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**BROOME COUNTY LEGISLATURE  
REGULAR SESSION  
THURSDAY, APRIL 21, 2005**

The Legislature convened at 5:02 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-18, Absent-1 (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 Nannery.

Mr. Miller made a motion, seconded by Mr. Sanfilippo, that the minutes of the March 17, 2005 Regular Session be approved as prepared and presented by the Clerk. **Carried**, Ayes-18, Nays-0, Absent-1 (Shafer).

Mr. Schofield noted that the committee minutes for the period March 17, 2005 through April 20, 2005 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. Marinich, seconded by Mr. Mather. **Carried**, Ayes-18, Nays-0, Absent-1 (Shafer).

**ANNOUNCEMENTS FROM THE CHAIR**

Chairman Schofield announced that there would be a Committee of the Whole scheduled for May 2, 2005 at 4:00 p.m. to discuss the Industrial Development Agency.

Chairman Schofield then invited Legislator Sanfilippo, representing District 4, to the podium for the purpose of recognizing the Seton Catholic Central High School Girls Varsity Basketball Team and Proclaiming April 21, 2005 as Seton Catholic Central High School State Basketball Championship Day. The team consisted of Megan Bellingham, Kate Canny, Allison Curley, Katie Egitto, Elizabeth Fox, Ellie Garbade, Betsy Lane, Claudia Mazza, Anna McGoff, Amy Miller, Milissa Miller, Kelsey Myette, Suzy Precopio, Colleen Regan, Claire Salamida, Deirdre Torto and their coaches Colleen Jayne, Rob Garbade and Jen McPeek. Coach Jayne addressed the Legislature and thanked them for their recognition of these young women.

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

Letters from the County Executive, Barbara J. Fiala

- A. Declaration of State of Emergency-Flooding-Multiple Towns, 4/2/05
- B. Nomination to the Conservation Advisory Committee
- C. Summer Hours

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

- A. Petitions: None
- B. Communications:
  - 1. EMC Natural Resources Committee Minutes 2/17/05
  - 2. EMC Recycling & Waste Management Committee Minutes 1/24/05
  - 3. Broome County Association of Municipal Clerks Minutes 3/17/05
  - 4. Environmental Management Council Minutes 3/10/05
  - 5. Broome County Soil and Water Conservation District Minutes 3/8/05
  - 6. Broome County Soil and Water Conservation District Minutes 3/11/05
  - 7. State of Emergency Declaration-Village of Deposit, 4/3/05
  - 8. State of Emergency Declaration Town of Sanford, 4/3/05
  - 9. State of Emergency Declaration Town of Union 4/3/05

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10. State of Emergency Declaration Town of Conklin 4/3/05
  11. IBM Groundwater Vapor Project Newsletter
  12. NYS Office for Technology Final Generic Environmental Impact Statement for the Statewide Wireless Network
  13. County Attorney-Board of Ethics "Advisory Opinions"
  14. Board of Supervisors Seneca County Resolution To Request Governor and State Legislature to Enact Medicaid Cap Agreement
  15. County Attorney-Memo Regarding Lawsuit Commenced Against Former Employees
  16. Town of Nanticoke-Property Owners Listing Required by Host Community Agreement
  17. Commissioner of Public Works Designation of Powers as County Superintendent of Highways
  18. Board of Ethics Opinion-Request for Proposal
  19. County Attorney-Memo Regarding Equal Employment Opportunity Compliance
  20. State of New York-Appointment of Richard R. Blythe as Broome County Clerk
- C. Notices:
1. Special Joint Public Safety and Emergency Services, Finance and County Administration Committee Meeting 3/17/05
  2. Posting for Public Hearing for Early Intervention Program
  3. Special Committee of the Whole Meeting 4/21/05
- D. Reports:
1. BCC Above Minimum Hire Report 2/05
  2. BCC Budget Transfers 2/05
  3. Audit & Control-Broome Recipient Affairs Office, Inc. Review of Corrective Action Plan 3/05
  4. BCC Audited Financial Statements 8/31/05
  5. Finance-Balance Transfer Resolution 04-672
  6. Veterans Services Center Budget

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

Letters from the Chair, Daniel A. Schofield:

1. Designation for Mr. Shafer 3/17/05-Special Public Safety & Emergency Services, Finance and County Administration
2. Designation for Mr. Marinich 4/11/04-Personnel and Public Works Committees
3. Designation for Mr. Miller 4/13/05-Health Services Committee
4. Designation for Mr. Brunza 4/11/05-Personnel Committee
5. Designation for Mr. Materese 4/12/05-Education, Culture and Recreation Committee
6. Designation for Mr. Lindsey 4/12/05-Education, Culture & Recreation

Mr. Kuzel made a motion, seconded by Mr. Reynolds, to receive and file the above referenced reports and to authorize and direct the Clerk to index said reports in the 2005 JOURNAL OF PROCEEDINGS and to publish pertinent portions of said reports as may be directed by the Chair. **Carried**, Ayes-18, Nays-0, Absent-1 (Shafer).

Mr. Keibel and Ms. Buchta 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. Schofield made a motion to recall **RESOLUTION NO. 62 AMENDING RESOLUTION 660 OF 2004 AUTHORIZING AN AMENDMENT TO CONTRACTS WITH VENDORS PROVIDING TRANSPORTATION SERVICES TO BROOME COUNTY TO PROVIDE FOR A FUEL ADJUSTMENT**, seconded by Mr. Materese. **Motion to recall carried**, Ayes-18, Nays-0, Absent-1

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(Shafer). Mr. Sanfilippo then made a motion to amend the resolution, seconded by Mr. Mather, adding wording in Item 1 so that it reads "...Northeast Urban Gasoline All Types, and/or the Consumer Price Index – Average Price Data table for Northeast Urban, Automotive Diesel Fuel, per gallon." as well as adding to Item 2 the words "or diesel fuel" each time the word gasoline is used. **Amendment carried**, Ayes-18, Nays-0, Absent-1 (Shafer). **Resolution as amended carried**, Ayes-18, Nays-0, Absent-1 (Shafer).

Mr. Lindsey made a motion to recall **RESOLUTION NO. 176 AUTHORIZING RENEWAL OF AN AGREEMENT WITH THE BROOME COUNTY COUNCIL OF CHURCHES FOR RELIGIOUS SERVICES FOR INMATES OF THE BROOME COUNTY PUBLIC SAFETY FACILITY FOR 2005**, seconded by Mr. Howard. **Motion to recall carried**, Ayes-18, Nays-0, Absent-1 (Shafer). Mr. Lindsey then made a motion to amend the resolution, seconded by Mr. Howard, adding the wording in the RESOLVED paragraph so that it reads "...December 31, 2005, with an option for three one-year renewals at Broome County's option, at the same cost and on the same terms and conditions, and be it". **Amendment carried**, Ayes-18, Nays-0, Absent-1 (Shafer). **Resolution as amended carried**, Ayes-18, Nays-0, Absent-1 (Shafer).

## **RESOLUTIONS INTRODUCED AT THIS SESSION**

### **RESOLUTION NO. 178**

By Education, Culture & Recreation and Finance Committees    Seconded by Mr. Howard  
**RESOLUTION AUTHORIZING RENEWAL OF THE NATURAL HERITAGE TRUST GRANT FOR THE DEPARTMENT OF PARKS AND RECREATION AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2004-2005**

WHEREAS, this County Legislature, by Resolution 164 of 2004, authorized and approved the Natural Heritage Trust Grant for the Department of Parks and Recreation and adopted a program budget in the amount of \$4,971 for the period April 1, 2003 through March 31, 2004, and

WHEREAS, said grant program provides for the Naturalist position in the Nature Interpretation Program at Finch Hollow Nature Center, and

WHEREAS, it is desired to renew said grant program in the amount of \$5,632 for the period April 1, 2004 through March 31, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$5,632 from the New York State Office of Parks, Recreation and Historic Preservation, Agency Building 1, Empire State Plaza, Albany, New York 12238, for the Department of Parks and Recreation's Natural Heritage Trust Grant for the period April 1, 2004 through March 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 \$5,632, and be it

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

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

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

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

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**RESOLUTION NO. 179**

By Public Safety & Emergency Services and Finance Committees      Seconded by Mr. Howard  
**RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH TIOGA COUNTY FOR HOUSING OF PRISONERS FOR THE OFFICE OF THE SHERIFF FOR 2004-2005**

WHEREAS, this County Legislature, by Resolution 11 of 2005, authorized an agreement with Tioga County for the housing of prisoners at \$75 per day per prisoner to relieve overcrowding at the Public Safety Facility for the period August 14, 2004 through August 13, 2005, and

