

**RESOLUTION NO. 11**

by Honorable Arthur J. Shafer

Seconded by Mr. Shafer

**RESOLUTION APPOINTING TIMOTHY M. GRIPPEN TO THE BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

WHEREAS, there has been created a Broome County Industrial Development Agency, whose members are appointed by the Broome County Legislature, in accordance with the provisions of Article XVIII-A of the General Municipal Law, and

WHEREAS, The Hon. Timothy M. Grippen, the Broome County Executive has served as a member of the Board of Directors of the Broome County Industrial Development Agency since 1989 and his term has expired, and

WHEREAS, your sponsor recommends that Timothy M. Grippen, 32 Brookfield Road, Binghamton, NY 13903, be appointed to serve for a term to expire December 31, 1996, now, therefore, be it

RESOLVED, that this County Legislature hereby approves and appoints Timothy M. Grippen to membership on the Broome County Industrial Development Agency for a term expiring on December 31, 1996. **Carried.** Ayes-17, Nays-0, Absent-2 (Lindsey, Whalen).

Mr. Augostini moved, seconded by Mr. Pasquale to adjourn at 7:54 p.m.

**BROOME COUNTY LEGISLATURE  
REGULAR SESSION  
THURSDAY, JANUARY 21, 1993**

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

The Clerk, Richard R. Blythe, read the fire exit announcement and then called the Attendance roll: Present 19, Absent-0 (Pasquale and

Wagstaff arrived shortly after the invocation).

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

Presentations was made by William Rinker on behalf of PARTNERSHIP 2000. Lisa Wolf representing Center of Leadership Studies on behalf of Binghamton University, also made a presentation.

Mr. Augostini moved, seconded by Mr. Pasquale that the minutes of the Regular Session be approved as prepared and as presented by the Clerk. **Carried.**

Written or oral presentations of the County Executive, Timothy M. Grippen:

Letters from the County Executive, Timothy M. Grippen:

1. Appointing Michael W. Klein as Personnel Director effective February 16, 1993.

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

COMMUNICATIONS:

1. Minutes from: Cornell Cooperative Extension; Emerging Business Assistance; Binghamton Regional Airport; Willow Point Nursing Facility.

2. Resolutions from: Orange County (Implement right of self-government requiring local tax levies-mandated State programs); Town of Union (Certified copy adopting 1993 Town Budget); Tioga County (Petition State to establish charge for Medicaid Clients).
3. Adopted Budgets: Broome County (1993); Broome Community College (1992-93); and Broome County Capital Improvements Program (1993-1998).
4. Claim for vehicle damages (Farm to Market Road, Town of Maine) submitted by John and Bonnie Kunzman.

REPORTS:

1. Monthly Reports: Broome Community College (November and December 1992 Budget Transfers; Above the Minimum Hires, December 1992).
2. Broome County Convention and Visitors Bureau: Fourth Quarter Report (October, November, December 1992).
3. Department of Audit and Control: Audit of Industrial Development Agency (CA 420-20, CA 1705).

Mr. Lindsey moved, seconded by Mr. Pasquale to receive and file the above noted reports and to publish any pertinent portions thereof in the 1992 Journal of Proceedings. **Carried.**

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY LEGISLATURE

Letters from the Chairman, Arthur J. Shafer:

1. Appointing James Malley as voting representative for Vincent A. Pasquale, Education, Culture & Recreation Committee, January 13, 1993.
2. Appointing Wayne L. Howard as voting representative for Daniel A. Schofield, Finance Committee, January 14, 1993.

Letter from Clerk, Richard R. Blythe, announcing staff appointments  
for

1993-94 Legislative term:

Laurie L. Tracy, Deputy Clerk

Monica H. Kusnick, Second Deputy Clerk

Susan E. Bucci, Second Deputy Clerk (p/t)

Debi Courtright, Third Deputy Clerk

#### A. RESOLUTIONS INTRODUCED AT THIS SESSION

The preferred agenda was introduced at this time seconded by Mr. Warner. (Legislative note: The preferred agenda is indicated to Legislators by the use of an asterisk (\*) on their individual agendas. The various resolutions on the preferred agenda are not in numerical sequence but are found throughout the published minutes.) The preferred agenda items were permanent numbers 12, 15, 16, 21, 26, 27, 28, 29, 31, 33, 35, 38, 39, and 40. Following the introduction of the preferred agenda resolutions number 16, 33, 35, and 40 received separate consideration. Also, there was a vote on reconsideration of number 28 which **lost**.

#### **RESOLUTION NO. 12**

by Health & Human Services, & Finance Committees

Seconded by Mr. Warner

**AUTHORIZING ACCEPTANCE OF HEALTH INSURANCE  
INFORMATION & COUNSELING ASSISTANCE PROGRAM  
GRANT FOR THE OFFICE FOR AGING AND ADOPTING A  
PROGRAM BUDGET IN CONNECTION THEREWITH FOR  
1993**

WHEREAS, the Office for Aging requests authorization to accept a Health Insurance Information & Counseling Assistance Program Grant in the amount of \$3,000 for the period January 1, 1993 through September 15, 1993, and

WHEREAS, said grant program will provide recruitment and training of volunteers to provide health insurance counseling for older persons, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$3,000 from the Health Care Financing Administration (HCFA) for the period January 1, 1993 through September 15, 1993, 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 \$3,000 for the period January 1, 1993 through September 15, 1993, and be it

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

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

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

**RESOLUTION NO. 13**

by Health and Human Services, Personnel and Finance Committees

Seconded by Mr. Brown

**RESOLUTION AUTHORIZING PERSONNEL CHANGE**

**REQUESTS FOR WILLOW POINT NURSING FACILITY, THE DEPARTMENT OF PUBLIC MENTAL HEALTH AND DRUG AWARENESS, TOGETHER WITH A BUDGET TRANSFER IN CONNECTION THEREWITH.**

RESOLVED, that in accordance with a request from the Willow Point Nursing Facility, as contained in PCR# 92-364, this County Legislature hereby authorizes the deletion of one (1) full-time RPN/LPN position at budget line WC160085.1000, minimum salary \$21,512/\$17,363, Grade 14/10, Union Code 4, and the creation of two (2) part-time RPN/LPN positions at budget line WC160085.1500, minimum salary \$10.2635 per hour, Grade 14/10, Union Code 8, effective February 1, 1993, and be it

FURTHER RESOLVED, that in accordance with a request from the Department of Mental Health, as contained in PCR# 93-67, this County Legislature hereby authorizes the change of two (2) full-time Clinical Social Worker positions at budget line GA470096.1000, minimum salary \$29,243, Grade 21, Union Code 4, to two (2) full-time Intensive Case Manager positions at budget line GA470096.1000, minimum salary \$24,906, Grade 18, Union Code 4, effective January 1, 1993, and be it

