
**BROOME COUNTY LEGISLATURE
REGULAR SESSION
THURSDAY, JUNE 20, 2002**

The Legislature convened at 4:08 p.m. with a call to order by the Chair, Daniel A. Schofield. The Clerk, Louis P. Augostini, read the fire exit announcement and called the Attendance Roll, Present-15, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12). Mr. Hull arrived at 4:42 p.m.

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. Whalen made a motion, seconded by Mr. Brunza, that the minutes of the Regular Session of May 16, 2002 be approved as prepared and presented by the Clerk. **Carried**, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

Mr. Schofield noted that the committee minutes for the period May 10, 2002 through June 13, 2002 had been distributed to the members of each committee for review and that they are also on file in the Clerk's Office. The Clerk indicated that a quorum of all committees were present. Mr. Schofield asked for corrections to the committee minutes. Seeing none, a motion to approve the committee minutes was made by Mr. Lindsey, seconded by Mr. O'Day. **Carried**, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

ANNOUNCEMENTS FROM THE CHAIR

Chairman Schofield announced that he had received a letter from Andrew M. Kavulich, dated June 20, 2002, respectfully requesting that his name be withdrawn from consideration for appointment to the vacant position of District 12 Broome County Legislator. Mr. Schofield asked the Chair of County Administration to poll that committee's members to withdraw Resolution 67-297 currently before the Legislature. Mrs. Sweet then polled her committee on the floor resulting in said resolution being withdrawn from consideration.

PRESENTATION OF PETITIONS, COMMUNICATIONS, NOTICES & REPORTS:

- A. Petitions: None
- B. Communications:
 - 1. Minutes:
 - a. Nanticoke Landfill Citizens Advisory Committee
 - b. Cornell Cooperative Extension
 - c. Soil and Water Conservation District
 - d. Association of Municipal Clerks
 - e. Environmental Management Council
 - 2. Broome Community College: 2002-2003 Proposed Budget
 - 3. Town of Maine
 - a. Proposed Local Laws re: home occupations, and harboring horses
 - b. Addendum to proposed local laws re: home occupations and harboring horses
 - 4. Town of Colesville: Proposed Local Law re: vehicle and mobile home sales
 - 5. Public Works: Declaration of Public Emergency re: "quick chill" process at the Central Foods facility
 - 6. Saratoga County: Resolution No. 94 re: workers compensation coverage to capital District Technical Search and Rescue Team.
 - 7. Office of the State Comptroller: Audit of Solid Waste Management
 - 8. Audit and Control:
 - a. Policy clarification regarding local mileage reimbursement
 - b. Lease Analysis, June 2002

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9. Letters:
 - a. Andrew Kavulich: resignation from the Broome County Legislature, District 12
 - b. Jack Williams: New York State Department of Transportation re: Route 12 Corridor Study
 - c. Senator John Bonacic: re: Senate Bill 5210 regarding Major Capital Improvements
 - d. Assemblyman Clifford Crouch: acknowledging receipt of Resolution 145 re: funding for Interstate 86
 - e. Assemblyman Clifford Crouch: acknowledging receipt of Resolution 157 re: improvements on New York State Route 12
 - C. Notices: Notice of time change for June 20, July 18 and August 22, 2002 Legislative Sessions from 5:00 p.m. to 4:00 p.m.
 - D. Reports:
 1. 2001 Annual Reports
 - a. Department of Parks and Recreation
 - b. Department of Public Works
 - c. Broome County Arts Council
 - d. Cornell Cooperative Extension
 - e. Southern Tier Zoological Society
 - f. Office of the Broome County Sheriff
 - g. Four County Library System
 2. Broome Community College
 - a. Above Minimum Hire Report, April 2002, May 2002
 - b. Budget Transfers, April 2002
 - c. Quarterly Income Statement, May 2002
 3. Elections
 - a. September 25, 2001 Primary Election results
 - b. November 6, 2001 General Election results
 4. Personnel: Monthly Attrition, April 2002

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY LEGISLATURE

Letters from the Chair, Daniel A. Schofield:

1. Appointing P. O'Day as Chair and D. Lindsey as voting representative for W. Miller, Transportation Committee, June 10, 2002
2. Appointing the following Legislators for A. Shafer
 - a. B. Mather as voting representative, Transportation Committee, June 10, 2002
 - b. A. Nannery as voting representative, Public Safety and Emergency Services Committee, June 10, 2002

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 2002 JOURNAL OF PROCEEDINGS and to publish pertinent portions of said reports as may be directed by the Chair. **Carried**, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12)..

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

RESOLUTIONS INTRODUCED AT THIS SESSION

RESOLUTION NO. 231

By Community & Social Services and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH FOOD BANK OF THE SOUTHERN TIER FOR FOOD DISTRIBUTION SERVICES FOR THE DEPARTMENT OF SOCIAL SERVICES FOR 2002

WHEREAS, this County Legislature, by Resolution 292 of 2001, authorized an agreement with the Food Bank of the Southern Tier for food distribution services for the Department of Social Services at an amount not to exceed \$15,000, for the period January 1, 2001 through December 31, 2001, and

WHEREAS, said services are necessary for the operation of a community food bank that is responsible for distribution of food and food related products to hunger relief agencies in Broome County, including pantries, soup kitchens, shelters and other non-profit organizations, and

WHEREAS, said agreement expired by its terms on December 31, 2001, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$15,000, for the period January 1, 2002 through December 31, 2002, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with Food Bank of the Southern Tier, 945 County Route 64, Elmira, New York 14903 for food distribution services for the Department of Social Services for the period January 1, 2002 through December 31, 2002, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$15,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 670018.4747.103000 (Other Fees for Services), and be it

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

Ms. Hudak made a motion to table this resolution to a date uncertain, seconded by Mr. Shafer. **Motion to table carried.** Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 232

By Finance Committee

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH MARSH USA FOR BROOME COUNTY INSURANCE COVERAGE FOR 1999-2002

WHEREAS, this County Legislature, by Resolution 409 of 1999, authorized an agreement with MARSH USA (f/k/a J & H Marsh & McLennan, Inc). for insurance coverage for property damage, inland marine, boiler and machinery and foreclosed properties at a cost not to exceed \$74,262 annually for the period July 1, 1999 through June 30, 2002, and

WHEREAS, said services are necessary to procure insurance for County owned property, and WHEREAS, it is necessary to authorize the amendment of said agreement to extend the term of the agreement through August 19, 2002, at 12:01 a.m. for an additional cost of \$10,000, total amount not to exceed \$84,262 for insurance coverage for property damage, inland marine, boiler and machinery and foreclosed properties, and

WHEREAS, the Manager of Risk and Insurance has requested authorization for said amendment as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with MARSH USA (f/k/a J & H Marsh & McLennan, Inc.), 300 South State Street, Syracuse, New York 13221, to extend the term of the agreement through August 19, 2002 at 12:01 a.m. at an additional cost of \$10,000, total amount not to exceed \$84,262 for insurance coverage for property damage, inland marine, boiler and machinery and foreclosed properties for the period July 1, 2001 through August 19, 2002, at 12:01 a.m., and be it

FURTHER RESOLVED, that Resolution 409 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 empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 233

By Finance Committee

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING CANCELLATION OF INTEREST AND PENALTIES ON A TOWN OF UNION PARCEL OF REAL PROPERTY

WHEREAS, it is necessary to clear the tax record of a parcel of real property in the Town of Union by virtue of the reason stated below, now, therefore, be it

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

Parcel ID:	156.18-1-12
Town/Village:	Town of Union
Owner:	Stinard, Stephen M & Cindy (formerly Marine Midland Bank)
Amount to be Cancelled:	All penalties and interest accrued to date
Reason:	To correct an error in tax billing

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 234

By Finance Committee

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING CANCELLATION OF INTEREST AND PENALTIES ON TOWN OF LISLE PARCEL OF REAL PROPERTY AND REMOVAL FROM TAX ROLLS

WHEREAS, it is necessary to clear the tax record of a parcel of real property in the Town of Lisle and remove said parcel from the tax rolls, and

WHEREAS, said parcel does not exist and is, in fact, part of the river, now, therefore, be it

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

Parcel ID:	005.01-1-35
Town/Village:	Town of Lisle
Owner:	None
Amount to be Cancelled:	\$87.46
Reason:	Parcel does not exist

and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is authorized to remove said Village of Lisle property from the County tax rolls.

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 235

By Health Services and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH ROYAL CARE PHARMACY FOR UNIT DOSE MEDICATION AND INTRAVENOUS PHARMACY SERVICES FOR THE WILLOW POINT NURSING HOME FOR 2002-2003

WHEREAS, this County Legislature, by Resolution 280 of 2001, authorized renewal of an agreement with Royal Care Pharmacy for unit dose medication and intravenous pharmacy services for the Willow Point Nursing Home at an amount not to exceed \$1,200,000 for the period August 1, 2001 through July 31, 2002, and

WHEREAS, said services are necessary to provide unit dose medication and intravenous pharmacy services to Willow Point Nursing Home residents, and

WHEREAS, said agreement expires by its terms on July 31, 2002, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$1,200,000, for the period August 1, 2002 through July 31, 2003, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with Royal Care Pharmacy, Saratoga Village Boulevard, P. O. Box 2469, Malta, New York 12020 for unit dose medication and intravenous pharmacy services for the Willow Point Nursing Home for the period August 1, 2002 through July 31, 2003, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$1,200,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 160200.4367.204000 (Unit Dosage SNF), and be it

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 236

By Health Services and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH KLEMMT ORTHOPEDIC SERVICES FOR ORTHOTICS AND PROSTHETICS FOR WILLOW POINT NURSING HOME FOR 2002

WHEREAS, this County Legislature, by Resolution 568 of 2000, authorized an agreement with Klemmt Orthopedic Services for direct billing to Medicare for orthotics and prosthetics for Willow Point Nursing Home residents at an amount not to exceed \$10,000 for the period January 1, 2001 through December 31, 2001, and

WHEREAS, said services are necessary to provide orthotics and prosthetics for residents at the Willow Point Nursing Home, and

WHEREAS, said agreement expired by its terms on December 31, 2001, and it is desired at this time to renew said agreement on substantially similar terms and conditions and at allowable Medicare payments less 5% according to the Physician Fee Schedule and to bill the Willow Point Nursing Home directly for eligible Medicare Part A residents, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Klemmt Orthopedic Services, 220 Front Street, Vestal, New York 13850 to bill the Willow Point Nursing Home directly for eligible Medicare Part A residents for the period January 1, 2002 through December 31, 2002, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$5,000, with items being charged at allowable Medicare payments less 5% according to the Physician Fee Schedule, for the period January 1, 2002 through December 31, 2002, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 160226.4715.204000 (Other Health and Medical Services), and be it

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 237

By Health Services and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH CREATIVE ORTHOTICS & PROSTHETICS, INC. FOR ORTHOTICS AND PROSTHETICS FOR WILLOW POINT NURSING HOME FOR 2002

WHEREAS, this County Legislature, by Resolution 569 of 2000, authorized an agreement with Creative Orthotics & Prosthetics, Inc. for direct billing to Medicare for orthotics and prosthetics for residents at the Willow Point Nursing Home for a total amount not to exceed \$10,000, for the period January 1, 2001 through December 31, 2001, and

WHEREAS, said services are necessary to provide orthotics and prosthetics to residents at the Willow Point Nursing Home, and

WHEREAS, said agreement expired by its terms on December 31, 2001, and it is desired at this time to renew said agreement at allowable Medicare payments less 5% for orthotics, 10% for prosthetics, 100% for prosthetic soft shrinkers and 50% for prosthetic rigid shrinkers according to the Physician Fee Schedule and to bill the Willow Point Nursing Home directly for eligible Medicare Part A residents, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Creative Orthotics & Prosthetics, Inc., 33 Mitchell Avenue, Binghamton, New York 13903 to bill the Willow Point Nursing Home directly for orthotics and prosthetics for eligible Medicare Part A residents for the period January 1, 2002 through December 31, 2002, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$5,000, with items being charged at allowable Medicare payments less 5% for orthotics, 10% for prosthetics, 100% for prosthetic soft shrinkers and 50% for prosthetic rigid shrinkers according to the Physician Fee Schedule, for the period January 1, 2002 through December 31, 2002, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 160226.4715.204000 (Other Health and Medical Services), and be it

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 238

By Public Works and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS FOR STATE AID UNDER THE ENVIRONMENTAL QUALITY BOND ACT FOR VARIOUS SOLID WASTE MANAGEMENT PROJECTS AND SIGNING OF THE ASSOCIATED STATE CONTRACT UNDER THE APPROPRIATE LAWS OF NEW YORK STATE

WHEREAS, the State of New York provides financial aid for municipal solid waste management projects under the Environmental Quality Bond Act (EQBA), and

WHEREAS, the County of Broome, herein called the Municipality, has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file applications for various solid waste management projects under these laws, and

WHEREAS, it is necessary that contracts by and between the People of the State of New York, herein called the State, and the Municipality be executed for state aid for various solid waste management projects, now, therefore, be it

RESOLVED, by the County Legislature of the County of Broome that the filing of all applications for state aid under the Environmental Quality Bond Act (EQBA) for various solid waste management projects in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said applications is hereby authorized, and be it

FURTHER RESOLVED, that the Broome County Executive is directed and authorized as the official representative of the Municipality to act in connection with the applications and to provide such additional information as may be required and to sign the resulting contracts if said applications are approved by the State, and be it

FURTHER RESOLVED, that the Municipality agrees that it will fund its portion of the costs of said Municipal solid waste management projects, and be it

FURTHER RESOLVED, that five (5) certified copies of this Resolution be prepared and sent to the New York State Department of Environmental Conservation, Albany, New York 12233-7253, together with one complete application, and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately.

