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**BROOME COUNTY LEGISLATURE  
REGULAR SESSION  
WEDNESDAY, AUGUST 16, 2000**

The Legislature convened at 4:06 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 (Hull).

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

Mr. Mather made a motion, seconded by Mr. Burger, that the minutes of the July 20, 2000 Regular Session be approved as prepared and presented by the Clerk. **Carried**, Ayes-18, Nays-0, Absent-1 (Hull).

Mr. Schofield noted that the committee minutes for the period July 14 through August 10, 2000 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 and receiving none, asked for approval. A motion to approve the committee minutes was made by Mr. Holley and seconded by Mr. Kolba. **Carried**, Ayes-18, Nays-0, Absent-1 (Hull).

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

Letters from the County Executive, Jeffrey P. Kraham:

1. Nominating D. Holdsworth to membership on Environmental Management Council Board of Directors.
2. Nominating A. Johnson to membership on STOP-DWI Advisory Board.
3. Appointing Richard Lindhorst as Employment and Training Director I, effective August 21, 2000.

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

A. Petitions: None

B. Communications:

1. 2000-2001 Adopted Budget for Broome Community College
2. Town of Kirkwood (Public Hearing, August 1, 2000, 7:00 p.m., Kirkwood Town Hall regarding moratorium on placement of cellular, digital and telecommunications antennas)
3. Minutes from:
  - a. EMC Recycling and Waste Management Committee
  - b. Binghamton Regional Airport (Progress Meeting #39)
  - c. Association of Municipal Clerks
  - d. 2000 State Equalization Rates (Towns of Chenango and Triangle)

C. Notices: None

D. Reports:

1. Second Quarterly Report of 2000 Sales Tax Collections
2. Department of Audit and Control: Payroll Audit (New Hires)
3. Monthly Report: Broome Community College (Budget Transfers, June 2000)
4. Comprehensive Annual Financial Report (year ended December 31, 1999)

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

Letters from the Chair, Daniel A. Schofield:

1. Appointing the following Legislators for Thomas A. Hull:
  - a. William H. Miller as voting representative, Personnel Committee, August 7, 2000
  - b. Patrick F. O'Day as Acting Chair and Arlene Nannery as voting representative, Education, Culture and Recreation Committee, August 8, 2000
  - c. Chris W. Burger as voting representative, Community and Social Services Committee, August 10, 2000
2. Appointing Chris W. Burger as Acting Chair for Wanda Hudak, Community and Social Services Committee, August 10, 2000

Mr. Holley made a motion, seconded by Mr. Burger, to receive and file the above referenced reports and to authorize and direct the Clerk to index said reports in the 2000 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 (Hull).

Mr. Holley and Mr. Pasquale were designated as participants with Chairman Schofield in the 'Short Roll Call.'

**RESOLUTIONS INTRODUCED AT THIS SESSION**

**RESOLUTION NO. 397**

By Public Works Committee

Seconded by Mr. Burger

**RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME COUNTY SOIL AND WATER CONSERVATION DISTRICT BOARD OF DIRECTORS**

WHEREAS, Daniel A. Schofield, Chairman of the Broome County Legislature, pursuant to the authority vested in him by Resolution 115 of 1944 and Resolution 27 of 1972, has duly designated and appointed the following named individuals to membership on the Broome County Soil and Water Conservation district Board of Directors, subject to confirmation by this County Legislature:

<u>NAME</u>	<u>TERM EXPIRING</u>
Joe Gagnon 1027 State Route 369 Chenango Forks, NY 13746	At-Large Farmer New Appointment 12/31/2002
George Maslar 163 North Road Windsor, NY 13865	At-Large Member Re-Appointment 12/31/2002

and

WHEREAS, it is desired at this time to confirm said appointments, now, therefore, be it **RESOLVED**, that this County Legislature hereby confirms the appointments of the above-named individuals to membership on the Broome County Soil and Water Conservation District Board of Directors for the terms indicated, in accordance with their appointment by the Chair of the County Legislature.

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

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**RESOLUTION NO. 398**

By Health Services and Finance Committees

Seconded by Mr. Burger

**RESOLUTION AUTHORIZING AGREEMENT WITH THE CHILDREN'S UNIT OF SUNY BINGHAMTON TO PROVIDE SERVICES FOR THE DEPARTMENT OF HEALTH'S EARLY INTERVENTION PROGRAM FOR 2000**

WHEREAS, Director of Public Health requests authorization for an agreement with the Children's Unit of SUNY Binghamton for services for the Early Intervention Program at rates set by the New York State Department of Health for the period July 1, 2000 through December 31, 2000, and

WHEREAS, said agreement is necessary to provide core/supplemental evaluations and services due to an increased need for behavioral evaluations and intervention, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the Children's Unit of SUNY Binghamton, P. O. Box 6000, Binghamton, New York 13902-6000 for evaluation services for the Department of Health's Early Intervention Program for the period July 1, 2000 through December 31, 2000, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at the rates set by the New York State Department of Health as listed on Exhibit "A", total cost not to exceed budget appropriations for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480293.various.101082, 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 (Hull).**

**RESOLUTION NO. 399**

By Health Services and Finance Committees

Seconded by Mr. Burger

**RESOLUTION AUTHORIZING REVISION OF COLORECTAL CANCER SCREENING AND PROSTATE CANCER EDUCATION INITIATIVE GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2000-2001**

WHEREAS, this County Legislature, by Resolution 253 of 2000, authorized the continued participation by the Department of Health in the Colorectal Cancer Screening and Prostate Cancer Education Initiative Grant and adopted a program budget in connection therewith in the total amount of \$89,304 for the period April 1, 2000 through March 31, 2001, and

WHEREAS, said grant program provides colorectal cancer screening and prostate cancer education to uninsured or underinsured men and women over fifty years of age in five counties (Broome, Tioga, Chenango, Otsego and Delaware), and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in grant appropriations in the amount of \$30,791, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision to the Colorectal Cancer Screening and Prostate Cancer Education Initiative Grant in the amount of \$30,791 for the period April 1, 2000 through March 31, 2001, 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 \$120,095, and be it

FURTHER RESOLVED, that Resolution 253 of 2000, 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





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**RESOLUTION NO. 403**

By Finance Committee

Seconded by Mr. Burger

**RESOLUTION AUTHORIZING SALE OF COUNTY PROPERTY**

WHEREAS, the County of Broome owns a parcel of real property in the Town of Barker, Tax Map No. 056.02-1-19, located at 315 Parsons Road, Barker, New York, and

WHEREAS, the Director of Real Property Tax Services requests authorization to sell said property to Jerry P. Russell, 95 Cline Road, Binghamton, New York 13903 in the amount of \$400.00, now, therefore, be it

RESOLVED, this Legislature hereby authorizes the sale of County property at Tax Map No. 056.02-1-19, located at 315 Parsons Road, Town of Barker, to Jerry P. Russell, 95 Cline Road, Binghamton, New York 13903 for the amount of \$400.00 and be it

FURTHER RESOLVED, that payment hereinabove referenced shall be credited to budget line 630004.0212.101000 (Sale of Property), and be it

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

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

**RESOLUTION NO. 404**

By Finance Committee

Seconded by Mr. Burger

**RESOLUTION AUTHORIZING CANCELLATION OF REAL PROPERTY TAXES ON PARCELS IN THE TOWNS OF WINDSOR AND TRIANGLE AND CORRECTING REAL PROPERTY TAXES ON A PARCEL IN THE TOWN OF UNION**

WHEREAS, the County of Broome now requests authorization to cancel taxes on parcels of real property, and

WHEREAS, the County of Broome also requests authorization to correct a Town of Union tax bill due to an erroneous levy, now, therefore, be it

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

Parcel ID:	022.00-1-7.2
Town/Village:	Town of Triangle
Owner:	n/a
Amount to be Cancelled:	\$123.38
Reason:	Parcel no longer exists

Parcel ID:	164.04-1-18
Town/Village:	Town of Windsor
Owner:	New York State
Amount to be Cancelled:	\$196.31
Reason:	Taken for Highway Purposes

and be it

RESOLVED, that the County of Broome requests authorization to correct taxes on a parcel located in the Town of Union as follows:

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Tax Map Number: 143.72-4-33  
Town of Union

	<u>Incorrect Tax</u>	<u>Correct Tax</u>
County	211.74	249.11
Town	26.42	31.08
Village	-0-	-0-
Light	<u>19.31</u>	<u>19.31</u>
	257.47	299.50

FURTHER RESOLVED, that the County Executive or his duly authorized representative is authorized to remove the above stated properties from the County tax rolls and correct the aforementioned tax bill on the County Tax Rolls.