FURTHER RESOLVED, that in accordance with a request from Drug Awareness, as contained in PCR# 93-83, this County Legislature hereby authorizes the change of one (1) temporary Registered Professional Nurse position at budget line A470021.1600, minimum salary \$10.2708 per hour, Grade 14, Union Code 4, to one (1) part-time Registered Professional Nurse position at budget line A470021.1500, minimum salary \$10.2708 per hour, Grade 14, Union Code 4, effective January 1, 1993, and be it

FURTHER RESOLVED, that in accordance with a request from Drug Awareness, in order to provide funds for the aforementioned PCR, as requested by BT# 5341, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

<u>Index Code</u>	<u>Subobject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM: 470021	4715	101000	Other Health/Med Srv.	\$3,720
TO : 470021	1500	101000	Salaries - PT	\$3,720
<b>Carried.</b>				

**RESOLUTION NO. 14**

by Personnel, Health and Human Services, Public Safety, Public Works, & Finance Committees

Seconded by Mrs. Hudak

**RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST FOR DEPARTMENT OF PUBLIC WORKS- SECURITY DIVISION, TOGETHER WITH A BUDGET TRANSFER IN CONNECTION THEREWITH.**

RESOLVED, that in accordance with a request from the Department of Public Works - Security Division, as contained in PCR# 93-81, this County Legislature hereby authorizes the creation of one (1) full-time Security Office II position at budget line A030080.1000, minimum salary \$18,318, Grade 11, Union Code 4, effective February 1, 1993, and be it

FURTHER RESOLVED, that in accordance with a request from the Department of Public Works - Security Division, in order to provide funds for the aforementioned Security Officer II position to be stationed at the Department of Social Services, as requested by BT# 5342, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

<u>Index Code</u>	<u>Subobject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM: 450023	4435	101000	Inmate Expense-Other	\$21,480
	Facilities			
TO :	030080	1000	101000	Salaries - FT \$16,844
	030080	2460	101000	Communications Equip. 500

030080	2480	101000	Law Enforce. Equip.	425
030080	4349	101000	Misc. Operational Supp.	100
030080	8010	101000	State Retirement	421
030080	8030	101000	Social Security	1,289
030080	8050	101000	Life Insurance	24
030080	8060	101000	Health Insurance	1,812
030080	8063	101000	Disability Insurance	65

**Heldover** by Mr. Warner.

**RESOLUTION NO. 15**

by Health and Human Services and Finance Committees

Seconded by Mr. Warner

**RESOLUTION AUTHORIZING REVISION OF APPLICATION FOR STATE AID AND EXECUTION OF CONTRACTS FOR THE 1993 YOUTH BUREAU PROGRAMS**

WHEREAS, this County Legislature, by Resolution 474 of 1992, authorized the Youth Bureau Program State Aid Applications and established appropriations for said program for 1993, and

WHEREAS, it is necessary at this time to revise said program appropriations to reflect an increase in grant appropriations for the programs under the SOS Shelter Children's Program, the YWCA Crossroads Program, and the Salvation Army Open Door Shelter Program, and to add Mom's House as an additional contract agency, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Youth Bureau State Aid Applications as annexed hereto in Exhibit "A" in the amount of \$1,455 for the SOS Shelter Children's Program, \$520 for the YWCA Crossroads Program, and \$2,025 for the Salvation Army Open Door Shelter Program for the period January 1, 1993 through December 31, 1993, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes and approves the execution of agreements, documents, papers or contracts with Mom's House, said agreement to be approved as to form by the Department of Law, necessary to implement the intent and purpose of this resolution, and be it

FURTHER RESOLVED, that Resolution 474 of 1992, to the extent consistent herewith, shall remain in full force and effect, and be it

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

**RESOLUTION NO. 16**

by Education, Culture & Recreation and Finance Committees

Seconded by Mr. Warner

**RESOLUTION APPROVING THE FORM AND SUBSTANCE OF A PROPOSED AGREEMENT AMONG BROOME COUNTY, THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK (THE "AUTHORITY") AND BROOME COMMUNITY COLLEGE PERTAINING, AMONG OTHER MATTERS, TO THE REFINANCING OF ONE-HALF OF THE CAPITAL COSTS OF CERTAIN FACILITIES FOR BROOME COMMUNITY COLLEGE DELEGATING TO THE APPROPRIATE OFFICIAL OF BROOME COUNTY AUTHORITY, ON BEHALF OF BROOME COUNTY TO EXECUTE AND DELIVER TO THE AUTHORITY SAID**

**AGREEMENT AND ALL NECESSARY OR DESIROUS ADDITIONAL DOCUMENTS, CERTIFICATES OR AGREEMENTS AND, GRANTING APPROVAL TO THE BOARD OF TRUSTEES OF BROOME COMMUNITY COLLEGE TO SIMILARLY EXECUTE AND DELIVER SUCH AGREEMENT ON BEHALF OF BROOME COMMUNITY COLLEGE, AND DELEGATING TO THE AUTHORITY AUTHORIZATION TO THE APPROPRIATE OFFICIAL OF BROOME COMMUNITY COLLEGE, THE AUTHORITY TO EXECUTE AND DELIVER ANY RELATED DOCUMENTS.**

WHEREAS, the Legislature of Broome County (the "Local Sponsor") hereby finds and determines that, pursuant to the provisions of Article 126 of the Education Law, Broome County has established Broome Community College (the "Community College") in and for the County of Broome; has provided for the refinancing of not exceeding one-half of the amount of the capital costs of certain facilities (herein and in the Agreement, each as hereinafter defined, collectively called the "Project") and has authorized the Dormitory Authority of the State of New York (the "Authority") to provide for the refinancing of not to exceed one-half of the amount of the capital costs of the Project by the issuance of its bonds (the "Bonds"), and in furtherance thereof and after discussion of the provisions of the proposed Agreement, wishes to approve the form and substance of the proposed Agreement with the Local Sponsor, the Authority and the Community College pertaining, among other matters, to said proposed Authority refinancing of one-half of the capital costs of said Project and to grant approval to the Board of Trustees of the Community College to execute and deliver the agreement, now, therefore, be it

RESOLVED, by this Broome County Legislature, as follows:

Section 1. The form and substance of a proposed agreement, by and among the Local Sponsor, the Authority and the Community College (the "Agreement"), in substantially the form presented to this Legislature prior to this meeting, is hereby approved.

Section 2. The County Executive of the Local Sponsor or the Deputy County Executive, is hereby authorized, on behalf of the Local Sponsor, to execute and deliver the Agreement to the Authority, with such non-substantive changes in terms and form as said County Executive or the Deputy County Executive, of the Local Sponsor, shall approve. The execution thereof by said County Executive or the Deputy County Executive shall constitute conclusive evidence of the approval of the Local Sponsor.

Section 3. The Local Sponsor also hereby grants approval to the Board of Trustees of the Community College to authorize the approval of, and to execute and deliver the Agreement to the Authority, and the Local Sponsor knows of no regulation or limitation which has been established and prescribed by the State University of New York which would prohibit the Board of Trustees of the Community College from executing the Agreement and carrying out the provisions thereof.