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 239

By Public Works, Intergovernmental Relations and Finance Committees

Seconded by Mr. Holley

RESOLUTION AUTHORIZING AN AGREEMENT WITH THE TOWN OF FENTON FOR THE SALE OF SURPLUS PROPERTY FROM THE BROOME COUNTY DEPARTMENT OF PUBLIC WORKS

WHEREAS, under the authority of the General Municipal Law Section 103(6), the Broome County Legislature may authorize the sale of surplus governmental property from one government to another as a municipal cooperative activity, and

WHEREAS, the Commissioner of Public Works has determined that the County has no further need of a 1986 Lee Boy Asphalt Maintainer, which has been replaced with new equipment, and

WHEREAS, the Commissioner of Public Works requests authorization for an agreement with the Town of Fenton for the sale of said "as is" equipment to the Town at its fair market value of \$2,687, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an intergovernmental agreement between the Department of Public Works and the Town of Fenton for the sale of an "as is" 1986 Lee Boy Asphalt Maintainer, and be it

FURTHER RESOLVED, that the revenue hereinabove received shall be credited to budget line 030148.0213.302000 (Sale of Equipment), and be it

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

Mr. Howard made a motion, seconded by Mr. Shafer, to amend the resolution selling the equipment to the Town of Fenton for \$1. **Held over 'under the rules'** by Mr. Brunza.

RESOLUTION NO. 240

By Finance Committee

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING CANCELLATION OF REAL PROPERTY TAXES, INTEREST AND PENALTIES ON A PARCEL IN THE TOWN OF WINDSOR

WHEREAS, it is necessary to clear the tax record of this parcel of real property by virtue of the reason stated below, now, therefore, be it

RESOLVED, that 2000, 2001 and 2002 taxes, interest and penalties will be cancelled on the following parcel of real property:

Parcel ID:	150.01-1-13.111
Town:	Windsor
Owner:	Worrad, Lewis H
Amount to be Cancelled:	\$108.94 plus interest and penalties
Reason:	Cemetery, wholly exempt

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 241

By County Administration and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH MPR TECHNOLOGIES, INC. FOR NETWORK SUPPORT SERVICES FOR THE DIVISION OF INFORMATION TECHNOLOGY FOR 2002

WHEREAS, this County Legislature, by Resolution 161 of 2002, authorized an agreement with MPR Technologies, Inc. for network support services for the Division of Information Technology at a cost not to exceed \$4,200 for the period May 1, 2002 through December 31, 2002, and

WHEREAS, said agreement provides general network support, including but not limited to network problem determination, network software support, hardware support and firewall support, and

WHEREAS, it is necessary to authorize the amendment of said agreement to provide for an additional \$14,000 (100 hours at \$140 per hour) to ensure the County's network systems are operating efficiently and the system's security and protection components are effective and up to date, and

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

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with MPR Technologies, Inc., 5010 Campuswood Drive, East. Syracuse, New York 13057 for additional network support services in the amount of \$14,000 (100 hours at \$140 per hour) for the Division of Information Technology for the period May 1, 2002 through December 31, 2002, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an additional \$14,000, total amount of agreement not to exceed \$18,200, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 370007.4726.101000 (Contracted Data Processing Services), and be it

FURTHER RESOLVED, that Resolution 161 of 2002, to the extent consistent herewith, shall remain in full force and effect, and be it

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 242

By County Administration and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING AGREEMENTS WITH GRAPHIC SERVICE AND EQUIPMENT CO., INC. AND BSB BANK AND TRUST FOR THE DEPARTMENT OF INFORMATION TECHNOLOGY FOR LEASE/PURCHASE OF A MITSUBISHI DPX 5080 PLATE SETTER FOR 2002-2007

WHEREAS, the Director of Information Technology requests authorization for an agreement with Graphic Service and Equipment Co., Inc. for the lease/purchase of a Mitsubishi DPX 5080 Plate Setter, at a cost not to exceed \$35,313.50, for the period July 1, 2002 through June 30, 2007, and

WHEREAS, such purchase involves execution of a lease/purchase agreement with BSB Bank and Trust pursuant to General Municipal Law, Section 109-b governing installment purchase agreements, and

WHEREAS, said service agreements are necessary to purchase in installments a Mitsubishi DPX 5080 Plate Setter for the Central Services Division of the Department of Information Technology, and

WHEREAS, said equipment is included in the New York State Contract Group 38811-Mitsubishi DPX 5080 Plate Setter Award #PC58444, and

WHEREAS, lease purchase financing provides for improved cash flow, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Graphic Service & Equipment Co., Inc., P.O. Box 2440, 425 Eastline Road, Ballston Spa, New York 12020, for the lease/purchase of the DPX 5080 Plate Setter, for the period July 1, 2002 through June 30, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall contract with BSB Bank and Trust to pay the Contractor \$35,313.50 for the term of this agreement, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes financing the lease/purchase agreement for the Mitsubishi DPX 5080 Plate Setter with BSB Bank and Trust, 431 E. Fayette Street, Syracuse, New York 13202-1914, for the period July 1, 2002 through June 30, 2007, and be it

FURTHER RESOLVED, that in consideration of said lease/purchase, the County shall pay the BSB Bank and Trust at a rate of \$658.52 per month for 60 months, tax exempt interest rate of 4.67%, total amount not to exceed \$39,511.20, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 370049.4419.101000 (General Office 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-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 243

By County Administration and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH OUTSOURCING SERVICES INTERNATIONAL FOR COMPUTER TRAINING FOR BROOME COUNTY EMPLOYEES THROUGH THE DIVISION OF INFORMATION TECHNOLOGY FOR 2002

WHEREAS, this County Legislature, by Resolution 664 of 2001, authorized renewal of an agreement with Outsourcing Services International for computer training services for Broome County Employees through the Division of Information Technology at a cost not to exceed \$10,000, for the period January 1, 2002 through December 31, 2002, and

WHEREAS, said agreement provides Broome County employees with on-site computer training in a variety of programs necessary to function in their respective jobs, and

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with the United States Marshals Service, P.O. Box 7260, 100 South Clinton Street, 10th Floor, Syracuse, New York 13261, to increase the cost by \$10 per day per inmate for housing Federal prisoners for the Office of the Sheriff, and be it

FURTHER RESOLVED, that in consideration of said services, the United States Marshals Service shall pay the Office of the Sheriff \$97 per day per inmate, for the term of the agreement, and be it

FURTHER RESOLVED, that Resolution 100 of 2002, to the extent consistent herewith, shall remain in full force and effect, and be it

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 246

By Health Services, Personnel and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING RENEWAL OF THE HIV/AIDS TRAINING GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2002-2003

WHEREAS, this County Legislature, by Resolution 381 of 2001, authorized and approved the HIV/AIDS Training Grant for the Department of Health and adopted a program budget in the amount of \$82,000 for the period July 1, 2001 through June 30, 2002, and

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

WHEREAS, it is desired to renew said grant program in the amount of \$82,000 for the period July 1, 2002 through June 30, 2003, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$82,000 from New York State Department of Health, AIDS Institute, Empire State Plaza, Corning Tower, 2nd Floor Room 372, Albany, New York 12237, for the Department of Health's HIV/AIDS Training Grant for the period July 1, 2002 through June 30, 2003, 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 \$82,000, and be it

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

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

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 247

By Education, Culture & Recreation, County Administration and Finance Committees
Seconded by Mr. O'Day

RESOLUTION AUTHORIZING AN AGREEMENT WITH EPIXTECH, INC. FOR THE PURCHASE OF THE HORIZON LIBRARY SYSTEM FOR THE BROOME COUNTY CENTRAL LIBRARY

WHEREAS, the Director of the Broome County Central Library requests authorization for an agreement with Epixtech, Inc. for the purchase of the Horizon Library System for the Broome County Central Library at a cost not to exceed \$99,952, and

WHEREAS, said purchase is necessary to provide web-based service for patrons of the new Broome County Central Library and members of the Four County Library System, and

WHEREAS, the Horizon Library System is the upgraded version of the DYNIX Library System originally purchased in 1985, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Epixtech, Inc., 400 West 5050 North, Provo, Utah, 84604 for the purchase of the Horizon Library System for the Broome County Central Library, and be it

FURTHER RESOLVED, that in consideration of said purchase, the County shall pay the Contractor a one-time amount not to exceed \$99,952, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from the following budget lines:

- \$73,964.48 from 841007.2850.501375 (Computer Equipment)
- \$25,987.52 from 842005.2850.501375 (Computer Equipment)

and be it

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

Mr. Wike made a motion, seconded by Mr. Whalen, to table this resolution to a date uncertain.
Motion to table carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 248

By Public Safety & Emergency Services and Finance Committees Seconded by Mr. O'Day
RESOLUTION AUTHORIZING AN AGREEMENT WITH BINGHAMTON HOUSING AUTHORITY TO PROVIDE CRIMINAL BACKGROUND INVESTIGATIONS BY THE SECURITY DIVISION FOR 2002-2003

WHEREAS, the Director of Security requests authorization for an agreement with the City of Binghamton to provide background investigations for the Binghamton Housing Authority for the period June 1, 2002 through January 1, 2003 with an option for a six month extension by mutual consent, and

WHEREAS, said investigations are mandated by Federal Section 8 Housing Program to provide criminal background records on individuals applying for residence in City of Binghamton Section 8 Housing Projects, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the City of Binghamton to provide background investigations for the Binghamton Housing Authority for the period June 1, 2002 through January 1, 2003 with an option for a six month extension by mutual consent, and be it

FURTHER RESOLVED, that in consideration of said services, the City of Binghamton shall pay Broome County \$32 per completed investigation for the term of the agreement, and be it

FURTHER RESOLVED, that the revenue hereinabove authorized shall be credited to budget line 030080.0464.101000 (Other Local Governments), 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

RESOLUTION NO. 251

By Health Services and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING ESTABLISHMENT/RENEWAL OF AGREEMENTS WITH VARIOUS VENDORS FOR VARIOUS SERVICES FOR THE DEPARTMENT OF HEALTH'S PRESCHOOL EDUCATION PROGRAM FOR 2002-2004

WHEREAS, this County Legislature, by Resolution 42, 203, 433 and 486 of 2001, authorized and approved agreements with various vendors for various services for the Department of Health's Preschool Education Program at rates established by the New York State Education Department and not to exceed budgeted appropriations for the period July 1, 2001 through June 30, 2002, 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-physician evaluation), classroom and personal care aides, service coordination, interpreters, nursing services, counseling and transportation, and

WHEREAS, said agreements expire by their terms on June 30, 2002, and it is desired at this time to establish/renew agreements on substantially similar terms and conditions, for the period July 1, 2002 through June 30, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes establishment/renewal of agreements with various vendors for various services for the Preschool Education Program as listed on Exhibit "A" and "B" for the period July 1, 2002 through June 30, 2004, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractors at rates set by the New York State Department of Education and the Broome County Department of Health as per attached Exhibit "C" and "D" and tuition rates established by New York State Education Department, at an amount not to exceed budgeted appropriations for the term of the agreements, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480293.various.101081, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution. **Carried**, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 252