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

#### **RESOLUTION NO. 405**

By Public Safety & Emergency Services and Finance Committees      Seconded by Mr. Burger  
**RESOLUTION AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH SUBCARRIER COMMUNICATIONS FOR TOWER RENTAL SPACE FOR THE DEPARTMENT OF EMERGENCY SERVICES FOR 1999-2000**

WHEREAS, the Board of Acquisition and Contract on December 29, 1999, by Contract Number CA#1854 of 1999, authorized an agreement with Tri Cities Communications for tower rental space for the Department of Emergency Services at a cost of \$360 per month, for the period August 1, 1999 through December 31, 2000, and

WHEREAS, Tri Cities Communications has since sold the tower and all leases to SubCarrier Communications, and

WHEREAS, upon review of inventory on site, SubCarrier Communications is requesting an increase of \$240 per month for a total of \$600 per month, total cost not to exceed \$10,200, now, therefore, be it

WHEREAS, the Director of Emergency Services requests authorization to amend the agreement with SubCarrier Communications (formerly owned by Tri Cities Communications) for tower rental space for the Department of Emergency Services for an increase of \$240 per month, for the term of the agreement, and

RESOLVED, that this County Legislature hereby authorizes an increase of \$240 per month to the agreement with SubCarrier Communications, 139 White Oak Lane, Old Bridge, New Jersey 08857, for a total per month cost not to exceed \$600, or a total cost not to exceed \$10,200, for tower rental space for the Department of Emergency Services for the period August 1, 1999 through December 31, 2000, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 460097.4449.101000 (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.

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

#### **RESOLUTION NO. 406**

By Public Works and Finance Committees      Seconded by Mr. Burger  
**RESOLUTION AUTHORIZING AN AGREEMENT WITH THE TOWN OF CHENANGO FOR TREATMENT OF LEACHATE FROM THE NANTICOKE LANDFILL FOR THE DIVISION OF SOLID WASTE MANAGEMENT FOR 2000-2001**

WHEREAS, the Division of Solid Waste Management requests authorization for an agreement with the Town of Chenango for the final treatment of effluent from the County

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leachate treatment facility at the Nanticoke Landfill at a cost not to exceed \$11 per 1,000 gallons of leachate, total cost not to exceed \$250,000, for the period July 5, 2000 through July 4, 2001, and

WHEREAS, said services are necessary to dispose of effluent from the County leachate treatment facility at an approved wastewater treatment plant, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the Town of Chenango, 1137 Front Street, Binghamton, New York 13905, for treatment of effluent from the County leachate treatment facility at the Nanticoke Landfill, for the Division of Solid Waste Management for the period July 5, 2000 through July 4, 2001, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$11 per 1,000 gallons of leachate, total cost not to exceed \$250,000 for the term of the agreement, 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.

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

### **RESOLUTION NO. 407**

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

Seconded by Mr. Burger

#### **RESOLUTION AUTHORIZING AGREEMENT WITH JOHNSON CONTROLS, INC. FOR A COMPREHENSIVE ENERGY AUDIT AT THE BROOME COUNTY VETERANS MEMORIAL ARENA FOR THE DEPARTMENT OF PUBLIC WORKS FOR 2000**

WHEREAS, the Commissioner of Public Works requests authorization for an agreement with Johnson Controls, Inc. for a comprehensive energy audit at the Broome County Veterans Memorial Arena for the period August 1, 2000 through October 31, 2000, and

WHEREAS, Johnson Controls, Inc. has submitted a proposal to the County with an estimated annual energy savings at the Arena of \$128,787 over a 10-year period after the installation of energy efficient equipment estimated to cost \$1,912,313, and

WHEREAS, the comprehensive energy audit would be performed at a cost not to exceed \$34,000, payable by the County only in the event that a contract is not executed with Johnson Controls, Inc. and the post-audit annual savings meets or exceeds the annual savings of \$128,787 or the revised amount as a result of the energy audit, whichever is greater, and

WHEREAS, said services are necessary to reduce utility costs and to replace out-dated heating, ventilation and air conditioning equipment now at the end of its current useful life and to reduce maintenance cost, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Johnson Controls, Inc., 105 Twin Oaks Drive, Syracuse, New York 13203, for a comprehensive energy audit at the Broome County Veterans Memorial Arena, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$34,000 for the period August 1, 2000 through October 31, 2000, only in the event that a contract is not executed with Johnson Controls, Inc. and the post-audit annual savings meets or exceeds the estimated annual savings of \$128,787 or the revised amount as a result of the energy audit, whichever is greater, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 655027.4746.306000 (Engineering and Architectural Services), and be it

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

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

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**RESOLUTION NO. 408**

By Public Works and Finance Committees

Seconded by Mr. Burger

**RESOLUTION AUTHORIZING AGREEMENT WITH O'BRIEN & GERE ENGINEERS, INC. FOR ENVIRONMENTAL ENGINEERING SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS FOR 2000-2002**

WHEREAS, the Commissioner of Public Works requests authorization for an agreement with O'Brien & Gere Engineers, Inc. for environmental engineering services for the Department of Public Works for the period July 1, 2000 through June 30, 2002, pursuant to the rate schedule attached hereto as Exhibit "A", total cost not to exceed \$300,000, and

WHEREAS, said services are necessary to provide environmental engineering services on an "as needed" basis for projects by various Broome County departments, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with O'Brien & Gere Engineers, Inc., 441 Commerce Road, Vestal, New York 13850 for environmental engineering services, for the period July 1, 2000 through June 30, 2002, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor in accordance with the rate schedule attached hereto as Exhibit "A", total cost not to exceed \$300,000, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line various.4746.various (Engineering and Architectural Services), and be it

FURTHER RESOLVED, that this agreement shall include two one-year renewal provisions, at Broome County's option, with the hourly rates subject to renegotiation between the County and the Contractor, 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 (Hull).**

**RESOLUTION NO. 409**

By Public Works and Finance Committees

Seconded by Mr. Burger

**RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH CLOUGH, HARBOUR & ASSOCIATES, LLP FOR BUILDING PERMIT REVIEW AND INSPECTION SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS FOR 2000 - 2002**

WHEREAS, this County Legislature, by Resolution 68 of 2000, authorized renewal of the agreement with Clough, Harbour & Associates, LLP for engineering services for project building code review, administration and code compliance inspections for the Department of Public Works at an amount not to exceed \$40,000 for the period January 1, 2000 through June 30, 2000, and

WHEREAS, said services are necessary to enforce the provisions of Local Law No. 11 of 1992 establishing the procedures for local enforcement of the Uniform Fire Prevention and Building Code, and

WHEREAS, said agreement expired by its terms on June 30, 2000 and it is desired at this time to renew said agreement for the term July 1, 2000 through June 30, 2002 on substantially similar terms and conditions with provision to extend this agreement for up to two one-year renewals, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Clough, Harbour & Associates, LLP, 111 Winners Circle, P. O. Box 5269, Albany, New York 12205-0269 for project building code review, administration and code compliance inspections for the period July 1, 2000 through June 30, 2002 with provision to extend this agreement for up to two one-year renewals, and be it



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### RESOLUTION NO. 411

By Public Works and Finance Committees

Seconded by Mr. Burger

#### **RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH THE VILLAGE OF ENDICOTT FOR TREATMENT OF LEACHATE FROM THE NANTICOKE LANDFILL FOR THE DIVISION OF SOLID WASTE MANAGEMENT FOR 2000-2002**

WHEREAS, this County Legislature, by Resolution 291 of 1998, authorized renewal of an agreement with the Village of Endicott for treatment of leachate from the Nanticoke Landfill at the Village's Sewage Treatment Plant at a cost of \$12.00 per 1000 gallons of leachate treated, total cost each year of the agreement not to exceed \$250,000, for the period August 21, 1998 through August 20, 2000, and

WHEREAS, said agreement expires by its terms on August 20, 2000 and it is desired at this time to renew said agreement, on substantially similar terms and conditions, for the period August 21, 2000 through August 20, 2002, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with the Village of Endicott, 1009 East Main Street, Endicott, New York 13760 for the treatment of leachate from the Nanticoke Landfill for the Division of Solid Waste Management for the period August 21, 2000 through August 20, 2002, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$12.00 per 1000 gallons of leachate treated, plus necessary lab analysis fees, total amount not to exceed \$250,000 per year for the term of this agreement, 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.  
**Carried, Ayes-18, Nays-0, Absent-1 (Hull).**

### RESOLUTION NO. 412

By Personnel, Education, Culture & Recreation and Finance Committees

Seconded by Mr. Burger

#### **RESOLUTION APPROVING THE OFFERING OF A RETIREMENT INCENTIVE TO ELIGIBLE EMPLOYEES AT BROOME COMMUNITY COLLEGE**

WHEREAS, the Broome Community College Board of Trustees elected to offer the retirement incentive program authorized by Chapter 86 of the Laws of 2000 to its employees who are members of the New York State Teachers' Retirement System, the New York State and Local Employees' Retirement System or the Optional Retirement Program, and

WHEREAS, the County must adopt a resolution approving the incentive before it can become effective, now, therefore, be it

RESOLVED, that this County Legislature does hereby approve of Broome Community College providing the benefits of the 2000 Retirement Incentive Program pursuant to Chapter 86 of the Laws of 2000 to employees who are members of the New York State Teachers' Retirement System, the New York State and Local Employees' Retirement System or the Optional Retirement Program and who wish to retire with an effective date of retirement during the thirty-three (33) day open period beginning November 27, 2000 and ending December 29, 2000 and who are otherwise eligible to participate in such programs, and be it

FURTHER RESOLVED, that a certified copy of this Resolution be filed within seven (7) days with each retirement system.

