County Legislature, in its great respect and admiration for our young men and women who serve this Nation in time of need, wishes to honor the memory and the bravery of Sergeant Lester R. Stone, Jr., now, therefore, be it

RESOLVED, that this County Legislature request that the Legislature of the State of New York name the New York State Park at Chenango Valley in honor of Lester R. Stone, Jr., recipient of our Nation’s highest military honor, the Medal of Honor, and be it

FURTHER RESOLVED, that the Clerk of this Legislature is hereby directed to send a copy of this Resolution to Governor George E. Pataki, Senate Majority Leader Joseph Bruno, Assembly Speaker Sheldon Silver, Senator Thomas W. Libous, Assemblyman Robert J. Warner, Assemblyman Clifford Crouch, Assemblyman Gary Finch and the New York State Association of Counties.

Mr. Lindsey made a motion to table the resolution to a date uncertain, seconded by Mr. Kolba. **Motion to table carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

#### **RESOLUTIONS HELD OVER FROM PREVIOUS SESSION**

##### **RESOLUTION NO. 9**

By County Administration and Public Safety & Emergency Services Committees

Seconded by Mr. Brunza

**RESOLUTION REQUESTING THE NEW YORK STATE LEGISLATURE ADOPT APPROPRIATE LEGISLATION TO IMPOSE AN ADDITIONAL SURCHARGE ON VEHICLE AND TRAFFIC AND CRIMINAL FINES TO COVER RELATED COUNTY EXPENSES**

Following a poll of the County Administration Committee, Mr. Kolba withdrew the resolution.

##### **RESOLUTION NO. 24**

By Personnel Committee

Seconded by Mr. Wike

**RESOLUTION AMENDING PERSONNEL RULES AND ESTABLISHING A FORMAL SICK BANK RULES DOCUMENT FOR BROOME COUNTY ADMINISTRATIVE PERSONNEL**

Mr. Marinich made a motion, seconded by Mr. Howard, to amend the resolution, replacing Exhibit “A” Summary of Changes and Exhibit “C” Sick Bank Rules. **Amendment carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer). **Resolution as amended carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

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**RESOLUTIONS INTRODUCED AT THIS SESSION**

**RESOLUTION NO. 36**

By Public Works and Finance Committees

Seconded by Mr. Burger

**RESOLUTION AUTHORIZING AGREEMENT WITH C & S ENGINEERS, INC. FOR PROFESSIONAL ENGINEERING DESIGN SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS FOR 2004-2006**

WHEREAS, the Commissioner of Public Works requests authorization for an agreement with C & S Engineers, Inc. for professional engineering design services for the Department of Public Works at a cost not to exceed \$227,021 for the period February 15, 2004 through October 15, 2006, and

WHEREAS, said agreement is necessary for professional engineering design services for the replacement of County Bridge 3349530 (PIN 9752.67) on CR69 (Airport Road) over Little Choconut Creek, Town of Maine, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with C & S Engineers, Inc., 499 Colonel Eileen Collins Boulevard, Syracuse, New York 13212, for professional engineering services, for the Department of Public Works for the period February 15, 2004 through October 15, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$227,021 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 035030.4746.502358 (Tobacco Funds), and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

**RESOLUTION NO. 37**

By Finance Committee

Seconded by Mr. Burger

**RESOLUTION AUTHORIZING CANCELLATION OF REAL PROPERTY TAXES, PENALTIES AND INTEREST ON PARCELS IN THE TOWNS OF UNION, WINDSOR, COLESVILLE LISLE AND KIRKWOOD**

WHEREAS, it is necessary to clear the tax records parcels of real property by virtue of the reasons stated below, now, therefore, be it

RESOLVED, that taxes, penalties and interest will be cancelled on the following parcels of real property:

Parcel ID:	141.11-5-14
Town/Village:	Union
Owner:	Watkins
2002 amount to be cancelled:	\$ 31.35
2003 amount to be cancelled:	\$158.14
Reason:	Property was incorrectly transferred

Parcel ID	213.00-1-2
Town/Village	Windsor
Owner	State of New York
Address	348 Mcallister Road
Amount to be cancelled	\$ 98.85
Reason	Should not have been levied on the tax bills

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Parcel ID	164.04-1-24.2
Town/Village	Windsor
Owner	State of New York
Address	70 Smith Road
Amount to be cancelled	\$ 87.17
Reason:	Should not have been levied on the tax bills
Parcel ID	000.—(Parcel no longer exist)
Town/Village	Colesville
Owner	State of New York
Address	Trans
Amount to be cancelled	\$ 8.02
Reason:	Should not have been levied on the tax bills
Parcel ID	163.01-2-34
Town/Village	Kirkwood
Owner	State of New York
Address	216 Haskins Road
Amount to be cancelled	\$ 4.67
Reason:	Should not have been levied on the tax bills
Parcel ID	000.-- (Parcel no longer exist)
Town/Village	Lisle
Owner	State of New York
Address	Trans
Amount to be cancelled	\$ 8.97
Reason:	Should not have been levied on the tax bills

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

#### **RESOLUTION NO. 38**

By Health & Human Services and Finance Committees Seconded by Mr. Burger  
**RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH REHABILITATION SERVICES, INC. FOR THERAPY SERVICES FOR THE WILLOW POINT NURSING HOME FOR 2004**

WHEREAS, this County Legislature, by Resolution 385 of 2002, authorized renewal of the agreement with Rehabilitation Services, Inc. for Therapy Services for the Willow Point Nursing Home at an amount not to exceed \$76,409, for the period January 1, 2003 through December 31, 2003, and

WHEREAS, said services are necessary to provide physical, occupational and speech therapy services in the absence of a staff therapist and increase Medicare reimbursement at Willow Point Nursing Home, and

WHEREAS, said agreement expired by its terms on December 31, 2003, and it is desired at this time to renew said agreement on substantially similar terms and conditions and an increase in cost, for an amount not to exceed \$103,370, for the period January 1, 2004 through December 31, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with Rehabilitation Services, Inc., P.O. Box 1220, Vestal, New York 13851-1220 for physical, occupational and speech therapy services and hearing evaluations for the Willow Point Nursing Home for the period January 1, 2004 through December 31, 2004, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$103,370 for the term of the agreement, at the following rates:

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Speech Therapist	\$65.00 per hour
Occupational and Physical Therapist	\$62.70 per hour
Physical Therapist Assistant and Certified Occupational Therapist Assistant	\$49.50 per hour
Hearing Evaluations	No cost to the County

and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 160234/160226/160242.4706.204000 (Rehabilitation and Therapy Services), and be it

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

**Carried,** Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

### **RESOLUTION NO. 39**

By Economic Development & Planning, Health & Human Services and Finance Committees  
Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING AGREEMENT WITH COURTERBACK DEVELOPMENT COMPANY, LLC TO REPLACE PRIOR AGREEMENT FOR LEASE OF SPACE AT 171 FRONT STREET for 2004-2018**

WHEREAS, this County Legislature, pursuant to Resolution Number 278 of 2001, authorized an agreement with Courterback Development Company, LLC. for the lease of space at 171-175 Front Street, Binghamton, New York for use by the Office of Employment and Training and the Department of Social Services in connection with providing various job training programs, and

WHEREAS, there is additional space at the facility that is not now being leased by the County and the County has the opportunity to sub-lease space at the facility to the New York State Department of Labor at a per square foot cost in excess of the square foot cost of the present premises, and

WHEREAS, the parties wish to renegotiate the present lease to incorporate the additional square footage and clarify certain ambiguities in the present lease, now, therefore, be it

RESOLVED, that this County Legislature, in the event New York State agrees to sublease the additional 5,000 square feet, hereby authorizes a replacement agreement with Courterback Development Company, LLC, 49 Court Street, Binghamton, New York for the lease of up to 32,000 square feet at \$10.95 per square foot which is the square foot cost of the existing lease on the following terms and conditions:

1. The term of the replacement lease shall be fifteen years from January 1, 2004.
2. In the event the New York State Department of Labor sub-leases up to 5,000 square feet, Courterback Development Company will invest \$80,000 to remodel the subleased premises to the specifications of the Labor Department.
3. Broome County shall have the use of the entire parking area on the leased premises at no additional cost.
4. Courterback Development will be responsible for utility costs during and outside normal business hours, subject to the caps set forth in Item 5.