By Health Services and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING AGREEMENT WITH BLIND WORK ASSOCIATION, INC. FOR SERVICES FOR THE DEPARTMENT OF HEALTH'S EARLY INTERVENTION AND PRESCHOOL EDUCATION PROGRAMS FOR 2002-2004

WHEREAS, the Director of Public Health requests authorization for an agreement with the Blind Work Association, Inc. for services for the Department of Health's Early Intervention Program for the period July 1, 2001 through December 31, 2003 and the Preschool Education Program for the period July 1, 2002 through June 30, 2004 at rates set by New York State Department of Health and Broome County Department of Health, at a cost not to exceed budgeted appropriations, and

WHEREAS, said vendor will provide supplemental evaluations and services for said programs, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Blind Work Association, Inc., 55 Washington Street, Binghamton, New York 13901, for supplemental evaluations and services for the Department of Health's Early Intervention Program for the period July 1, 2002 through December 31, 2003 and the Preschool Education Program for the period July 1, 2002 through June 30, 2004, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at rates set by the New York State Department of Health as shown on Exhibit "A" and

the Broome County Health Department as shown on Exhibit "B", total amount not to exceed budgeted appropriations, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480293.various.101082 and 480293.4706.101081 (Rehab and Therapy Services), and be it

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 253

By Health Services and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING RENEWAL OF SOUTHERN TIER AIDS PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2002-2003

WHEREAS, this County Legislature, by Resolution 308 of 2001, authorized and approved renewal of the Southern Tier AIDS Program Grant for the Department of Health and adopted a program budget in the amount of \$19,500 for the period July 1, 2001 through June 30, 2002, and

WHEREAS, said grant program provides free, anonymous HIV/AIDS counseling and testing for about 400-500 people in Broome County, who would be considered at risk, and

WHEREAS, it is desired at this time to renew said grant program in the amount of \$19,500, for the period July 1, 2002 through June 30, 2003, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$19,500 from the Southern Tier AIDS Program, Inc., 122 Baldwin Street, Johnson City, New York 13790 for anonymous HIV/AIDS counseling and testing for the period July 1, 2002 through June 30, 2003, 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 \$19,500, and be it

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

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

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 254

By Finance and Education, Culture & Recreation Committees

Seconded by Mr. O'Day

RESOLUTION SETTING THE DATE, TIME AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED 2002-2003 BROOME COMMUNITY COLLEGE BUDGET AND COUNTY EXECUTIVE'S MESSAGE IN CONNECTION THEREWITH

WHEREAS, the County Executive presented a proposed 2002-2003 Broome Community College Budget, and

WHEREAS, pursuant to Article XXIII-A of the Broome County Charter and Code, this Legislature, or a committee designated by this Legislature, must hold a public hearing on the submitted Broome Community College Budget, now, therefore, be it

RESOLVED, that this County Legislature hereby designates the Finance and Education, Culture and Recreation Committees of this Legislature to hold a public hearing on the proposed 2002-2003 Broome Community College Budget, and be it

FURTHER RESOLVED, that this County Legislature hereby designates Thursday, July 11, 2002 at 5:00 pm in the Legislative Chambers as the date, time and place of said public hearing, and be it

FURTHER RESOLVED, that in accordance with Article XXIII-A of the Broome County Charter and Code, the Clerk of this Legislature is hereby directed to cause to be printed or otherwise reproduced sufficient copies of the proposed budget for distribution not less than five (5) days prior to the public hearing, and be it

FURTHER RESOLVED, that the Clerk of this Legislature is hereby directed to cause to be published the appropriate notices of said public hearing in accordance with the Broome County Charter and Code.

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 255

By Public Works and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING ABANDONMENT OF A PORTION OF THE OLD ROAD BED ON HAWLEYTON ROAD IN THE TOWN OF BINGHAMTON

WHEREAS, Erik E. Joh has requested that the County of Broome abandon a portion of the old road bed on Hawleyton Road in the Town of Binghamton, which adjoins his property, pursuant to Section 118A of the New York State Highway Law, and

WHEREAS, the Department of Public Works has reviewed the proposed abandonment and has determined that the County has no present or future use for the area described on the attached map as the area described as part of the old road bed which is no longer utilized by the County due to recent reconstruction in the area, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the abandonment of a portion of the old road bed on Hawleyton Road in the Town of Binghamton to Erik E. Joh, 4600 North Ocean Boulevard, Suite 206, Boynton Beach, Florida 33435-7365, as the adjoining owner thereof, said property being as described on the annexed Exhibit "A", and be it

FURTHER RESOLVED, that the abandonment of the right-of-way requested herein shall not affect the right-of-way for existing utilities within the abandoned area, and be it

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 256

By Public Works and Finance Committees

Seconded by Mr. Shafer

RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH JENNINGS ENVIRONMENTAL MANAGEMENT, INC. FOR AIR QUALITY MONITORING SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS FOR 2000-2002

WHEREAS, this County Legislature, by Resolution 513 of 2000, authorized an agreement with Jennings Environmental Management Inc. for air quality monitoring services for the Department of Public Works at a cost not to exceed \$30,000 for the period October 1, 2000 through September 30, 2002, and

WHEREAS, said services are necessary to provide air quality monitoring services on an "as needed" basis for projects by various Broome County departments, and

WHEREAS, it is necessary to authorize the amendment of said agreement to increase the amount \$20,000, total amount not to exceed \$50,000 for air quality monitoring services associated with the enhanced Courthouse Court Room historical renovation as requested by the Office of Court Administration, and

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

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Jennings Environmental Management, Inc., P.O. Box 831, Binghamton, New York 13902 for air quality monitoring services on an "as needed" basis for the Department of Public Works for the period October 1, 2000 through September 30, 2002, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an additional amount of \$20,000, total amount not to exceed \$50,000, 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 Resolution 513 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.

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

RESOLUTION NO. 257

By Transportation and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH BINGHAMTON UNIVERSITY FOR BUS TRANSPORTATION OF STUDENTS FOR 2002-2005

WHEREAS, this County Legislature, by Resolution 343 of 1999, authorized and approved renewal of an agreement with the State University of New York at Binghamton to furnish bus transportation to students during the 1999-2000, 2000-2001, and 2001-2002 academic years, and

WHEREAS, said services are necessary to provide transportation to students, and

WHEREAS, said agreement expires by its terms at the end of the academic year 2001-2002, and it is desired at this time to renew said agreement on substantially similar terms and conditions with an increase in revenue to Broome County, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with Binghamton University for bus transportation for students as follows:

1. The term of the agreement shall be for the academic years 2002-2003, 2003-2004 and 2004-2005, beginning in the Summer and ending in the Spring of each year. The dates for the commencement and expiration of each academic year shall be established by Binghamton University officials and the Department of Transportation.
2. Students may board the bus by showing a validated Binghamton University identification card.
3. Payment to Broome County for services rendered shall be as follows:

<u>Academic Year</u>	<u>Payment</u>
Summer 2002-Spring 2003	\$290,000
Summer 2003-Spring 2004	\$294,000
Summer 2004-Spring 2005	\$298,000

FURTHER RESOLVED, that the revenue hereinabove authorized shall be credited to budget line 220004.0094.203000 (SUNY O.C.C. Contract)

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution. **Carried**, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 258

By Community & Social Services, Personnel and Finance Committees Seconded by Mr. O'Day
RESOLUTION AUTHORIZING REVISION OF THE ADMINISTRATION BUDGET FOR OFFICE FOR AGING'S EMPLOYMENT PROGRAM GRANTS AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2001-2002

WHEREAS, this County Legislature, by Resolution 324 of 2001, authorized the continued participation in the Senior Community Service Employment Program (SCSEP) Administration Grants for the Office for Aging and adopted a program budget in connection therewith in the total amount of \$108,415 for the period July 1, 2001 through June 30, 2002, and

WHEREAS, said grant program provides for chargebacks and payments of all Office for Aging employment program staff for administration expenses involved in all Office for Aging Grants, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$1,466, in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Administration Budget to reflect an increase of \$1,466 for the period July 1, 2001 through June 30, 2002, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$109,881, and be it

FURTHER RESOLVED, that Resolution 324 of 2001, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 259

By Community & Social Services, Personnel and Finance Committees Seconded by Mr. O'Day
RESOLUTION AUTHORIZING REVISION OF NEW YORK STATE OFFICE FOR AGING SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM (SOFA) GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2001-2002

WHEREAS, this County Legislature, by Resolution 322 of 2001, authorized the continued participation in the New York State Office for Aging Senior Community Service Employment Program (SOFA) Grant for the Office for Aging and adopted a program budget in connection therewith in the total amount of \$60,762 for the period July 1, 2001 through June 30, 2002, and

WHEREAS, said grant program provides a subsidized employment and training program for low income eligible persons aged 55 and older, including part-time jobs for applicants in not-

for-profit agencies, classroom training, on-the-job training and efforts to increase the labor market participation of older persons, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$9,988 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the New York State Office For Aging Senior Community Service Employment Program (SOFA) Grant to reflect an increase of \$9,988 for the period July 1, 2001 through June 31, 2002, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$70,750, and be it

FURTHER RESOLVED, that Resolution 322 of 2001, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 260

By Community & Social Services, Personnel and Finance Committees Seconded by Mr. O'Day
RESOLUTION AUTHORIZING REVISION OF THE SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM (NCOA) GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2001-2002

WHEREAS, this County Legislature, by Resolution 323 of 2001, authorized the continued participation in the National Council on Aging Senior Community Service Employment Program (NCOA) Grant for the Office for Aging and adopted a program budget in connection therewith in the total amount of \$220,600 for the period July 1, 2001 through June 30, 2002, and

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

WHEREAS, it is necessary at this time to revise said program to reflect a decrease in the amount of \$5,000 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the National Council on Aging Senior Community Service Employment Program (NCOA) Grant to reflect a decrease of \$5,000 for the period July 1, 2001 through June 30, 2002, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$215,600, and be it

FURTHER RESOLVED, that Resolution 323 of 2001, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 261

By Community & Social Services, Personnel and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING RENEWAL OF THE ADMINISTRATION BUDGET FOR THE OFFICE FOR AGING'S EMPLOYMENT PROGRAM GRANTS AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2002-2003

WHEREAS, this County Legislature, by Resolution 324 of 2001, as amended by companion resolution, authorized and approved the Senior Community Service Employment Program (SCSEP) Administration Grants for the Office for Aging and adopted a program budget in the amount of \$109,881 for the period July 1, 2001 through June 30, 2002, and

WHEREAS, said grant program provides for chargebacks and payments of all Office for Aging employment program staff for administration expenses involved in all Office for Aging grants, and

WHEREAS, it is desired to renew said grant program in the amount of \$112,538 for the period July 1, 2002 through June 30, 2003, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves the Administration Budget of \$112,538 for the Office for Aging's Employment Program Grants for the period July 1, 2002 through June 30, 2003, 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 \$112,538, and be it

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

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

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 262

By Community & Social Services, Personnel and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING RENEWAL OF THE NEW YORK STATE OFFICE FOR AGING SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM (SOFA) GRANT FOR THE OFFICE FOR AGING AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2002-2003

WHEREAS, this County Legislature, by Resolution 322 of 2001, as amended by companion resolution, authorized and approved the New York State Office for Aging Senior

Community Service Employment Program (SOFA) Grant for the Office for Aging and adopted a program budget in the amount of \$70,750 for the period July 1, 2001 through June 30, 2002, and

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

WHEREAS, it is desired to renew said grant program in the amount of \$60,750 for the period July 1, 2002 through June 30, 2003, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$60,750 from the New York State Office for Aging, Empire State Plaza, Building 2, Albany, New York 12223-0001, for the Office for Aging's Senior Community Service Employment Program (SOFA) Grant, for the period July 1, 2002 through June 30, 2003, 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 \$60,750, and be it

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

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

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 263

By Community & Social Services, Personnel and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING RENEWAL OF THE NATIONAL COUNCIL ON AGING SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM (NCOA) GRANT FOR THE OFFICE FOR AGING AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2002-2003

WHEREAS, this County Legislature, by Resolution 323 of 2001, as amended by companion resolution, authorized and approved the National Council on Aging Senior Community Service Employment Program (NCOA) Grant for the Office for Aging and adopted a program budget in the amount of \$215,600 for the period July 1, 2001 through June 30, 2002, and