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



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- j. Ground transportation permit* shall mean a vehicle permit issued by the Broome County Department of Aviation entitling an owner or operator to utilize an authorized vehicle as a taxicab or limousine on Binghamton Regional Airport Property.
  - k. Limousine* shall mean any motor vehicle licensed as such by the State of New York and excludes privately owned vehicles commonly referred to as limousines which shall adhere to the same regulations as motor vehicles owned by members of the general public
  - l. Person* shall mean an individual, a firm, a corporation, a partnership, an association or a limited liability company.
  - m. Taxicab* shall mean a motor vehicle having a seating capacity for passengers of not more than six (6) persons, in addition to the driver, and used in the business of transporting passengers for compensation from one point to another and not operated on a fixed route.
  - n. Solicitation* shall mean approaching or initiating a conversation with any person on Airport property, or in any way employing or inducing any other person to approach or initiate a conversation with any person.

## **Article II – Ground Transportation Requirements**

### **Section 1: General**

No contract carrier or commercial ground transportation service provider shall be permitted to perform business functions more than three (3) times per year at the Binghamton Regional Airport unless there shall have been obtained from the airport a Ground Transportation Permit. In order to obtain said permit, a taxicab, limousine, or contract carrier must submit to the Airport, and have approved, an Airport Ground Transportation Permit Application. Permits shall be effective upon date of issuance thereof and shall expire on June 30 of the following calendar year unless sooner suspended or revoked.

Prior to operating at the airport, and before receiving a Ground Transportation Permit, all taxicabs and limousines shall be approved by the Commissioner of Aviation to verify compliance with the requirements described herein. Upon application, and following payment by the applicant of all appropriate fees described herein, a Ground Transportation Permit will be issued for each authorized vehicle.

### **Section 2: Application for Permit**

- a. All persons applying to the Airport for a permit of one or more taxicabs or limousines shall file with the airport a sworn application on forms provided by the airport.
- b. Each person applying for a permit must meet all state and local requirements.
- c. Each driver of authorized vehicles must be the holder of a valid driver's license from the New York State Motor Vehicle Department appropriate for the vehicle being operated.
- d. Each driver must be neat and clean in dress and person and not under the influence of drugs or intoxicating liquors.
- e. All applications shall comply with Section 9 as described herein.

### **Section 3: Permit Decal**

Ground Transportation Permit decals shall be displayed on the center exterior of the front windshield of all taxicabs or limousines specifically designated and approved in the Ground Transportation Permit Application.

Fees and charges involved with decals are detailed in Article Five of this Ordinance.

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**Section 4: Assignment or Transfer of Permit**

No permit may be assigned or transferred except upon written application stating the purpose, terms, and conditions of such assignments or transfer, which, after investigation, shall be referred to the Commissioner of Aviation for final approval/disapproval.

**Section 5: Effect of Change of Ownership on Permit**

Any change of ownership of, or title to, any taxicabs or limousines shall automatically revoke any permit previously granted for the operation of such taxicab or limousine at the Binghamton Regional Airport except with the approval of the Commissioner of Aviation. Such permits may be assigned to any company or individual which, at the time, holds other permits at the Binghamton Regional Airport. A change of ownership is deemed to have taken place, if the owner leases the same to any person under lease or other arrangement whereby such person shall have the right, upon payment of an amount of money or other consideration, to acquire title to the taxicab or limousine or any other thing of value at any future date.

**Section 6: Restrictions on Transfer of Permit to Another Taxicab or limousine**

Any owner who shall permanently retire any taxicab or limousine from service, and not replace the same within thirty (30) days thereafter, shall immediately surrender any permit granted for the operation of such taxicab or limousine on the airport to the Commissioner of Aviation, and such owner may not secure additional permits for the operation of any taxicabs or limousines on the airport without having first made application in the manner set forth.

Whenever an owner sells or transfers the title to a taxicab or limousine for which a permit has been granted, and within thirty (30) days after such sale or transfer purchases another taxicab or limousine, the owner shall, as a matter of right, upon written application within thirty (30) days of such purchase cause to be issued a transfer of the permit, for the operation of no greater number of taxicabs or limousines than those so sold or transferred, provided such owner has complied with all provisions of this article.

Any owner whose taxicab or limousine, for which a permit has been granted, has been retired from service, destroyed involuntarily, or who voluntarily destroys any taxicab or limousine will as a matter of right, upon written application to the Commissioner of Aviation within thirty (30) days thereafter, be issued a transfer of that permit for the operation of no greater number of taxicabs or limousines than those so retired or destroyed, upon satisfactory evidence being presented, provided that the owner has complied with all provisions of this article.

**Section 7: Suspension or Revocation of Permit by Airport**

The Ground Transportation Review Board shall have the authority to suspend or revoke any permit for a violation of this ordinance or any other ordinance, law or regulation dealing with the public safety, or for making any false statement in the permit application.

Notice of suspension or revocation shall be sent by certified mail to the permit holder's address given on the application. This notice shall contain the reasons for the proposed suspension or revocation and shall constitute sufficient form of notice. Upon written request to the Commissioner of Aviation within three (3) days of receiving such notice, a hearing shall be given by the Ground Transportation Board to the holder of such a permit.

Any motor vehicle, the permit for which has been suspended or revoked by the Ground Transportation Review Board, shall cease to be operated on the premises of the Binghamton Regional Airport. In case of suspension only, the permit shall be restored to the owner at the expiration of the period of suspension. In the event of a second suspension for the same cause, or of a third suspension for any cause, the Ground Transportation Review Board shall revoke the permit completely. Each suspension shall be noted on the permit.

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No person whose permit has been revoked shall again be issued a permit unless, upon the presentation of reasons satisfactory to the Ground Transportation Review Board, the Board shall order such new permit be issued.

First suspension, the operator will be refused operation at the airport for thirty (30) days. Second suspension, the operator will be refused operation at the airport for one hundred eighty (180) days and the third suspension, the operator will not be permitted to operate at airport permanently.

**Section 8: Permitted Vehicle Schedule**

The Broome County Department of Aviation will commence issuance of Ground Transportation Permits on the first day of the month following adoption of this program by the Broome County Legislature and again on the first day of July every year thereafter. Ground Transportation Permits shall be valid until June 30th of the following year unless sooner suspended or revoked.

**Section 9: Permit Applications**

Applications for permits under this article shall be filed with the Commissioner of Aviation upon forms supplied by the Commissioner's office. Each application shall be signed and sworn to by the applicant and shall contain the following information:

- (1) The name and address of the owner; in the event the owner is a partnership or operating under an assumed name, a certified copy of the certificate of partnership and/or assumed name listing the names and addresses of the partners or members of the association; in the event that the owner is a corporation, the names and addresses of all corporate officers and stockholders; in the event the owner is a limited liability company, the names and addresses of the members must be attached;
- (2) The number of vehicles for which the permit application is made, stating the make, type, year of manufacture, serial number, and passenger seating capacity of each such vehicle;
- (3) Whether the owner/operator has ever possessed a permit for Binghamton Regional Airport which has been suspended or revoked;
- (4) A statement that neither the applicant nor any officer, director, stockholder, partner, member, employee, nor any other person directly or indirectly interested in the application has been convicted of a felony or any crime involving violence, dishonesty, deceit, indecency, degeneracy, gambling, crime involving moral turpitude, or the illegal use, sale or possession of a controlled substance;
- (5) Certification that the Operator meets all federal, state and local requirements;
- (6) Certification that Operator's vehicles are maintained in a safe operating condition.
- (7) A certification of insurance meeting the minimum requirements as described in Article Six of this local law;
- (8) A certification that each driver is the holder of a valid driver's license appropriate to the vehicle being operated;
- (9) Such other information deemed necessary by the Commissioner of Aviation
- (10) Signature from authorized Department of Aviation Personnel certifying inspection approval of applicant's vehicles or verification of vehicle compliance with the City of Binghamton Ordinance for the registration of taxicabs and livery vehicles.