Section 4. The Local Sponsor hereby grants approval to the Board of Trustees of the Community College to do all things necessary and proper to effectuate the construction of the Project in accordance with the provisions of the Agreement.

Section 5. The Local Sponsor hereby represents that it presently intends to continue its operation of the Community College, and does not intend to substantially reduce or "cut back" its operations. The Local Sponsor further represents that its fiscal and economic situation is such that it will be able to continue, in the foreseeable future, its financial support for the Community College.

Section 6. The Local Sponsor hereby authorizes the County Executive or the Deputy County Executive, of the Local sponsor, (who is duly qualified to so act) to execute and deliver all necessary or appropriate documents and to furnish all information requested by the Authority in connection with the Local Sponsor, including the furnishing of information required pursuant to the provisions of the Agreement.

Section 7. The Local Sponsor hereby authorizes the Dormitory

Authority to construct the facility on its behalf and authorizes the County Executive or the Deputy County Executive, of the Local Sponsor, (who is qualified to so act), to execute and deliver all documents necessary or desirable in connection with construction of the Project by the Authority.

Section 8. The County Executive of the Local Sponsor agrees to provide to the Broome County Legislature monthly status reports with respect to design and construction of the project, and the reports will be delivered in person to and reviewed by the Public Works Committee.

Section 9. A certified copy of this resolution shall be forwarded to the County Executive, Director of the Division of Budget and Research, Broome County Comptroller, Commissioner of the Department of Planning and Economic Development, County Attorney, President - Donald Dellow - Broome Community College, and Executive Director - Dormitory Authority of the State of New York.

Section 10. This Resolution shall take effect immediately.

**Carried.**

Ayes-18, Abstained-1 (Burger).

**RESOLUTION NO. 17**

by Health & Human Services, Personnel and Finance Committees

Seconded by Mr. Pazzaglini

**RESOLUTION AUTHORIZING REVISION OF HEALTH DEPARTMENT'S HEALTHY NEIGHBORHOODS PROGRAM AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1991 THROUGH 1992.**

WHEREAS, this County Legislature, by Resolution 344 of 1991, authorized the continued participation by the Health Department in the Healthy Neighborhoods Grant Program for the period October 1, 1991 through September 30, 1992 and adopted a program budget in connection therewith in the total amount of \$40,698, and

WHEREAS, it is necessary at this time to revise said budget, now,

therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Healthy Neighborhoods Grant Program for the period October 1, 1991 through September 1992 in the total amount of \$40,698, and be it

FURTHER RESOLVED, that this County Legislature hereby adopts and approves the revised program budget annexed hereto as Exhibit "A" in the total amount of \$40,698 for the period October 1, 1991 through September 30, 1992, and be it

FURTHER RESOLVED, that Resolution 344 of 1991, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

**RESOLUTION NO. 18**

by County Administration, Economic Development & Planning, Health & Human Services and Finance Committees

Seconded by Mr. Harbuchuk

**RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 1, 1993,  
ENTITLED: "A LOCAL LAW ESTABLISHING HIV  
COUNSELING TESTING TRAINING SESSION FEES."**

RESOLVED, that Local Law Intro. No. 1, 1993, entitled: "A Local Law Establishing HIV Counseling Testing Training Session Fees," be and the same hereby is adopted and approved in accordance with the Broome County Charter and Administrative Code and all the applicable statutes and laws pertaining thereto.

**LOCAL LAW INTRO. NO. 1, 1993**

A LOCAL LAW ESTABLISHING HIV COUNSELING TESTING TRAINING SESSION FEES

SECTION 1. The following fees are established for HIV Counseling Testing Training Sessions:

1. The fee shall be \$25.00 per person per day of training.

SECTION 2. This local law shall take effect immediately following a public hearing to be held before the County Executive in the manner provided by law. **Carried.**

**RESOLUTION NO. 19**

by Finance, Education, Culture & Recreation and Public Works Committees

Seconded by Mr. Warner

**BOND RESOLUTION DATED JANUARY 21, 1993**

**RESOLUTION AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$2,900,000 SERIAL BONDS OF THE COUNTY OF BROOME, NEW YORK, TO PAY THE INCREASED COST OF THE ALTERATION AND IMPROVEMENT OF TITCHENER HALL IN AND FOR SAID COUNTY.**

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

Section 1. To pay the increased cost of the alteration and improvement of Titchener Hall, including original furnishings, equipment, machinery and apparatus incidental thereto, in and for the County of Broome, New York, there are hereby authorized to be issued an additional \$2,900,000 serial bonds of said County pursuant to the Local Finance Law.

Section 2. The maximum estimated cost of the aforesaid specific object or purpose is now determined to be \$5,700,000, and the plan for the financing thereof shall be as follows:

- a) By the issuance of \$1,330,000 serial bonds of said County as authorized by a bond resolution dated February 2, 1988 (Permanent No. 52), duly adopted by the County Legislature of said County on said date, as amended on July 18, 1989;
- b) By the expenditure of \$70,000 available current funds of said County as authorized by the aforesaid bond resolution;
- c) By the expenditure of \$1,400,000 State funds as authorized by the aforesaid bond resolution; and
- d) By the issuance of the \$2,900,000 serial bonds authorized herein.

Section 3. It is hereby determined that the aforesaid specific object or purpose constitutes a Type II Action under the SEQR regulations of the State of New York which, by definition, will not have a significant impact upon the environment.

Section 4. It is hereby determined that the Project Code Number of the aforesaid specific object or purpose, as originally set forth in the 1988 capital budget of said County, is "E-65" and that, to the extent that the authorization set forth in this bond resolution is inconsistent with said capital budget or any other capital budget, such capital budget or any other such capital budget is hereby amended.

Section 5. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law, computed from April 28, 1988, the date of the first bond anticipation note issued pursuant to the aforesaid bond resolution referred to in paragraph a of section 2 hereof; and such bond resolution

is hereby amended so that the period of probable usefulness set forth therein shall be exactly as is set forth in this Section.

Section 6. The faith and credit of said County of Broome, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. The annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 7. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 8. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the Commissioner of Finance, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Commissioner of Finance shall determine consistent with the provisions of the Local Finance Law.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1)Such obligations are authorized for an object or purpose for

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

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.103-18(f). Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution, which takes effect upon its approval by the County Executive, shall be published in full in The Press & Sun Bulletin, which is the only newspaper having a general circulation in the County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law. **Carried.** Ayes-18, Abstaining-1 (Burger).