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5. Utility costs and real property taxes shall be capped at the actual amount paid in 2003 with any increases in subsequent years to be paid by the County.
  6. The County shall have the option to cancel the lease at the end of the fifth year or end of the tenth year provided the County pays 50% of the base lease payments that would have become due until the end of the original term.

and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$10.95 per square foot not to exceed \$350,400 annually, plus any utility and tax adjustment for the term of the lease, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines various.4422.308044 and 4422.308045, 670018.4422.103000, 670455.4422.102204, 670455.4422.104277, 670455.4422.10426, and 670455. 4422.104245 (Building and Land Rental), and be it

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

Mr. Pasquale made a motion, seconded by Ms. Hudak, amending the resolution to add the following:

7. The County's lease of the additional square footage shall remain in effect only for so long as New York State subleases it, and any unrealized rent to the owner for the additional space shall not be the responsibility of Broome County.

**Amendment carried, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer). Held over 'under the rules' by Mr. Kolba.**

### RESOLUTION NO. 40

By Public Works and Finance Committees Seconded by Mr. Burger  
**RESOLUTION AUTHORIZING THE BROOME COUNTY DIVISION OF SOLID WASTE MANAGEMENT TO CHARGE OFF A BAD DEBT**

WHEREAS, the Commissioner of Public Works has requested authorization to write off the uncollectable landfill account of Phillips Foundry, Inc. totaling \$11,781.01 for 2002 in the Division of Solid Waste Management, and

WHEREAS, Phillips Foundry, Inc. filed for bankruptcy under Chapter 11, it has been determined that the account is uncollectable, and

WHEREAS, the Commissioner of Public Works requests authorization to consider the Phillips Foundry, Inc. account for 2002 as uncollectable and to remove such amount from the Division of Solid Waste Management records, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the Commissioner of Public Works to write off as uncollectable the following account for the reason stated:

<u>Account Number</u>	<u>Customer</u>	<u>Disposition</u>	<u>Amount</u>
218	Phillips Foundry, Inc. 216 Broome Corporate Parkway Conklin, New York 13748	Filed Chapter 11 on August 7, 2002 Case Number 02-64699	\$11,781.01

and be it

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FURTHER RESOLVED, that the Commissioner of Public Works, the Commissioner of Finance and the Comptroller are authorized to make all necessary accounting entries to effectuate the intent and purpose of this Resolution.

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

#### **RESOLUTION NO. 41**

By Health & Human Services, Personnel and Finance Committee                      Seconded by Mr. Burger  
**RESOLUTION AUTHORIZING RENEWAL OF THE DENTAL ACCESS AND CASE MANAGEMENT PROGRAM GRANT FOR DEPARTMENT OF SOCIAL SERVICES AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2004**

WHEREAS, this County Legislature, by Resolution 139 of 2002, authorized and approved the Dental Access and Case Management Program Grant for the Department of Social Services and adopted a program budget in the amount of \$91,137 for the period April 1, 2002 through December 31, 2003, and

WHEREAS, said grant program provides case management and technical support in assisting private dental practices and United Health Services to improve access to dental care and improve dental health for Medicaid recipients, and

WHEREAS, it is desired to renew said grant program in the amount of \$59,436 for the period January 1, 2004 through December 31, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$30,767 in State Aid, \$15,384 in Federal Aid and \$2,000 in Miscellaneous Contributions for the Department of Social Services' Dental Access and Case Management Program Grant for the period January 1, 2004 through December 31, 2004, 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 \$59,436, 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 (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

#### **RESOLUTION NO. 42**

By Health & Human Services Committee    Seconded by Mr. Burger  
**RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME COUNTY YOUTH BUREAU ADVISORY BOARD**

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



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<u>NAME</u>	<u>TERM EXPIRING</u>
Lynne Esquivel 14 Devon Drive Endicott, New York 13760	New Appointment Term Expires 12/13/06

and

WHEREAS, it is desired at this time to confirm said appointments, now, therefore, be it  
RESOLVED, that this County Legislature, pursuant to the provisions of Resolution 163 of  
1971 and Resolution 133 of 1976 confirms the appointments of the above-named individuals to  
membership on the Broome County Youth Bureau Advisory Board for the terms indicated, in  
accordance with their appointment by the County Executive.  
**Carried, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).**

### **RESOLUTION NO. 43**

By Education, Culture & Recreation Committee Seconded by Mr. Burger  
**RESOLUTION CONFIRMING AN APPOINTMENT TO MEMBERSHIP ON THE BROOME  
COUNTY ARENA BOARD OF DIRECTORS**

WHEREAS, Jeffrey P. Kraham, County Executive, pursuant to the authority vested in him  
by Article XXIV, Section 2408 of the Broome County Charter and Code, has duly designated and  
appointed the following named individual to membership on the Broome County Arena Board of  
Directors, for the term indicated, subject to confirmation by this County Legislature:

<u>NAME</u>	<u>TERM EXPIRING</u>
Jay Wilber 3714 Highview Drive Endicott, New York 13760	New Appointment Term Expires 12/31/06

and

WHEREAS, it is desired at this time to confirm said appointment, now, therefore, be it  
RESOLVED, that this County Legislature, pursuant to the provisions of Article XXIV,  
Section 2408 of the Broome County Charter and Code, hereby confirms the appointment of the  
above-named individual to membership on the Broome County Arena Board of Directors for the  
term indicated, in accordance with his appointment by the County Executive.  
**Carried, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).**

### **RESOLUTION NO. 44**

By Economic Development & Planning, County Administration, Personnel and Finance  
Committees Seconded by Mr. Kolba  
**RESOLUTION AUTHORIZING RENEWAL OF THE WORKFORCE DEVELOPMENT SERVICES  
GRANT FROM TIOGA COUNTY FOR THE COUNTY EXECUTIVE'S ECONOMIC  
DEVELOPMENT DIVISION AND ADOPTING A PROGRAM BUDGET IN CONNECTION  
THEREWITH FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 585 of 2002, authorized and approved  
the Workforce Development Services Grant from Tioga County for the County Executive's  
Economic Development Division and adopted a program budget in the amount of \$10,000 for  
the period September 1, 2002 through August 31, 2003, and

WHEREAS, said grant program provides funding for Temporary Help Administrative  
Services provided to Tioga County by the Workforce Development Board, and

WHEREAS, it is desired to renew said grant program in the amount of \$10,000 for the  
period September 1, 2003 through August 31, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of  
\$10,000 from Tioga County for the Workforce Development Services Grant for the County  
Executive's Economic Development Division for the period September 1, 2003 through August  
31, 2004, and be it

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FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$10,000, 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 (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

#### **RESOLUTION NO. 45**

By Transportation and Finance Committees

Seconded by Mr. Burger

#### **RESOLUTION AUTHORIZING THE ASSIGNMENT OF AN AGREEMENT FROM MESABA AIRLINES, INC., TO NORTHWEST AIRLINES, INC., FOR OPERATING RIGHTS, LEASEHOLD SPACE AND RELATED SERVICES AT THE GREATER BINGHAMTON AIRPORT**

WHEREAS, the County Legislature, by Resolution 172 of 2001, authorized an agreement with Mesaba Airlines, Inc. for operating rights, leasehold space and related services at the Greater Binghamton Airport for the period April 1, 2001 through December 31, 2005, and

WHEREAS, Mesaba Airlines, Inc. wishes to assign its operating rights and privileges at the Greater Binghamton Airport to Northwest Airlines, Inc., which has agreed to accept the assignment, and

WHEREAS, the Commissioner of Transportation agrees with said assignment and requests authorization to consent to said assignment, now, therefore, be it

RESOLVED, that this County Legislature hereby consents to the assignment by Mesaba Airlines, Inc. to Northwest Airlines, Inc., 5101 Northwest Drive, St. Paul, MN 55111-3034 of a certain agreement entered into by and between Mesaba Airlines, Inc. and Broome County on or about February 7, 2003 subject to the same terms and conditions set forth in said agreement between Broome County and Mesaba Airlines, Inc., and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

#### **RESOLUTION NO. 46**

By Finance Committee

Seconded by Mr. Burger

#### **RESOLUTION AUTHORIZING CORRECTION OF ERRORS ON 2004 TOWN AND COUNTY TAX ROLLS**

WHEREAS, applications for Correction of Errors on 2004 Town and County Tax Rolls have been duly filed with the Director of Real Property Tax Service for the County of Broome, and

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

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

#### **RESOLUTION NO. 47**

By Health & Human Services and Finance Committees

Seconded by Mr. Burger

#### **RESOLUTION AUTHORIZING AN AGREEMENT WITH PROFESSOR SURINDER KAHAI FOR PROFESSIONAL SERVICES FOR THE DEPARTMENT OF HEALTH FOR 2004-2005**