NO PERMIT APPLICATION WILL BE APPROVED IF APPLICANT IS IN DEBT TO THE BROOME COUNTY DEPARTMENT OF AVIATION FOR ANY PAST DUE BALANCES.

**Section 10: Renewal of Ground Transportation Permit**

Applications for renewal of permits shall be filed with the Commissioner of Aviation prior to June 1st of each calendar year, on a form supplied by the Commissioner's office. Application for permit renewal shall be accompanied by full or one quarter (¼) payment of the permit fee as

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required by this article. Renewal may be accomplished in person, or by sending the application for renewal, the required payment, proof of current insurance and a copy of all pertinent New York State vehicle registrations, by first class mail, to the Commissioner of Aviation.

Before final permit renewals are issued, authorized Broome County Department of Aviation personnel shall inspect each subject vehicle to ensure compliance with all criteria as mandated by this local law.

**Section 11: Reserved**

**Article III – Inspection Criteria**

**Section 1: Compliance with Airport Requirements Prerequisite to Issuance of Permit**

No Person or Contract Carrier shall be granted a Ground Transportation Permit for any taxicab or limousine or other ground transportation service vehicle unless such vehicle conforms to reasonable standards of appearance, safety and is in good operating condition. Continuance of such permit shall require conformance with these standards at all times. The Commissioner of Aviation, or a designated representative of the Broome County Department of Aviation, shall make such inspection and examination before the Ground Transportation Permit is issued.

The age of the vehicle shall not prohibit the issuance of a ground transportation permit if said vehicle meets the other requirements of this article.

Vehicles displaying a current license card/sticker issued by the City of Binghamton will be exempt from the initial inspection required under this Section.

**Section 2: Equipment Inspection Criteria**

Unless otherwise provided, any motor vehicle issued a Ground Transportation Permit must conform to the provisions of New York State Law and the following specifications:

- a. Doors. The bodies of all taxicabs shall have at least four (4) doors; two (2) of which lead into the passenger compartment, so constructed that they may be opened from the inside and the outside. The doors of all other vehicle types must allow safe and comfortable entrance/egress from said vehicle.
- b. Heater. Every vehicle shall be equipped with an adequate heater of the type that will not permit the exhaust gases to enter the interior of the vehicle.
- c. Upholstery and Floor Mats. When the original upholstery or floor mats are found to be worn out or otherwise unsatisfactory for public use, they shall be replaced.
- d. Interior light. Every vehicle shall be equipped with an interior white light of sufficient candlepower to illuminate the interior of said vehicle after sundown, but in no case shall the bulb be less than six (6) candlepower.
- e. Glass in windows and doors shall be in good condition without cracks and fractures.
- f. Mud guards and fenders. Must be rigid, tightly fastened, free from dents or mutilation and so constructed as to allow the full opening of doors.
- g. Identification. Every company, partnership, association, limited liability company or individual operating one or more vehicles under the ground transportation permit shall have each vehicle plainly marked to identify the name of the operating organization.
- h. Registration/Inspection. All vehicles issued permits under this article must receive and display all registration/inspection/licensing documentation as required by the State of New York.

**Section 3: Vehicle Appearance Inspection Criteria**

All vehicles must conform to a standard of cleanliness established by the Broome County Department of Aviation.

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- a. The exterior of the vehicle must be well painted, clean and present a favorable appearance. The exterior of vehicles shall include all hubcaps, head and tail lights (in working order), grills, bumpers and body trim.
  - b. The interior of approved vehicles, including the trunk, shall be maintained in a condition so as to be free of grease, dirt and trash. Passengers shall be able to use the seats and trunk of vehicles without fear of soiling or damaging either their wearing apparel or their luggage. Interior seat fabric must not be ripped.
  - c. All vehicles must be free from leakage of engine fluids, excessive discharge of exhaust gasses and excessive exhaust noise. In addition, all heating and air conditioning units must be operational.

#### **Section 4: Inspection Schedules**

The Commissioner of Aviation, or a designated representative, shall maintain constant vigilance over all permitted vehicles to ensure that they are kept in continued fitness for public use, and to this end, all such vehicles shall be inspected at least every year and at such other times as may be deemed necessary. The Commissioner or designated representative shall endorse the permit application the date of each and every inspection and the result thereof. A vehicle found to be not meeting the Department of Aviation criteria may have its permit suspended or revoked. Any vehicle not presented at a duly scheduled inspection, may be ordered out of service by the Commissioner of Aviation or his/her designated representative, provided said vehicle is not presented for inspection within seven (7) days of the original inspection date.

#### **Section 5: Vehicles not approved**

Any vehicle which is found, after such inspection as provided in Section 4 of this article, to be in any way unsuitable for hiring services may be immediately ordered out of service, and before being again placed in service shall be delivered to the Commissioner of Aviation or an authorized representative of the Broome County Department of Aviation at a designated point for re-inspection.

#### **Section 6: Random Inspections of Taxicabs and Limousines**

The Commissioner of Aviation or authorized representatives of the Department of Aviation, shall have the right, after displaying proper identification, to enter into or upon any permitted taxicab or limousine for the purpose of ascertaining whether or not any provisions of these requirements are being violated. Any taxicab or limousine which is found, after any such inspection, to be in any way unsuitable for taxicab or limousine service immediately shall be taken out of service and before again being placed in service, such vehicle shall be re-inspected.

#### **Section 7: Damaged Vehicles**

Vehicles that have been damaged and can be driven safely in accordance with state law and without reduction of the customer's comfort shall be given a three-week grace period to perform needed repairs. After such time, the vehicle will be restricted from operating at the Airport until proper repairs are made.

### **Article IV – General Operations**

#### **Section 1: Conduct Responsibilities**

A person or contract carrier granted Ground Transportation Permit Privileges as described herein shall at all times be responsible for all conduct, actions and activities of itself and its employees, agents, drivers and/or representatives, acting in any capacity whatsoever, while on Airport Property.

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All Contract Carriers shall provide each of their drivers with a copy of this local law governing Ground Transportation operations at the Airport. Contract Carriers shall ensure that each of their drivers are cognizant of and understand these regulations.

**Section 2: Orderly Conduct**

The operation of all ground transportation services shall be conducted in an orderly manner. No person permitted pursuant to this article shall, with intent to cause public inconvenience, annoyance or alarm, or creating a risk thereof:

- a. Engage in fighting or in violent, tumultuous or threatening behavior; or
- b. Make unreasonable noise; or
- c. In a public place, use abusive or obscene language, or make an obscene gesture; or
- d. Without lawful authority, disturb any lawful assembly or meeting of persons; or
- e. Obstruct vehicular or pedestrian traffic; or
- f. Congregate with other persons in a public place and refuse to comply with a lawful order of the police of ground transportation officer to disperse.
- g. Operate a vehicle for hire while under the influence of an intoxicating beverage or drug, which impairs his/her ability to drive.

**Section 3: Driver's Appearance/Conduct.**

Vehicle drivers shall be neat and clean both in person and clothing and shall wear at a minimum a shirt or blouse with collar, and slacks or skirts. Examples of unacceptable clothing include without limitation: tank tops, flip-flops and other open toed shoes, cut-offs, and any ripped or torn clothing of any nature.

Each driver shall at all times treat members of the public with the utmost courtesy. No driver shall solicit patronage, annoy any person by any sign, or obstruct the movement of any person.

Drivers shall be properly licensed by New York State to drive subject vehicles.

**Section 4: Loading and Unloading Passengers**

Prior to picking-up or dropping-off passengers at the Airport, vehicles must first proceed to the Commercial Vehicle Lane, as depicted in Attachment A (occupied on a "first come – first served basis"). Vehicles are authorized to load/unload passengers in the lane directly adjacent to the terminal sidewalk (Lane 1), but must relocate their vehicle within five (5) minutes of stopping in this lane. To gain access to either the Commercial Vehicle Lane or Lane 1, drivers must be operating a vehicle with a valid Airport Ground Transportation Operating Permit.

After a fare has been picked-up and the vehicle parked in the Commercial Vehicle Lane's #1 parking position has exited, each vehicle should move forward to the next available position. The vehicle in position #1 may not refuse a properly presented fare regardless of destination, provided such passenger is orderly, is offering payment for the ground transportation service, and the passenger's proposed destination is reasonable.

Vehicles in the taxicab-loading zone that have been hired for incoming fares, which have not arrived, must park in the last loading zone parking position.

Nothing in this article shall prevent a passenger from using a vehicle other than the vehicle parked in the #1 parking position because of the fare offer or the condition of the taxicab or its driver.