**RESOLUTION NO. 20**

by County Administration, Economic Development & Planning and Finance Committees

Seconded by Mr. Malley

**RESOLUTION AUTHORIZING EXECUTION OF AGREEMENTS WITH TWO CONTRACT AGENCIES SUPPORTED BY BROOME COUNTY FOR 1993**

WHEREAS, the County has contributed financial support to numerous agencies and organizations involved in various fields of endeavor which benefit, aid or assist with the many needs of the board spectrum of the Broome County community, and

WHEREAS, these contract agencies which have received or will receive such financial assistance from Broome County for 1993

include:

Broome County Arts Council, Inc. - for the amount not to exceed \$200,878

Broome County Chamber of Commerce & Visitors Bureau - for the amount not to exceed \$246,962

WHEREAS, it is the desire of this Legislature to give approval for the execution of the contracts with such agencies, said contracts to be in the general form heretofore used, subject to and conditioned upon the financial allocations made and accounting procedure prescribed by the County Law Department to these respective contract agencies in the 1993 Broome County Budget (Hotel Motel Occupancy Tax), now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the County Executive or his duly authorized representative to execute such agreements, approved as to form by the Department of Law, with the aforesaid contract agencies, and be it

FURTHER RESOLVED, that said contracts shall be in a form similar to those used in prior years for each specific agency and subject to, conditioned upon and limited to the monetary amount and financial formula and funding distribution criteria set forth and approved in the 1993 County Budget (Hotel Motel Occupancy Tax), and to be subject to any necessary approvals required by the State or Federal Governments or for any other valid reason which may require the approval of said State or Federal Governments, and to be conditioned upon the submission and filing with the Clerk of this Legislature and County Executive a written annual report, detailing the agency's use of these funds received from the County during the previous calendar year, and be it

FURTHER RESOLVED, that any contract which provides for payment on a single lump sum basis, said annual report shall be filed before the lump sum payment is released and any contract which provides for two or more periodic payments during the contract term, said annual report shall be filed prior to the release of the second payment provided for by said contract and such payments are further

subject to the provisions of Resolutions 262 of 1978 and 243 of 1979.

Mr. Malley **heldover** those portions relating to the Broome County Chamber of Commerce. The balance of the resolution **carried** by the following: Ayes-16, Nays-3 (Hudak, Wagstaff, Warner).

**RESOLUTION NO. 21**

by County Administration, Economic Development and Planning Committee

Seconded by Mr. Warner

**RESOLUTION TO MEMORIALIZE SCHUYLER COUNTY WORKERS MURDERED ON OCTOBER 15, 1992.**

WHEREAS, Schuyler County, a member of the New York State Association of Counties, on October 15, 1992, experienced the tragic murders of four members of its Department of Social Services staff, and

WHEREAS, the lives of these county staff were taken in the course of their assigned duties in the support collection unit of the Department of Social Services at Watkins Glen, the county seat of Schuyler County, and

WHEREAS, as the victims' families, their co-workers and friends continue to mourn their deaths, it is appropriate to remember each of these dedicated county staff and commit that all work together to prevent such senseless acts in the future, now, therefore, be it

RESOLVED, that this County Legislature, by this resolution shall remember the four women killed in Schuyler County on October 15th while serving the citizens of the county and the clients of the Department of Social Services:

Phyllis K. Caslin, a Support Unit investigator. She had worked for the county for 18 years and was the mother of three grown children.

Florence A. Pike, the Support Unit Supervisor. She had worked for the county since 1972, was married and had three grown

children.

Denise Miller Van Amburg, an account clerk who worked for the county for two years. She was married and had two young children.

Nancy J. Wheeler, a senior account clerk. She had worked for the county for eight years, was married and had three grown children,

and be it

FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded directly to Schuyler County Legislature Chair, Honorable Angeline Franzese at the Schuyler County Office Building, 105 Ninth Street, Watkins Glen, New York, 14891, and be it

FURTHER RESOLVED, that contributions to the "Schuyler County Workers Memorial Fund" to assist the families of the victims can be made by payment to "Schuyler County Treasurer - Memorial Fund" and sent to Schuyler County Treasurer, 105 Ninth Street, Watkins Glen, New York, 14891. **Carried.**

**RESOLUTION NO. 22**

by County Administration, Economic Development and Planning Committee

Seconded by Mrs. Hudak

**RESOLUTION OF INTENT TO EXERCISE THE RIGHT OF SELF-GOVERNMENT IN THE MATTER OF EFFECTING STATE LEGISLATED PROGRAMS REQUIRING LOCAL TAX LEVY PARTICIPATION UNDER THE SPIRIT OF THE LAW OF HOME RULE.**

WHEREAS, the people of Broome County of the State of New York are overburdened by excessive and coercive taxation and regulations, and

WHEREAS, the source of these burdens come from New York State laws and regulations whose mandated - but increasingly unfunded - implementation requires the increase of fees and taxation of local county, city, town and village municipalities, and

WHEREAS, the State of New York has usurped and preempted the laws allowing for the right of self-government by the counties, cities, towns and villages through its legislative, regulatory and tax policies, and

WHEREAS, New York State Legislators have proven themselves unwilling or unable to ease and relieve this burden from the people of Broome County, and

WHEREAS, one result of these excessive and coercive tax burdens is a contributing factor in forcing people out of their homes, and

WHEREAS, one result of these excessive and coercive tax burdens is a contributing factor in forcing businesses to fold or move

out of the County resulting in job loss, now, therefore, be it

RESOLVED, that the Legislature of Broome County of the State of New York will exercise every legal remedy to remove the aforementioned State legislated burdens - mandated or not - from the shoulders of the Broome County taxpayer, said burdens arising from any and all laws or regulations enacted by the State, which require funding to come from new and additional levy of taxes or fees on the County level to implement said laws or regulations, and be it

FURTHER RESOLVED, that the people of Broome County of the State of New York, through their County Legislature, will exert all legal remedies to return the power of reasonable home rule and self-government to the citizens of the cities, towns and villages in Broome County, and be it

FURTHER RESOLVED, that the Clerk of this Legislature is directed to forward a certified copy of this resolution to all of this County's representatives in the New York State Legislature, the Office of the Governor of the State of New York, and all New York State County Legislatures and Board of Supervisors. **Heldover** by Mrs. Coffey.

**RESOLUTION NO. 23**

by Finance and County Administration, Economic Development & Planning Committees

Seconded by Mr. Schofield

**RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 2, 1993, ENTITLED: "A LOCAL LAW EXEMPTING FROM TAXATION ANY IMPROVEMENT TO REAL PROPERTY USED SOLELY FOR RESIDENTIAL PURPOSES AS A ONE, TWO OR THREE FAMILY RESIDENCE TO THE EXTENT OF ANY INCREASE IN VALUE ATTRIBUTABLE TO SUCH IMPROVEMENT IF SUCH IMPROVEMENT IS USED FOR THE PURPOSE OF FACILITATING AND ACCOMMODATING THE USE AND ACCESSIBILITY BY A RESIDENT OF THE REAL PROPERTY WHO IS**

**PHYSICALLY DISABLED."**

RESOLVED, that Local Law Intro. No. 2, 1993, entitled: "A Local Law exempting from taxation any improvement to real property used solely for residential purposes as a one, two or three family residence to the extent of any increase in value attributable to such improvement if such improvement is used for the purpose of facilitating and accommodating the use and accessibility by a resident of the real property who is physically disabled," be and the same hereby is adopted and approved in accordance with the Broome County Charter and all the applicable statutes and laws pertaining thereto.