WHEREAS, overcrowding constitutes an unsafe condition within the meaning of Section 504 of the Corrections Law and, from time to time, other New York State Counties are willing to house Broome County prisoners on a per diem basis, and

WHEREAS, it is necessary to authorize an amendment to said agreement to provide an increase in the per diem rate, from \$75 to \$80, for the period August 14, 2004 through August 13, 2005, and

WHEREAS, the Sheriff has requested authorization for said amendment as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Tioga County, 103 Corporate Drive, Owego, New York 13827 to provide an increase from \$75 to \$80 in the per diem rate for housing prisoners, for the Office of the Sheriff, for the period August 14, 2004 through August 13, 2005, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 450023.4435.101000 (Inmate Expense-Other Facility), and be it

FURTHER RESOLVED, that Resolution 11 of 2005, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

**RESOLUTION NO. 180**

By Public Safety & Emergency Services and Finance Committees      Seconded by Mr. Howard  
**RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH JUSTICE BENEFITS, INC. FOR THE RECOVERY OF STATE AND FEDERAL FUNDS FOR THE OFFICE OF THE BROOME COUNTY SHERIFF FOR 2005-2009**

WHEREAS, this County Legislature, by Resolution 213 of 2004, authorized an agreement with Justice Benefits, Inc. for the recovery of State and Federal funds for the Office of the Broome County Sheriff at a cost not to exceed 22% of any revenue received by the County as a result of the services of Justice Benefits Inc., for the period July 1, 2004 through June 30, 2005, and

WHEREAS, said services are necessary to maximize the potential for receiving Federal and State funds in connection with the operation of the Broome County Correctional Facility and the work of the Broome County Sheriff, and

WHEREAS, said agreement expires by its terms on June 30, 2005, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed 22% of any revenue received by the County as a result of the services of Justice Benefits, Inc., for the period July 1, 2005 through June 30, 2009, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with Justice Benefits, Inc., a business of Unificare, LTD, 2010 Valley View Lane, Suite 300, Dallas, Texas 75234 for the recovery of State and Federal funds for the Office of the Broome County Sheriff for the period July 1, 2005 through June 30, 2009, and be it

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FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed 22% of actual monies received by Broome County that are obtained through the services of Justice Benefits, Inc. for the term of the agreement, 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-18, Nays-0, Absent-1 (Shafer).**

#### **RESOLUTION NO. 181**

By Economic Development & Planning and Finance Committees                      Seconded by Mr. Howard  
**RESOLUTION AUTHORIZING AN AMENDMENT TO FEE SCHEDULE FOR THE SALE OF MAPS AND DIGITAL FILES BY THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT**

WHEREAS, the Broome County Department of Planning and Economic Development regularly sells various maps and aerial photo prints to the general public, and

WHEREAS, this County Legislature, by Resolution 118 of 1989, as amended by Resolution 163 of 1993, Resolution 138 of 1994, Resolution 521 of 2000 and Resolution 425 of 2003, established a schedule of fees for such sales, and

WHEREAS, it is appropriate at this time to revise said schedule of fees to account for all currently available products and distribution methods, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and adopts the rate structure attached hereto as Exhibit "A" for the sale of various maps and digital files by the Broome County Department of Planning and Economic Development, and be it

FURTHER RESOLVED, that the fees hereinabove shall become effective immediately, and be it

FURTHER RESOLVED, that all proceeds received from said sales shall be credited to budget line 440016.0208.101000 (Minor Sales-Planning), and be it

FURTHER RESOLVED, that the Commissioner of Finance and the Comptroller of Broome County are hereby authorized to make such bookkeeping and accounting entries and adjustments as may be necessary to effectuate the intent and purpose of this Resolution.

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

#### **RESOLUTION NO. 182**

By Economic Development & Planning Committee    Seconded by Mr. Howard  
**RESOLUTION AUTHORIZING AN APPLICATION FOR A FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) GRANT TO FUND THE PREPARATION OF A MULTI-HAZARD MITIGATION PLAN**

WHEREAS, the Federal Emergency Management Agency (FEMA) makes grants available to prepare Multi-Hazard Mitigation Plans designed to address the full array of natural hazards, and

WHEREAS, since 1960 there have been seven undeclared flooding events that affected Broome County that have been documented by the New York State Emergency Management Office (NYSEMO) in addition to a Federal Disaster Declaration for the County in 1998 for severe thunderstorms and a tornado, and

WHEREAS, a NYSEMO analysis rated Broome County 12<sup>th</sup> on a list of 62 counties in New York for vulnerability to flooding and flood loss, and

WHEREAS, a Multi-Hazard Mitigation Plan would recommend methods to be employed to reduce damage or injury resulting from natural hazards that may include but would not be limited to public education, warning systems, zoning or building code modifications and public facilities/infrastructure upgrades, and

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WHEREAS, FEMA provides funding on a 75/25 percent basis to underwrite the cost of preparing a Multi-Hazard Mitigation Plan that, when approved, makes the municipality eligible for other grant funding, and

WHEREAS, the Commissioner of Planning and Economic Development is requesting authorization to apply to the Federal Emergency Management Agency (FEMA) for grant funding in the amount of \$75,000 to be matched by \$25,000 of in-kind services, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves application to the Federal Emergency Management Agency (FEMA) for grant funding in the amount of \$75,000 to be matched by \$25,000 of in-kind services for the preparation of a Multi-Hazard Mitigation Plan, and be it

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

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

### **RESOLUTION NO. 183**

By Economic Development & Planning Committee

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING AN APPLICATION FOR A NEW YORK STATE DEPARTMENT OF STATE QUALITY COMMUNITIES PROGRAM GRANT TO PREPARE A PROGRAM PLAN FOR THE BROOME COUNTY ECONOMIC DEVELOPMENT DELIVERY SYSTEM**

WHEREAS, the New York State Department of State offers grants to municipalities through the Quality Communities Program to encourage collaboration among municipalities in addressing environmental, land use and economic development opportunities, and

WHEREAS, said grant would provide the funding required to prepare a program plan for the County's Economic Development Delivery System that would implement one of the key recommendations of the BCPlan, the creation of a "one-stop-shop for economic development decision making," and

WHEREAS, said plan would include an inventory of all of the agencies and incentives offered locally, outlining the legal structure, staffing, funding and incentives and services offered by each agency and a series of case studies/models for economic development cooperation, and

WHEREAS, the Commissioner of Planning and Economic Development is requesting authorization to apply for a New York State Department of State Quality Communities Program Grant in the amount of \$200,000 for the preparation a program plan for the County's Economic Development Delivery System, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves application to the New York Department of State Quality Communities Program Grant in the amount of \$200,000 for the preparation of a program plan for the Broome County Economic Development Delivery System, and be it

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

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

### **RESOLUTION NO. 184**

By Economic Development & Planning and Finance Committees

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING AN INTERMUNICIPAL AGREEMENT WITH THE TOWN OF FENTON WHEREBY THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT PROVIDES ASSISTANCE IN DEVELOPING A TOWN OF FENTON COMPREHENSIVE PLAN**

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WHEREAS, the Town of Fenton is desirous of developing a town comprehensive plan and has asked the Broome County Department of Planning and Economic Development for assistance, and

WHEREAS, the Department of Planning and Economic Development has the expertise and ability to provide consulting services to the Town of Fenton in conjunction with the development of said comprehensive plan, and

WHEREAS, the Commissioner of Planning and Economic Development has requested authorization to enter into an agreement with the Town of Fenton for an amount not to exceed \$3,000 for the Broome County Department of Planning and Economic Development to assist the Town in developing a comprehensive plan, for the period April 1, 2005 through June 30, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the Town of Fenton for consulting services from the Department of Planning and Economic Development to assist the Town in developing a comprehensive plan for the period April 1, 2005 through June 30, 2006 by:

- Developing a survey instrument to obtain community input on issues related to planning
- Preparing and disseminating approximately 2,200 surveys to residents and property owners
- Compiling survey results
- Providing demographic, environmental and land use data and analysis to the Town Board
- Conducting an analysis of existing local legislation affecting land use
- Participating in the public hearings required for the comprehensive plan
- Guiding the Town in preparing the text of a comprehensive plan
- Advising the Town on the steps necessary to comply with the State Environmental Quality Review Act (SEQR)
- Providing up to fifteen (15) copies of the completed comprehensive plan,

and be it

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

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 440016.0070.101000 (Fees for Services), and be it