**Section 5: Entering Terminal Building**

No driver of any taxicab or limousine shall enter the terminal facility unless it is to assist their own passengers with baggage from/to the terminal lobby, meet a prescheduled passenger (Driver must possess and display a neat and clear sign displaying passenger's name) or any

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other reasons approved by the Commissioner of Aviation. Every taxicab and limousine driver shall remain either in the driver's compartment or immediately adjacent to his/her vehicle at all times when such vehicle is upon the airport.

At no time shall any driver of any motor vehicle engaged in the business of providing ground transportation services solicit passengers while on Binghamton Regional Airport Property.

**Section 6: Right to Exclusive Transportation**

No taxicab or limousine driver shall carry any person other than the passenger(s) first employing the taxicab or limousine for the trip, without the consent of the passenger. In no event shall a driver pick-up or carry any other passenger en route after a trip has commenced, except that where the passenger first engaging the vehicle is a party or a member of a party, other members of the party may be picked up at different locations en route on direction of the member or members of the party first engaging the taxicab or limousine.

**Section 7: Customer Service Training**

Prior to beginning service at the airport, drivers shall attend Customer Service Training as hosted and scheduled by the Department of Aviation

**Section 8: Fares**

The rates of fare to be charged for service shall be fair and reasonable and equivalent to fares charged for comparable service in the local area. Fares shall also remain constant and equal during all hours of each day of the calendar year.

**Section 9: Fares for Baggage**

No extra charge shall be made for the transportation of ordinary hand baggage carried by passengers. Three bags per person are construed to be ordinary hand baggage and a reasonable charge may be made for such excess baggage. Trunks and other bulky baggage not ordinarily construed to be hand baggage shall also be charged at a reasonable rate.

**Section 10: Fare Cards**

Each vehicle approved to provide Ground Transportation Services at the Airport shall post a notice on the back of the front seat, or as approved by the Commissioner of Aviation, providing the rates of fare to various destinations within Broome County and the surrounding communities. Drivers shall issue a fare receipt to all passengers. Said notice shall also include a telephone number for passengers to call in the event of complaints.

**Article V – Program Fees/Charges**

**Section 1: Fees for Ground Transportation Permits**

Any person or contract carrier procuring a ground transportation permit to be utilized for a taxicab or limousine shall pay to the Broome County Department of Aviation a fee based on the following annual fee schedule per vehicle as approved by the Broome County Legislature:

<u>Number of vehicles:</u>	<u>Monthly Fee:</u>	<u>Annual Fee:</u>
1 – 8	\$50.00 per vehicle	\$600.00 per vehicle
9 – 19	\$25.00 per vehicle	\$300.00 per vehicle
20 +	\$15.00 per vehicle	\$180.00 per vehicle

The purchase of this permit will be distinct to only the vehicle specified in the permit application. Annual ground transportation permits purchased after July 1 will be prorated for each month remaining until the succeeding June 30<sup>th</sup>.

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The fee for reissuance of a decal due to damage, wear or necessary replacement of a bumper is Ten dollars (\$10.00) per decal.

**Section 2: Penalties**

In the event that a Ground Transportation Service Provider fails to comply with the provision of this program the concessionaire shall be responsible for any penalties incurred as a result and as administered by Broome County and as approved by the Broome County Legislature.

For the offense of operating at the airport without an approved vehicle permit the following penalties shall be applied:

First Offense	\$ 50.00
Second Offense	\$600.00
After the Second Offense	\$750.00

For the offense of parking a vehicle along the curb line for more than 5 minutes the following penalties shall be applied:

First Offense	\$ 25.00
Second Offense	\$ 50.00
After the Second Offense	\$ 75.00

**Article VI – Indemnification/Insurance**

**Section 1: General Provisions**

1. Each person applying for and who is issued a permit(s) shall procure and maintain during the term of the permit(s) issued to the person, at the person's expense and without expense to the County, the insurance policies listed in Section 2 with limits equal to or greater than enumerated limits.
2. Every required policy shall be primary insurance, and any insurance carried by the County of Broome, its officers, or its employees, shall be excess and not contributory insurance to that provided by the person to whom the permit(s) is/are issued.
3. Every required coverage type shall be "occurrence basis."
4. The person to whom the permit(s) is/are issued may utilize umbrella/excess liability coverage to achieve the limits required hereunder. Any such coverage must be at least as broad as the primary coverage.
5. The amount of self-insured retention or deductibles must be disclosed on the certificates of insurance.
6. The person to whom the permit(s) is/are issued shall be solely responsible for any self-insured retention or deductible losses under each of the required policies.
7. The County of Broome reserves the right to request a certified copy of any policy and any endorsement thereto.
8. Proof of insurance coverage shall be provided on an ACCORD form. All certificates of insurance shall be subject to review and approval by the Broome County Office of Risk and Insurance.
9. All insurance shall be provided by insurance carriers licensed & admitted to do business in the State of New York and must be rated "A-VII" or better by A.M. Best (Current Rate Guide).
10. If the person to whom the permit(s) is/are issued fails to procure or maintain the required coverages and minimum limits such failure shall constitute a material breach of this local law. If such a breach occurs the County of Broome at its discretion may:
  - (a) immediately revoke the permit(s) issued to the person.
  - (b) exercise any other rights it may have pursuant to law.

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**Section 2: Required Insurance – Minimum Coverage Types and Amounts**

1. Coverage Type/Minimum Limits
  - (a) Automobile Liability / \$100,000 (Combined Single Limit)  
Comprehensive Form  
Must cover owned, non-owned, and hired vehicles
  - (b) Workers' Comprehensive and Employer's Liability / \$100,000 (Statutory amount)  
In lieu of a Worker's compensation policy, a waiver issued by the NYS Workers' Compensation Board may be submitted.
2. The certificate face shall
  - indicate coverages and minimum amounts required in Section 2.1
  - provide that the coverages shall not be cancelled, terminated or materially changed (including reduction of coverage amounts) until at least thirty (30) days prior written notice has been given to the Broome County Office of Risk and Insurance.
3. The Certificate Holder should read:  
Broome County Office of Risk and Insurance  
P. O. Box 1766  
Binghamton, NY 13902

**Section 3: Defense and Indemnification**

The person to whom a permit(s) is/are issued pursuant to this local law agrees to indemnify and hold the County of Broome and any officer, employee and/or agent thereof free and harmless from any and all losses(s), penalty (ies), damages, settlement(s), cost(s), charge(s), professional fee(s) or other expense(s) or liability (ies) of every kind arising from or relating to any and all claim(s), lien(s), demand(s), obligation(s), action(s), proceedings or causes of action of any kind in connection with, or arising directly or indirectly from negligent error(s) and/or omission(s) and/or act(s) by the person (including the person's employees, agents or and/or contractors) in the performance of this agreement.

Without limiting the generality of the foregoing, any and all such claims, etc., relating to personal injury, death, damage to property, or any actual or alleged violation of any applicable statute (including specifically but not limited to New York State Labor Law §§ 240 & 241), ordinance, administrative order, executive order, rule or regulation, or decree of any court of competent jurisdiction in connection with, or arising directly or indirectly from, errors and/or negligent acts by the person, as aforesaid, shall be included in the indemnity hereunder.

The foregoing provisions concerning indemnification shall not be construed to indemnify the County for damages arising from bodily injury to persons or property contributed to, caused by or resulting from the sole negligence of the County or its employees.

**Carried, Ayes-17, Nays-1 (Brunza), Absent-1 (Hull).**

**RESOLUTION NO. 414**

By Transportation and Finance Committees

Seconded by Mr. Burger

**RESOLUTION AUTHORIZING AGREEMENT WITH SIGNATURE COMBS AIRCRAFT SALES FOR LEASE OF OFFICE SPACE AT THE BINGHAMTON REGIONAL AIRPORT**

WHEREAS, the Commissioner of Aviation requests authorization for an agreement with Signature Combs Aircraft Sales for lease of office space at the Binghamton Regional Airport with revenue to the County of \$901.81 per month for a six-month period beginning August 1, 2000, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Signature Combs Aircraft Sales, Binghamton Regional Airport, Johnson City, New York 13790 for lease of office space at the Binghamton Regional Airport for a six-month period beginning August 1, 2000, and be it

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FURTHER RESOLVED, that in consideration of said services, the Contractor shall pay the County an amount not to exceed \$901.81 per month the six-month period, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 210070.0108.207000 (Terminal Space Rental), and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes five (5) additional six-month renewals, subject to mutual consent, contingent on the following: the terms and conditions of the agreement remain the same; the first year annual cost is not to exceed \$10,821.78 with an increase in cost based on the Consumer Price Index for the Northeast, not to exceed 5% for each remaining year for which this agreement is to be renewed, 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 (Hull).**

### **RESOLUTION NO. 415**

By Economic Development & Planning Committee

Seconded by Mr. Burger

#### **RESOLUTION CONFIRMING AN APPOINTMENT TO MEMBERSHIP ON THE BROOME COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL BOARD OF DIRECTORS**

WHEREAS, the Broome County Executive, Jeffrey P. Kraham, pursuant to the authority vested in him 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, subject to confirmation by this County Legislature,

<u>NAME</u>	<u>TERM EXPIRING</u>
Duke Holdsworth P.O. Box 77 Kirkwood, NY 13795	Reappointment 12/31/00

and,

WHEREAS, it is desired at this time to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature 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 Broome County Executive.