WHEREAS, the Public Health Director requests authorization for an agreement with Professor Surinder Kahai for professional services for the Department of Health at a rate of \$100 per hour for 100 hours of service, total cost not to exceed \$10,000, for the period February 19, 2004 through February 18, 2005, and

WHEREAS, said services are necessary to develop complex queries to facilitate increased revenue from third party payers, improved cost report data, communicable disease tracking and electronic data sharing across health department divisions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Professor Surinder Kahai, 1040 Glenwood Road, Vestal, New York 13850-3239, for professional services, for the Department of Health for the period February 19, 2004 through February 18, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at a rate of \$100 per hour for 100 hours of service, total cost not to exceed \$10,000, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480228.4457.various and 480301.4457.various (Subcontracted Program Expense), and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

#### **RESOLUTION NO. 48**

By Health & Human Services, Personnel and Finance Committees

Seconded by Mr. Burger

#### **RESOLUTION AUTHORIZING REVISION OF THE PREVENTIVE DENTISTRY/DENTAL SEALANT PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 408 of 2003, authorized and approved renewal of the Preventive Dentistry/Dental Sealant Program Grant for the Department of Health and adopted a program budget in connection therewith in the total amount of \$134,872 for the period October 1, 2003 through September 30, 2004, and

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

WHEREAS, it is necessary at this time to revise said program to reflect a decrease in the amount of \$40,000 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Preventive Dentistry/Dental Sealant Program Grant to reflect a decrease of \$40,000 for the period October 1, 2003 through September 30, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$94,872, and be it

FURTHER RESOLVED, that Resolution 408 of 2003, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

### **RESOLUTION NO. 49**

By Health & Human Services and Finance Committees

Seconded by Mr. Burger

#### **RESOLUTION AUTHORIZING AGREEMENT WITH VARIOUS VENDORS FOR SERVICES FOR THE DEPARTMENT OF HEALTH'S EARLY INTERVENTION PROGRAM AND PRESCHOOL EDUCATION PROGRAM FOR 2004-2006**

WHEREAS, the Director of Public Health requests authorization for an agreement with various vendors for services for the Department of Health's Early Intervention Program for the period March 1, 2004 through December 31, 2005 at rates set by the New York State Department of Health and the Preschool Education (3-5) Program for the period March 1, 2004 through June 30, 2006 at rates set by Broome County Health Department and New York State Education Department, at a cost not to exceed budgeted appropriations, and

WHEREAS, said services are necessary to provide speech therapy and evaluation for Early Intervention and speech therapy for Preschool Education (3-5), now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with various vendors for services for the Department of Health's Early Intervention Program for the period March 1, 2004 through December 31, 2005 and the Preschool Education (3-5) Program for the period March 1, 2004 through June 30, 2006 as follows:

Denise Hadamik  
212 Antoinette Drive  
Endicott, New York 13760  
Preschool (3-5) Program

The Child Development Council  
Darryl Newvine, Executive Director  
29 Fayette Street, P.O. Box 880  
Binghamton, New York 13902-0880  
Early Intervention Program

and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at rates set by the New York State Department of Health as shown on Exhibit "A" and the Broome County Health Department and the New York State Education Department as shown on Exhibit "B", total amount not to exceed budgeted appropriations, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 480293.various.101082 and 480293.4706.101082 (Rehab and Therapy Services), and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

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### **RESOLUTION NO. 50**

By Health & Human Services, Personnel and Finance Committees      Seconded by Mr. Burger  
**RESOLUTION AUTHORIZING RENEWAL OF THE ROBERT WOOD JOHNSON FOUNDATION PROGRAM GRANT FOR THE OFFICE FOR AGING FUTURES II PROJECT AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2004-2005**

WHEREAS, this County Legislature, by Resolution 374 of 2002, as amended by Resolution 394 of 2003, authorized and approved the Robert Wood Johnson Program Grant for the Office for Aging's Future II Project and adopted a program budget in the amount of \$183,135 for the period August 1, 2002 through January 31, 2004, and

WHEREAS, said grant program provides data for a comprehensive community needs assessment for the elderly, and

WHEREAS, it is desired to renew said grant program in the amount of \$275,576 for the period February 1, 2004 through January 31, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$225,000 from the Robert Wood Johnson Foundation, P.O. Box 2316, Princeton, New Jersey 18543-2316, for the Office for Aging's Futures II Project for the period February 1, 2004 through January 31, 2005, 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 \$275,576, 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 (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

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

**Carried, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).**

### **RESOLUTION NO. 51**

By Health & Human Services, Personnel and Finance Committees      Seconded by Mr. Burger  
**RESOLUTION AUTHORIZING REVISION OF COMMUNITY SERVICES FOR THE ELDERLY (CSE) PROGRAM GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 102 of 2003, authorized and approved renewal of the Community Services for the Elderly (CSE) Program Grant for the Office for Aging and adopted a program budget in connection therewith in the total amount of \$412,933 for the period April 1, 2003 through March 31, 2004, and

WHEREAS, said grant program provides for a variety of services including social day care, transportation, rural shopping, in-home mental health counseling and the GROW Program, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$34,320 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Community Services for the Elderly (CSE) Program Grant to reflect an increase of \$34,320 for the period April 1, 2003 through March 31, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$447,253, and be it

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FURTHER RESOLVED, that Resolution 102 of 2003, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

### **RESOLUTION NO. 52**

By Health & Human Services, Personnel and Finance Committees      Seconded by Mr. Burger  
**RESOLUTION AUTHORIZING REVISION OF THE EXPANDED IN-HOME SERVICES FOR THE ELDERLY PROGRAM (EISEP) GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 101 of 2003, authorized and approved renewal of the Expanded In-Home Services for the Elderly Program (EISEP) Grant for the Office for Aging and adopted a program budget in connection therewith in the total amount of \$510,228 for the period April 1, 2003 through March 31, 2004, and

WHEREAS, said grant program provides for personal care and housekeeper/chore services and case management of clients, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$37,103 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Expanded In-Home Services for the Elderly Program (EISEP) Grant to reflect an increase of \$37,103 for the period April 1, 2003 through March 31, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$547,331, and be it

FURTHER RESOLVED, that Resolution 101 of 2003, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

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### RESOLUTION NO. 53

By Health & Human Services, Personnel and Finance Committees      Seconded by Mr. Burger  
**RESOLUTION AUTHORIZING REVISION OF THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 99 of 2003, authorized and approved renewal of the Supplemental Nutrition Assistance Program (SNAP) Grant for the Office for Aging and adopted a program budget in connection therewith in the total amount of \$262,392 for the period April 1, 2003 through March 31, 2004, and

WHEREAS, said grant program provides supplemental funding for congregate meals and home-delivered meals, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$14,336 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Supplemental Nutrition Assistance Program (SNAP) Grant to reflect an increase of \$14,336 for the period April 1, 2003 through March 31, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$276,728, and be it

FURTHER RESOLVED, that Resolution 99 of 2003, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

**Carried,** Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

### RESOLUTION NO. 54

By Health & Human Services and Finance Committees      Seconded by Mr. Burger  
**RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH THE BINGHAMTON HOUSING AUTHORITY FOR HOMEMAKER SERVICES THROUGH THE OFFICE FOR AGING'S COMMUNITY SERVICES FOR THE ELDERLY ENRICHED LIVING PROGRAM FOR 2004-2005**

WHEREAS, this County Legislature, by Resolution 71 of 2003, authorized renewal of an agreement with the Binghamton Housing Authority for homemaker services through the Office for Aging's Community Services for the Elderly Enriched Living Program, with revenue to the County in the amount of \$9,000 for the period April 1, 2003 through March 31, 2004, and

WHEREAS, said services are necessary to provide homemaker services in the North Shore Towers Building, and

WHEREAS, said agreement expires by its terms on March 31, 2004, and it is desired at this time to renew said agreement on substantially similar terms and conditions, with revenue to the County in the amount of \$9,000, for the period April 1, 2004 through March 31, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with the Binghamton Housing Authority, Exchange Street, Binghamton, New York 13902 for

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homemaker services through the Office for Aging's Community Services for the Elderly Enriched Living Program for the period April 1, 2004 through March 31, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the Contractor shall pay the County an amount of \$9,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 760991.0166.104878 (Miscellaneous Contributions), and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

### **RESOLUTION NO. 55**

By Health & Human Services and Finance Committees

Seconded by Mr. Burger

#### **RESOLUTION AUTHORIZING REVISION OF CONGREGATE SERVICES INITIATIVE (CSI) PROGRAM GRANT FOR OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 267 of 2003, authorized and approved renewal of the Congregate Services Initiative (CSI) Program Grant for the Office for Aging and adopted a program budget in connection therewith in the total amount of \$15,770 for the period April 1, 2003 through March 31, 2004, and

WHEREAS, said grant program provides funding for various congregate center activities including meal enhancement and testing, transportation, health/wellness and computer equipment, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$147 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Congregate Services Initiative (CSI) Program Grant to reflect an increase of \$147 in grant appropriations for the period April 1, 2003 through March 31, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$15,917, and be it

FURTHER RESOLVED, that Resolution 267 of 2003, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).