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

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

#### **RESOLUTION NO. 185**

By Public Safety & Emergency Services and Finance Committees      Seconded by Mr. Howard  
**RESOLUTION AUTHORIZING RENEWAL OF EMERGENCY MANAGEMENT PERFORMANCE GRANT FOR OFFICE OF EMERGENCY SERVICES AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2004-2005**

WHEREAS, this County Legislature, by Resolution 161 of 2004, authorized and approved continued participation in the Emergency Management Performance Grant for the Office of Emergency Services and adopted a program budget in the amount of \$43,803 for the period October 1, 2003 through September 30, 2004, and

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

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WHEREAS, it is desired to renew said grant program in the amount of \$43,803 for the period October 1, 2004 through September 30, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$43,803 from the New York State Emergency Management Office, 120 Washington Avenue, Building 22, Suite 101, Albany, New York 12226-2251, for the Office of Emergency Services' Emergency Management Performance Grant for the period October 1, 2004 through September 30, 2005, and be it

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

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

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

### **RESOLUTION NO. 186**

By Public Works Committee

Seconded by Mr. Howard

**RESOLUTION DESIGNATING THE BROOME COUNTY LEGISLATURE AS LEAD AGENCY WITH RESPECT TO THE ENACTMENT OF LOCAL LAW INTRO. NO. 2, 2005, AND RENDERING A "NEGATIVE DECLARATION" WITH RESPECT THERETO**

WHEREAS, it is necessary to enact Local Law Intro. No. 2, 2005, increasing the amount designated for the Municipal Tip Fee Waiver Program to assist municipalities in Broome County cover the landfill disposal costs during their annual cleanup days, and

WHEREAS, it has been determined that the waiver of tipping fees under this program is subject to the requirements of the State Environmental Quality Review Act (SEQRA), and it is therefore necessary to initiate procedures with respect thereto, and

WHEREAS, this County Legislature has determined that it is the agency with the broadest governmental powers for investigation of the impact of the proposed action and has the greatest capability for providing the most thorough environmental assessment of the project, and

WHEREAS, this County Legislature is the only involved agency, as defined in the State Environmental Quality Review Act (SEQRA), reviewing the aforementioned tipping fee waiver, and

WHEREAS, the waiver of tipping fees may have an impact on the environment, now, therefore, be it

RESOLVED, that this County Legislature hereby declares its intention to seek "lead agency" status with respect to the environmental review of the proposed program for waiver of tipping fees for disposal of debris collected during a municipality's annual cleanup day, and be it

FURTHER RESOLVED, that this County Legislature, based on the Environmental Assessment Form annexed hereto as Exhibit "A", hereby determines and declares that the waiver of tipping fees under this program will not have a significant effect on the environment, and be it

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

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

### **RESOLUTION NO. 187**

By County Administration, Public Works and Finance Committees

Seconded by Mr. Howard

**RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 2, 2005, ENTITLED: "A LOCAL LAW AMENDING CHAPTER 179 OF THE BROOME COUNTY CHARTER AND CODE REGARDING THE MUNICIPAL TIP FEE WAIVER PROGRAM."**

RESOLVED, that Local Law Intro. No. 2, 2005, entitled: "A Local Law Amending Chapter 179 of the Broome County Charter and Code Regarding the Municipal Tip Fee Waiver Program" be and



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the same hereby is adopted and approved in accordance with the Broome County Charter and Code and all the applicable statutes and laws pertaining thereto.

**LOCAL LAW INTRO. NO. 2, 2005**

**A Local Law Amending Chapter 179 of the Broome County Charter and Code Regarding the Municipal Tip Fee Waiver Program**

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

SECTION 1. Section 179-9 (A) of the Broome County Charter and Code shall be amended to read as follows:

A. (7) (e) The total cost of this fee waiver program shall not exceed [\$25,000] \$30,000 per year.

SECTION 2. This local law shall take effect upon filing with the Secretary of State.

Material in [brackets] deleted

Material underlined added

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

**RESOLUTION NO. 188**

By Human Services Committee

Seconded by Mr. Howard

**RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME COUNTY OFFICE FOR AGING ADVISORY COUNCIL**

WHEREAS, Barbara J. Fiala, Broome County Executive, pursuant to the authority vested in her by Resolution 165 of 1973, has duly designated and appointed the following named individuals to membership on the Broome County Office for Aging Advisory Council, for the terms indicated, subject to confirmation by this County Legislature:

<u>Name</u>	<u>Term Expires</u>
Mary Lou McPhail 4609 Madison Drive Vestal, New York 13850	New Appointment 12/31/06
Maria Motsavage 14 Market Street Binghamton, New York 13903	New Appointment 12/31/06
Pat Macumber 384 Conklin Avenue Binghamton, New York 13903	New Appointment 12/31/06
Jamye Lindsey 45 Clearview Place Binghamton, New York 13901	New Appointment 12/31/06

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 165 of 1973 confirms the appointment of the above-named individuals to membership on the Broome County Office for Aging Advisory Council for the terms indicated, in accordance with their appointment by the County Executive.

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

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**RESOLUTION NO. 189**

By Human Services Committee

Seconded by Mr. Howard

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

WHEREAS, Barbara J. Fiala, Broome County Executive, pursuant to the authority vested in her by Resolution 163 of 1971 and Resolution 133 of 1976, has duly designated and appointed the following named individual to membership on Broome County Youth Bureau Advisory Board, for the term indicated, subject to confirmation by this County Legislature:

<u>NAME</u>	<u>TERM EXPIRING</u>
Heidi Kowalchuk 330 Park Avenue Binghamton, New York 13903	New Appointment 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 Resolution 163 of 1971 and Resolution 133 of 1976, confirms the appointment of the above-named individual to membership on the Broome County Youth Bureau Advisory Board for the term indicated, in accordance with her appointment by the County Executive.

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

**RESOLUTION NO. 190**

By Health Services and Finance Committees

Seconded by Mr. Howard

**RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH WBNG-TV/WBXI-TV FOR AIR TIME FOR THE DEPARTMENT OF MENTAL HEALTH FOR 2004-2005**

WHEREAS, this County Legislature, by Resolution 279 of 2004, authorized an agreement with WBNG-TV/WBXI-TV for air time for the Department of Mental Health at a cost not to exceed \$3,000 for the period October 1, 2004 through September 30, 2005, and

WHEREAS, said services are necessary to provide air time for communication of the goals of the Drug Free Communities Support Program, and

WHEREAS, it is necessary to authorize an amendment to said agreement to increase the cost \$1,500 to provide for additional air time for communication of goals of the Drug Free Communities Support Program for the period October 1, 2004 through September 30, 2005, and

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

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with WBNG-TV/WBXI-TV to increase the cost \$1,500 to provide for additional air time for communication of goals of the Drug Free Communities Support Program for the Department of Mental Health for the period October 1, 2004 through September 30, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an additional \$1,500, total amount not to exceed \$4,500, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 470138.4747.104958 (Other Fees for Services), and be it

FURTHER RESOLVED, that Resolution 279 of 2004, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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**RESOLUTION NO. 191**

By Health Services and Finance Committees

Seconded by Mr. Howard

**RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH THERAPEEDS PHYSICAL THERAPY OF UPSTATE NEW YORK, PLLC, D/B/A G&E THERAPIES FOR THE WILLOW POINT NURSING HOME FOR 2005**

WHEREAS, this County Legislature, by Resolution 360 of 2004, authorized an agreement with Therapeeds Physical Therapy of Upstate New York, PLLC d/b/a/ G&E Therapies for therapy services for the Willow Point Nursing Home at a cost not to exceed \$64,000 for the period July 1, 2004 through December 31, 2004, and

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

WHEREAS, said agreement expired by its terms on December 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 \$19,000, for the period January 1, 2005 through December 31, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Therapeeds Physical Therapy of Upstate New York, PLLC, d/b/a G&E Therapies, 1977 Marshland Road, Apalachin, New York 13732 for therapy services for the Willow Point Nursing Home for the period January 1, 2005 through December 31, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$19,000 for the term of the agreement at the following rates per hour:

Speech Therapist	\$60.00
Occupational and Physical Therapist	\$60.00
Physical Therapist Assistant and Certified Occupational Therapist Assistant	\$45.00

and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 160226.4706.204000, 160242.4706.204000 and 160234.4706.204000 (Rehab and Therapy Services), and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution. **Carried**, Ayes-18, Nays-0, Absent-1 (Shafer).