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

### **RESOLUTION NO. 416**

By Public Safety & Emergency Services Committee

Seconded by Mr. Burger

#### **RESOLUTION CONFIRMING AN APPOINTMENT TO MEMBERSHIP ON THE BROOME COUNTY STOP-DWI ADVISORY BOARD**

WHEREAS, the Broome County Executive, Jeffrey P. Kraham, pursuant to the authority vested in him by Resolution 492 of 1981, has duly designated and appointed the following named individual to membership on the Broome County STOP-DWI Advisory Board, subject to confirmation by this County Legislature,

<u>NAME</u>	<u>TERM EXPIRING</u>
Arthur R. Johnson 95 Phelps Street Binghamton, NY 13901	New Appointment 12/31/01

and,

WHEREAS, it is desired at this time to confirm said appointment, now, therefore, be it

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RESOLVED, that this County Legislature hereby confirms the appointment of the above-named individual to membership on the Broome County STOP-DWI Advisory Board for the term indicated, in accordance with his appointment by the Broome County Executive.

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

#### **RESOLUTION NO. 417**

By Public Safety & Emergency Services and Finance Committees      Seconded by Mr. Burger  
**RESOLUTION AUTHORIZING REVISION OF THE PRETRIAL RELEASE PROGRAM GRANT FOR THE DEPARTMENT OF PROBATION AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2000**

WHEREAS, this County Legislature, by Resolution 635 of 1999, authorized the continued participation in the Pretrial Release Program Grant by the Department of Probation and adopted a program budget in connection therewith in the total amount of \$114,342 for the period January 1, 2000 through December 31, 2000, and

WHEREAS, said grant services are designed to reduce the unsentenced inmates at the Broome County jail by providing the necessary information to enable the court to decide the least restrictive method necessary to secure an inmate's appearance in court without detention and/or for those inmates unable to post bail, and

WHEREAS, it is necessary at this time to revise said grant budget to reflect a decrease in state aid, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves a revision to the grant budget of the Pretrial Release Program to reflect a decrease in state aid for the period January 1, 2000 through December 31, 2000, 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 \$114,342, and be it

FURTHER RESOLVED, that Resolution 635 of 1999, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

#### **RESOLUTION NO. 418**

By Public Safety & Emergency Services and Finance Committees      Seconded by Mr. Burger  
**RESOLUTION AUTHORIZING REVISION OF THE INTENSIVE SUPERVISION PROGRAM GRANT FOR THE DEPARTMENT OF PROBATION AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2000**

WHEREAS, this County Legislature, by Resolution 634 of 1999, authorized the continued participation in the Intensive Supervision Program Grant by the Department of Probation and adopted a program budget in connection therewith in the total amount of \$184,840 for the period January 1, 2000 through December 31, 2000, and

WHEREAS, said grant program is an alternative to incarceration, and

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WHEREAS, it is necessary at this time to revise said grant budget to reflect a decrease in state aid, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves a revision to the grant budget of the Intensive Supervision Program to reflect a decrease in state aid for the period January 1, 2000 through December 31, 2000, 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 \$184,840, and be it

FURTHER RESOLVED, that Resolution 634 of 1999, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

FURTHER RESOLVED, that the County Executive or his duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) are 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 (Hull).**

#### **RESOLUTION NO. 419**

By Economic Development & Planning and Finance Committees                      Seconded by Mr. Burger  
**RESOLUTION AUTHORIZING AN AGREEMENT WITH EBE OFFICESOURCE, INC., FOR THE LEASE OF A DIGITAL COPY MACHINE FOR THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT**

WHEREAS, the Director of Purchasing has advertised and received bids for a lease agreement for placement of a digital copy machine in the Department of Planning and Economic Development, and

WHEREAS, following a review of all bids received, the Director of Purchasing and the Commissioner of the Department of Planning and Economic Development requested authorization for a lease agreement with EBE Officesource, Inc. for a copy machine for a three (3)-year period beginning on or about September 1, 2000, and

WHEREAS, EBE Officesource, Inc. has notified the County that it intends to use DeLage Landen Financial Services, Inc. as the financing entity for the copy machine while providing the related service, and

WHEREAS, it is necessary to authorize an amendment to said agreement to include DeLage Landen Financial Services, Inc. as the financing entity and EBE Officesource, Inc. as the service provider for a three (3)-year period beginning on or about September 1, 2000, and

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

RESOLVED, that this County Legislature hereby approves a lease agreement with DeLage Landen Financial Services, Inc., Lease Processing Center, 1055 Westlakes Drive, Berwyn, PA 19312-2410 and a service agreement with EBE Officesource, Inc., 68-70 Travis Avenue, Binghamton, New York 13904, for the lease of the following copy machine:

Department of Planning and Economic Development, quarterly payment of \$824.85, which reflects a bid of \$274.95 per month, including an overage rate of .009 in excess of the number of copies per month specified in the bid, for a three-year period which shall start on or about September 1, 2000 and which shall be the date of delivery and set-up of said machine,

and be it,

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FURTHER RESOLVED, that payments for the lease hereinabove authorized shall come from budget line 440016.4518.101000 (Planning), 440024.4518.101000 (EMC) and 440115.4518.104412 (BMTS) (Copy Machine Rentals), and be it

FURTHER RESOLVED, that Resolution 289 of 2000, 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 agreement, 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 (Hull).**

#### **RESOLUTION NO. 420**

By Finance Committee

Seconded by Mr. Burger

**RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH SMITH WILSON BROS. FOR INSURANCE COVERAGE FOR THE BINGHAMTON REGIONAL AIRPORT OPERATIONS FOR 2000-2001**

WHEREAS, this County Legislature, by Resolution 314 of 1999, authorized renewal of the agreement with Smith Wilson Bros. for insurance coverage for the Binghamton Regional Airport at an amount not to exceed \$35,500 for the period July 1, 1999 through July 31, 2000, and

WHEREAS, said services are necessary to provide insurance coverage for airport operations, and

WHEREAS, said agreement expired by its terms on July 31, 2000 and it is desired at this time to renew said agreement, on substantially similar terms and conditions, for an amount not to exceed \$35,599.28 for the period August 1, 2000 through July 31, 2001, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Smith Wilson Bros., Division of Haylor, Freyer & Coon, Inc., 700 Harry L. Drive, P. O. Box 709, Johnson City, New York 13790 for insurance coverage for the Binghamton Regional Airport for the period August 1, 2000 through July 31, 2001, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$35,599.28 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 050088.4521.254000 (Insurance Premiums), 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 (Hull).**

#### **RESOLUTION NO. 421**

By County Administration, Personnel and Finance Committees

Seconded by Mr. Wike

**RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 13, 2000, ENTITLED: "A LOCAL LAW ELECTING A RETIREMENT INCENTIVE AS AUTHORIZED BY CHAPTER 86, LAWS OF 2000, FOR THE ELIGIBLE EMPLOYEES OF THE COUNTY OF BROOME"**

RESOLVED, that Local Law Intro. No. 13, 2000, entitled: "A Local Law Electing A Retirement Incentive As Authorized By Chapter 86, Laws Of 2000, For The Eligible Employees Of The County Of Broome," be and the same hereby is adopted and approved in accordance with the Broome County Charter, Municipal Home Rule Law and all the applicable statutes and laws pertaining thereto.

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**LOCAL LAW INTRO. NO. 13, 2000**

**A Local Law Electing a Retirement Incentive as Authorized by Chapter 86,  
Laws of 2000, for the Eligible Employees of the County of Broome**

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

SECTION 1. The County of Broome hereby elects to provide all its eligible employees with a retirement incentive program authorized by Chapter 86, Laws of 2000.

SECTION 2. The commencement date of the retirement incentive shall be September 5, 2000 and shall end on October 6, 2000.

SECTION 3. The open period, during which eligible employees may retire and receive the additional retirement benefit, shall be 31 days in length.

SECTION 4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this Local Law shall be paid as one lump sum or in 5 annual installments. The amount of the annual payment shall be determined by the actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the County of Broome for each employee who receives the retirement benefits payable under this Local Law.