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### RESOLUTION NO. 56

By Health & Human Services and Finance Committees

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH JEANNE STRACUZZI FOR NUTRITION COUNSELING FOR THE OFFICE FOR AGING'S SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM FOR 2004-2005**

WHEREAS, this County Legislature, by Resolution 100 of 2003 authorized renewal of an agreement with Jeanne Stracuzzi for nutrition counseling for the Office for Aging's Supplemental Nutrition Assistance Program at an amount not to exceed \$22,128, for the period April 1, 2003 through March 31, 2004, and

WHEREAS, said services are necessary for Office for Aging's Nutrition Program and are 100% State reimbursed, and

WHEREAS, said agreement expires by its terms on March 31, 2004, and it is desired at this time to renew said agreement on substantially similar terms and conditions, at a rate of \$32.47 per hour, total amount not to exceed \$22,794 for the period April 1, 2004 through March 31, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with Jeanne Stracuzzi, R.D., 93 Riley Road, Windsor, New York 13865 for nutrition counseling for the Office for Aging's Supplemental Nutrition Assistance Program for the period April 1, 2004 through March 31, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at a rate of \$32.47 per hour, total amount not to exceed \$22,794 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 760959.4741.104881 (Dietary Services), and be it

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

Mr. Pasquale made a motion, seconded by Ms. Hudak, to amend the first WHEREAS paragraph to read "...Supplemental Nutrition Assistance Program, at a rate of \$31.52 per hour, total amount not to exceed \$22,128...". **Amendment carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer). **Resolution as amended carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

### RESOLUTION NO. 57

By Health & Human Services and Finance Committees

Seconded by Mr. Burger

#### **RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH DELAWARE COUNTY PUBLIC HEALTH NURSING SERVICE FOR THE BROOME COUNTY OFFICE FOR AGING TO PROVIDE SOCIAL ADULT DAY CARE TO DELAWARE COUNTY HOME HEALTH CARE CLIENTS FOR 2004-2005**

WHEREAS, this County Legislature, by Resolution 69 of 2003, authorized and approved renewal of the agreement with Delaware County Public Health Nursing Service for the Broome County Office for Aging to provide social adult day care services to Delaware County long term home health care clients with revenue to the County at a rate of \$18 per half day and \$34 per full day, for the period April 1, 2003 through March 31, 2004, and

WHEREAS, said services are necessary to provide social day care services to long term home health care clients in Delaware County, and

WHEREAS, said agreement expires by its terms on March 31, 2004, and it is desired at this time to renew said agreement on substantially similar terms and conditions, at a rate of \$18 per half day and \$34 per full day revenue to the County, for the period April 1, 2004 through March 31, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with Delaware County Public Health Nursing Services, 99 Main Street, Delhi, New York 13753

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for the Broome County Office for Aging to provide social adult day care services to Delaware County long term home health care clients for the period April 1, 2004 through March 31, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, Delaware County shall pay Broome County at a rate of \$18 per half day and \$34 per full day for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 760983.0538.104877 (Long Term Home Health Care Fees), and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

#### **RESOLUTION NO. 58**

By Health & Human Services and Finance Committees

Seconded by Mr. Burger

#### **RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH FAMILY & CHILDREN'S SOCIETY OF BROOME COUNTY, INC. FOR COUNSELING SERVICES FOR THE OFFICE FOR AGING FOR 2004-2005**

WHEREAS, this County Legislature, by Resolution 70 of 2003, authorized renewal of the agreement with Family & Children's Society of Broome County, Inc. for in-home mental health counseling services for the elderly for the Office for Aging's Community Services for the Elderly Grant at an amount not to exceed \$12,035 for the period April 1, 2003 through March 31, 2004, and

WHEREAS, said agreement expires by its terms on March 31, 2004, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$12,035, for the period April 1, 2004 through March 31, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with Family & Children's Society of Broome County, Inc., 257 Main Street, Binghamton, New York 13905 for in-home mental health counseling services for the Office for Aging's Community Services for the Elderly Grant for the period April 1, 2004 through March 31, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$12,035 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 761098.4457.104876 (Subcontracted Program Expense), and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

#### **RESOLUTION NO. 59**

By Health & Human Services and Finance Committees

Seconded by Mr. Burger

#### **RESOLUTION AUTHORIZING RENEWAL OF AGREEMENTS WITH VARIOUS VENDORS FOR PERSONAL CARE/HOMEMAKER SERVICES FOR THE OFFICE FOR AGING'S EXPANDED IN-HOME SERVICES FOR THE ELDERLY PROGRAM FOR 2004-2005**

WHEREAS, this County Legislature, by Resolution 72 of 2003, as amended by Resolution 255 of 2003, authorized agreements with various vendors for personal care/homemaker services for the Office for Aging's Expanded In-Home Services for the Elderly Program at rates indicated in said resolution, for the period April 1, 2003 through March 31, 2004, and

WHEREAS, said agreements expire by their terms on March 31, 2004, and it is desired at this time to renew said agreements on substantially similar terms and conditions and at the current approved Medicaid rate for Nursing Supervisor and \$13.75 per hour for the Personal

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Care/Homemaker Service, total amount not to exceed budgeted appropriations, for the Office for Aging's Expanded In-Home Services for the Elderly Program for the period April 1, 2004 through March 31, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of agreements with the vendors listed below at the current approved State Medicaid rates for Nursing Supervisor and \$13.75 per hour for the Personal Care/Homemaker Service, total amount not to exceed budgeted appropriations, for the Office for Aging's Expanded In-Home Care for the Elderly Program for the period April 1, 2004 through March 31, 2005:

Metro Interfaith Housing Management Corp.  
21 New Street  
Binghamton, NY 13903

Interim Healthcare Systems  
38 Front Street, Suite D  
Binghamton, NY 13905

Gentiva Health Services  
41 Chenango Street  
Binghamton, NY 13901

Homemakers of Broome County  
DBA Caregivers  
189 Riverside Drive  
Johnson City, NY 13790

Staffings Healthcare Systems  
P.O. Box 1015  
Binghamton, NY 13902-1015

Family & Children's Society of Broome County  
257 Main Street  
Binghamton, NY 13905

and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 760942.4457.104875 (Subcontracted Program Expense), and be it

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

**Carried,** Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

#### **RESOLUTION NO. 60**

By Health & Human Services, Personnel and Finance Committees      Seconded by Mr. Burger  
**RESOLUTION AUTHORIZING REVISION OF THE HOME ENERGY ASSISTANCE PROGRAM GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 417 of 2003, authorized and approved renewal of the Home Energy Assistance Program (HEAP) Grant for the Department of Social Services and adopted a program budget in connection therewith in the total amount of \$182,610 for the period October 1, 2003 through September 30, 2004, and

WHEREAS, said grant program provides assistance with home heating fuel, winterization and fuel equipment, as well as emergency assistance such as utility shut-off and fuel, to eligible Temporary Assistance, Food Stamp and low-income families, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$57,517 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Home Energy Assistance Program (HEAP) Grant to reflect an increase of \$57,517 for the period October 1, 2003 through September 30, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$240,127, and be it

FURTHER RESOLVED, that Resolution 417 of 2003, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

### **RESOLUTION NO. 61**

By Health & Human Services, Personnel and Finance Committees      Seconded by Mr. Burger  
**RESOLUTION AUTHORIZING REVISION OF TANF SERVICES BLOCK GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 245 of 2003, authorized and approved renewal of the TANF Services Block Grant for the Department of Social Services and adopted a program budget in connection therewith in the total amount of \$1,413,547 for the period January 1, 2003 through March 31, 2004, and

WHEREAS, said grant program is designed to assist TANF recipients to achieve self-sufficiency and transition from welfare to work and focuses on families, youth, domestic violence, and drug and alcohol screening rehabilitation, and

WHEREAS, it is necessary at this time to revise said program to reflect a decrease in the amount of \$67,994 in grant appropriations and extend the period through June 30, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the TANF Services Block Grant to reflect a decrease of \$67,994 for the period January 1, 2003 through June 30, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$1,345,553, and be it