**RESOLUTION NO. 192**

By Human Services and Finance Committees

Seconded by Mr. Howard

**RESOLUTION AUTHORIZING REVISION OF A STEPS TO HEALTHIER US PROGRAM GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2004-2005**

WHEREAS, this County Legislature, by Resolution 506 of 2004, authorized and approved acceptance of the Steps to Healthier US Program Grant for the Office for Aging and adopted a program budget in connection therewith in the total amount of \$11,000 for the period September 22, 2004 through September 21, 2005, and

WHEREAS, said grant program provides funding for the Office for Aging's Mission Meltaway Program, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$4,000 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Steps to Healthier US Program Grant to reflect an increase of \$4,000 for the period September 22, 2004 through September 21, 2005, and be it

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FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$15,000, and be it

FURTHER RESOLVED, that Resolution 506 of 2004, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

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

### **RESOLUTION NO. 193**

By Human Services and Finance Committees

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING REVISION OF THE HOME ENERGY ASSISTANCE PROGRAM (HEAP) GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2004-2005**

WHEREAS, this County Legislature, by Resolution 412 of 2004, authorized and approved renewal of the Home Energy Assistance Program (HEAP) Grant for the Office for Aging and adopted a program budget in connection therewith in the total amount of \$18,000 for the period October 1, 2004 through September 30, 2005, and

WHEREAS, said grant program provides assistance to meet the cost of home heating for eligible homeowners and renters based on household size, income and type of heating, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$8,331 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Home Energy Assistance Program Grant to reflect an increase of \$8,331 for the period October 1, 2004 through September 30, 2005, 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 \$26,331, and be it

FURTHER RESOLVED, that Resolution 412 of 2004, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

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

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### RESOLUTION NO. 194

By Human Services and Finance Committees

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING REVISION OF THE FOSTER GRANDPARENTS PROGRAM-CORPORATION FOR NATIONAL SERVICE GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2005**

WHEREAS, this County Legislature, by Resolution 628 of 2004, authorized and approved renewal of the Foster Grandparents Program-Corporation for National Service Grant for the Office for Aging and adopted a program budget in connection therewith in the total amount of \$288,699 for the period January 1, 2005 through December 31, 2005, and

WHEREAS, said grant program is an intergenerational program that matches low-income elderly with special needs children to share experiences and offer support, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$2,173 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Foster Grandparents Program-Corporation for National Service Grant to reflect an increase of \$2,173 for the period January 1, 2005 through December 31, 2005, 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 \$290,872, and be it

FURTHER RESOLVED, that Resolution 628 of 2004, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

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

### RESOLUTION NO. 195

By Human Services, Personnel and Finance Committees

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING REVISION OF THE NEW YORK STATE OFFICE FOR AGING (SOFA) SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM (SCSEP) GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2004-2005**

WHEREAS, this County Legislature, by Resolution 266 of 2004, authorized and approved renewal of the New York State Office for Aging (SOFA) Senior Community Service Employment Program (SCSEP) Grant for the Office for Aging and adopted a program budget in connection therewith in the total amount of \$61,228 for the period July 1, 2004 through June 30, 2005, and

WHEREAS, said grant program provides a subsidized employment and training program for low income eligible persons aged 55 and older, including part-time jobs for applicants in not-for-profit agencies, classroom training, on-the-job training and efforts to increase the labor market participation of older persons, and

WHEREAS, it is necessary at this time to revise said program to reflect a decrease in the amount of \$13,601 in grant appropriations, now, therefore, be it

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RESOLVED, that this County Legislature hereby authorizes a revision of the New York State Office for Aging(SOFA) Senior Community Service Employment Program (SCSEP) Grant to reflect a decrease of \$13,601 for the period July 1, 2004 through June 30, 2005, 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 \$47,627, and be it

FURTHER RESOLVED, that Resolution 266 of 2004, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

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

### **RESOLUTION NO. 196**

By Finance, Personnel and Public Safety & Emergency Services Committees

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING A TRANSFER OF FUNDS AND PERSONNEL CHANGE REQUEST FOR THE OFFICE OF EMERGENCY SERVICES**

WHEREAS, this County Legislature, by Resolution 613 of 2004, authorized an agreement with the Village of Johnson City for the consolidation of emergency dispatch services, and

WHEREAS, the full consolidation of said dispatch services will take place on or about June 1, 2005, and

WHEREAS, the Director of Emergency Services has determined that a minimum of four (4) new dispatcher positions will be required to accomplish said consolidation, now, therefore, be it

RESOLVED, that this Legislature authorizes the Commissioner of Finance to make the following transfer of funds for the creation of four (4) new dispatcher positions:

	<u>IndexCode</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
FROM:	910034	5063	101000	Aid to Local Libraries	\$141,837
TO:	460006	1000	101000	Full Time Salaries	\$ 86,051
	460006	1700	101000	Overtime	7,971
	460006	1900	101000	Shift Differential	2,628
	460006	1940	101000	Other Pers Services	720
	460006	8010	101000	State Retirement	11,684
	460006	8030	101000	Social Security	7,449
	460006	8040	101000	Workers	1,721
	460006	8050	101000	Compensation	120
	460006	8060	101000	Life Insurance	23,393
	460006	8063	101000	Health Insurance	100
				Disability Insurance	

and be it

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FURTHER RESOLVED, that in accordance with a request from the Director of Emergency Services, as contained in PCR #05-156, this County Legislature hereby authorizes the creation of four (4) Emergency Services Dispatcher positions, Full Time, at budget line 460006.1000.101000, minimum salary \$31,271, Grade 14, Union CSEA, effective date 5/1/05 (See Resolution for Consolidation of Village of Johnson City Police Dept. dispatch services), and be it

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

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

### **RESOLUTION NO. 197**

By Transportation Committee

Seconded by Mr. Howard

#### **RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE GREATER BINGHAMTON AIRPORT ADVISORY BOARD**

WHEREAS, Barbara J. Fiala, Broome County Executive, pursuant to the authority vested in her by Resolution 89 of 1999, has duly designated and appointed the following named individuals to membership on the Greater Binghamton Airport Advisory Board, for the terms indicated, subject to confirmation by this County Legislature:

<u>NAME</u>	<u>TERM EXPIRING</u>
Dennis Moulton 8 Maple Avenue Windsor, New York 13865	Reappointment 12/31/07
Thomas Sullivan 7 Ardsley Road Binghamton, New York 13903	Reappointment 12/31/07
Gina Curcio 401 Western Heights Boulevard Endicott, New York 13760	Reappointment 12/31/07
Len Basso 3011 Country Club Road Endwell, New York 13760	New Appointment 12/31/07

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 89 of 1999, confirms the appointments of the above-named individuals to membership on the Greater Binghamton Airport Advisory Board for the terms indicated, in accordance with their appointment by the County Executive.

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

### **RESOLUTION NO. 198**

By Health Services, Personnel and Finance Committees

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING RENEWAL OF THE HIV/AIDS TRAINING GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2005-2006**

WHEREAS, this County Legislature, by Resolution 276 of 2004, authorized and approved renewal of the HIV/AIDS Training Grant for the Department of Health and adopted a program budget in the amount of \$84,000 for the period July 1, 2004 through June 30, 2005, and

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WHEREAS, said grant program provides free training for health and human services providers from eight counties in the delivery of care to Health Department clientele, and

WHEREAS, it is desired to renew said grant program in the amount of \$84,000 for the period July 1, 2005 through June 30, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$84,000 from New York State Department of Health, AIDS Institute, Empire State Plaza, Corning Tower, 2nd Floor Room 372, Albany, New York 12237, for the Department of Health's HIV/AIDS Training Grant for the period July 1, 2005 through June 30, 2006, 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 \$84,000, and be it

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

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

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

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

#### **RESOLUTION NO. 199**

By Health Services, Personnel and Finance Committees

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING REVISION OF THE STEPS TO A HEALTHIER US INITIATIVE PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2004-2005**

WHEREAS, this County Legislature, by Resolution 327 of 2004, as amended by Resolution 81 of 2005, authorized and approved renewal of the Steps to a Healthier US Initiative Program Grant for the Department of Health and adopted a program budget in connection therewith in the total amount of \$436,547 for the period September 22, 2004 through September 21, 2005, and

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

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$9,000 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Steps to a Healthier US Initiative Program Grant to reflect an increase of \$9,000 for the period September 22, 2004 through September 21, 2005, 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 \$445,547, and be it

FURTHER RESOLVED, that Resolution 327 of 2004 and Resolution 81 of 2005, to the extent consistent herewith, shall remain in full force and effect, and be it

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

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered (with the approval of the grantor agency) to reduce the time period of the



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grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

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

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

#### **RESOLUTION NO. 200**

By Health Services and Finance Committees

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING RENEWAL OF AGREEMENTS WITH ROBERT PACKER HOSPITAL AND GUTHRIE CLINIC LIMITED FOR VARIOUS SERVICES FOR THE DEPARTMENT OF HEALTH'S HEALTHY LIVING PARTNERSHIP INTEGRATED CANCER SERVICES PROGRAM FOR 2005-2006**