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

WHEREAS, it is desired to renew said grant program in the amount of \$215,600 for the period July 1, 2002 through June 30, 2003, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$215,600 from The National Council on Aging, 409 Third Street, SW, Suite 200, Washington, DC 20024, for the Office for Aging's Senior Community Service Employment Program (NCOA) Grant for the period July 1, 2002 through June 30, 2003, 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 \$215,600, and be it

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

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

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 264

By Community & Social Services, Personnel and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING REVISION OF THE FOSTER GRANDPARENTS PROGRAM GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2002

WHEREAS, this County Legislature, by Resolution 639 of 2001, authorized the continued participation in the Foster Grandparents Program Grant for the Office for Aging and adopted a program budget in connection therewith in the total amount of \$291,913 for the period January 1, 2002 through December 31, 2002, and

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

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$9,769 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Foster Grandparents Program Grant to reflect an increase of \$9,769 for the period January 1, 2002 through December 31, 2002, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$301,682, and be it

FURTHER RESOLVED, that Resolution 639 of 2001, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 265

By Community & Social Services and Finance Committees Seconded by Mr. O'Day
RESOLUTION AUTHORIZING RENEWAL OF THE FOSTER GRANDPARENTS-SOFA PROGRAM GRANT FOR THE OFFICE FOR AGING AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2002-2003

WHEREAS, this County Legislature, by Resolution 440 of 2001, as amended by Resolution 127 of 2002, authorized and approved the Foster Grandparents SOFA program grant for the Office for Aging and adopted a program budget in the amount of \$21,269 for the period April 1, 2001 through March 31, 2002, and

WHEREAS, said grant program allows income eligible seniors age 60 and older the opportunity to volunteer in schools, day-care centers, Head Start programs and institutions while providing them with an hourly stipend, travel reimbursement, a daily meal and annual physical examination, and

WHEREAS, it is desired to renew said grant program in the amount of \$20,269 for the period April 1, 2002 through March 31, 2003, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$20,269 from the New York State Office for Aging, Empire State Agency Building 2, Albany, New York 12223-0001, for the Office for Aging's Foster Grandparents-SOFA program grant for the period April 1, 2002 through March 31, 2003, 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 \$20,269, and be it

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

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

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 266

By Community & Social Services and Finance Committees Seconded by Mr. O'Day
RESOLUTION AUTHORIZING AN INCREASE OF PETTY CASH FUNDS FOR CERTAIN OFFICE FOR AGING SENIOR COMMUNITY CENTERS

WHEREAS, certain Office for Aging Senior Community Centers currently have petty cash funds which are inadequate for their current needs, and

WHEREAS, the Director of Office for Aging has requested an increase as per the attached Exhibit "A" for said petty cash funds at certain Senior Community Centers in order to have funds sufficient to meet their daily needs, and

WHEREAS, the Commissioner of Finance has determined that the petty cash funds at said Centers should be increased as per the attached Exhibit "A", now, therefore, be it

RESOLVED, that this County Legislature hereby approves and increases the petty cash funds at select Office for Aging Senior Community Centers as per the attached Exhibit "A", and be it

FURTHER RESOLVED, that the administration of said funds shall be in accordance with those rules and procedures governing the use of petty cash funds created by the County Comptroller

including, but not limited to, the requirement that at all times the petty cash allowance be fully accounted for in the form of cash on hand, receipts and records.

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 267

By Community & Social Services and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH IDEAL SENIOR LIVING CENTER, INC. FOR THE OFFICE FOR AGING'S MEALS ON WHEELS AND CONGREGATE MEALS PROGRAM FOR 2002-2003

WHEREAS, this County Legislature, by Resolution 69 of 2002, authorized and approved renewal of agreement with Ideal Senior Living Center for the Office for Aging with revenue to Broome County of \$8.00 per day for each long-term client served home delivered meals and \$3.00 per day for each congregate meal served for the period August 1, 2001 through July 31, 2002, and

WHEREAS, said services are necessary to provide meals for long-term health care clients, and

WHEREAS, said agreement expires by its terms on July 31, 2002, and it is desired at this time to renew said agreement on substantially similar terms and conditions, with revenue to Broome County of \$8.00 per day for each long-term client served home-delivered meals and \$3.00 per day for each congregate meal served for the period August 1, 2002 through December 31, 2002 and with revenue to Broome County of \$8.50 per day for each long-term client served home-delivered meals and \$3.25 per day for each congregate meal served for the period January 1, 2003 through July 31, 2003, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with Ideal Senior Living Center, Inc., 600 High Street, Endicott, New York 13760 for the Office for Aging's Meals on Wheels and Congregate Meals Program for the period August 1, 2002 through July 31, 2003, and be it

FURTHER RESOLVED, that in consideration of said services, the Contractor shall pay the County \$8.00 per day for each long-term client served home delivered meals and \$3.00 per day for each congregate meal served for the period August 1, 2002 through December 31, 2002 and \$8.50 per day for each long-term client served home-delivered meals and \$3.25 per day for each congregate meal served for the period January 1, 2003 through July 31, 2003, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget lines 760744.0538.104592 (Long Term Home Health Care Fees), and 760736.0142.104591 (OFA Fees) and be it

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 268

By Community & Social Services and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH IDEAL SENIOR LIVING CENTER, INC. FOR OFFICE FOR AGING'S SOCIAL DAY CARE SERVICES FOR 2002-2003

WHEREAS, this County Legislature, by Resolution 70 of 2002, authorized renewal of the agreement with Ideal Senior Living Center for the Office for Aging with revenue to Broome County of \$32.00 per client per day for the period August 1, 2001 through July 31, 2002, and

WHEREAS, said services are necessary to provide social day care to Ideal Living Center Long Term Home Health Care clients, and

WHEREAS, said agreement expires by its terms on July 31, 2002, and it is desired at this time to renew said agreement on substantially similar terms and conditions, with revenue to Broome County of \$32.00 per client per day for social day care services for the period August 1, 2002 through December 31, 2002 and with revenue to Broome County of \$34.00 per client per day for the period January 1, 2003 through July 31, 2003, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with Ideal Senior Living Center, 600 High Street, Endicott, New York 13760 for Social Day Care services for the Office for Aging for the period August 1, 2002 through July 31, 2003, and be it

FURTHER RESOLVED, that in consideration of said services, the Contractor shall pay the County \$32.00 per client per day for a full day of social day care for the period August 1, 2002 through December 31, 2002 and \$34.00 per client per day for the period January 1, 2003 through July 31, 2003, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 760983.0538.104626 (Long Term Home Health Care Fees), and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution. **Carried**, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 269

By Public Works and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING A MODIFICATION TO RESOLUTION 420 OF 1986 THAT AUTHORIZED THE EXECUTION OF THE ORDER OF CONSENT WITH NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR SETTLEMENT OF ENFORCEMENT PROCEEDING REGARDING THE COLESVILLE LANDFILL

WHEREAS, this County Legislature, by Resolution 420 of 1986, authorized the execution of an Order of Consent with the New York State Department of Environmental Conservation for the settlement of an enforcement proceeding regarding the Colesville Landfill, and

WHEREAS, said Order of Consent sets the terms and conditions for the remediation of the Colesville Landfill, and

WHEREAS, it is necessary to authorize an amendment to said Order to modify Section 5(a) to allow the County's eligible costs for remediation to exceed fifty percent and to direct the County to make reasonable efforts to recover from G-I Holdings, Inc. (formerly GAF Corporation) any costs in excess of fifty percent of the eligible costs of the remedial program, and

WHEREAS, the New York State Department of Environmental Conservation has requested the modification to the Order of Consent, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a modification to Section 5(a) the Order of Consent with the New York State Department of Environmental Conservation for the settlement of enforcement proceeding regarding the Colesville Landfill read as follows:

- 5(a) the County's share of such eligible costs [shall not] may exceed fifty percent. The County shall make reasonable efforts to recover from G-I Holdings, Inc. (formerly GAF Corporation) any costs in excess of fifty percent of the eligible costs of the remedial program. In the event any such costs are recovered, the amount of State Assistance shall be recalculated accordingly and the County shall pay to the Department of Environmental Conservation the amount by which the State payment actually made exceeds the recalculated State Assistance.

Note: Deletions are contained in brackets and additions are underlined.

and be it

FURTHER RESOLVED, that Resolution 420 of 1986, to the extent consistent herewith, shall remain in full force and effect, and be it

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 270

By Health Services, Personnel and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING ACCEPTANCE OF MICA COORDINATOR PROGRAM GRANT FOR DEPARTMENT OF MENTAL HEALTH AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2002

WHEREAS, the Commissioner of Mental Health requests authorization to accept a MICA Program Grant and adopt a program budget in the amount of \$59,025 for the period April 1, 2002 through December 31, 2002, and

WHEREAS, said grant program provides a position of program coordinator to oversee a coordinated system to better serve individuals with co-occurring mental health and substance abuse disorders, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$59,025 from New York State Office of Alcoholism & Substance Abuse Services, 1450 Western Avenue, Albany, New York 12203-3526 for the Department of Mental Health's MICA Coordinator Grant for the period April 1, 2002 through December 31, 2002, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$59,025, and be it

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

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

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 271

By Health Services and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING REVISION OF THE MENTAL HEALTH JUVENILE JUSTICE PROGRAM GRANT FOR THE DEPARTMENT OF MENTAL HEALTH, ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH AND AMENDING THE AGREEMENT WITH OUR LADY OF LOURDES HOSPITAL FOR 2002

WHEREAS, this County Legislature, by Resolution 666 of 2001, authorized the continued participation in the Mental Health Juvenile Justice Program Grant for the Department of Mental Health, adopted a program budget in the amount of \$60,000, and authorized renewal of the agreement with Our Lady of Lourdes Hospital to provide related services to said program for the period January 1, 2002 through December 31, 2002, and

WHEREAS, said grant program provides for closer working relationships between the Probation Department and the Mental Health Clinic staff and will facilitate diversion of children who are in need of mental health and/or alcohol and substance abuse services by linking them to these services at the earliest opportunity while such children are under the supervision of the Probation Department, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$63,750 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Mental Health Juvenile Justice Program Grant to reflect an increase of \$63,750 for the period January 1, 2002 through December 31, 2002, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$123,750, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Our Lady of Lourdes Hospital, 169 Riverside Drive, Binghamton, New York 13905 to provide services related to said program grant for an additional amount of \$62,156, total amount not to exceed \$120,656 for the period January 1, 2002 through December 31, 2002, and be it

FURTHER RESOLVED, that Resolution 666 of 2001, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 272

By Health Services, Personnel and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING RENEWAL OF THE STATE INCENTIVE COOPERATIVE AGREEMENT (SICA) PROGRAM GRANT FOR THE DEPARTMENT OF MENTAL HEALTH AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2002-2003

WHEREAS, this County Legislature, by Resolution 247 of 2001, authorized and approved the State Incentive Cooperative Agreement (SICA) Program Grant for the Department of Mental Health and adopted a program budget in the amount of \$178,155 for the period July 15, 2001 through July 14, 2002, and

WHEREAS, said grant program's objective is to create an effective substance abuse prevention service delivery system that changes conditions that contribute to the use of alcohol and substances by young people between the ages of 12 and 17, and

WHEREAS, it is desired to renew said grant program in the amount of \$178,155 for the period July 15, 2002 through July 14, 2003, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$178,155 from the New York State Office of Alcoholism & Substance Abuse Services, 1450 Western Avenue, Albany, New York 12203-3526, for the Department of Mental Health's State Incentive Cooperative Agreement (SICA) Program Grant for the period July 15, 2002 through July 14, 2003, 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 \$178,155, and be it

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

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

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 273

By Health Services and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH SUNY RESEARCH FOUNDATION FOR INFORMATION MANAGEMENT AND RESEARCH SERVICES FOR THE DEPARTMENT OF MENTAL HEALTH'S STATE INCENTIVE COOPERATIVE AGREEMENT (SICA) PROGRAM GRANT FOR 2002-2003

WHEREAS, this County Legislature, by Resolution 248 of 2001, authorized and approved renewal of an agreement with the SUNY Research Foundation for information management and research services for the Department of Mental Health's State Incentive Cooperative Agreement (SICA) Program Grant at a cost not to exceed \$27,000 for the period July 16, 2001 through July 15, 2002, and

WHEREAS, said services are necessary to fund a team of Binghamton University graduate students to implement the Risk and Protective Factor School Survey among participating schools, to help interpret survey findings, to find and/or develop instruments to measure the process and outcome of prevention efforts, and to implement the project, and