FURTHER RESOLVED, that Resolution 245 of 2003, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

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## RESOLUTION NO. 62

By Health & Human Services and Finance Committees

Seconded by Mr. Burger

**RESOLUTION AUTHORIZING RENEWAL OF THE SAFE PLACES GRANT FOR THE YOUTH BUREAU, ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH AND RENEWING THE AGREEMENT WITH MOTHERS AND BABIES PERINATAL NETWORK OF SOUTH CENTRAL NY, INC. TO ADMINISTER SAID PROGRAM FOR 2004**

WHEREAS, this County Legislature, by Resolution 92 of 2003, authorized renewal of the Safe Places Grant for the Youth Bureau, adopted a program budget in the amount of \$45,000 and authorized an agreement with Mothers and Babies Perinatal Network of South Central NY, Inc. to administer said program for the period January 1, 2003 through December 31, 2003, and

WHEREAS, said grant program provides opportunities and support to unsupervised youth during non-school hours at an established family resource center, and

WHEREAS, it is desired to renew said grant program in the amount of \$45,000, adopt a program budget and renew the agreement with Mother's and Babies Perinatal Network of South Central NY, Inc. to administer said program for the period January 1, 2004 through December 31, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$45,000 from New York State Office of Children & Family Services, 52 Washington Street, Rensselaer, New York 12144-2796, for the Youth Bureau's Safe Places Grant for the period January 1, 2004 through December 31, 2004, 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 \$45,000, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with Mother's and Babies Perinatal Network of South Central NY, Inc., 45 Lewis Street, Binghamton, New York 13901 to administer said program for the Youth Bureau for the period January 1, 2004 through December 31, 2004, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$45,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 640052.4457.XXXXXX (Subcontracted Program Expenses), and be it

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

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

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

**Carried, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).**

## RESOLUTION NO. 63

By Public Safety & Emergency Services, Personnel and Finance Committees

Seconded by Mr. Burger

**RESOLUTION AUTHORIZING RENEWAL OF SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT (STEP) FOR THE OFFICE OF THE SHERIFF AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 569 of 2002, authorized and approved the Selective Traffic Enforcement Program Grant (STEP) for the Office of the Sheriff and

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adopted a program budget in the amount of \$13,402 for the period October 1, 2002 through September 30, 2003, and

WHEREAS, said grant program will assist in reducing aggressive driving, speeding and impaired driving-related motor vehicle crashes, and

WHEREAS, it is desired to renew said grant program in the amount of \$10,911 for the period October 1, 2003 through September 30, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$10,911 from the New York State Governor's Traffic Safety Committee, Department of Motor Vehicles, 6 Empire State Plaza, Albany, New York 12228 for the Office of the Sheriff's Selective Traffic Enforcement Program (STEP) for the period October 1, 2003 through September 30, 2004, 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 \$ 10,911, 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 (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

#### **RESOLUTION NO. 64**

By Transportation, Public Works and Finance Committees

Seconded by Mr. Burger

#### **RESOLUTION AUTHORIZING AN AGREEMENT WITH NEW YORK STATE ELECTRIC AND GAS CORPORATION (NYSEG) FOR AN EASEMENT AT THE GREATER BINGHAMTON AIRPORT**

WHEREAS, the New York State Electric and Gas Corporation (NYSEG) has requested an easement through land owned by Broome County at the Greater Binghamton Airport located in the Town of Maine to install electric service to the Snow Removal Vehicle Building, and

WHEREAS, the Department of Public Works has determined that granting this easement would not interfere with the existing land use, now, therefore, be it

RESOLVED, that this County Legislature hereby grants NYSEG an easement running through land owned by Broome County at the Greater Binghamton Airport in the Town of Maine, as more fully described in a map referred to as Exhibit "A," and be it

FURTHER RESOLVED, that in consideration of the aforesaid easement, NYSEG will pay Broome County the sum of \$1.00, and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

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### RESOLUTION NO. 65

By County Administration and Finance Committees

Seconded by Mr. Burger

**RESOLUTION AUTHORIZING AGREEMENT WITH MAINLINE INFORMATION SYSTEMS FOR THE PURCHASE AND INSTALLATION OF ADDITIONAL DISK STORAGE FOR THE SHARK ENTERPRISE DATA STORAGE SYSTEM FOR THE DIVISION OF INFORMATION TECHNOLOGY FOR 2004**

WHEREAS, this County Legislature, by Resolution 24 of 2002, authorized an agreement with IBM Global Finance for financial services for the purchase, installation, maintenance and software lease of the Shark Enterprise Data Storage System for the Division of Information Technology at a cost not to exceed \$16,130 per month for 60 months, total cost not to exceed \$967,800, for the period January 19, 2002 through December 31, 2006, and

WHEREAS, said services are necessary to finance the purchase, installation, maintenance and software lease of the Shark Enterprise Data Storage System, and

WHEREAS, it is necessary to increase the size of the disk storage for said system to handle the increasing development of internet-based software and system applications and the County's migration to an active directory, and

WHEREAS, the Director of Information Technology requests authorization for an agreement with Mainline Information Systems for the purchase and installation of additional disk storage, including a three-year warranty for the additional storage, per New York State Contract #P006142, for an amount not to exceed \$23,634, for the period January 12, 2004 through June 12, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Mainline Information Systems, 1700 Summit Lake Drive, Tallahassee, Florida 32311 for the purchase and installation of additional disk storage for the Shark Enterprise Data Storage System, including a three-year warranty for the additional storage, per New York State Contract #P006142, for the period January 12, 2004 through June 12, 2004, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$23,634, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 370032.2850.502363 (Computer Equipment), and be it

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

**Carried,** Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

### RESOLUTION NO. 66

By Public Safety & Emergency Services, Personnel and Finance Committees

Seconded by Mr. Burger

**RESOLUTION AUTHORIZING REVISION OF PROBATION ELIGIBLE DIVERSION PROGRAM GRANT FOR THE DEPARTMENT OF PROBATION AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2004**

WHEREAS, this County Legislature, by Resolution 554 of 2003, authorized and approved renewal of the Probation Eligible Diversion Program Grant for the Department of Probation and adopted a program budget in connection therewith in the total amount of \$114,577 for the period January 1, 2004 through December 31, 2004, and

WHEREAS, said grant program is designed to keep non-violent drug abusers out of State facilities and to ensure that probationers released from custody are actively supervised in the community, and

WHEREAS, it is necessary at this time to revise said program to reflect a decrease in the amount of \$2,663 in grant appropriations, now, therefore, be it

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RESOLVED, that this County Legislature hereby authorizes a revision of the Probation Eligible Diversion Program Grant to reflect a decrease of \$2,663 for the period January 1, 2004 through December 31, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$114,577, and be it

FURTHER RESOLVED, that Resolution 554 of 2003, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

**Carried,** Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

### **RESOLUTION NO. 67**

By Public Safety & Emergency Services, Personnel and Finance Committees

Seconded by Mr. Burger

#### **RESOLUTION AUTHORIZING REVISION OF THE JUVENILE INTENSIVE SUPERVISION PROGRAM GRANT FOR THE DEPARTMENT OF PROBATION AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2004**

WHEREAS, this County Legislature, by Resolution 559 of 2003, authorized and approved renewal of the Juvenile Intensive Supervision Program Grant for the Department of Probation and adopted a program budget in connection therewith in the total amount of \$114,156 for the period January 1, 2004 through December 31, 2004, and

WHEREAS, said grant program is designed to reduce the number of out-of-home placements of juvenile delinquents while maintaining community safety and providing treatment services, education and community service opportunities for targeted youths, and

WHEREAS, it is necessary at this time to revise said program to reflect a decrease in the amount of \$9,851 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Juvenile Intensive Supervision Program Grant to reflect a decrease of \$9,851 for the period January 1, 2004 through December 31, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$114,156, and be it

FURTHER RESOLVED, that Resolution 559 of 2003, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

FURTHER RESOLVED, that the County Executive or his duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) is hereby



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authorized to make any transfers of funds within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

#### **RESOLUTION NO. 68**

By Health & Human Services and Finance Committees

Seconded by Mr. Burger

#### **RESOLUTION AUTHORIZING AGREEMENT WITH MED-REV RECOVERIES, INC. IN CONNECTION WITH RECOVERING COSTS OF PUBLIC ASSISTANCE OVERPAYMENTS**

WHEREAS, New York's Codes, Rules and Regulations authorizing a local social services district to contract for legal services pertaining to recovering costs of public assistance overpayments, and

WHEREAS, due to the complexity of administering public assistance programs local social services departments, including Broome County's Department of Social Services, are subjected to fraudulent practices in the public assistance application process as well as practices that result in public assistance overpayments, and