WHEREAS, this County Legislature, by Resolution 181 of 2004, authorized agreements with Robert Packer Hospital and Guthrie Clinic Limited for various services for the Department of Health's Healthy Living Partnership Integrated Cancer Services Program Grant at rates not to exceed those listed on Exhibit "B" of said resolution for the period April 1, 2004 through March 31, 2005, and

WHEREAS, said services are necessary to provide a regional approach to breast, cervical, colorectal and prostate cancer screening, diagnostics, education, treatment and follow up to uninsured or underinsured women and men over fifty years of age in five counties (Broome, Tioga, Chenango, Otsego and Delaware), and

WHEREAS, said agreements expired by their terms on March 31, 2005, and it is desired at this time to renew agreements with Robert Packer Hospital and Guthrie Clinic Limited on substantially similar terms and conditions, for an amount not to exceed those listed on Exhibit "B", for the period April 1, 2005 through March 31, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreements with Robert Packer Hospital, Guthrie Square, Sayre, Pennsylvania 18840 and Guthrie Clinic Limited, One Guthrie Square, Sayre, Pennsylvania 18840 for services as shown on Exhibit "A" for the Department of Health's Healthy Living Partnership Integrated Cancer Services Program Grant for the period April 1, 2005 through March 31, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at rates not to exceed those listed on Exhibit "B" for the term of the agreements, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480301.4715.104990 (Other Health and Medical Services) and 480376.4707/4715.105XXX (Medical and Hospital) and (Other Health and Medical Services), and be it

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

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

#### **RESOLUTION NO. 201**

By Health Services and Finance Committees

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH VARIOUS DELAWARE COUNTY PROVIDERS FOR VARIOUS SERVICES FOR DEPARTMENT OF HEALTH'S HEALTHY LIVING PARTNERSHIP INTEGRATED CANCER SERVICES PROGRAM GRANT FOR 2005-2006**

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WHEREAS, this County Legislature, by Resolution 182 of 2004, authorized renewal of agreements with various vendors for various services for the Department of Health's Healthy Living Partnership Integrated Cancer Screening Services Program Grant at rates not to exceed those listed on Exhibit "B" of said resolution for the period April 1, 2004 through March 31, 2005, and

WHEREAS, said services are necessary to provide a regional approach to breast, cervical, colorectal and prostate cancer screening, diagnostics, education, treatment and follow up to uninsured or underinsured women and men over fifty years of age in five counties (Broome, Tioga, Chenango, Otsego and Delaware), and

WHEREAS, said agreements expired by their terms on March 31, 2005, and it is desired at this time to renew various agreements on substantially similar terms and conditions, at rates not to exceed those listed on Exhibit "B", for the period April 1, 2005 through March 31, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with various Delaware County vendors for various services as shown on Exhibit "A" for the Department of Health's Healthy Living Partnership Integrated Cancer Service Program Grant for the period April 1, 2005 through March 31, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractors at rates not to exceed those listed on Exhibit " B" for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480301.4715.104990 (Other Health and Medical Services) and 480376.4707/4715.105XXX (Medical and Hospital Services) and (Other Health and Medical Services), and be it

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

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

### **RESOLUTION NO. 202**

By Health Services and Finance Committees

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH VARIOUS VENDORS FOR VARIOUS SERVICES FOR THE DEPARTMENT OF HEALTH'S HEALTHY LIVING PARTNERSHIP INTEGRATED CANCER SERVICES PROGRAM GRANT FOR 2005-2006**

WHEREAS, this County Legislature, by Resolution 180 of 2004, authorized renewal of agreements with various vendors for various services for the Department of Health's Healthy Living Partnership Integrated Cancer Services Program Grant at rates not to exceed those listed on Exhibit "B" of said resolution for the period April 1, 2004 through March 31, 2005, and

WHEREAS, said services are necessary to provide a regional approach to breast, cervical, colorectal and prostate cancer screening, diagnostics, education, treatment and follow up to uninsured or underinsured women and men over fifty years of age in five counties (Broome, Tioga, Chenango, Otsego and Delaware), and

WHEREAS, said agreements expired by their terms on March 31, 2005, and it is desired at this time to renew various agreements on substantially similar terms and conditions, at rates not to exceed those listed on Exhibit "B", for the period April 1, 2005 through March 31, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of agreements with various vendors for various services as shown on Exhibit " A" for the Department of Health's Healthy Living Partnership Integrated Cancer Services Program Grant for the period April 1, 2005 through March 31, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at the rates not to exceed those listed on Exhibit "B" for the term of the agreements, and be it

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FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480301.4715.104990 (Other Health and Medical Services) and 480376.4707/4715.105XXX (Medical and Hospital Services) and (Other Health and Medical Services), and be it

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

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

### **RESOLUTION NO. 203**

By Personnel, Human Services and Finance Committee

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST(S) FOR DEPARTMENT OF SOCIAL SERVICES**

RESOLVED, that in accordance with a request contained in PCR# 05-150 from the Department of Social Services, this County Legislature hereby authorizes the downgrade of the Staff Development Director position, Union Code 07, Grade 22, minimum salary \$42,410, to Union code 07 (BAPA), Grade 19, minimum salary \$40,422 at budget line 670018.1000.103000, effective date April 25, 2005, and be it

FURTHER RESOLVED, that in accordance with the request contained in PCR# 05-153 from the Department of Social Services, this County Legislature hereby authorizes the upgrade of the Senior Caseworker position, Union Code 04, Grade 18, minimum salary \$35,867, to Case Supervisor Grade B, Union code 04 (CSEA), Grade 20, minimum salary \$39,706 at budget line 670059.1000.103000, effective date April 21, 2005.

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

### **RESOLUTION NO. 204**

By Human Services and Finance Committees

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING ACCEPTANCE OF A DETENTION ALTERNATIVE AFTER SCHOOL PROGRAM GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES, ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH AND AUTHORIZING AN AGREEMENT WITH LOURDES YOUTH SERVICES TO ADMINISTER SAID PROGRAM FOR 2005**

WHEREAS, the Commissioner of Social Services requests authorization to accept a Detention Alternative After School Program Grant, to adopt a program budget in the amount of \$85,478 and to enter into an agreement with Lourdes Youth Services to administer said program for the period March 1, 2005 through June 30, 2005, and

WHEREAS, said grant program will provide service to Persons in Need of Supervision (PINS) age 16-17 and prevention and/or reduction of detention placements for Juvenile Delinquents (JDs) and PINS, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$85,478 from the New York State Office of Temporary and Disability Assistance for the Department of Social Services' Detention Alternative After School for the period March 1, 2005 through June 30, 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 \$85,478, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with Lourdes Youth Services, 219 Front Street, Binghamton, New York 13905 to administer said program grant, for the period March 1, 2005 through June 30, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$85,478 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 670513.4561.105XXX (Purchase of Services), and be it

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

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

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

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

### **RESOLUTION NO. 205**

By Health Services and Finance Committees

Seconded by Mr. Howard

**RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH THOMAS J. HOLMES FOR EYEGLASS SERVICES FOR THE RESIDENTS OF WILLOW POINT NURSING HOME FOR 2005**

WHEREAS, the Board of Acquisition and Contract (BAC) on March 23, 2005 authorized an agreement with Thomas J. Holmes for eyeglass services for the residents of the Willow Point Nursing Home at an amount not to exceed \$1,400 for the period January 1, 2005 through April 30, 2005, and

WHEREAS, said agreement will provide in-house eye care for the convenience of residents and will eliminate payments for transportation to an optician, and

WHEREAS, said agreement expires by its terms on April 30, 2005, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$2,800, for the period May 1, 2005 through December 31, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Thomas J. Holmes, 24 N. Louisa Street, Binghamton, New York 13901, for eyeglass services to residents of the Willow Point Nursing Home for the period May 1, 2005 through December 31, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$2,800 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 160184.4747.204000 (Other Fees for Services), and be it

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

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

### **RESOLUTION NO. 206**

By Public Works Committee

Seconded by Mr. Howard

**RESOLUTION DECLARING THE DEPARTMENT OF PUBLIC WORKS' TRIM STREET CULVERT REPLACEMENT PROJECT IN THE TOWN OF WINDSOR TO BE EXEMPT FROM THE PUBLIC HEARING REQUIREMENT OF THE EMINENT DOMAIN LAW AND AUTHORIZING THE ACQUISITION OF NECESSARY REAL PROPERTY BY PURCHASE OR CONDEMNATION**