**LOCAL LAW INTRO. NO. 2, 1993**

A LOCAL LAW EXEMPTING FROM TAXATION ANY IMPROVEMENT TO REAL PROPERTY USED SOLELY FOR RESIDENTIAL PURPOSES AS A ONE, TWO OR THREE FAMILY RESIDENCE TO THE EXTENT OF ANY INCREASE IN VALUE ATTRIBUTABLE TO SUCH IMPROVEMENT IF SUCH IMPROVEMENT IS USED FOR THE PURPOSE OF FACILITATING AND ACCOMMODATING THE USE AND ACCESSIBILITY BY A RESIDENT OF THE REAL PROPERTY WHO IS PHYSICALLY DISABLED.

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

Section 1. An improvement to any real property used solely for residential purposes as a one, two or three family residence shall be exempt from taxation to the extent of any increase in value attributable to such improvement if such improvement is used for the purpose of facilitating and accommodating the use and accessibility of such real property by:

- A. A resident owner of the real property who is physically disabled
- or,
- B.A member of the resident owner's household who is physically disabled, if such member resides on the real property.

Section 2. To qualify as physically disabled for the purposes of this law, an individual shall submit to the assessor, a certified statement from a physician licensed to practice in New York State, on a form prescribed and made available by the New York State Board of Equalization and Assessment, which states that the individual has a permanent physical impairment which substantially limits one or more of such individual's major life activities, except that an individual who has obtained a certificate from the State Commission for the Blind and Visually Handicapped stating that such individual is legally blind, may submit such certificate in lieu of a physician's certified statement.

Section 3. Such exemption shall be granted only upon application by the owner or all of the owners of the real property on a form prescribed and made available by the New York State Board of Equalization and Assessment. The applicant shall furnish such information as New York State Board shall require. The application shall be filed together with the appropriate certified statements of physical disability or certificate of blindness with the assessor on or before the taxable status date.

Section 4. If the Assessor is satisfied that the improvement necessary to facilitate and accommodate the use and accessibility by a resident who is physically disabled and that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and enter the taxable assessed value of the parcel for which an exemption has been granted pursuant to this section on the assessment roll with the taxable property, with the amount of the exemption as determined pursuant to Section 1 of this Local Law in a separate column. Once granted, the exemption shall continue on the real property until the improvement ceases to be necessary to facilitate and accommodate the use and accessibility of the property by the resident who is physically disabled.

Section 5. This Local Law shall take effect immediately following a public hearing to be held before the County Executive in the manner provided by law. **Carried.**

**RESOLUTION NO. 24**

by County Administration, Economic Development & Planning and Personnel Committees

Seconded by Mrs. Coffey

**RESOLUTION CONFIRMING APPOINTMENT OF MICHAEL W. KLEIN AS PERSONNEL DIRECTOR**

WHEREAS, Timothy M. Grippen, Broome County Executive, pursuant to the powers vested in him by Article XVI, Section 1601 of the Broome County Charter, has duly designated and appointed, pending confirmation by this Legislature, Michael W. Klein, 35 Bennett Avenue, Binghamton, New York, 13905, as Personnel Director for the County of Broome for a six year term as provided by Civil Service Law, to commence on February 16, 1993, and

WHEREAS, it is desired at this point in time, in accordance with the provisions of Article XVI, Section 1601 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 1601, does hereby confirm the appointment of Michael W. Klein, as Personnel Director at Grade K, Administration II, at a minimum salary of \$44,995, for the County of Broome in accordance with his appointment by the County Executive.

**Carried.**

**RESOLUTION NO. 25**

by County Administration, Economic Development & Planning and Personnel Committees

Seconded by Mr. Pasquale

**RESOLUTION CONFIRMING APPOINTMENT OF FRANK E. KELLEY AS COMMISSIONER OF PLANNING AND ECONOMIC DEVELOPMENT**

WHEREAS, Timothy M. Grippen, Broome County Executive, pursuant to the powers vested in him by Article XV, Section 1501, of the Broome County Charter, has duly designated and appointed,

pending confirmation by this Legislature, Frank E. Kelley, 20 Country Knoll, Binghamton, New York, 13901, as Commissioner of Planning and Economic Development, effective January 4, 1993, and

WHEREAS, it is desired at this point in time, in accordance with the provisions of Article XV, Section 1501, of the Broome County Charter, to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Article XV, Section 1501, of the Broome County Charter, does hereby confirm the appointment of Frank E. Kelley as Commissioner of Planning and Economic Development in accordance with his appointment by the County Executive. **Carried.**

**RESOLUTION NO. 26**

by Education, Culture and Recreation, County Administration, Economic Development & Planning and Finance Committees

Seconded by Mr. Warner

**RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH H. W. WILSON COMPANY FOR COMPUTER SEARCH INFORMATION SERVICES AT BROOME COUNTY PUBLIC LIBRARY FOR 1993.**

WHEREAS, this County Legislature, by Resolution 14 of 1992, authorized an agreement with H. W. Wilson Company for computer search information services known as Wilson Line at a cost not to exceed \$1,500 for calendar year 1992, and

WHEREAS, said agreement expired by its terms on December 31, 1992, and it is desired at this time to renew said agreement for calendar year 1993 on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of an agreement with H. W. Wilson Company, 930 University Avenue, Bronx, New York, 10452, for computer search information services known as Wilson Line for the period January 1, 1993 through December 31, 1993, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor a predetermined user fee, said

amount not to exceed \$1,500 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 841007.4372.304131 (Reference Materials), and be it

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

**RESOLUTION NO. 27**

by EDUCATION, CULTURE & RECREATION and FINANCE COMMITTEES

Seconded by Mr. Warner

**RESOLUTION AUTHORIZING ACCEPTANCE OF THE NATURAL HERITAGE TRUST GRANT AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1993**

WHEREAS, the Department of Parks and Recreation requests authorization to accept a Natural Heritage Trust Grant in the amount of \$11,407 for the period January 1, 1993 through December 31, 1993, and

WHEREAS, said grant program provides for the Naturalist position in the Nature Interpretation Program at Finch Hollow Nature Center, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$11,407 from Natural Heritage Trust, administered by the New York State Office for Parks, Recreation and Historic Preservation for the period January 1, 1993 through December 31, 1993, 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 \$11,407 for the period January 1, 1993 through December 31, 1993, and be it

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

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

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

**RESOLUTION NO. 28**

by Education, Culture & Recreation and Finance Committees  
Seconded by Mr. Warner

**RESOLUTION AUTHORIZING AGREEMENT WITH GENT ENGINEERING FOR DESIGN AND ARCHITECTURAL SERVICES FOR ARENA ICE RINK EXPANSION FOR THE DEPARTMENT OF PARKS & RECREATION FOR 1993.**

WHEREAS, the Department of Parks and Recreation requests authorization for an agreement with Gent Engineering for design/architectural services for the Arena ice rink expansion for 1993, at a cost not to exceed \$25,230, and

WHEREAS, said services are necessary to for the Arena Ice Rink expansion project, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Gent Engineering, One Endicott Avenue, Johnson City, New York, 13790, for design/ architectural services for the Arena ice rink expansion, for the period January 1, 1993 through October 1, 1993, and be it

FURTHER RESOLVED, that in consideration of said services,

the County shall pay the Contractor an amount not to exceed \$25,230 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 655035.4443.502206 (engineering expense), and be it

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

Resolution **carried**.