WHEREAS, said agreement expires by its terms on July 15, 2002, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$27,000, for the period July 15, 2002 through July 14, 2003, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of an agreement with SUNY Research Foundation, P.O. Box 6000, Binghamton, New York 13902 for information management and research services for the Department of Mental Health for the period July 15, 2002 through July 14, 2003, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$27,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 470138.4747.104XXX (Other Fees for Services), and be it

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 274

By Health Services and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH STEVEN A. LISMAN, PHD, FOR OVERSIGHT SERVICES RELATING TO THE DEPARTMENT OF MENTAL HEALTH'S STATE INCENTIVE COOPERATIVE AGREEMENT (SICA) PROGRAM GRANT FOR 2002-2003

WHEREAS, this County Legislature, by Resolution 249 of 2001, authorized and approved an agreement with Steven A. Lisman, Ph.D., for oversight of the SUNY graduate students involved in research services for the Department of Mental Health's State Incentive Cooperative Agreement (SICA) Program Grant at an amount not to exceed \$11,000 for the period July 16, 2001 through July 15, 2002, and

WHEREAS, said services are necessary to provide oversight of the SUNY graduate students involved in research services for the Risk and Protective Factor School Survey as approved in a companion resolution, and

WHEREAS, by companion resolutions, said SICA grant and an agreement with the SUNY Research Foundation are being renewed, and

WHEREAS, said agreement expires by its terms on July 15, 2002, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$11,000, for the period July 15, 2002 through July 14, 2003, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with Steven A. Lisman, PhD, Department of Psychology, Binghamton University, P.O. Box 6000, Binghamton, New York 13902-6000 for oversight services for the Department of Mental Health's State Incentive Cooperative Agreement (SICA) Program Grant for the period July 15, 2002 through July 14, 2003, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$11,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 470138.4747.104XXX (Other Fees for Services), and be it

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 275

By Health Services and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH HF JOHN GROUP, LLC (FORMERLY KINNALLY JOHN & ASSOCIATES, INC.) FOR CONSULTING SERVICES FOR THE WILLOW POINT NURSING HOME FOR 2002-2003

WHEREAS, this County Legislature, by Resolution 167 of 2002, authorized an agreement with Kinnally John & Associates, Inc. for consulting services for the Willow Point Nursing Home at an amount not to exceed \$30,000, for the period May 1, 2002 through April 30, 2003, and

WHEREAS, said services are necessary to complete a cost report and analyze the cost structure to maximize reimbursement, and

WHEREAS, it is necessary to authorize the amendment of said agreement to indicate a change in the name and address of the firm, and

WHEREAS, the Administrator of Willow Point Nursing Home has requested authorization for said amendment as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Kinnally John & Associates, Karner Woods, 453 New Karner Road, Albany, New York 12205, to reflect a change in the name and address of the firm to HF John Group, LLC, Healthcare Business Advisors, P.O. Box 13505, Albany, New York 12212-3505, for consulting services for the Willow Point Nursing Home for the period May 1, 2002 through April 30, 2003, and be it

FURTHER RESOLVED, that Resolution 167 of 2002, to the extent consistent herewith, shall remain in full force and effect, and be it

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 276

By Economic Development & Planning, Personnel and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING ACCEPTANCE OF A WORKFORCE INVESTMENT ACT PROMISING PRACTICES INCENTIVES GRANT FOR THE OFFICE OF EMPLOYMENT AND TRAINING AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2001-2003

WHEREAS, the Director of Employment and Training requests authorization to accept a Workforce Investment Act Promising Practices Incentives Grant and adopt a program budget in the amount of \$62,500 for the period July 1, 2001 through June 30, 2003, and

WHEREAS, said grant program awards PY2001 Workforce Investment Act funding in recognition of initiatives taken in addressing workforce re-employment efforts, specifically, the Broome and Tioga One-Stop Employment Centers, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$62,500 from the Workforce Development and Training Division of the State of New York Department of Labor, Building 12, Room 450, Governor W. Averall Harriman State Office Building Campus, Albany, New York 12240 for the Office of Employment and Training's Promising Practices Incentives Grant for the period July 1, 2001 through June 30, 2003, 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 \$62,500, and be it

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

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

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 277

By Economic Development & Planning and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING ACCEPTANCE OF A WORKFORCE INVESTMENT ACT MARKETING/TOLL FREE HELP LINE GRANT FOR OFFICE OF EMPLOYMENT AND TRAINING AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2000-2002

WHEREAS, the Director of Employment and Training requests authorization to accept a Marketing/Toll Free Help Line Grant and adopt a program budget in the amount of \$5,000 for the period July 1, 2000 through September 30, 2002, and

WHEREAS, said grant program provides additional PY1999 Workforce Investment Act funding to be used for marketing the one-stop system, incorporating the "Workforce of New York" logo and tag line and access to the National Toll-Free Help Line, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$5,000 from the Workforce Development and Training Division of the New York State Department of Labor, Building 12, Room 450, Governor W. Averell Harriman State Office

Building Campus, Albany, New York 12240 for the Office of Employment and Training's Marketing/Toll Free Help Line Grant for the period July 1, 2000 through September 30, 2002, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$5,000, and be it

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

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

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

Mr. Burger made a motion, seconded by Mr. O'Day, amending the amount of this grant to \$10,000. **Motion to amend carried**, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12). **Resolution as amended carried**, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale); Vacant-1 (District 12).

RESOLUTION NO. 278

By Economic Development & Planning, Personnel and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING ACCEPTANCE OF THE PY2002 WORKFORCE INVESTMENT ACT DISLOCATED WORKER, ADULT, YOUTH AND SHARED COST PROGRAM GRANTS FOR THE OFFICE OF EMPLOYMENT AND TRAINING AND ADOPTING PROGRAM BUDGETS IN CONNECTION THEREWITH FOR 2002-2004

WHEREAS, the Director of Employment and Training requests authorization to accept the PY2002 Workforce Investment Act (WIA) Dislocated Worker, Adult, Youth and Shared Costs Program Grants and adopt program budgets in the amount of \$484,504, \$484,257, \$512,560, and \$793,665, respectively, for the period July 1, 2002 through June 30, 2004, and

WHEREAS, said grant program provides customers with core employment services by providing job search assistance and labor market information as well as more intensive services including career training programs, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance from the New York State Department of Labor, State Office Building, Albany, New York 12240 for the PY2002 WIA Dislocated Worker, Adult, Youth and Shared Costs Program Grant in the amount of \$484,504, \$484,257, \$512,560 and \$793,665, respectively, for the period July 1, 2002 through June 30, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A", Exhibit "B", Exhibit "C" and Exhibit "D" in the total amount of \$2,274,986, and be it

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

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

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 279

By Health Services, Personnel and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING RENEWAL OF HIV SEROPREVALENCE STUDY GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2002-2003

WHEREAS, this County Legislature, by Resolution 307 of 2001, authorized continued participation in the HIV Seroprevalence Study Grant for the Department of Health and adopted a program budget in the amount of \$18,000 for the period July 1, 2001 through June 30, 2002, and

WHEREAS, said grant program allows the Broome County Department of Health STD Clinic to participate in a blinded HIV Seroprevalence Study in order to expand local knowledge of the nature and scope of the epidemic among Broome County's STD population and provide important information necessary to enhance local prevention strategies, and

WHEREAS, it is desired to renew said grant program in the amount of \$18,000 for the period July 1, 2002 through June 30, 2003, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$18,000 from the New York State Department of Health, Bureau of HIV/AIDS Epidemiology, Room 729, Corning Tower, Empire State Plaza, Albany, New York 12237, for the Department of Health's HIV Seroprevalence Study Grant for the period July 1, 2002 through June 30, 2003, 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 \$18,000, and be it

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

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

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 280

By Health Services, Personnel and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING RENEWAL OF THE HEALTHY FAMILY NEW YORK HOME VISITING PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH, ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH AND AUTHORIZING RENEWAL OF THE AGREEMENTS WITH THE BINGHAMTON CITY SCHOOL DISTRICT AND LOURDES HEALTH CARE SYSTEMS TO ADMINISTER SAID PROGRAM FOR 2002-2003

WHEREAS, this County Legislature, by Resolution 309 of 2001, authorized and approved the Healthy Family New York Home Visiting Program Grant for the Department of Health,

adopted a program budget in the amount of \$424,000, and authorized and approved agreements with the Binghamton City School District for an amount not to exceed \$146,812 and the Lourdes Health Care System for an amount not to exceed \$214,204, for the period July 1, 2001 through June 30, 2002, and

WHEREAS, said grant program provides home visiting services for the Healthy Family New York Home Visiting Program, and

WHEREAS, it is desired to renew said grant program in the amount of \$424,000 and renew agreements with the Binghamton City School District in the amount of \$146,812 and the Lourdes Health Care System in the amount of \$214,231, for the period July 1, 2002 through June 30, 2003, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$424,000 from the New York State Office of Children and Family Services, Capital View Office Park, 52 Washington Street, Rensselaer, New York 12144-2796 for the Broome County Health Department's Healthy Family New York Home Visiting Program Grant for the period July 1, 2002 through June 30, 2003, 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 \$ 424,000, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with the following:

<u>Binghamton City School District</u>	\$146,812
Mary Haust and Dr. James Lee	
1123 Vestal Avenue	
Binghamton, New York 13903	
<u>Lourdes Health Care System</u>	\$214,231
Bette Gifford and John O'Neill	
303 Main Street	
Binghamton, New York 13905	

to administer said program grant for a total amount of \$361,043 for the period July 1, 2002 through June 30, 2003, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480301.4457.104XXX (Subcontracted Program Expense), and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution, 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 required within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 281

By Transportation Committee

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING AGREEMENT WITH TIME WARNER CABLE – ROAD RUNNER FOR ON-LINE SERVICES FOR BINGHAMTON REGIONAL AIRPORT FOR 2002-2003

WHEREAS, the Commissioner of Aviation requests authorization for an agreement with Time Warner Cable – Road Runner for on-line services for Binghamton Regional Airport at no cost to the County, for the period July 1, 2002 through June 30, 2003, and

WHEREAS, said services will provide airline passengers waiting for departure an on-line source to check e-mail and access activities for children, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Time Warner Cable – Road Runner, 120 Plaza Drive, Suite C, Vestal, New York 13850, for on-line services for Binghamton Regional Airport for the period July 1, 2002 through June 30, 2003, and be it

FURTHER RESOLVED, that this service will be at no charge to Broome County, and that the agreement will revert to a month-to-month term should Broome County wish to continue with the agreement, and be it

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 282

By Transportation and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING AGREEMENT WITH MCFARLAND-JOHNSON, INC. FOR INSPECTION AND OBSERVATION SERVICES FOR THE DEPARTMENT OF AVIATION FOR 2002-2004

WHEREAS, the Commissioner of Aviation requests authorization for an agreement with McFarland-Johnson, Inc. for inspection and observation services for the Department of Aviation at a cost not to exceed \$274,300, for the period June 1, 2002 through June 1, 2004, and

WHEREAS, said services are necessary to ensure that construction work on the Runway 16/34 Safety Area Improvement project involving the Engineered Arresting Material System (EMAS) is done correctly and within specification, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with McFarland-Johnson, Inc., 49 Court Street, Binghamton, New York 13901, for inspection and observation services for the installation of the Engineered Arresting Material Systems (EMAS), for the Department of Aviation, for the period June 1, 2002 through June 1, 2004, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$274,300 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 211038.2016.502354 (Other Improvements), and be it

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

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- § 85-16 47. Inspection schedules.
 - § 85-17 48. Vehicles not approved.
 - § 85-18 49. Random inspections of taxicabs and limousines.
 - § 85-19 20. Damaged vehicles.

ARTICLE IV

General Operations

- § 85-20 24. Conduct responsibilities.
- § 85-21 22. Orderly conduct.
- § 85-22 23. Driver's appearance/conduct; licensing.
- § 85-23 24. Loading and unloading passengers.
- § 85-24 25. Entering terminal building.
- § 85-25 26. Right to exclusive transportation.
- § 85-26 27. Customer service training.
- § 85-27 28. Fares.
- § 85-28 29. Fares for baggage.
- § 85-29 30. Fare cards.

ARTICLE V

Program Fees/Charges

- § 85-30 34. Fees for ground transportation permits.
- § 85-31 32. Penalties for offenses.
- § 85-32 33. Enforcement.