WHEREAS, the Eminent Domain Law requires that a public hearing be held in connection with any proposed public project for which the acquisition of real property through the exercise of eminent domain may be required, except that a project is exempt from the public hearing

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requirement when in the opinion of the condemnor the acquisition is "de minimis" in nature so that the public interest will not be prejudiced by the construction of the project, and

WHEREAS, the Trim Street Culvert (CIN 120-4.94) Replacement Project in the Town of Windsor has been determined under the New York State Environmental Quality Review Act to have no substantial effect on the environment in that it involves only the replacement of the existing culvert, and

WHEREAS, the Department of Public Works desires to acquire the temporary land rights necessary to commence the aforesaid replacement project and is requesting authorization from this Legislature to acquire said land by purchase or condemnation, and

WHEREAS, the Public Works Committee has reviewed the scope of the aforesaid project and recommends that it be found to be exempt from the public hearing requirement because it is "de minimis" in nature, said determination being based upon the fact that the project involves only the replacement of an existing deficient culvert in its present location having no substantial effect on the environment, and at this time it appears that not more than two parcels shall be obtained from adjoining property owners, now, therefore, be it

RESOLVED, that this County Legislature hereby finds the Department of Public Works Trim Street Culvert (CIN 120-4.94) Replacement Project in the Town of Windsor to be "de minimis" in nature and therefore exempt from the public hearing requirement of the Eminent Domain Law, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes the acquisition by purchase or condemnation of the real property necessary to undertake and perform the aforesaid culvert replacement project in accordance with the design and specifications for said project.

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

#### **RESOLUTION NO. 207**

By Public Works and Finance Committees

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH DELTA ENGINEERS, P.C. FOR PROFESSIONAL CONSULTING ENGINEERING SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS FOR 2003-2005**

WHEREAS, this County Legislature, by Resolution 168 of 2003, as amended by Resolution 641 of 2004, authorized an agreement with Delta Engineers, P.C. for professional consulting engineering services for the Department of Public Works at a cost not to exceed \$193,747, for the period May 1, 2003 through December 31, 2005, and

WHEREAS, said services are necessary for the design of the Lester Avenue Bridge Rehabilitation Project in Johnson City, and

WHEREAS, it is necessary to authorize an amendment to said agreement to increase the scope of services to include construction administrative and on-site construction inspection services at an additional cost of \$73,223, beginning May 1, 2005, and

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

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Delta Engineers, P.C., 164 Court Street, Binghamton, New York 13901, to include construction administrative and on-site construction inspection services for the Department of Public Works, beginning May 1, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an additional amount of \$73,223, total amount not to exceed \$266,970 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 035022.4746.501358 (Engineering and Architectural Services), and be it

FURTHER RESOLVED, that Resolution 168 of 2003, as amended by Resolution 641 of 2004, 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 her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

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

### **RESOLUTION NO. 208**

By Public Works, Transportation and Finance Committees

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING AN AGREEMENT WITH CLOUGH HARBOUR & ASSOCIATES, LLP FOR CONSTRUCTION ADMINISTRATION AND OBSERVATION SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS FOR 2005**

WHEREAS, the Commissioner of Public Works requests authorization for an agreement with Clough Harbour & Associates, LLP for construction administration and observation services for the Department of Public Works at a cost not to exceed \$94,200, for the period April 1, 2005 through December 31, 2005, and

WHEREAS, said services are needed to complete the bidding process and to provide construction observation services for the replacement of the water mains at the Greater Binghamton Airport, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Clough Harbour Associates, LLP, The Galleries of Syracuse, 441 South Salina Street, Syracuse, New York 13202-4712, for construction administration and observation services for the replacement of the water mains at the Greater Binghamton Airport, for the Department of Public Works, for the period April 1, 2005 through December 31, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$13,200 for construction administration services and \$16,200 per month for observation services for the five-month construction period, total amount not to exceed \$94,200 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 211011.4746.501346 (Engineering and Architectural Services), and be it

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

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

### **RESOLUTION NO. 209**

By Public Safety & Emergency Services and Public Works Committees

Seconded by Mr. Howard

#### **RESOLUTION DECLARING THE INSTALLATION OF A RADIO TRANSMISSION TOWER IN THE TOWN OF KIRKWOOD TO BE EXEMPT FROM THE PUBLIC HEARING REQUIREMENT OF THE EMINENT DOMAIN LAW AND AUTHORIZING THE ACQUISITION OF NECESSARY REAL PROPERTY BY PURCHASE OR CONDEMNATION**

WHEREAS, the Eminent Domain Law requires that a public hearing be held in connection with any proposed public project for which the acquisition of real property through the exercise of eminent domain may be required, except that a project is exempt from the public hearing requirement when in the opinion of the condemnor the acquisition is de minimis in nature so that the public interest will not be prejudiced by the construction of the project, and

WHEREAS, the installation of a radio transmission tower off Old State Road in the Town of Kirkwood has been identified as an unlisted action under the New York State Environmental Quality Review Act having no substantial effect on the environment in that it involves only the installation of said tower, and

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WHEREAS, the Director of Emergency Services desires to acquire the land rights necessary to commence the aforesaid installation project and is requesting authorization from this Legislature to acquire said land by purchase or condemnation, and

WHEREAS, the Public Works Committee has reviewed the scope of the aforesaid project and recommends that it be found to be exempt from the public hearing requirement because it is de minimis in nature, said determination being based upon the fact that the project involves only the installation of radio transmission tower, having no substantial effect on the environment, and that only one permanent easement from one property owner will be required for the project, now, therefore, be it

RESOLVED, that this County Legislature hereby finds the installation of a radio transmission tower in the Town of Kirkwood, to be de minimis in nature and therefore exempt from the public hearing requirement of the Eminent Domain Law, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes the acquisition by purchase or condemnation of the real property necessary to undertake and perform the aforesaid installation project in accordance with the design and specifications for said project.

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

### **RESOLUTION NO. 210**

By Personnel and Finance Committees

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING AN AMENDMENT TO THE HOURLY RATE SCHEDULE FOR NON- UNION, TEMPORARY AND SEASONAL EMPLOYEES FOR 2005**

WHEREAS, this County Legislature by Resolution 20 of 2005, as amended by Resolution 88 of 2005, authorized an amendment to the hourly rates for various non-union, temporary and seasonal employees for 2005, and

WHEREAS, it is desired at this time to amend the hourly rate schedule for 2005 as indicated on the attached Exhibit "A", effective January 1, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby amends the hourly rate schedule for non-union, temporary and seasonal employees for 2005 as indicated on attached Exhibit "A" effective January 1, 2005.

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

### **RESOLUTION NO. 211**

By Transportation, Economic Development & Planning and Finance Committees

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH WENDELL DUCHSCHERER ARCHITECTS AND ENGINEERS FOR ENGINEERING/DESIGN SERVICES FOR THE DEPARTMENT OF PUBLIC TRANSPORTATION FOR 2003-2005**

WHEREAS, this County Legislature, by Resolution 442 of 2003, authorized an agreement with Wendell Duchscherer Architects and Engineers for engineering/design services for the Department of Public Transportation at a cost not to exceed \$325,000 for the period November 1, 2003 through May 31, 2005, and

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

WHEREAS, it is necessary to authorize amendments to said agreement to extend the term of the agreement to May 31, 2006 at no additional cost and to revise the budget lines used to pay for said services, and

WHEREAS, the Commissioner of Planning and Economic Development has requested authorization for said amendments as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes amendments to the agreement with Wendell Duchscherer Architects and Engineers to extend the term of the agreement to May 31, 2006 at no additional cost and to revise the budget lines used to pay for

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said services for the Department of Public Transportation for the period November 1, 2003 through May 31, 2006, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from a revised budget line 440131.4747.105027 (Other Fees for Services), and be it

FURTHER RESOLVED, that Resolution 442 of 2003, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, to provide funds to pay for said services, the 2005 budget is hereby amended as follows:

Increase appropriations:	440131.4747.105027 (Other Fees for Services)	\$200,000
Increase estimated revenues:	440131.0215.105027 (Refund of Prior Years' Expenditures)	\$200,000

and be it

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

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

### RESOLUTION NO. 212

By Economic Development & Planning and Finance Committees                      Seconded by Mr. Howard  
**RESOLUTION AUTHORIZING AMENDMENTS TO THE AGREEMENTS WITH CLOUGH, HARBOUR ASSOCIATES, LLP AND O'BRIEN & GERE ENGINEERS, INC TO PERFORM ENVIRONMENTAL ASSESSMENTS FOR THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT'S BROWNFIELD DEMONSTRATION PILOT GRANT FOR 2002-2004**