Prior to adjournment Mr. Malley moved, seconded by Mr. Kavulich to reconsider this resolution. Motion **failed** due to lack of two-thirds vote. Ayes-10 (Burger, Coffey, Harbachuk, Harris, Kavulich, Lindsey, Malley, Pasquale, Taylor, Whalen), Nays-9 (Augostini, Brown, Howard, Hudak, Pazzaglino, Schofield, Wagstaff, Warner, Shafer).

**RESOLUTION NO. 29**

by Environment and Finance Committees

Seconded by Mr. Warner

**RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH SOIL AND WATER CONSERVATION DISTRICT FOR WATERSHED AND STREAM PROTECTION/MAINTENANCE FOR 1993.**

WHEREAS, this County Legislature, by Resolution 502 of 1991, authorized an agreement with Broome County Soil and Water Conservation District for watershed and stream protection/maintenance services for the period January 1, 1992 through December 31, 1992, at a cost not to exceed \$71,009.00, and

WHEREAS, said agreement expired by its terms on December 31, 1992, and it is desired at this time to renew said agreement for 1993 on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes

renewal of agreement with Broome County Soil and Water Conservation District, 840 Front Street, Binghamton, New York, 13901 for watershed and stream protection/maintenance services for the period January 1, 1993 through December 31, 1993, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$71,009.00 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 541003.4452.101020 (Watershed and Stream Protection), and be it

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

**RESOLUTION NO. 30**

by Education, Culture & Recreation, Public Safety and Finance Committees

Seconded by Mr. Schofield

**A RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE BROOME COMMUNITY COLLEGE BOARD OF TRUSTEES REGARDING THE TRANSFER OF LAND FOR THE BROOME COUNTY PUBLIC SAFETY FACILITY**

WHEREAS, the County and the College have agreed to a land transfer to facilitate construction of the Public Safety Facility on Front Street in the Town of Dickinson, and

WHEREAS, the parties desire to formalize the terms of this land transfer in a Memorandum of Understanding between the parties, and

WHEREAS, it is requested that the county and the College evidence their intent to be bound by these conditions by authorizing execution of this Memorandum of Understanding, now, therefore, be it

RESOLVED, that this Legislature hereby authorizes the execution

of a Memorandum of Understanding with Broome Community College for the transfer of land necessary to facilitate the construction of the Public Safety Facility, and be it

FURTHER RESOLVED, that the Memorandum shall include the following terms:

1. That the College and the County will make a joint application to the SUNY Board of Trustees to approve the transfer of "Site B/C" as described in Exhibit "A" to this resolution;

2. That the County will transfer to College the site of the current County Jail, said site as described in Exhibit "B";

3. That the County shall construct a new roadway from Front Street to serve as the new main entrance to all facilities on County property, the existing Broome Community College south entrance will be removed and the College loop road will be relocated to preserve its integrity;

4. That the County will complete a new fire protection tank and distribution system for the College and the Public Safety Facility. The College and County will share the cost of this system with the College's share limited to existing capital project funds already appropriated;

5. That the County will remove, at its expense, the current Sheriff's firing range upon completion of the Public Safety Facility or Broome Community College Day Care Center, whichever occurs first;

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. **Heldover** by Mr. Kavulich.

**RESOLUTION NO. 31**

by Environment and Finance Committees

Seconded by Mr. Warner

**RESOLUTION AUTHORIZING AGREEMENT WITH  
CORNELL COOPERATIVE EXTENSION OF BROOME**

**COUNTY FOR SOLID WASTE EDUCATION TECHNICAL ASSISTANCE AND SUPPORT FOR THE DIVISION OF SOLID WASTE MANAGEMENT RECYCLING OPERATIONS FOR 1993**

WHEREAS, the Division of Solid Waste Management requests authorization for an agreement with Cornell Cooperative Extension of Broome County for solid waste education technical assistance and support in connection with recycling operations for the period January 1, 1993 through December 31, 1993, at a cost not to exceed \$42,000, and

WHEREAS, said services are necessary to continue youth and adult education with regard to recycling, household hazardous waste education and dropoff days, waste reduction, backyard composting, and the Broome County "Slash Your Trash" project, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Cornell Cooperative Extension of Broome County, 840 Front Street, Binghamton, New York, 13905, for solid waste education technical assistance and support in connection with recycling operations through the Division of Solid Waste Management, for the period January 1, 1993 through December 31, 1993, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$42,000 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 230078.4545.206000 (Contracted services), and be it

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

**RESOLUTION NO. 32**

by Environment and Finance Committees

Seconded by Mr. Whalen

**RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH SHUMAKER/CALOCERINOS & SPINA, JOINT VENTURE CONSULTING ENGINEERS, FOR SERVICES IN CONNECTION WITH THE NANTICOKE SANITARY LANDFILL SECTION III AND LEACHATE STORAGE FOR 1993**

WHEREAS, this County Legislature, by Resolution 234 of 1991, as amended by Resolution 612 of 1992, authorized an agreement with Shumaker/Calocerinos and Spina, Joint Venture Consulting Engineers, for the Section III and Leachate Storage construction and review services for the Nanticoke Landfill for the period January 1, 1990 through December 31, 1992, at a cost not to exceed \$1,170,464, and

WHEREAS, it is necessary to authorize the amendment of said agreement for additional funding and extension of the contract term due to inclement weather and additional construction review services necessary for certification, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Shumaker Consulting Engineers/Calocerinos & Spina, Joint Venture Consulting Engineers, 423 Commerce Road, P. O. Box 447, Vestal, New York, 13851-0427, for consulting engineering services in connection with Section III and Leachate Storage at the Nanticoke Sanitary Landfill for the period January 1, 1990 through June 30, 1993, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$1,277,764, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 235036.4457.501221 and 235036.4457.501245 (Subcontracted program expense), and be it

FURTHER RESOLVED, that Resolutions 234 and 612 of 1991, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution. **Carried.** Ayes-17, Nays-2 (Wagstaff, Warner).