WHEREAS, this County Legislature authorized an agreement with the Law Offices of Burr & Reid, 400 Plaza Drive, P.O. Box 2038, Binghamton, New York 13902, by Resolution 542 of 2001, for collection and litigation services in connection with non-recoupment recoveries of costs of public assistance for the Broome County Department of Social Services, and

WHEREAS, Med-Rev Recoveries, Inc. specializes in collection and litigation services and is ready, willing and able to perform such services for the Broome County Department of Social Services as an enhancement to Social Services' current recovery programs, and

WHEREAS, the contract with the Law Offices of Burr & Reid expired by its terms on October 11, 2003, and Broome County Department of Social Services desires to contract with Med-Rev Recoveries, Inc. for such services for the period January 1, 2004 through December 31, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Med-Rev Recoveries, Inc., P.O. Box 516, Syracuse, New York 13209-0516, to provide for payment to the Contractor of a sum not to exceed 30% for amounts recovered prior to the commencement of legal action and 33% for amounts recovered after commencement of legal action, not including recoupment amounts for the period January 1, 2004 through December 31, 2004, with the option for three one-year renewals on the same terms, conditions and costs, and be it

FURTHER RESOLVED, that net payments shall be forwarded to Broome County Department of Social Services or if gross payments forwarded to Department of Social Services, fees shall be paid from budget line 670081.4736.103000 (Legal Charges & Fees), and be it

FURTHER RESOLVED, that the County Executive and the Commissioner of Social Services, or their duly authorized representatives, are hereby authorized to execute any such papers, documents, or contract approved as to form by the Department of Lay, as may be necessary to execute the intent and purpose of this Resolution

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

#### **RESOLUTION NO. 69**

By Health & Human Services, Personnel and Finance Committees

Seconded by Mr. Burger

#### **RESOLUTION AUTHORIZING REVISION OF THE TRAFFIC SAFETY AND AWARENESS PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 376 of 2003, authorized and approved renewal of the Traffic Safety and Awareness Program Grant for the Department of Health and adopted a program budget in connection therewith in the total amount of \$40,624 for the period October 1, 2003 through September 30, 2004, and

WHEREAS, said grant program supports local programs, public education events and activities designed to reduce mortality and morbidity related to traffic accidents, and

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WHEREAS, it is necessary at this time to revise said program to reflect a decrease in the amount of \$1,000 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Traffic Safety Awareness Program Grant to reflect a decrease of \$1,000 for the period October 1, 2003 through September 30, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$39,624, and be it

FURTHER RESOLVED, that Resolution 376 of 2003, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

#### **RESOLUTION NO. 70**

By Health & Human Services and Finance Committee

Seconded by Mr. Burger

#### **RESOLUTION AUTHORIZING AGREEMENT WITH UNITED HEALTH SERVICES STAY HEALTHY CENTER FOR THE DEPARTMENT OF HEALTH'S HEALTHY LIVING PARTNERSHIP INTEGRATED CANCER SERVICES PROGRAM FOR 2004**

WHEREAS, the Director of Public Health requests authorization for an agreement with United Health Services Stay Healthy Center for professional services for the Department of Health's Healthy Living Partnership Integrated Cancer Services Program at a cost not to exceed \$5,000, for the period January 1, 2004 through March 31, 2004, and

WHEREAS, said agreement is necessary to provide colorectal cancer kit distribution, recruitment, screening, outreach and education for the Integrated Cancer Services Grant, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with United Health Services Stay Healthy Center, 33-57 Harrison Street, Johnson City, New York 13790, for professional services, for the Department of Health's Healthy Living Partnership Integrated Cancer Services Program for the period January 1, 2004 through March 31, 2004, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$5,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480301.4457.104772 (Sub-Contracted Program Expense), and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

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## RESOLUTION NO. 71

By Personnel and Finance Committees

Seconded by Mr. Wike

### **RESOLUTION AUTHORIZING A LABOR AGREEMENT WITH AFSCME LOCAL 2012, SECURITY AND LAW ENFORCEMENT COUNCIL 82, AFL-CIO, FOR 2004-2006**

WHEREAS, the County of Broome, under the provisions of the Civil Service Law (Taylor Law), has heretofore recognized AFSCME Local 2012, Security and Law Enforcement Council 82, AFL-CIO, as an employee organization for those certain Broome County employees represented by said Union, and

WHEREAS, this County Legislature, by Resolution 494 of 2000, authorized a written agreement with the AFSCME Local 2012, Security and Law Enforcement Council 82, AFL-CIO, setting forth the terms and conditions of employment for those employees represented by said Union for the period January 1, 2001 through December 31, 2003, and

WHEREAS, a tentative agreement has been reached with AFSCME Local 2012, Security and Law Enforcement Council 82, AFL-CIO, for the period January 1, 2004 through December 31, 2006, and

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

RESOLVED, that this County Legislature hereby authorizes an agreement with AFSCME Local 2012, Security and Law Enforcement Council 82, AFL-CIO, setting forth the terms and conditions of employment for those employees represented by said Union for the period January 1, 2004 through December 31, 2006, and be it

FURTHER RESOLVED, that said agreement shall be upon substantially similar terms and conditions as the 2001 to 2003 written labor agreement with the exception of those changes listed on Exhibit "A" attached hereto, and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

## RESOLUTION NO. 72

By Finance Committee

Seconded by Mr. Burger

### **RESOLUTION AUTHORIZING ONE TIME ENROLLMENT FEE FOR MEMBERSHIP IN THE MARSH/MERCER COORDINATED COLLECTIVE FOR PURCHASING PRESCRIPTION DRUGS**

WHEREAS, the Risk Manager requests authorization to join the Marsh/Mercer Coordinated Collective for the purchase of prescription drugs, and

WHEREAS, there is a one time enrollment fee of \$10,000 to become a member of the collective, and

WHEREAS, it is anticipated that by joining the prescription drug purchasing collective the Broome County Health Care Plan will realize annual savings of approximately \$300,000, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes enrollment in the Marsh/Mercer Coordinated Collective for purchasing prescription drugs, and be it

FURTHER RESOLVED, that payment of the \$10,000 one time enrollment fee to Marsh USA, 300 South State Street, Syracuse, New York 13221, for enrollment in the Marsh/Mercer Coordinated Collective for purchasing prescription drugs is hereby authorized, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 050005.4724.252000 (Actuary Consultant), and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

### **RESOLUTION NO. 73**

By Education, Culture & Recreation and Finance Committees                      Seconded by Mr. Burger  
**RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH FOOD CONSULTANTS, INC. TO PROVIDE CONCESSION SERVICES IN THE SKYBOXES AT THE BROOME COUNTY VETERANS MEMORIAL ARENA**

WHEREAS, on or about October 23, 2000, pursuant to Resolution 429 of 2000, Broome County and Food Consultants, Inc. entered into an agreement whereby Food Consultants, Inc. (Food Consultants) would provide concession services at the Broome County Veterans Memorial Arena (Arena) and the Broome Center for the Performing Arts (Forum), and

WHEREAS, at the time said agreement was entered into it was contemplated that at some time in the future skyboxes would be built in the Arena, and

WHEREAS, said skyboxes have now been constructed and are being used for events at the Arena, and

WHEREAS, in order to provide concession and catering services in the skyboxes and to market the use of the "Arena Club" it is necessary to upgrade the Arena Club and the kitchen facilities that will be utilized in providing concession and catering services in both the skyboxes and the Arena Club, and

WHEREAS, Food Consultants has requested permission to make improvements to the Arena Club, the kitchen serving the Arena Club and skyboxes and the concession serving areas on the concourse level of the Arena in the first instance at its own expense with the expectation that the County will reimburse it when, and if, the County receives the proceeds of a grant from New York State, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the October 23, 2000 agreement between Broome County and Food Consultants, Inc. as authorized by Resolution 429 of 2000 to provide as follows:

1. Sales of food and beverages by Food Consultants to be consumed in the skyboxes shall be deemed "catering sales".
2. Sales of food and beverages in the Arena Club during hockey games and other events and to individuals in the Arena Club immediately before or after hockey games and other events shall be deemed "concessions."
3. Sales of food and beverages in the Arena Club for pre-arranged parties before, during or after hockey games shall be deemed catering sales. Sales of food and beverages in the Arena Club for all other pre-arranged parties shall be exempt.
4. Food Consultants shall pay Broome County 15% of the gross receipts from catering services in the skyboxes during hockey games and 10% of the gross receipts from catering services in the skyboxes during other events and 10% of the gross receipts from catering sales in the Arena Club before, during and after hockey games. The payments to be received from catering sales in the skyboxes during hockey games and the payments to be received from catering services in the Arena Club and from concession sales in the Arena Club immediately before, during and immediately after hockey games are subject to the assignment of concession rights to the B. C. Senators as provided for in a separate agreement with the B. C. Senators.
5. Food Consultants shall have the right to make improvements in the Arena Club, the Arena Club Kitchen and the concession areas throughout the Arena including the purchase of necessary equipment upon the prior approval of the County. The County will reimburse Food Consultants for the cost of these improvements and equipment provided, however,

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- that any such reimbursement is contingent upon the County receiving funding from New York State to pay for these improvements and equipment.
6. References in the October 23, 2000 agreement to the B. C. Icemen shall be changed to the B. C. Senators, Inc.
  7. Food Consultants during the term of the agreement shall have exclusive pouring rights.
  8. The term of the October 23, 2000 agreement shall be extended to August 31, 2015.
  9. Except as herein provided, in all other respects the October 23, 2000 agreement between Broome County and Food Consultants, Inc. 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, as may be necessary to implement the intent and purpose of this resolution.