ARTICLE VI

Indemnification/Insurance

- § 85-33 34. General provisions.
- § 85-34 35. Required insurance; minimum coverage types and amounts.
- § 85-35 36. Defense and indemnification.

[HISTORY: Adopted by the Broome County Board of Supervisors 11-21-2000 by L.L. No. 16-2000. Amendments noted where applicable.]

General References

Airport – See Ch. 84.

ARTICLE I

General Provisions

§ 85-1. Applicability.

This chapter shall apply to all taxicabs, limousines, vans and/or other vehicles, utilized in the business of transporting passengers for compensation contract carriers, as defined herein, which nonexclusively load or discharge people on Binghamton Regional Airport property, as well as the drivers of those vehicles, and all individuals or entities that provide ground transportation services to the Binghamton Regional Airport. For purposes of this local law, the actions of representatives, agents, employees, contractors, or subcontractors of the entity or ground transportation services provider shall be treated as actions of the entity or ground transportation services provider. Further, acts of drivers utilizing vehicles owned or operated by the entity or

ground transportation services provider shall be treated as acts of the entity or ground transportation services provider.

§ 85-2. Definitions.

Whenever used in this chapter, unless a different meaning clearly appears from the context, the following terms shall have the meanings indicated:

AIRPORT -- The Binghamton Regional Airport.

AIRPORT PASSENGER LOADING ZONE -- The area in front of the terminal building where passengers and baggage are loading and/or unloaded for compensation purposes. This area is depicted on Attachment "A".

BINGHAMTON REGIONAL AIRPORT PROPERTY -- Includes all property owned by the Broome County Department of Aviation.

BUS -- For the purposes of this chapter only, every motor vehicle, other than a taxicab, limousine or van used for the transportation of persons for compensation.

CONTRACT CARRIER -- A person, individual, or entity engaged in the operation of a motor vehicle utilized in the business of transporting passengers ~~and/or baggage delivery~~ for compensation, other than in the operation of a bus line. ~~In the case of baggage delivery, this definition excludes airline employees working as an agent of their company.~~

COUNTY -- The County of Broome.

DRIVER -- Any person who drives a taxicab, limousine or van, regardless of whether he/she is the owner or operator of the vehicle or is employed by an owner and/or operator.

ENTITY – An individual, person, firm, corporation, partnership, association, limited liability company, or other business form, owner, operator, ground transportation services provider, contract carrier, or driver, engaged in ground transportation services.

GROUND TRANSPORTATION PERMIT -- A vehicle permit issued by the Broome County Department of Aviation entitling an entity or ground transportation services provider ~~owner or operator~~ to utilize an authorized vehicle as a taxicab, limousine, or van on Binghamton Regional Airport property.

GROUND TRANSPORTATION PERMIT DECAL – A sticker placed on a motor vehicle authorized to perform ground transportation services at the Binghamton Regional Airport, evidencing that the entity that owns or operates the authorized motor vehicle has a valid permit to provide ground transportation services at the airport.

GROUND TRANSPORTATION REVIEW BOARD – A ~~The~~ group consisting of three representatives of the Binghamton Regional Airport Advisory Board.

GROUND TRANSPORTATION SERVICES -- The operation of a taxicab, limousine, van or contract carrier, for the purpose of discharging or loading passengers for compensation at the Binghamton Regional Airport.

GROUND TRANSPORTATION SERVICES PROVIDER -- A person, individual, or entity that is either engaged in the business of providing ground transportation services, that owns taxicabs, limousines, vans or other vehicles that provide ground transportation services, or that operates a business that provides ground transportation services.

GROUND TRANSPORTATION YEAR -- The time from July 1 of each year to June 30 of the following year.

LIMOUSINE -- 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.

OPERATOR -- A person, individual, or entity that operates a ground transportation services business.

OWNER -- A person, individual, or entity that owns the taxis, limousines, vans, or other motor vehicle providing ground transportation services.

PERSON -- An entity (individual, firm, corporation, partnership, association or limited liability company, or other business form).

TAXICAB -- A motor vehicle having a seating capacity for passengers of not more than six 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.

SOLICITATION -- 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.

VAN -- A motor vehicle having a seating capacity for passengers of not more than 20 persons, in addition to the driver, which is not a taxicab as defined in the definition of "taxicab" above or a limousine as defined in the definition of "limousine" above, and used in the business of transporting passengers for compensation from one point to another and not operated on a fixed route.

VEHICLE -- Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

ARTICLE II

Ground Transportation Requirements

§ 85-3. Permit required; approval of Commissioner of Aviation.

- A. No entity or ground transportation services provider ~~contract carrier or commercial ground transportation service provider~~ shall be permitted to perform business functions more than three 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, an entity or ground transportation services provider ~~a taxicab, limousine, van 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.

- B. Prior to operating at the airport, and before receiving a ground transportation permit, all taxicabs, limousines and vans submitted by the entity or ground transportation services provider seeking the permit 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.

§ 85-4. Application for permit.

- A. All entities or ground transportation services providers ~~persons~~ applying to the airport for a permit for one or more taxicabs, limousines or vans shall file with the airport a sworn application on forms provided by the airport.
- B. Each entity or ground transportation services provider ~~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 § 85-10 44 as described herein.

§ 85-5. Permit decal.

- A. A valid permit decal evidences that the entity or ground transportation services provider owning and/or operating the motor vehicle engaged in the business of providing ground transportation services at the airport has a permit to do so. ~~Ground transportation permit decals shall be displayed on the exterior of the right rear bumper of all taxicabs, limousines or vans specifically designated and approved in the ground transportation permit application.~~
- B. Vehicles engaged in the business of providing ground transportation services at the airport are not authorized to provide such services without displaying a valid permit decal. ~~Fees and charges involved with decals are detailed in Article V of this chapter.~~
- C. Ground transportation permit decals shall be displayed on the exterior of the right rear bumper of all taxicabs, limousines or vans specifically designated and approved in the ground transportation permit application.
- D. Fees and charges involved with decals are detailed in Article V of this chapter.

§ 85-6. Assignment or transfer of permit decal.

No permit decal 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.

Although a permit may not be assigned or transferred, the authorization granted by a permit decal derived from the permit may be transferred or reassigned to other taxis, limousines, vans, or other vehicles within the entity or ground transportation services provider's fleet subject to the following restrictions:

- the entity or ground transportation services provider must notify the airport in writing of its intent;
- the new vehicle must be brought for an inspection;
- the time limit of the authorization evidenced by the decal remains the same; i.e. if the authorization was set to expire at the end of the month, this is unaffected if the authorization granted by the decal is transferred or reassigned to another vehicle.

§ 85-7. Effect of change of ownership on permit decal.

Any change of ownership of, or title to, any taxicabs, limousines or vans shall automatically revoke the authorization to provide ground transportation services as to those particular taxis, limousines, vans, or other vehicles any permit previously granted for the operation of such taxicab, limousine or van 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 entity or ground transportation services provider that owns the taxis, limousines, vans, or other vehicles owner leases the same to any person, individual or entity under lease or other arrangement whereby such person, individual or entity shall have the right, upon payment of an amount of money or other consideration, to acquire title to the taxicab, limousine, or van or any other thing of value at any future date.

If the entire business changes ownership, the permit itself is automatically revoked.

~~§ 85-8. Restrictions on transfer of permit to another taxicab, limousine or van.~~

- A. ~~[Any owner who shall permanently retire any taxicab, limousine or van from service, and not replace the same within 30 days thereafter, shall immediately surrender any permit granted for the operation of such taxicab, limousine or van on the airport to the Commissioner of Aviation, and such owner may not secure additional permits for the operation of any taxicabs, limousines or vans on the airport without having first made application in the manner set forth.]~~
- B. ~~[Whenever an owner sells or transfers the title to a taxicab, limousine or van for which a permit has been granted, and within 30 days after such sale or transfer purchases another taxicab or limousine, the owner shall, as a matter of right, upon written application within 30 days of such purchase, cause to be issued a transfer of the permit, for the operation of no greater number of taxicabs, limousines or vans than those so sold or transferred, provided such owner has complied with all provisions of this article.]~~
- C. ~~[Any owner whose taxicab, limousine or van for which a permit has been granted has been retired from service, destroyed involuntarily or who voluntarily destroys any taxicab, limousine or van will as a matter of right, upon written application to the Commissioner of Aviation within 30 days thereafter, be issued a transfer of that permit for the operation of no greater number of taxicabs, limousines or vans~~

than those so retired or destroyed, upon satisfactory evidence being presented, provided that the owner has complied with all provisions of this chapter.]

§ 85-8 9. Suspension or revocation of permit by airport.

- A. The Ground Transportation Review Board shall have the authority to suspend or revoke any entity or ground transportation services provider's permit for a violation of this chapter or any other ordinance, law or regulation dealing with the public safety, or for making any false statement in the permit application.
- B. 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. An entity or ground transportation services provider shall have three days from the receipt of the notice to request, in writing, a hearing on the matter before the Ground Transportation Review Board. The request must be mailed or faxed to the Commissioner of Aviation. The hearing must be held within five days of receipt of the written request for hearing. Upon ~~written request to the Commissioner of Aviation within three days of receiving such notice,~~ a hearing shall be given by the Ground Transportation Board to the holder of such a permit.
- C. Any entity or ground transportation services provider whose permit motor vehicle, the permit for which has been suspended or revoked by the Ground Transportation Review Board, shall cease to be provide ground transportation service operated on the premises of the Binghamton Regional Airport. In case of suspension only, the permit shall be restored to the entity or ground transportation services provider 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 application.
- D. No entity or ground transportation services provider 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.
- E. For a first suspension, the entity or ground transportation services provider operator will be refused operation at the airport for 30 days. For a second suspension, the entity or ground transportation services provider operator will be refused operation at the airport for 180 days; and for the third suspension, the entity or ground transportation services provider operator will not be permitted to operate at the airport permanently.

§ 85-9 10. Permitted/authorized vehicle schedule.

The Broome County Department of Aviation will commence issuance of Ground Transportation Permits and decals 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 each every year thereafter. Regardless of the date issued, the ground transportation permit[s] shall be valid only until June 30 of the following year, unless sooner suspended or revoked.

§ 85-10 14. Permit applications.

A. Applications for permits under this chapter 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 an authorized representative of the entity or ground transportation services provider applying for the permit ~~the applicant~~ and shall contain the following information:

- (1) The name and address of the entity or ground transportation services provider; in the event that the entity or ground transportation services provider is a partnership or operating under an assumed name, a certified copy of the certificate of partnership and/or assumed name (DBA) listing the names and addresses of the partners or members of the association.
- (2) In the event that the entity or ground transportation services provider is a corporation, the names and addresses of all corporate officers and stockholders; also please provide a copy of the certificate of incorporation.
- (3) In the event that the entity or ground transportation services provider is a limited liability company, the names and addresses of the members must be attached.
- (4) 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.
- (5) For each vehicle being registered, state the entity that owns the vehicle, and provide documentation of ownership.
- (6) For each vehicle being registered, state the entity under which it is registered with the New York State Department of Motor Vehicles, and provide documentation of registration.
- (7) Please note that the information must be accurate and consistent on all forms; i.e. if the permit application lists ABC Co., Inc. as the entity under which the vehicles are registered with the Department of Motor Vehicles, ABC Co., Inc. must be listed on the registration card.
- (8) Please note that if the entity or ground transportation services provider seeking the permit is not the same as the entity or ground transportation services provider that owns the vehicles or the entity or ground transportation services provider under which the vehicles are registered with the New York State Department of Motor Vehicles, all of the aforementioned entities or ground transportation service providers will be considered responsible entities or ground transportation service providers under the local law; such that any violation by one of the aforementioned entities or ground transportation service providers will be deemed a violation by all of the aforementioned entities or ground transportation service providers, and may result in all of the aforementioned entities or ground transportation service providers being suspended or disallowed from performing ground transportation services at the Binghamton Regional Airport.
- (9) Certification that the entity or ground transportation services provider meets all federal, state and local requirements.

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- (10) Certification that the entity or ground transportation services provider's vehicles are maintained in a safe operating condition.
 - (11) A certification of insurance meeting the minimum requirements as described in Article VI of this chapter.
 - (12) A certification that each driver is the holder of a valid driver's license appropriate to the vehicle being operated.
 - (13) A 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.
 - (14) Whether the entity or ground transportation services provider has ever possessed a permit for Binghamton Regional Airport that has been suspended or revoked.
 - (15) A statement that neither the entity or ground transportation services provider applying for the permit, 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.
 - (16) Such other information deemed necessary by the Commissioner of Aviation.
 - ~~(1) The name and address of the owner; in the event that 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 that 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 the operator's vehicles are maintained in a safe operating condition.~~

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- (7) ~~A certification of insurance meeting the minimum requirements as described in Article VI of this chapter.~~
 - (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) ~~A 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.~~

- B. No permit application will be approved if the entity or ground transportation services provider applying for the permit applicant is in debt to the Broome County Department of Aviation for any past-due balances.