**RESOLUTION NO. 33**

by Environment and Finance Committees

Seconded by Mr. Warner

**RESOLUTION AUTHORIZING AGREEMENT WITH BINGHAMTON/ JOHNSON CITY JOINT SEWAGE TREATMENT BOARD FOR ACCEPTANCE OF COMPOSTED SEWAGE SLUDGE AT THE NANTICOKE SANITARY LANDFILL FOR 1992 THROUGH 1996**

WHEREAS, the Division of Solid Waste Management requests authorization for an agreement with Binghamton/Johnson City Joint Sewage Treatment Board for the acceptance of composted sewage sludge at the Nanticoke Sanitary Landfill for the period December 1, 1992 through November 30, 1996 at no cost, and

WHEREAS, it is intended that the composted sewage sludge shall be used in improvement projects at the Nanticoke Landfill, provided that the compost product meets all Class II standards as detailed in 6 NYCRR Part 360, and provided that there is adequate storage capacity at the landfill for this material, and

WHEREAS, should Broome County be required to land bury the delivered material due to substandard contaminate levels, odor or other aesthetic problems, or lack of available storage space, the vendor shall be charged the full per ton tipping fee, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the Binghamton/Johnson City Joint Sewage Treatment Board, Old Vestal Road, Vestal, New York, 13850, for the acceptance of composted sewage sludge at the Nanticoke Landfill provided that the sludge will meet New York State Department of Environmental Conservation criteria for Class II compost, including the provisions of 6 NYCRR Part 360, and the sludge meets all aesthetic standards necessary to enable Broome County to utilize the material in a beneficial use and also provided that there is adequate storage capacity at the Nanticoke Landfill for said material, for the period December 1, 1992 through November 30, 1996, at no cost, 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. **Heldover** by Mr. Schofield.

**RESOLUTION NO. 34**

by Education, Culture & Recreation and Finance Committees

Seconded by Mr. Harbachuk

**RESOLUTION AUTHORIZING AN AMENDMENT OF AN AGREEMENT WITH THE BINGHAMTON AREA GIRLS SOFTBALL ASSOCIATION, INCORPORATED, FOR THE LEASE AND DEVELOPMENT OF A SOFTBALL COMPLEX**

WHEREAS, this County Legislature, by Resolution 287 of 1988, authorized an agreement with the Binghamton Area Girls Softball Association, Inc., (BAGSAI) for the lease and development of a softball complex, and

WHEREAS, it is necessary to authorize the amendment of said agreement to facilitate the construction of the Public Safety Facility,

and

WHEREAS, the County and the vendor have agreed to said amendments, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with the Binghamton Area Girls Softball Association, Inc., and be it

FURTHER RESOLVED, that the above-mentioned amendment shall include the following terms and conditions:

1. The term of the lease shall be extended to December 31, 2010; and
2. That the parcel leased by BAGSAI shall be reduced to 15.49 acres  $\pm$  as more particularly shown on Exhibit "A" to this resolution, and be it

FURTHER RESOLVED, that Resolution 287 of 1988, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby 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. **Heldover** by Mr. Kavulich.

**RESOLUTION NO. 35**

by Finance Committee

Seconded by Mr. Warner

**RESOLUTION AUTHORIZING THE SALE OF THE FORMER CHENANGO BRIDGE NURSING HOME TO WILLIAM R. MAINES AND DAVID J. MAINES**

WHEREAS, Real Property Tax Services requests this Legislature to authorize the sale of the former Chenango Bridge Nursing Home to William R. Maines and David J. Maines for the sum of \$100,000, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the sale of the former Chenango Bridge Nursing Home to William R. Maines and David J. Maines, 11 Terrace Drive, Conklin, New York,

for the amount of \$100,000, and be it

FURTHER RESOLVED, that the payment hereinabove authorized shall be credited to budget line 340000.0212.101000 (Sales of Real Property), and be it

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

(Legislative note: At the request of Mr. Malley, we note that Mr. William Maines was present during the discussion of this resolution. Mr. Malley indicated to the body that Mr. Maines was available to answer questions on an individual basis.)

**RESOLUTION NO. 36**

by Health & Human Services and Finance Committees

Seconded by Mr. Warner

**RESOLUTION AUTHORIZING AGREEMENTS WITH VALERIE BROWN AND BETH PARKS FOR ITINERANT THERAPY SERVICES FOR THE BROOME COUNTY HEALTH DEPARTMENT EDUCATION FOR HANDICAPPED CHILDREN PROGRAM FOR 1993**

WHEREAS, the Health Department requests authorization for an agreements with Valerie Brown and Beth Parks to provide itinerant therapy services for the Broome County Health Department's Education for Handicapped Children's Program for 1993 at a cost of \$27.00 per ½ hour for pre-school children qualified through the Health Department for calendar year 1993, and

WHEREAS, said agreements are necessary to ensure that the Health Department has enough vendors to provide services to all qualified children, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Valerie Brown, 240 Hillside Terrace, Endwell, New

York, 13760, for itinerant occupational therapy for pre-school children for calendar year 1993 at a cost of \$27.00 per ½ hour, total cost not to exceed \$7,000 for the term of this agreement, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with Beth Parks, 800 N. Rogers Avenue, Endicott, New York, 13760, for itinerant physical therapy for pre-school children for calendar year 1993 at a cost of \$27.00 per ½ hour, total cost not to exceed \$7,000 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 480285.4715.101000 (Other Health & Medical Services) and 480277.4715.101000 (Other Health and Medical Services), and be it

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

**RESOLUTION NO. 37**

by Finance Committee

Seconded by Mr. Burger

**BOND RESOLUTION DATED JANUARY 21, 1993**

**RESOLUTION AUTHORIZING THE ISSUANCE OF \$9,920,600  
SERIAL BONDS OF THE COUNTY OF BROOME, NEW  
YORK, TO PAY ALL OR PART OF THE COST OF VARIOUS  
CAPITAL PROJECTS.**

WHEREAS, all applicable prerequisites for the approval of financing for the projects referenced to herein, including where necessary, satisfaction of the requirements of the State Environmental Quality Review Act, has been satisfied, now, therefore, be it

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

Section 1. The following are the classes of objects or purposes or specific objects or purposes to be financed by the County of Broome, New York, pursuant to this resolution, the maximum estimated costs thereof, and the subdivisions of Section 11.00(a) of the Local Finance Law and periods of probable usefulness applicable thereto: Maximum

<u>Project Code</u>	<u>Project Name/P.P.U/L.F.L §11.00(a)</u>	<u>Estimated Cost</u>
E-207	Replacement of roofs at Broome Community College buildings; being a class of objects or purposes; fifteen years; subdivision 12(a)(2)	\$ 726,000
Z-301	Purchase of a replacement central processing unit (computer unit); being a specific object or purpose; five years; subdivision 32	625,000
L-31	Architectural/engineering support in connection with a proposed new Central Library site; being a specific object or purpose; five years; subdivision 62(a)	400,000
J-333	Purchase of replacement operating and maintenance equipment for the Department of Parks and Recreation; being a class of objects or purposes; ten years; subdivision 28	275,000
F-159A	Replacement of the existing fire alarm system at the County Office Building; being a specific object or purpose; ten years; subdivision 56	470,000