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

#### **RESOLUTION NO. 74**

By Health & Human Services and Finance Committees

Seconded by Mr. Burger

#### **RESOLUTION AUTHORIZING ACCEPTANCE OF AN AMY WATKINS CASEWORKER EDUCATION PROGRAM GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004**

WHEREAS, the Commissioner of Social Services requests authorization to accept an Amy Watkins Caseworker Education Program Grant and adopt a program budget in the amount of \$7,560 for the period April 1, 2003 through March 31, 2004, and

WHEREAS, said grant program provides funding for one caseworker participating in the Caseworker Education Program, who is enrolled in the Master of Social Work Program at Marywood College, Scranton, Pennsylvania, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$7,560 from the New York State Office of Children & Family Services, 52 Washington Street, Rensselaer, New York 12144-2796 for the Department of Social Services Amy Watkins Caseworker Education Program Grant for the period April 1, 2003 through March 31, 2004, 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 \$7,560, 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 (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

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### **RESOLUTION NO. 75**

By Public Safety & Emergency Services and Finance Committees                      Seconded by Mr. Burger  
**RESOLUTION AUTHORIZING AGREEMENT WITH BI, INC. FOR ELECTRONIC MONITORING SERVICES FOR THE DEPARTMENT OF PROBATION FOR 2004**

WHEREAS, the Director of Probation requests authorization for an agreement with BI, Inc. (Behavioral Interventions, Inc.) for electronic monitoring services for the Department of Probation at a cost not to exceed \$5,500, for the period January 1, 2004 through December 31, 2004, and

WHEREAS, said agreement is necessary to provide the electronic monitoring services for the Electronic Monitoring Program Grant, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with BI, Inc., 6400 Lookout Road, Boulder, Colorado 80301, for electronic monitoring services for the Department of Probation's Electronic Monitoring Program Grant for the period January 1, 2004 through December 31, 2004, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor a total amount not to exceed \$5,500 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 280065.4457.104838 (Subcontracted Program Expense), and be it

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

**Carried,** Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

### **RESOLUTION NO. 76**

By Economic Development & Planning and Finance Committees                      Seconded by Mr. Burger  
**RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENTS WITH THE BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY FOR FUNDING VARIOUS PROGRAMS FOR 2004**

WHEREAS, pursuant to Resolution 98 of 2000, Broome County entered into an agreement with the Broome County Industrial Development Agency (IDA) dated May 31, 2000 whereby the IDA agreed to administer Broome County's Economic Development Program in consideration of the payment by Broome County to the IDA of the sum of \$52,374.00 annually during the term of the agreement which expires December 31, 2004, and

WHEREAS, pursuant to Resolution 559 of 2000, Broome County entered into an agreement with the Broome County Industrial Development Agency dated December 18, 2000 whereby the IDA agreed to administer the County's Revolving Loan Fund and Promotion and Advertising Budget as budgeted for 2000 and 2001, and

WHEREAS, pursuant to Resolution 387 of 2001 and Resolution 226 of 2002, the December 18, 2000 agreement was amended to provide for budgeted funds in 2002, and pursuant to Resolution 253 of 2003 the December 18, 2000 agreement was amended to provide for budgeted funds in 2003, and

WHEREAS, it is desired to further amend the May 31, 2000 and December 18, 2000 agreement with the IDA to provide for the payment to the IDA pursuant to the May 31, 2000 agreement the sum of \$50,000 for administering the County's Economic Development Program during 2004 and amend the December 18, 2000 agreement with the IDA to provide for the payment of \$200,000 for Advertising and Marketing during 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the May 31, 2000 agreement with the Broome County Industrial Development Agency, as previously amended, to provide that the consideration for administering the County's Economic Development Program shall be \$50,000 for calendar year 2004 to be paid for from budget line 440016.5077.101000 (Industrial Development Agency), and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an amendment to the December 18, 2000 agreement with the Broome County Economic Development Agency, as

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previously amended, to provide that the IDA shall administer the Economic Development Marketing and Promotion Program for calendar year 2004 as the only authorized program for 2004 in consideration of the payment by the County to the IDA of the sum of \$200,000, said payment to be made from budget line 440016.4448.101000 (Advertising and Promotion Expenses), and be it

FURTHER RESOLVED, that the agreements herein authorized to be amended shall continue in full force and effect as amended, and be it

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

Mr. Whalen made a motion, seconded by Mr. Reynolds, to add the following as a second FURTHER RESOLVED paragraph: "...that any elected County official is prohibited from appearing in any IDA broadcast media advertisement during an election year for that official, and be it...". **Held over 'under the rules'** by Ms. Hudak.

### **RESOLUTION NO. 77**

By Personnel, Health & Human Services, and Finance Committees      Seconded by Mr. Burger  
**RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST FOR THE DEPARTMENT OF HEALTH AND THE OFFICE OF RISK AND INSURANCE MANAGEMENT**

RESOLVED, that in accordance with a request from the Director of Health as contained in PCR #04-98, this County Legislature hereby authorizes the creation of (1) WIC Nutrition Services Director position, Part Time (with Benefits), at budget line 480293.1500.101000, minimum salary of \$43,213 FTE, Grade 21, BAPA, effective 3/1/04, and be it

FURTHER RESOLVED, that in accordance with a request from the Director of Health as contained in PCR #04-96, this County Legislature hereby authorizes the abolishment of (1) Nutritionist position, Part Time (without Benefits), at budget line 480293.1500.101000, minimum salary of \$33,357 FTE, Grade 17, CSEA, effective 3/1/04, and be it

FURTHER RESOLVED, that in accordance with a request from the Manager of the Office of Risk and Insurance Management as contained in PCR #04-83, this County Legislature hereby authorizes the change of (1) Workers' Compensation Analyst position, Full Time (75 hrs), at budget line 050088.1000.254000, minimum salary of \$41,037, Grade 22, Admin I, to (1) Workers' Compensation Analyst position, Full Time (80 hrs), at budget line 050088.1000.254000, minimum salary of \$43,731, Grade 22, Admin I, effective 03/1/04, and be it

FURTHER RESOLVED, that the Director of Budget and Research, Comptroller, and Commissioner of Finance are hereby authorized to process any necessary paperwork to implement the intent of this Resolution.