SECTION 5. This Local Law shall take effect on upon filing with the Secretary of State.

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

**RESOLUTION NO. 422**

By Economic Development and Planning Committee

Seconded by Mr. Burger

**RESOLUTION AUTHORIZING THE BROOME COUNTY CHAMBER OF COMMERCE TO ACT AS THE AGENCY IN BROOME COUNTY FOR TOURISM AND CONVENTION PROMOTION FOR 2001**

WHEREAS, this County Legislature, by Resolution 405 of 1999, authorized the Broome County Chamber of Commerce to act as the agency in Broome County for tourism and convention promotion for calendar year 2000, and

WHEREAS, it is desired at this time to authorize the Broome County Chamber of Commerce to be the tourism and convention promoter for Broome County for 2001 so that appropriate applications may be filed timely for New York State grant monies, now, therefore be it

RESOLVED, that this County Legislature hereby names and authorizes the Broome County Chamber of Commerce to be the tourism and convention promoter for Broome County for calendar year 2001, and be it

FURTHER RESOLVED, that the Broome County Chamber of Commerce is hereby authorized to make application for any grants from the State of New York for tourism and convention promotion in Broome County, and be it

FURTHER RESOLVED, that the County Executive is hereby authorized to enter into agreement(s) with the Broome County Chamber of Commerce to provide tourism and convention promotion in Broome County, subject to funding sources and matching funds by the Broome County Chamber of Commerce, and be it

FURTHER RESOLVED, that upon approval of said grants, the County Executive is authorized to execute any agreements, documents, or papers approved by the Department of Law, necessary to carry out the intent and purpose of this resolution, and be it

FURTHER RESOLVED, that the Broome County Chamber of Commerce shall submit a quarterly written report to this Legislature as to the disposition of said grant monies.

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



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WHEREAS, the New York City law firm of Orrick, Herrington & Sutcliffe, LLP, has offered to draft bonds and capital notes and to render legal opinions as to their validity, at the request of the County, for a fee in accordance with a schedule of bond counsel charges in effect at the time of the request, a copy of the current schedule being attached hereto as Exhibit "A," now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the County to enter into an agreement with the law firm of Orrick, Herrington & Sutcliffe, LLP, 666 Fifth Avenue, New York, New York 10103, whereby said law firm, when requested by the County, will draft bonds and capital notes and issue opinions as to the legal validity of said bonds and notes, and be it

FURTHER RESOLVED, that in consideration of said services, the County agrees to pay said firm a fee based upon the then current schedule of bond counsel charges, a copy of the now current schedule of charges being attached hereto as Exhibit "A," and be it

FURTHER RESOLVED, that said agreement may be terminated by either party upon written notice to the other party, and be it

FURTHER RESOLVED, that the County Executive is hereby authorized to execute any and all agreements, papers and documents necessary to implement the intent and purpose of this resolution.

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

### **RESOLUTION NO. 425**

By Health Services and Finance Committees

Seconded by Mr. Burger

#### **RESOLUTION AUTHORIZING AGREEMENT WITH VARIOUS VENDORS TO PROVIDE SERVICES FOR THE DEPARTMENT OF HEALTH'S EARLY INTERVENTION AND PRESCHOOL EDUCATION PROGRAM FOR 2000-2001**

WHEREAS, the Director of Public Health requests authorization for agreements with various vendors for services for the Early Intervention and Preschool Education Programs, at rates set by New York State and Broome County Department of Health, total not to exceed budget appropriations, and

WHEREAS, said services are necessary to provide various services, including itinerant speech, occupational and physical therapies, special education, medical services (including psychological evaluations, social history, physical examinations and non-physical evaluation), classroom and personal care aides, service coordination, interpreters, nursing services and counseling, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes agreements with various vendors for services as listed on Exhibit "A" for the Early Intervention and Preschool Education Programs, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at the rates set by the New York State Department of Health as listed on Exhibit "B" for the period October 1, 2000 through December 31, 2001 for the Early Intervention Program and rates set by Broome County Department of Health as listed on Exhibit "C" for the period October 1, 2000 through June 30, 2001 for the Preschool Education Program, total not to exceed budget appropriations, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 480293.various.101081 and 480293.various 101082, 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 (Hull).



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WHEREAS, as a result of this background and experience and his knowledge and understanding of our own local labor market Mr. Lindhorst is uniquely qualified to hold the position of Employment and Training Director I, and

WHEREAS, because of Mr. Lindhorst's unique qualifications, the requirements for a permanent waiver of residency have been met pursuant to Resolution 82 of 1989, as amended by Resolution 510 of 1999, and

WHEREAS, it is desired at this time, pursuant to the provisions of Article XXIV, Section 2405 of the Broome County Charter, to confirm said appointment with a permanent waiver of residency, now, therefore, be it

RESOLVED, that this County Legislature hereby confirms the appointment of Richard Lindhorst as Employment and Training Director I at an annual salary of \$52,374 (Grade F), effective August 21, 2000 in accordance with his appointment by the County Executive, and be it

FURTHER RESOLVED, THAT THIS County Legislature hereby waives the certificate of residency for Richard Lindhorst, 129 Murphy Lane, Newark Valley, New York 13811 and exempts him from the residency requirement set forth in Resolution 82 of 1989, as amended by Resolution 510 of 1999, in order that he may be appointed to the position of Employment and Training Director I, and be it

FURTHER RESOLVED, that this exemption and waiver shall be effective immediately and shall continue for so long as Richard Lindhorst shall hold the aforementioned position.

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

### **RESOLUTION NO. 428**

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

Seconded by Mr. Burger

#### **RESOLUTION AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR IMPLEMENTATION AND FUNDING OF THE OTSININGO PARK TRAIL EXTENSION PROJECT**

WHEREAS, the Otsiningo Park Trail Extension Project, New York State Department of Transportation (NYSDOT) P.I.N. 9009.02 (the "Project"), is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 65% Federal funds and 35% non-Federal funds; and

WHEREAS, the anticipated total cost of the project is \$356,000 with Federal participating aid anticipated to be \$231,000 and the balance of \$125,000 (the Broome County share) to be paid from money already received from the New York State Department of Environmental Conservation pursuant to an enforcement directive issued against a private entity, and

WHEREAS, in order to commence the project it is necessary that the County of Broome make an advance commitment for 100% of the Federal and non-Federal share of the costs of the Construction work, pending reimbursement of the Federal participating aid, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a "Master Federal/Local Aid Agreement" with the New York State Department of Transportation in connection with the Otsiningo Park Trail Extension Project, PIN 9009.02, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes the Broome County Commissioner of Finance to pay in the first instance 100% of the Federal and non-Federal share of the cost of the Construction work for the Project or portions thereof in the sum of \$356,00 to be paid from C.I.P. Project 501348 which includes the \$125,000 received from the New York State Department of Environmental Conservation Enforcement Directive Number II, Civil Penalty Policy and V, Environmental Benefit Project Policy and made available to cover the cost of participation in the above phase of the Project, and be it

FURTHER RESOLVED, that in the event the full Federal and non-Federal share costs of the project exceed the amount appropriated above, the Broome County Legislature shall convene as soon as possible to appropriate said excess amount upon the notification by the New York State Department of Transportation thereof, and be it



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RESOLVED, that this County Legislature hereby authorizes an agreement with Food Consultants, Inc., 137 Corporate Drive, Binghamton, New York 13904 for the period September 1, 2000 through August 31, 2010 whereby Food Consultants, Inc. will provide concession services for the Arena and Forum on the following terms and conditions:

1. Food Consultants, Inc. shall pay to Broome County 20% of the first \$500,000 of gross receipts Food Consultants, Inc. receives derived from all sales at stands, bars or booths in the Arena and Forum; (less sales taxes and gratuities); 25 % said receipts over \$500,001; and 30% of said receipts over \$700,001.
2. Fifty percent (50%) of the gross receipts Food Consultants, Inc. receives derived from the sales of souvenirs and similar items at the area and forum (less sales taxes and gratuities)
3. Twenty percent (20%) of the money Food Consultants receives from vending machines at the Arena and Forum owned and/or serviced by Food Consultants, Inc.
4. Fifty per-cent of the gross receipts of Food Consultants, Inc. derived from the operation of checking facilities (no tipping cups or plates will be permitted)
5. That during the term of the agreement Food Consultants, Inc. will invest a minimum of \$100,000 in capital improvements to concession equipment and facilities.

and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an amendment to the July 2, 1997 agreement between the BC Icemen, LLC and Broome County as follows:

1. The term of the agreement will be extended until July 31, 2006.
2. The B. C. Icemen, LLC will forgo their right of first refusal to operate concessions granted pursuant to paragraph "12" of said July 2, 1997 agreement as amended.
3. Beginning with the 2000-2001 season the rent the Icemen shall pay to the County shall be a flat \$1,000 per Icemen hockey event with the Icemen to have unlimited free tickets to Icemen hockey events .
4. Beginning with the 2000-2001 season the County shall pay the Icemen the first \$60,000 it receives from Food Consultants, Inc. (or any successor concession operator) attributable to concession stand operation during Icemen Hockey games and 50% of any additional revenue the county may receive attributable to concession stand operation during Icemen hockey games.
5. Beginning with the 1999-2000 season the Icemen will no longer be required to pay any part of advertising revenue to the 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**, Ayes-18, Nays-0, Absent-1 (Hull).