WHEREAS, this County Legislature, by Resolution 526 of 2003, authorized agreements with Clough, Harbour Associates, LLP and O'Brien & Gere Engineers, Inc. for environmental assessments for the Department of Planning and Economic Development's Brownfield Demonstration Pilot Grant, at rates listed in Exhibits' "A" and "B", total cost not to exceed \$200,000, for the period October 1, 2002 through September 30, 2004, and

WHEREAS, said agreements provided environmental assessments, including sampling and laboratory analysis and the preparation of a final report detailing sampling procedures, testing protocols, results, conclusions and recommendations, and

WHEREAS, it is necessary to authorize the amendments of said agreements to change the rates and extend the terms through September 30, 2006, and

WHEREAS, the Commissioner of Planning and Economic Development has requested authorization for said amendments as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes amendments to the agreements with Clough, Harbour Associates, LLP, 441 South Salina Street, Syracuse, New York 13202 and O'Brien & Gere Engineers, Inc., 441 Commerce Road, Vestal, New York 13850 to change the rates per Exhibits "A" and "B" and extend said agreements through September 30, 2006, for the Department of Planning and Economic Development's Brownfield Demonstration Pilot Grant, and be it

FURTHER RESOLVED, that Resolution 526 of 2003, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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



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### RESOLUTION NO. 213

By Finance Committee

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING CANCELLATION OF REAL PROPERTY TAXES, PLUS ACCRUED INTEREST AND PENALTIES ON PARCELS IN VARIOUS TOWNS IN BROOME COUNTY**

WHEREAS, it is necessary to cancel taxes, plus accrued interest and penalties on the parcels of real property listed on the attached Exhibit "A", now, therefore, be it

RESOLVED, that taxes, plus accrued interest and penalties will be cancelled on the parcels of real property listed on the attached Exhibit "A".

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

### RESOLUTION NO. 214

By Finance Committee

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING SALE OF COUNTY PROPERTIES FROM THE 2005 TAX SALE AUCTION AND THE SALE OF FORECLOSURE PROPERTIES TO THE FORMER OWNERS**

WHEREAS, the County of Broome owns certain parcels of real property as a result of in rem foreclosures, and

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

WHEREAS, the Director of Real Property Tax Service advises that a tax sale auction was held on March 12, 2005 and all bids submitted were tabulated, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the conveyance of certain real property to the successful bidders in the 2005 Broome County tax sale as indicated on the attached Exhibit "A", and be it

FURTHER RESOLVED, that the sell back to former owners of the parcels listed in Exhibit "B" for the amounts as stated is hereby approved by this County Legislature based on the unusual circumstances of such case, as determined by your sponsoring committee as well as the undue hardship to the former owners that the failure to approve such sale would cause, and be it

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

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

### RESOLUTION NO. 215

By Finance Committee

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING CANCELLATION OF REAL PROPERTY TAXES, PLUS ACCRUED INTEREST AND PENALTIES ON A PARCEL IN THE TOWN OF UNION**

WHEREAS, it is necessary to cancel taxes, plus accrued interest and penalties on the parcel of real property in the Town of Union by virtue of the reason stated below, now, therefore, be it

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

Parcel ID:	157.09-2-6
Address:	3 N. Nanticoke Avenue
Town/Village:	Union/Endicott
Amount to be Canceled:	\$1,114.12 plus penalties and interest
Reason:	Parcel wholly exempt

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

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**RESOLUTION NO. 216**

By Economic Development & Planning and Finance Committee                      Seconded by Mr. Howard  
**RESOLUTION AUTHORIZING THE ACCEPTANCE OF \$250,000 TO BE RETURNED TO THE COUNTY FROM THE BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

WHEREAS, this County Legislature, by Resolutions 152 of 1992 and 559 of 2000, authorized agreements with the Broome County Industrial Development Agency (IDA) to administer revolving loan programs in the total amount of \$250,000, and

WHEREAS, the New York State Comptroller has issued an opinion indicating that a County may not establish and administer a revolving loan fund on its own or by contract with its IDA, and

WHEREAS, this County Legislature appropriated \$50,000 by Resolution 152 of 1992 and \$200,000 by Resolution 559 of 2000 to be paid to the Broome County IDA for said revolving loan funds, and

WHEREAS, the IDA has agreed to return said funds to the County based on the New York State Comptroller's opinion, now, therefore, be it

RESOLVED, that this County Legislature authorizes the acceptance of \$250,000 to be returned to the County from the Broome County IDA, and be it

FURTHER RESOLVED, that \$200,000 of the returned funds shall be credited to budget line 440131.0215.105027 (Refund of Prior Year's Expenditure) and \$50,000 of the returned funds shall be credited to budget line 440016.0215.101000 (Refund of Prior Year's Expenditure), and be it

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

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

**RESOLUTION NO. 217**

By Economic Development & Planning Committee                      Seconded by Mr. Howard  
**RESOLUTION CONFIRMING APPOINTMENT TO MEMBERSHIP ON THE BROOME COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL BOARD OF DIRECTORS**

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

<u>NAME</u>	<u>TERM EXPIRING</u>
Roger McVannan 503 Mountainview Drive Endicott, New York 13760	New Appointment 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 Resolution 277 of 1971, Resolution 64 of 1973, Resolution 366 of 1976 and Resolution 341 of 1980, hereby confirms the appointment of the above-named individual to membership on the Broome County Environmental Management Council Board of Directors for the term indicated, in accordance with his appointment by the County Executive.

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

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**RESOLUTION NO. 218**

By Finance Committee

Seconded by Mr. Howard

**RESOLUTION AMENDING RESOLUTION 677 OF 2004 AUTHORIZING RENEWAL OF THE AGREEMENT WITH BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO ADMINISTER ECONOMIC DEVELOPMENT ADVERTISING AND PROMOTION PROGRAM FOR 2005-2008**

WHEREAS, pursuant to Resolution 677 of 2004, Broome County on December 28, 2004 authorized a renewal agreement with the Broome County Industrial Development Agency (IDA) to administer the Broome County Economic Development Revolving Loan Program and the Economic Development Advertising and Promotion Program, which prior agreement expired by its term of December 31, 2004, and

WHEREAS, the New York State Comptroller has issued an opinion indicating that a County may not establish and administer a revolving loan fund on its own or by contract with its IDA, and

WHEREAS, there is an appropriation of \$400,000 in the 2005 Broome County Budget for economic development advertising and promotion, and

WHEREAS, the appropriation of \$400,000 shall be distributed as follows: \$250,000 to the IDA and \$150,000 to be retained by the County and administered by the Commissioner of Planning and Economic Development, and

WHEREAS, the Commissioner of Planning and Economic Development desires to renew said December 18, 2000 agreement for the period January 1, 2005 through December 31, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with the Broome County Industrial Development Agency, 225 Water Street, PO Box 1510, Binghamton, NY 13901 to administer the Economic Development Promotion and Advertising budget for the period January 1, 2005 through December 31, 2008, and be it

FURTHER RESOLVED, that the IDA shall report advertising and promotion expenses to the Broome County Executive and this County Legislature semi-annually, and be it

FURTHER RESOLVED, that this County Legislature authorizes the Commissioner of Finance to make the following transfers of funds:

	<u>Index Code</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
FROM:	440016	4448	101000	Promotion And Advertising	\$150,000
TO:	440016	1000	101000	Full Time Salaries	94,787
	440016	8010	101000	State Retirement	10,901
	440016	8030	101000	Social Security	7,251
	440016	8040	101000	Workers Compensation	1,896
	440016	8050	101000	Life Insurance	48
	440016	8060	101000	Health Insurance	12,073
	440016	8063	101000	Disability Insurance	100
	440016	4462	101000	Travel, Hotel, Meals	5,000
	440016	4545	101000	Contracted Services	17,944

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 budget transfers, and be it

FURTHER RESOLVED, that upon execution of the agreement authorized herein, the balance remaining (up to a maximum of \$250,000) in budget line 460016.4448.101000 (Advertising and Promotion Expense) shall be paid to the Broome County Industrial Development Agency to be administered pursuant to said agreement during calendar year 2005, and be it

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

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

#### **RESOLUTION NO. 219**

By Public Safety & Emergency Services and Finance Committees                      Seconded by Mr. Howard  
**RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH TRANSCOR AMERICA, INC. FOR INTERSTATE TRANSPORTATION OF PRISONERS FOR THE OFFICE OF THE SHERIFF FOR 2005**