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

### **RESOLUTION NO. 78**

By Economic Development & Planning and Finance Committees  
Seconded by Mr. Burger

**RESOLUTION AUTHORIZING ACCEPTANCE OF A DEPOSIT AREA COMMUNITY CENTER NEEDS ASSESSMENT GRANT FOR PLANNING AND ECONOMIC DEVELOPMENT AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2004**

WHEREAS, the Commissioner of Planning and Economic Development requests authorization to accept a Deposit Area Community Center Needs Assessment Grant and adopt a program budget in the amount of \$5,000 for the period January 27, 2004 through December 31, 2004, and

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WHEREAS, said grant will develop a needs assessment and action plan for a community center to serve the population in the Village of Deposit and the surrounding area, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$5,000 from The Stewart W. & Willma C. Hoyt Foundation, Inc., 70 Front Street, Binghamton, NY 13905 for the Planning and Economic Development's Deposit Area Community Center Needs Assessment Grant for the period January 27, 2004 through December 31, 2004, 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 \$5,000, 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 (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

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

**Carried, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).**

### **RESOLUTION NO. 79**

By Finance and Health & Human Services

Seconded by Mr. Burger

#### **RESOLUTION AUTHORIZING THE BUDGET TRANSFER AND POSITION CHANGE REQUEST FOR THE DEPARTMENT OF HEALTH**

RESOLVED, that in accordance with a request from the Director of Public Health, to move funding in order to better utilize grant funding, on the Healthy Living Partnership Grant, as requested in BF #004503 and #004504, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index code</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
FROM:	480301	1500	104772	Salaries – Part Time	13,269
	480301	1600	104772	Salaries – Temporary	3,310
	480301	4610	104772	Accountant Chargeback	1,344
	480301	8030	104772	Social Security	730
	480301	8040	104772	Workers' Comp.	832
	480301	8050	104772	Life Insurance	10
	480301	8060	104772	Health Insurance	35
	480301	8063	104772	Disability	51
	480301	8070	104772	Unemployment Ins.	1,589
TO:	480301	1000	104772	Salaries – Full Time	6,836
	480301	4319	104772	Office Supplies	1,200
	480301	4411	104772	Postage & Freight	400
	480301	4448	104772	Advertising & Promotion	5,500
	480301	4457	104772	Subcontracted Prog. Exp.	5,000
	480301	4614	104772	Other Chargeback Exp.	500
	480301	4617	104772	Dup & Printing Chrgbk	500
	480301	4618	104772	Office Supplies	747
	480301	8010	104772	State Retirement	487



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and be it

FURTHER RESOLVED, that in accordance with a request from the Director of Public Health, as contained in PCR #04-89, this County Legislature hereby authorizes the abolishment of (1) Account Clerk, Part Time, at budget line 480301.1500.104772, minimum salary of \$20,291, Grade 07, Union CSEA, effective date 4/1/04, and be it

FURTHER RESOLVED, that the Director of Budget and Research, Comptroller, and Commissioner of Finance are hereby authorized to process any necessary paperwork to implement the intent of this Resolution.

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

### **RESOLUTION NO. 80**

By Finance Committee

Seconded by Mr. Kolba

**REFUNDING BOND RESOLUTION DATED FEBRUARY 19, 2004.**

**A RESOLUTION AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.10 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE COUNTY OF BROOME, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BONDS", AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY**

WHEREAS, Broome County, New York (hereinafter, the "County") heretofore issued \$34,000,000 Public Improvement (Serial) Bonds, 1993, pursuant to a bond determination certificate dated March 25, 1993 (the "1993 Bond Certificate"), to finance the cost of various improvements in and for said County as further described in the 1993 Bond Certificate, such Public Improvement (Serial) Bonds, 1993, being dated April 15, 1993 with remaining maturities on April 15 in the years 2004 through 2019, both inclusive (the "1993 Refunded Bonds"), and

WHEREAS, the County also heretofore issued \$28,875,000 Public Improvement (Serial) Bonds, 1997 pursuant to a bond determination certificate dated April 1, 1997 (the "1997 Bond Certificate") to finance the cost of various improvements in and for said County as further described in the 1997 Bond Certificate, such Public Improvement (Serial) Bonds, 1997, being dated April 15, 1997 with remaining maturities on April 15 in each of the years 2004 through 2016, both inclusive, (the "1997 Refunded Bonds and together with the 1993 Refunded Bonds, the "Refunded Bonds"), and

WHEREAS, a portion of the Refunded Bonds have been defeased with the proceeds of the sale of the County's interest in the Master Settlement Agreement with various tobacco companies, and

WHEREAS, it would be in the public interest to refund all or a portion of the remaining outstanding principal balance of the Refunded Bonds by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law, and

WHEREAS, such refunding will only be undertaken if it results in present value savings in debt service as required by Section 90.10 of the Local Finance Law, now, therefore, be it

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

Section 1. For the object or purpose of refunding the \$7,588,545 outstanding principal balance of the Refunded Bonds as more fully set forth in the Refunding Financial Plan (hereinafter defined), including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of such Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on such Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, (iv) the redemption premium to be paid on such Refunded Bonds which are to be called prior to their

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respective maturities, and (v) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$8,400,000 refunding serial bonds of the County pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$8,105,000, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-04 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Chief Fiscal Officer pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph a of Section 57.00 of the Local Finance Law pursuant to subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Chief Fiscal Officer shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the County by lot in any customary manner of selection as determined by the Chief Fiscal Officer. Notice of such call for redemption shall be given by mailing such notice to the registered owners not less than thirty (30) days prior to such date and as otherwise provided in Securities and Exchange Commission Release No. 34-23856, as the same may be amended from time to time. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the County shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to DTC, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Chief Fiscal Officer as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as

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hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the County maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or first business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Chief Fiscal Officer providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Chief Fiscal Officer as fiscal agent of the County for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The Chief Fiscal Officer, as chief fiscal officer of the County, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said County, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the County, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form.

The Chief Fiscal Officer is hereby further delegated all powers of this County Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the County by the manual or facsimile signature of the Chief Fiscal Officer, and its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law and 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 Chief Fiscal Officer shall determine. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each object or purpose for which such Refunded Bonds were issued is as specified the Bond Certificates which are incorporated herein by reference;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the respective period of probable usefulness of the objects or purposes for which said Refunded Bonds were issued in accordance with the provisions of subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the

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provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to the Refunded Bonds is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on Exhibit A attached hereto and made a part of this resolution. This County Legislature recognizes that the Refunding Bonds may be issued in one or more series, and for only portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the County will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The Chief Fiscal Officer is hereby authorized and directed to determine the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the Chief Fiscal Officer; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The Chief Fiscal Officer shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Clerk of the County Legislature not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The Chief Fiscal Officer is hereby authorized and directed to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said Chief Fiscal Officer shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said Broome County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same 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 be annually levied on all the taxable real property in said County a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the County to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such

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pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the County irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the County shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the County hereby elects to call in and redeem each Refunded Bond which the Chief Fiscal Officer shall determine to be refunded at the earliest call date available. The sum to be paid therefor on such redemption date shall be the par value thereof plus the redemption premium, as provided in the Refunded Bond Certificate, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the County in the manner and within the times provided in the Refunded Bond Certificate. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Chief Fiscal Officer and all other officers, employees and agents of the County are hereby authorized and directed for and on behalf of the County to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 11. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Chief Fiscal Officer and all powers in connection thereof are hereby delegated to the Chief Fiscal Officer.

Section 12. The validity of the Refunding Bonds 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 13. A summary of this resolution, which takes effect immediately, shall be published in the official newspaper of said County, together with a notice of the Clerk of the Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

**Carried,** Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

## **RESOLUTION NO. 81**

By All Members

Seconded by Mr. Pasquale

### **RESOLUTION OF CONDOLENCE ON THE DEATH OF HOLMES W. SOMERS**

WHEREAS, former Broome County Legislator Holmes W. Somers from the 14th Legislative District in the Town of Union, passed away on the 27th day of January, 2004, and

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WHEREAS, Holmes W. Somers served the citizens of Broome County as the 14th District Broome County Legislator, beginning with the Legislature's inaugural year of 1968 when the old Board of Supervisors became the new Broome County Legislature and serving for 11 non-consecutive years until his retirement in 1980, and

WHEREAS, Holmes W. Somers, during the course of his public service as a member of the Broome County Legislature, served with distinction and dedication on a variety of Legislative committees that included Finance, Education, Public Works, Transit, County Employees and Parks and Recreation, and

WHEREAS, Holmes W. Somers, will long be remembered for his legacy of service to his community as a 10-year Hospice volunteer, as a member of the Broome Community College Board of Trustees where he served a term as chairman and as a tireless workers on a variety of service projects for the Endicott Sertoma Club, and

WHEREAS, Holmes W. Somers, a devoted Father and Grandfather, was a 37-year employee of the IBM Corporation and served his Country as a member of the United States Air Force, and

WHEREAS, the Broome County Legislature, acting for the citizens of the Broome County Community, wishes to record its condolences in the official proceedings of this body, now, therefore, be it

RESOLVED, that the members of this County Legislature hereby recognize the loss of a community-minded friend and colleague, Holmes W. Somers, and extend its sincere sympathy to his family, and be it

FURTHER RESOLVED, that the Clerk of this County Legislature is hereby authorized and directed to place this Resolution in the minutes of the Regular Session of the County Legislature held on February 19, 2004 and to forward a copy of this Resolution to the family of the late Holmes W. Somers.

**Carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer).

Mr. Whalen made a motion to adjourn, seconded by Mr. Pasquale. **Motion to adjourn carried**, Ayes-16, Nays-0, Absent-3 (Brunza, Mather, Shafer). The meeting was adjourned at 5:49 p.m.

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