§ 85-11 12. Renewal of ground transportation permit.

- A. Applications for renewal of permits shall be filed with the Commissioner of Aviation prior to June 1 of each calendar year, on a form supplied by the Commissioner's office. Application for permit renewal shall be accompanied by full or monthly payment of the permit fee as required by this chapter. 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.
- B. 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 chapter.
- C. Different colored decals representing the new ground transportation year will be distributed on or after July 1st of each year and will dated accordingly.

§ 85-12 13. (Reserved)

ARTICLE III

Inspection Criteria

§ 85-13 14. Compliance with airport requirements prerequisite to issuance of permit decals.

- A. No entity or ground transportation services provider ~~person or contract carrier~~ shall be granted a permit decal ~~ground transportation permit~~ for any taxicab, limousine or van or other ground transportation service vehicle unless such vehicle conforms to reasonable standards of appearance, safety and is in good operating condition. Continuance of the authorization evidenced by such permit decal 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 permit decal ~~ground transportation permit~~ is issued.
- B. The age of the vehicle shall not prohibit the issuance of a ~~ground transportation permit~~ decal if said vehicle meets the other requirements of this article.

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

§ 85-14 15. Equipment inspection criteria.

Unless otherwise provided, any motor vehicle issued a ~~ground transportation permit~~ decal 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 doors; two 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 candlepower.
- E. Glass in windows and doors shall be in good condition without cracks and fractures.
- F. Mud guards and fenders. 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 entity or ground transportation services provider ~~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 entity or ground transportation services provider ~~operating organization~~ or its assumed business name.
- 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.

§ 85-15 16. Vehicle appearance inspection criteria.

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

- 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.

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- 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.

§ 85-16 17. Inspection schedules.

The Commissioner of Aviation, or a designated representative, shall maintain constant vigilance over all authorized 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 with 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 authorization to operate permit suspended or revoked. Any vehicle not presented at a duly scheduled inspection may be denied authorization to provide ground transportation services at the airport ~~ordered out of service~~ by the Commissioner of Aviation or his/her designated representative, provided that said vehicle is not presented for inspection within seven days of the original inspection date.

§ 85-17 18. Vehicles not approved.

Any vehicle which is found, after such inspection as provided in § 85-16 17 of this article, to be in any way unsuitable for hiring services may be immediately have its authorization to provide ground transportation services at the airport suspended or revoked ~~ordered out of service~~, and before being re-authorized to provide ground transportation services at the airport ~~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 reinspection.

§ 85-18 19. Random inspections of taxicabs, and limousines, vans, and other motor vehicles.

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 authorized permitted taxicab, limousine or van for the purpose of ascertaining whether or not any provisions of these requirements are being violated. Any taxicab, limousine, or van which is found, after any such inspection, to be in any way unsuitable to provide ground transportation services ~~for taxicab, limousine or van service~~ immediately shall be taken out of service ~~lose its authorization to provide ground transportation services at the airport~~, and before again being placed in service ~~regaining authorization~~, such vehicle shall be re-inspected.

§ 85-19 20. 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

§ 85-20 21. Conduct responsibilities.

- A. ~~An entity or ground transportation services provider~~ ~~A person or contract carrier~~ granted a 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.
- B. All entities or ground transportation service providers ~~contract carriers~~ shall provide each of their drivers with a copy of this chapter governing ground transportation operations at the airport. All entities or ground transportation service providers ~~Contract carriers~~ shall ensure that each of their drivers are cognizant of and understand these regulations.

§ 85-21 22. Orderly conduct.

The operation of all ground transportation services shall be conducted in an orderly manner. No entity or ground transportation services provider ~~person~~ permitted pursuant to this chapter 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 or 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.

The actions of representatives, agents, employees, contractors, or subcontractors of the entity or ground transportation services provider are treated as actions of the entity or ground transportation services provider.

§ 85-22 23. Driver's appearance/conduct; licensing.

- A. 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.

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

§ 85-23 24. Loading and unloading passengers.

- A. 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 minutes of stopping in this lane. In the event that airport security directives prohibit or restrict access to lane 1, vehicles shall be required to load/unload passengers in the commercial vehicle 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.
- B. 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 that such passenger is orderly, is offering payment for the ground transportation service, and the passenger's proposed destination is reasonable.
- C. 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.
- D. Nothing in this chapter 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.

§ 85-24 25. Entering terminal building.

- A. No driver of any taxicab, limousine, or van 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 other reasons approved by the Commissioner of Aviation. Every taxicab, ~~and~~ limousine, or van 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.
- B. 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.

§ 85-25 26. Right to exclusive transportation.

No taxicab, limousine or van driver shall carry any person other than the passenger(s) first employing the taxicab, limousine or van 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.

§ 85-26 27. 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.

§ 85-27 28. 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.

§ 85-28 29. 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.

§ 85-29 30. 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

§ 85-30 34. Fees for ground transportation permits decals.

- A. Any entity or ground transportation services provider ~~[person or contract carrier]~~ procuring a ground transportation permit to be utilized for ground transportation services ~~a taxicab, limousine or van~~ shall pay to the Broome County Department of Aviation a fee based on the following annual or monthly fee schedule per vehicle as approved by the Broome County Legislature:

	Monthly Fee	Annual Fee
Number of Vehicles	(per vehicle)	(per vehicle)
1 to 8	\$50	\$600
9 to 19	\$25	\$300
20 or more	\$15	\$180

- B. The purchase of this the ground transportation permit decals will be distinct to only the vehicle(s) 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.~~
- C. Ground transportation permit decals purchased on the annual fee schedule after July 1 will be prorated for each month remaining until the succeeding June 30. ~~The fee for reissuance of a decal due to damage, wear or necessary replacement of a bumper is \$10 per decal.~~

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- D. Ground transportation permit decals purchased on the monthly fee schedule on or prior to the 15th day of each month are purchased at the full monthly rate. Decals purchased after the 15th day of each month, are purchased at half-price. Regardless of the purchase date, decals purchased on the monthly fee schedule are only valid until the end of the month they are purchased.
 - E. The fee for reissuance of a decal due to damage, wear or necessary replacement of a bumper is \$10 per decal.

§ 85-31 32. Penalties for offenses.

- A. For purposes of this local law, the acts of representatives, agents, employees of the entity or ground transportation services provider shall be treated as acts of the entity or ground transportation services provider. Further, acts of drivers utilizing vehicles owned or operated by the entity or ground transportation services provider shall be treated as acts of the entity or ground transportation services provider. In the event that a Ground Transportation Service Provider fails to comply with any of the provisions of these regulations, the provider shall be responsible for any penalties incurred as a result and as administered by Broome County and as approved by the Broome County Legislature.
- B. In the event that a an entity or ground transportation services provider or driver Ground Transportation Service Provider fails to comply with any of the provisions of these regulations, the entity or ground transportation services provider and driver provider shall be responsible for any penalties incurred as a result and as administered by Broome County and as approved by the Broome County Legislature. No owner or operator of a taxicab, limousine or van shall operate said vehicle at the Binghamton Regional Airport without displaying an approved ground transportation permit (subject to the provisions of Article II, § 85-3 hereinabove). Failure to display an approved ground transportation permit on said vehicle shall be deemed a violation, and any owner or operator of said vehicle shall be guilty of a violation and subject to the following schedule of fines and or imprisonment not to exceed 30 days, or both such fine and imprisonment.
 - (1) First offense: not less than \$50.00 or more than \$250.
 - (2) Second offense: not less than \$251.00 or more than \$500.
- C. No entity or ground transportation services provider or driver owner or operator of a taxicab, limousine or van shall provide ground transportation services operate said vehicle at the Binghamton Regional Airport without displaying an approved ground transportation permit decal (subject to the provisions of Article II, § 85-3 hereinabove). Failure to display an approved ground transportation a permit decal on said vehicle shall be deemed a violation, and the entity or ground transportation services provider and driver any owner or operator of said vehicle shall be guilty of a violation and subject to the following schedule of fines and or imprisonment not to exceed 30 days, or both such fine and imprisonment.
 - (1) First offense: not less than \$50.00 or more than \$250.

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- (2) Second offense: not less than \$251.00 or more than \$500.

~~No owner or operator of a taxicab, limousine or van shall park said vehicle along the curb line for more than five minutes. Any violation of this provision shall be deemed a violation, and any owner or operator of said vehicle shall be guilty of a violation and subject to the following schedule of fines and or imprisonment not to exceed 30 days, or both such fine and imprisonment:~~

- ~~(1) First offense: not less than \$25 or more than \$50.~~

- ~~(2) Second offense: not less than \$51 or more than \$100.~~

- D. ~~No entity or ground transportation services provider or driver shall allow their owner or operator of a taxicab, limousine or van to be shall park said vehicle along the curb line for more than five minutes. Any violation of this provision shall be deemed a violation, and the entity or ground transportation services provider and driver any owner or operator of said vehicle shall be guilty of a violation and subject to the following schedule of fines and or imprisonment not to exceed 30 days, or both such fine and imprisonment:~~

- (1) First offense: not less than \$25 or more than \$50.

- (2) Second offense: not less than \$51 or more than \$100.

~~Note: The above § 85-32 is in addition to the provisions of §§ 106-4V(9)(b) and 106-4V(10)(d) of the Broome County Charter and Code, Part IV, Regulatory Local Laws.~~

- E. Note: The above § 85-31 is in addition to the provisions of §§ 106-4V(9)(b) and 106-4V(10)(d) of the Broome County Charter and Code, Part IV, Regulatory Local Laws.

§ 85-32 33. Enforcement.

- A. The County Executive, Commissioner of Aviation, county security officers and other agents duly designated in addition to local, county and state police or law enforcement officers are hereby authorized to, and they shall, enforce the foregoing rules and regulations, which power shall include, but not be limited to, the power to issue tickets to appear before a justice, and to exercise such other legal methods of enforcement of the foregoing rules and regulations as the County Executive, or Commissioner of Aviation or his agents, may deem appropriate and necessary.
- B. At the discretion of the County Executive or Commissioner of Aviation, entities or ground transportation service providers any person found guilty of violating any provision of this chapter may be banned from the buildings and grounds for a period of time specified in writing. Persons so notified are prohibited from entering or remaining upon buildings and grounds, as specified.

ARTICLE VI

Indemnification/Insurance

§ 85-33 34. General provisions.

- A. Each entity or ground transportation services provider person applying for and that ~~who~~ is issued a permit(s) shall procure and maintain during the term of the permit(s) issued to the entity or ground transportation services provider person, at the entity or ground transportation services provider's person's expense and without expense to the county, the insurance policies listed in § 85-34 35 with limits equal to or greater than enumerated limits.
- B. 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 entity or ground transportation services provider person to whom the permit(s) is/are issued.
- C. Every required coverage type shall be "occurrence basis."
- D. The entity or ground transportation services provider person ~~that 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.
- E. The amount of self-insured retention or deductibles must be disclosed on the certificates of insurance.
- F. The entity or ground transportation services provider 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.
- G. The County of Broome reserves the right to request a certified copy of any policy and any endorsement thereto.
- H. 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.
- I. All insurance shall be provided by insurance carriers licensed and 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).
- J. If the entity or ground transportation services provider person ~~that to whom~~ the permit(s) is/are issued ~~to~~ fails to procure or maintain the required coverages and minimum limits, such failure shall constitute a material breach of this chapter. If such a breach occurs, the County of Broome at its discretion may:
 - (1) Immediately revoke the permit(s) issued to the entity or ground transportation services provider person.
 - (2) Exercise any other rights it may have pursuant to law.

§ 85-34 35. Required insurance; minimum coverage types and amounts.