- F-409 Replacement of portions of the ARC Building roof; 915,000  
being a specific object or purpose; ten years  
subdivision 12(a)(2)
  
- F-416 Architectural/engineering studies, re: reconstruction of 300,000  
County Office Building basement and sub-basement  
parking areas; being a specific object or purpose;  
five years; subdivision 62a
  
- F-433 Renovation of and improvements to County facilities; 212,000  
being a class of objects or purposes; five years;  
subdivision 12(1)
  
- D-331 Replacement of the Colesville Road Extension Bridge; 740,600  
being a specific object or purpose; twenty years  
subdivision 10

(D-333 Reconstruction or replacement of Hales Eddy Bridge;  
(1,420,000)

(Note: This project was not sponsored in committee and is not  
a part of the final resolution-Noted for informational purposes  
only)

G-243 Reconstruction and resurfacing of County highways;1,000,000  
being a class of objects or purposes; ten years;  
subdivision 20(b)

H-13 Replacement of maintenance equipment for the Public 597,000  
Works Department; being a class of objects or purposes;  
ten years; subdivision 28

Z-231 Update of County tax map; being a specific object or2,400,000  
purpose; five years; subdivision 35

Section 2. (a) The aggregate maximum estimated cost of the  
aforesaid classes of objects or purposes or specific objects or purposes  
is \$10,080,600, and the plan for the financing thereof is by the issuance  
of \$9,920,600 serial bonds of said County, hereby authorized to be  
issued therefor, and by the application of \$160,000 monies to be  
received from the Federal government to be allocated entirely toward  
Project L-31.

(b) The amount of serial bonds herein authorized to  
be issued shall be reduced to the extent State and Federal grants-in-aid  
are received in connection with each of the projects herein described.  
The estimated amount of such revenues as well as the allocation of the  
serial bonds herein authorized is set forth below:

Estimated Project Code	<u>Project Name</u>	Estimated Serial <u>Bonds</u>	State Fed/Other <u>Money Money</u>
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E-207	Replacement of Roofs at Broome Community College buildings	\$ 726,000	\$ 363,000	\$ 0
Z-301	Purchase of a replacement processing unit (computer equip.)	625,000	0	0
L-31	Architectural/engineering support in connection with a proposed new central Library site	240,000	0	160,000
J-333	Purchase of replace. operating and maintenance equip. for the Dept. of Parks and Recreation	275,000	0	0
F-159A	Replacement of the existing fire alarm system at the County Office building.	470,000	0	0
F-409	Replacement of portions of the ARC Building roof	915,000	0	0

F-416	Architectural/engineering studies, 300,000 re: reconstruction of County Office bldg. basement and sub-basement parking areas.	0	0
F-433	Renovation of and improvements to 212,000 County facilities	0	0
D-331	Replacement of the Colesville Road Extension Bridge	740,600	0
G-243	Reconstruction and resurfacing of 1,000,000 County highways	120,000	0
H-13	Replacement of maintenance equip. for County Public Works Dept.	597,000	0
Z-231	Update of County tax map	2,400,000	85,000 0

Section 3. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 4. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the Commissioner of Finance, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause

provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Commissioner of Finance shall determine consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said County of Broome, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. The annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. The validity of such bonds and bond anticipation notes may be contested only if:

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

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.103-18(f). Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. This resolution, which takes effect upon its approval by

the County Executive, shall be published in full in The Press & Sun Bulletin, which is the only newspaper having a general circulation in the County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

Mr. Augustini, seconded by Mr. Warner moved to amend project G-243 to indicate that state aid in the amount of \$120,000 is in fact zero and project L-31 will be amended to indicate that the City of Binghamton will be the source of \$160,000 of the \$400,000 project. Amendment **carried**. Mr. Augustini **heldover** all references to project L-31. The resolution as amended **carried**, with Mr. Burger abstaining on Project E-207. (Note D-333 is not a part of the adopted resolution)

**RESOLUTION NO. 38**

by Transportation and Finance Committees

Seconded by Mr. Warner

**RESOLUTION AUTHORIZING A NON-DISTURBANCE AGREEMENT WITH THE RAYMOND CORPORATION FOR THE DEPARTMENT OF AVIATION**

WHEREAS, Broome County currently leases certain premises located at the Binghamton Regional Airport to Miller Aviation and Miller Aviation has sublet some of this premises to various subtenants, including Raymond Corporation, and

WHEREAS, the Department of Aviation requests authorization for a non-disturbance agreement with The Raymond Corporation at no cost to Broome County or Raymond Corporation, and

WHEREAS, said agreement is desired to allow Raymond Corporation to remain in undisturbed possession and to use certain premises as per their lease with Miller Aviation and pay rent directly to Broome County in the event of a contractual dispute between Miller Aviation and Broome County which would affect any occupancy rights in the aforementioned lease, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with The Raymond Corporation, Greene, New York, for a

non-disturbance agreement at no cost to Broome County, and be it

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

**RESOLUTION NO. 39**

by Environment and Finance Committees

Seconded by Mr. Warner

**RESOLUTION AUTHORIZING AGREEMENT WITH POMEROY APPRAISALS, INCORPORATED, FOR APPRAISAL SERVICES AT THE COLESVILLE LANDFILL FOR 1993**

WHEREAS, the Division of Solid Waste Management requests authorization for an agreement with Pomeroy Appraisals, Inc., for appraisal services for Colesville Landfill real property for 1993, at a cost not to exceed \$2,650, and

WHEREAS, said services are necessary for Colesville Landfill remediation, with Broome County and GAF each paying one-half of the total cost of said services, total cost being \$5,300, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Pomeroy Appraisals, Inc., Pomeroy Place - 225 W. Jefferson Street, Syracuse, New York, 13202, for appraisal services for Colesville Landfill real property for 1993, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$2,650 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 035212.2001.501127 (Original acquisitions), and be it

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

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

**RESOLUTION NO. 40**

by Environment and Finance Committees

Seconded by Mr. Warner

**RESOLUTION AUTHORIZING AGREEMENT WITH BINGHAMTON/ JOHNSON CITY JOINT SEWAGE TREATMENT BOARD FOR ACCEPTANCE AND TREATMENT OF LEACHATE ORIGINATING FROM BROOME COUNTY LANDFILL FOR 1992**

WHEREAS, in June of 1992, the Binghamton/Johnson City Joint Sewage Treatment Board, on an emergency basis, accepted and treated leachate from the Broome County Landfill, and

WHEREAS, it is necessary to authorize the payment of this acceptance and treatment of leachate, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the payment of \$9,900 to the Binghamton/Johnson City Joint Sewage Treatment Board, Old Vestal Road, Vestal, New York, 13850 for the acceptance and treatment of leachate in June of 1992, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 230086.4449.206000 (Other operational expenses), and be it

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

Mr. Augostini moved, seconded by Mr. Malley to adjourn at 5:17 p.m. **Carried.**