### **RESOLUTION NO. 430**

By Personnel, Health Services and Finance Committees

Seconded by Mr. Burger

#### **RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST FOR THE DEPARTMENT OF MENTAL HEALTH**

RESOLVED, that in accordance with a request from the Commissioner of Mental Health as contained in PCR#00-383, this County Legislature hereby authorizes the abolishment of one (1) Program Assistant position, Full Time, at budget line 470005.1000.101000, minimum salary of \$19,817, Grade 10, Union CSEA, and the creation of one (1) Keyboard Specialist position, Full Time, at budget line 470005.1000.101000, minimum salary of \$17,961, Grade 08, Union CSEA, effective date 08/01/00.

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

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**RESOLUTION NO. 431**

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

**RESOLUTION AUTHORIZING ACCEPTANCE OF GEOGRAPHIC INFORMATION SYSTEMS PROGRAM GRANT FOR THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2000-2001**

WHEREAS, the Commissioner of Planning and Economic Development requests authorization to accept a Geographic Information Systems Program Grant from the New York State Department of Education in the amount of \$61,193.00 for the period June 30, 2000 through June 30, 2001, and

WHEREAS, said grant program provides for the purchase of equipment, software and training services in connection with the County's Geographic Information Systems program which will make it easier to use the program and provide better data, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$61,193.00 from the New York State Department of Education for the period June 30, 2000 through June 30, 2001, 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 \$61,193.00, and be it

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

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

FURTHER RESOLVED, that the County Executive or his duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) are hereby authorized to execute any budget 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 (Hull).

**RESOLUTION NO. 432**

By Public Works, Transportation and Finance Committees  
Seconded by Mr. O'Day

**RESOLUTION AMENDING THE 1992 and 1994 CAPITAL IMPROVEMENT PROGRAM**

RESOLVED, that the 1992 and 1994 Capital Improvement Programs are hereby amended as follows:

FROM:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>		
			<u>State</u>	<u>Federal/Other</u>	<u>County</u>
502215	92 Storm Water Remediation	100,000	0	90,000	10,000

  

<u>Year Start</u>	<u>How Financed:</u>	
	<u>Bond</u>	<u>Current Revenue</u>
1992	0	10,000

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TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	Estimated Construction Cost:		<u>County</u>
			<u>State</u>	<u>Federal/Other</u>	
502215	92 Storm Water Remediation	100,000	3,023	54,540	42,437
			How Financed:		
		<u>Year Start</u>	<u>Bond</u>	<u>Current Revenue</u>	
		1992	0	42,437	

Comment: Local Share and Current Revenue transferred from Enterprise Fund

FROM:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	Estimated Construction Cost:		<u>County</u>
			<u>State</u>	<u>Federal/Other</u>	
502216	92 Clear Zone Purchase	100,000	0	90,000	10,000
			How Financed:		
		<u>Year Start</u>	<u>Bond</u>	<u>Current Revenue</u>	
		1992	0	10,000	

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	Estimated Construction Cost:		<u>County</u>
			<u>State</u>	<u>Federal/Other</u>	
502216	92 Clear Zone Purchase	100,000	4,445	80,010	15,545
			How Financed:		
		<u>Year Start</u>	<u>Bond</u>	<u>Current Revenue</u>	
		1992	0	15,545	

Comment: Local Share and Current Revenue transferred from Enterprise Fund

FROM:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	Estimated Construction Cost:		<u>County</u>
			<u>State</u>	<u>Federal/Other</u>	
502236	94 Land Acquisition	240,600	3,600	64,000	173,000
			How Financed:		
		<u>Year Start</u>	<u>Bond</u>	<u>Current Revenue</u>	
		1994	0	173,000	

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	Estimated Construction Cost:		<u>County</u>
			<u>State</u>	<u>Federal/Other</u>	
502236	94 Land Acquisition	3,100	0	0	3,100
			How Financed:		
		<u>Year Start</u>	<u>Bond</u>	<u>Current Revenue</u>	
		1994	0	3,100	

Comment: Local Share and Current Revenue transferred from Enterprise Fund. No federal or state grants were ever received for this project.

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



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additional expenses for the AS/400E, Ethernet upgrades and equipment maintenance for the Office of the County Clerk for the period January 1, 2000 through December 31, 2000, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an additional \$6,000, total cost not to exceed \$22,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 300012.4514.101000 (Hardware Maintenance), and be it

FURTHER RESOLVED, that Resolution 160 of 2000, 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-16, Nays-0, Absent-1 (Hull), Abstain-2 (Schofield, Wike).

### RESOLUTION NO. 435

By All Members

Seconded by Mr. Howard

#### RESOLUTION OF CONDOLENCE ON THE DEATH OF RETIRED SHERIFF GENO DEANGELO

WHEREAS, Geno DeAngelo, retired Broome County Sheriff, passed away on the 25th day of July, 2000, and

WHEREAS, Sheriff DeAngelo served the citizens of Broome County with dedication and commitment as a member of the U.S. Navy during the Korean War and as a County law enforcement official for forty years, and

WHEREAS, Sheriff DeAngelo entered the field of law enforcement in 1959, serving in virtually every capacity in the Office of the Broome County Sheriff until he was elected Sheriff in 1991, serving until December 31, 1998 when he retired, and

WHEREAS, Sheriff DeAngelo, while serving as Broome County Sheriff, oversaw the construction of the new 400-cell Public Safety Facility, completed the computer automation of the Sheriff's Office, updated and modernized radio communications throughout the agency, and

WHEREAS, Sheriff DeAngelo was the recipient of many notable awards, including Policeman of the Year in 1986, the Policeman Academy Recognition Award, and the NYS Law Enforcement Training Director's Award, and

WHEREAS, Sheriff DeAngelo will be remembered especially for his dedication and determination to develop New York State's finest Police Academy in Broome County, and

WHEREAS, because of Sheriff DeAngelo's dedication to the young people of Broome County through the Criminal Justice Programs he taught and the Sheriff's Junior Deputy Program, many of them paid tribute to his influence by choosing careers in law enforcement or law related fields, and

WHEREAS, Sheriff DeAngelo will long be remembered for serving his Church, the Benjamin Franklin PTA, the Girls and Boys Club of Western Broome, the Boy Scouts, Catholic Charities, the Endicott Sertoma Club and the Sheriff's Junior Deputy Program, and

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

RESOLVED, that the members of this County Legislature hereby recognize the loss of Sheriff Geno DeAngelo and extend their sincere sympathy to his family, and be it

FURTHER RESOLVED, that the Clerk of this County Legislature is hereby authorized and directed to place this resolution in the minutes of the Regular Session of the County Legislature held on August 16, 2000 and to transmit a copy of this resolution to the family of the late Sheriff Geno DeAngelo.

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

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**RESOLUTION NO. 436**

By Public Works and Finance Committees

Seconded by Mr. Burger

**RESOLUTION AUTHORIZING TRANSFER OF RECYCLING COMPARTMENTALIZED TRUCK BODIES FROM BROOME COUNTY TO THE CITY OF BINGHAMTON**

WHEREAS, this County Legislature, by Resolution 221 of 1989, authorized an agreement with the City of Binghamton for the lease of recycling compartmentalized truck bodies for the Division of Solid Waste Management at no cost to the City for the period May 1, 1990 through April 30, 1999, and

WHEREAS, said agreement expired by its terms on April 30, 1999 and it has been determined by the Division of Solid Waste Management that the compartmentalized bodies have no residual value except as scrap metal, and

WHEREAS, the Division of Solid Waste Management has determined that it would be in the best interest of the County to transfer the compartmentalized bodies to the City of Binghamton to dispose of as it sees fit, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the transfer of the County-owned recycling compartmentalized truck bodies originally leased to the City of Binghamton for the collection of recyclable materials and now have no residual value except as scrap metal, be and hereby are transferred to the City of Binghamton for disposal as it sees fit, 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 (Hull).

Mr. Howard made a motion to adjourn, seconded by Mr. Pasquale. **Motion to adjourn carried**, Ayes-18, Nays-0, Absent-1 (Hull). The meeting was adjourned at 4:30 p.m.

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