WHEREAS, this County Legislature, by Resolution 251 of 2000, authorized an agreement with Transcor America, Inc., for interstate transportation of prisoners for the Office of the Sheriff at a cost not to exceed \$30,000 for the period April 1, 2000 through March 31, 2001, and with renewals for four additional one-year contracts at Broome County's option, and

WHEREAS, said services are necessary to transport fugitives from justice back to Broome County, and

WHEREAS, it is necessary to authorize the amendment of said agreement extending the term of the final renewed contract through July 1, 2005 for the purpose of continuing the service until the bid process is complete, and

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

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Transcor America, Inc., 646 Melrose Avenue, Nashville, Tennessee 37211 to extend the term of the agreement to April 1, 2004 through July 1, 2005 for the interstate transportation of prisoners for the Office of the Sheriff, and be it

FURTHER RESOLVED, that Resolution 251 of 2000, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

#### **RESOLUTION NO. 220**

By Transportation, Public Works and Finance Committees                      Seconded by Mr. Howard  
**RESOLUTION AUTHORIZING AN AGREEMENT WITH MCFARLAND-JOHNSON, INC. FOR CONSTRUCTION OBSERVATION AND ADMINISTRATION SERVICES FOR THE DEPARTMENT OF AVIATION FOR 2005**

WHEREAS, the Commissioner of Aviation requests authorization for an agreement with McFarland-Johnson, Inc. for construction observation and administration services for the Runway 16-34 Rehabilitation Project at the Greater Binghamton Airport at a cost not to exceed \$408,844, for the period May 1, 2005 through November 30, 2005, and

WHEREAS, said services are necessary to provide technical inspection, progress reporting, preparation of FAA weekly reports, contractor monitoring, contractor payment submittals and development of the daily project diary, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with McFarland-Johnson, Inc., 49 Court Street, P.O. Box 1980, Binghamton, New York 13902, for construction observation and administration services, for the Runway 16-34 Rehabilitation Project at the Greater Binghamton Airport for the period May 1, 2005 through November 20, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$408,844 for the term of the agreement, and be it

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FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 211037.2015.501399 (Runways), and be it

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

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

### **RESOLUTION NO. 221**

By Transportation, Public Works and Finance Committees

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING AN AGREEMENT WITH MCFARLAND-JOHNSON, INC. FOR CONSTRUCTION OBSERVATION AND ELECTRICAL DESIGN SERVICES FOR THE DEPARTMENT OF AVIATION FOR 2005**

WHEREAS, the Commissioner of Aviation requests authorization for an agreement with McFarland-Johnson, Inc. for construction observation and electrical design services for the rehabilitation of the Glycol Collection System at the Greater Binghamton Airport at a cost not to exceed \$17,000, for the period May 1, 2005 through October 27, 2005, and

WHEREAS, said services are necessary to maintain the integrity of said system by completing an approved capital project which involves area pavement and tank system rehabilitation, catch basin and trench drain replacement, installation of tank monitoring equipment and repainting of the surface, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with McFarland-Johnson, Inc., 49 Court Street, P.O. Box 1980, Binghamton, New York 13902, for construction observation and electrical design services for the Glycol Collection System at the Binghamton Regional Airport for the period May 1, 2005 through October 27, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$17,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 211012.2016.502372 (Other Improvements), and be it

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

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

### **RESOLUTION NO. 222**

By Finance and Human Services Committees

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING SUPPLEMENTAL FUNDING FOR THE VETERANS SUPPORT COUNCIL**

WHEREAS, this County Legislature, by Resolution 673 of 2004, authorized financial support to numerous agencies and organizations involved in various fields of endeavor which benefit, aid or assist with the many needs of the broad spectrum of the Broome County community, and

WHEREAS, one of the said agencies and organizations is the Veterans Support Council, which was authorized to receive \$19,000 by Resolution 673 of 2004, said funds to be paid from Veterans Services, and

WHEREAS, the Veterans Support Council provides outreach, counseling, vocational, information and referral services, substance abuse and family programs to all veterans and their families suffering from Post Traumatic Stress Disorder (PTSD), and

WHEREAS, the Council, which serves an average of 10 to 15 veterans per day, may have to close its doors by June 30, 2005 unless it receives supplemental funding to remain open, and

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WHEREAS, this County Legislature is desirous of helping the Veterans Support Council to continue serving our veterans and their families recover from post traumatic stress disorder, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes supplemental funding in the amount of \$15,000 for the Veterans Support Council to continue serving veterans and their families suffering from post traumatic stress disorder, and be it

FURTHER RESOLVED, that in order to provide said funds, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
FROM:	900084	4752	101000	Contingency	\$15,000
TO:	420000	5010	101000	Veterans Support Council	\$15,000

and be it

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

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

### **RESOLUTION NO. 223**

By Personnel, Health Services and Finance Committees

Seconded by Mr. Howard

#### **RESOLUTION CONFIRMING THE APPOINTMENT OF CLAUDIA A. EDWARDS AS BROOME COUNTY PUBLIC HEALTH DIRECTOR**

WHEREAS, Barbara J. Fiala, Broome County Executive, pursuant to the authority vested in her by Article VII, Section 701 of the Broome County Charter, has duly designated and appointed, pending confirmation by this Legislature, Claudia A. Edwards, 60 Dean Street, Deposit, New York 13754 as Broome County Public Health Director, at the 2004 annual base salary of \$73,744 (Admin II-Grade I), effective March 23, 2005, and

WHEREAS, Claudia A. Edwards is fully qualified to fill the position of Public Health Director, and

WHEREAS, it is desired at this time, pursuant to the provisions of Article VII, Section 701 of the Broome County Charter to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature, confirms the appointment of Claudia A. Edwards as Broome County Public Health Director, effective March 23, 2005, in accordance with her appointment by the County Executive.

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

### **RESOLUTION NO. 224**

By Public Works and Finance Committees

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING AN AGREEMENT WITH STEARNS & WHELER, LLC FOR ENGINEERING SERVICES IN CONNECTION WITH THE SECTIONS II /III PARTIAL CLOSURE PROJECT AT THE BROOME COUNTY LANDFILL**

WHEREAS, in connection with the vertical expansion of Sections II and III at the Broome County Landfill it is necessary to remove a portion of the cap on Section II, prepare a fill progression plan and to close a portion of Sections II and III that will not be utilized in connection with the vertical expansion, and

WHEREAS, it is necessary to retain the services of an engineer to collect data, analyze the data and design the final closure for the partial closure portion of Sections II and III, prepare bids for the work, supervise construction and prepare the final documentation for submittal to the New York State Department of Environmental Conservation, and

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WHEREAS, Stearns & Wheler, LLC has submitted a proposed scope of services in connection with the project at a cost for services in the amount of \$242,300 plus expenses in the amount of \$12,985 with a total cost not to exceed \$255,285, and

WHEREAS, the Deputy Commissioner of Public Works for the Division of Solid Waste Management has reviewed the proposed scope of services submitted by Stearns & Wheler and has requested authorization to enter into an agreement with Stearns & Wheler, LLC to do the work proposed during the period May 1, 2005 through June 30, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Stearns and Wheler, LLC, Environmental Engineers and Scientists, One Remington Park Drive, Cazenovia, New York 13035 to provide engineering services for the design and construction of the final closure of portions of Sections II and III at the Broome County Landfill in conjunction with the vertical expansion of a portion of the said Sections II and III, for the period May 1, 2005 through June 30, 2006, and be it

FURTHER RESOLVED, that in consideration of said services the County shall pay the Contractor an amount not to exceed \$255,285 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 235036.4545.501377 (Contracted Services), and be it

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

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

### **RESOLUTION NO. 225**

By Personnel Committee

Seconded by Mr. Howard

#### **RESOLUTION CONFIRMING APPOINTMENT OF MICHAEL W. KLEIN AS PERSONNEL OFFICER**

WHEREAS, Barbara J. Fiala, Broome County Executive, pursuant to the powers vested in her by Article XVI, Section 1602 of the Broome County Charter, has duly designated and appointed, pending confirmation by this Legislature, Michael W. Klein as Personnel Officer, for a six year term effective May 2, 2005, and

WHEREAS, it is desired at this point in time, in accordance with the provisions of Article XVI, Section 1602 of the Broome County Charter to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Article XVI, Section 1602 of the Broome County Charter, does hereby confirm the appointment of Michael W. Klein, 34 Bennett Avenue, Binghamton, New York 13905, as Personnel Officer at the 2004 annual base salary of \$68,804 (Grade H) in accordance with his appointment by the County Executive.

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

Mr. Howard made a motion to adjourn, seconded by Mr. Marinich. **Motion to adjourn carried.**  
The meeting was adjourned at 5:28 p.m.

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