- A. Coverage type/minimum limits.
- (1) Automobile liability: \$100,000 (combined single limit); comprehensive form; must cover owned, nonowned and hired vehicles.
 - (2) Workers' comprehensive and employer's liability: \$100,000 (statutory amount). In lieu of a Worker's compensation policy, a waiver issued by the New York State Workers' Compensation Board may be submitted.
- B. The certificate face shall:
- (1) Indicate coverages and minimum amounts required in §85-35A .
 - (2) Provide that the coverages shall not be cancelled, terminated or materially changed (including reduction of coverage amounts) until at least 30 days' prior written notice has been given to the Broome County Office of Risk and Insurance.
- C. The certificate holder should read:
- Broome County Office of Risk and Insurance
P.O. Box 1766
Binghamton, NY 13902

§ 85-35 36. Defense and indemnification.

- A. The entity or ground transportation services provider person that to whom a permit(s) is/are issued pursuant to this chapter agrees to indemnify and hold the County of Broome and any officer, employee and/or agent thereof free and harmless from any and all loss(es), 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 entity or ground transportation services provider's person's employees, agents and/or contractors) in the performance of this agreement.
- B. 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 and 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 entity or ground transportation services provider, or their employees, agents and/or contractors person, as aforesaid, shall be included in the indemnity hereunder.
- C. 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.

Underlined material to be added
Strikeout material to be removed

Mr. Wike made a motion to call the question, seconded by Mr. Kolba. **Motion to call the question failed.** Ayes-9 (Hudak, Hull, Kolba, Lindsey, Nannery, O'Day, Shafer, Sweet, Wike), Nays-7 (Brunza, Burger, Holley, Howard, Mather, Whalen, Schofield), Absent-2 (Miller, Pasquale), Vacant-1 (District 12). **Resolution carried,** Ayes-15, Nays-1 (Brunza), Absent-2 (Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 284

By Public Works and Finance Committees Seconded by Mr. O'Day
RESOLUTION AUTHORIZING AGREEMENT WITH TAMMY L. PRATT FOR A GRAVEL DRIVE OVER A BROOME COUNTY DRAINAGE EASEMENT IN THE TOWN OF LISLE FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, Tammy L. Pratt requests an agreement with the County of Broome allowing a gravel drive over a portion of a permanent drainage easement owned by the County at 2360 Lisle Road, Town of Lisle, and

WHEREAS, said agreement is necessary to allow access for ingress and egress to said recently purchased property, and

WHEREAS, the Commissioner of Public Works has determined that granting permission for the gravel drive would not interfere with the existing drainage easement, and

WHEREAS, driveways are a common occurrence on easements and the County restores driveways to existing conditions when the need arises to disturb them, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Tammy L. Pratt, 2631 Lisle Road, Town of Lisle, allowing a gravel drive over a portion of a permanent drainage easement owned by the County at 2360 Lisle Road, Town of Lisle, as more fully described in a map and property description referred to as Exhibit "A", and be it

FURTHER RESOLVED, that in consideration of the aforesaid agreement, Tammy L. Pratt will pay Broome County the sum of \$1.00, and be it

FURTHER RESOLVED, that in the event it is necessary for the County to exercise its rights under the permanent easement to excavate, repair and/or maintain the drainage easement, the County will restore the gravel drive to the same condition that existed before any work was undertaken, and be it

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 285

By Finance Committee Seconded by Mr. O'Day
RESOLUTION APPROVING SALE OF COUNTY PROPERTY TO FORMER OWNERS

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

WHEREAS, the Director of Real Property Tax Service advises that the former owners of a certain property have requested to have the property sold back to them, and the Director and your sponsoring committee recommend that such requests be granted, now, therefore, be it

RESOLVED, that the sale back to former owners of the parcel listed below for the amount as stated is hereby approved by this County Legislature based on the unusual circumstances, as determined by your sponsoring committee:

Parcel ID: 176.17-1-18
Town: Binghamton
Former Owner: James J. and Marlene A. Tallo
1862 Hawleyton Road
Binghamton, New York 13903
Sale Amount: \$21,590.46

and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to execute a quit claim deed, approved as to form by the Department of Law, conveying the property listed above to the former owners, together with other such documents as may be necessary to implement the intent of this Resolution.

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 286

By Community & Social Services, County Administration and Finance Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING RENEWAL OF THE TRANSITIONAL OPPORTUNITIES PROGRAM START-UP GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2002

WHEREAS, this County Legislature, by Resolution 234 of 2001, authorized and approved the Transitional Opportunities Program Start-Up Grant for the Department of Social Services and adopted a program budget in the amount of \$180,000 for the period April 1, 2001 through March 31, 2002, and

WHEREAS, said grant program is designed to assist Temporary Assistance recipients make the transition from welfare to work, and

WHEREAS, it is desired to renew said grant program in the amount of \$75,000 for the period June 1, 2002 through December 31, 2002, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$75,000 from the New York State Office of Temporary and Disability Assistance, 40 North Pearl Street, Albany, New York 12243-0001, for the Department of Social Services' Transitional Opportunities Program Start-Up Grant for the period June 1, 2002 through December 31, 2002, 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 \$75,000, and be it

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

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

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 287

By Community & Social Services and Finance Committees Seconded by Mr. O'Day
RESOLUTION AUTHORIZING RENEWAL OF THE SERVICES AND TRAINING RESOURCES FOR INDIVIDUALS IN VOCATION EDUCATION PROGRAM (STRIVE) GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES, ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH AND RENEWING THE AGREEMENT WITH BROOME COMMUNITY COLLEGE TO ADMINISTER SAID PROGRAM FOR 2002-2003

WHEREAS, this County Legislature, by Resolution 294 of 2001, authorized and approved continued participation in the Services and Training Resources for Individuals in Vocation Education Program (STRIVE) Grant for the Department of Social Services, adopted a program budget in the amount of \$43,834, and authorized an agreement with Broome Community College to provide services for said program for the period July 1, 2001 through June 30, 2002, and

WHEREAS, said grant program assists eligible recipients of Temporary Assistance to Needy Families (TANF) to achieve economic independence by successfully completing vocationally oriented associate degree programs for the purpose of entering into long-term stable employment in their field of study, and

WHEREAS, it is desired to renew said grant program in the amount of \$45,919, adopt a program budget and renew the agreement with Broome Community College to continue to provide services for said program for the period July 1, 2002 through June 30, 2003, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$45,919 from the New York State Department of Social Services, for the Department of Social Services' Services and Training Resources for Individuals in Vocation Education Program (STRIVE) for the period July 1, 2002 through June 30, 2003, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$45,919, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with Broome Community College to provide programs for individuals in the STRIVE Program for an amount not to exceed \$45,919 for the period July 1, 2002 through June 30, 2003, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 670455.4747.104XXX (Other Fees for Services), and be it

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

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

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 288

By Finance and Personnel Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH HMO/CNY FOR ALTERNATIVE HEALTH CARE BENEFITS FOR BROOME COUNTY EMPLOYEES FOR RISK AND INSURANCE FOR 2002

WHEREAS, this County Legislature, by Resolution 661 of 2001, authorized the renewal of agreement with HMO/CNY for an alternative health care benefits package for Broome County employees for the period January 1, 2002 through December 31, 2002, and

WHEREAS, it is required by Federal Law that Broome County employees are offered alternative health care benefit packages, and

WHEREAS, it is necessary to authorize the amendment of said agreement to reflect an increase of \$1.24, total cost of \$690.87 for family coverage, and

WHEREAS, the Manager of Risk and Insurance has requested authorization for said amendment as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with HMO/CNY, 2 Court Street, Binghamton, New York 13901, to reflect an increase of \$1.24, total cost of \$690.87 for family coverage for an alternative health care benefit package for Broome County employees for the period January 1, 2002 through December 31, 2002, and be it

FURTHER RESOLVED, that Resolution 661 of 2001, to the extent consistent herewith, shall remain in full force and effect, and be it

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 289

By Public Safety & Emergency Services Committee

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH THE TOWN OF MAINE FOR USE OF SPACE AS A SUBSTATION FOR THE OFFICE OF THE BROOME COUNTY SHERIFF FOR 2002

WHEREAS, this County Legislature, by Resolution 228 of 2000, as amended by Resolution 449 of 2000, authorized an agreement with the Town of Maine for use of a portion of the Town Hall as a substation for the Office of the Broome County Sheriff at no cost to the County for the period January 1, 2000 through December 31, 2001, and

WHEREAS, said agreement expired by its terms on December 31, 2001, and it is desired at this time to renew said agreement on substantially similar terms and conditions, at no cost to the County, for the period January 1, 2002 through December 31, 2002, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with the Town of Maine, P.O. Box 336, 12 Lewis Street, Maine, New York 13802 for use of a portion of the Town Hall as a substation for the Office of the Broome County Sheriff at no cost to the County for the period January 1, 2002 through December 31, 2002, and be it

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 290

By Public Works and Economic Development & Planning Committees
Seconded by Mr. O'Day

RESOLUTION RENDERING A NEGATIVE DECLARATION WITH RESPECT TO THE PURCHASE OF 2801 WAYNE STREET IN THE TOWN OF UNION FOR USE AS A SENIOR CENTER.

WHEREAS, this County Legislature, by Resolution 188 of 2002, declared itself as the lead agency with respect to the environmental review of the purchase of 2801 Wayne Street in the Town of Union for use as a senior center (the Project) and directed the Department of Planning and Economic Development to coordinate review of the proposed action, and

WHEREAS, the Department of Planning and Economic Development has conducted a coordinated review of the project pursuant to Part 617 of Article 8 of the Environmental Conservation Law and no involved agency has objected to this County Legislature being designated as lead agency in connection with the review of the Project, now, therefore, be it

RESOLVED, that this County Legislature, based on the environmental assessment form annexed hereto as "Exhibit A", hereby determines and declares that the Project will not have significant effect on the environment, and be it

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 291

By County Administration Committee

Seconded by Mr. Shafer

RESOLUTION ADOPTING LOCAL LAW INTRO NO. 4 OF 2002 ENTITLED "A LOCAL LAW AMENDING LOCAL LAW PERMANENT NO. 5 OF 2002, AMENDING THE BROOME COUNTY CHARTER AND ADMINISTRATIVE CODE TO REAPPORTION THE LEGISLATIVE DISTRICTS OF THE COUNTY OF BROOME

WHEREAS, this County Legislature, by Resolution 98 of 2002, adopted Local Law Permanent No. 5, which amends the Broome County Charter and Administrative Code to reapportion the Legislative Districts of the County of Broome, and

WHEREAS, Election District No. 3 in the Town of Lisle was omitted from the description of Legislative District No. 11 and an administrative change is necessary to ensure that all election districts are included in the descriptions of the new Legislative Districts, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves an amendment to Local Law Permanent No. 5 of 2002, which amends the Broome County Charter and Administrative Code under the authority of Article 4 of the Municipal Home Rule Law in relation to the reapportioning of the Legislative Districts of the County of Broome, to add Election District No. 3 in the Town of Lisle to the description of Legislative District No. 11, and be it

FURTHER RESOLVED, that in accordance with Section C201, Paragraph 5, of the Broome County Charter and Section A201, Paragraph E, of the Broome County Administrative Code, said amendment to Local Law Permanent No. 5 of 2002 shall be subject to referendum on petition in the manner provided for by the terms and provisions of Section 24 of the Municipal Home Rule Law.

LOCAL LAW INTRO. NO. 4 OF 2002

**"A Local Law Amending Local Law Permanent No. 5 of 2002,
Amending the Broome County Charter and Administrative Code to
Reapportion the Legislative Districts of the County of Broome**

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

SECTION 1. Paragraph 3 of Section C201 of Article II of the Broome County Charter, as amended, and Paragraph C of Section A201 of Article II of the Broome County Administrative Code are hereby amended to read as follows:

Legislative District No. 11 of the County of Broome shall be amended and described as follows:

Legislative District	Geographic Area
11	Town of Barker (Election District 2) Town of Lisle (entire Town presently consisting of Election Districts 1, 2, <u>3</u>) Town of Maine (Election Districts 1,3) Town of Nanticoke (entire Town presently consisting of Election District 1) Town of Triangle (entire Town presently consisting of Election Districts 1, 2, 3, 4)

Reference to "Election Districts" in the above description refers to Election Districts established as of February 15, 2002.

The maps of the districts referred to above, as well as maps showing the Legislative Districts into which Broome County is herein divided, shall be filed with the Clerk of the Broome County Legislature and shall remain on file and shall be considered and hereby made a part hereof.

SECTION 2. In the event that this Local Law is filed with the Office of the Secretary of State prior to September 30, 2002, after having been adopted in the manner prescribed by the Municipal Home Rule Law, this Local Law shall establish the Legislative Districts for County Legislators elected at the general election of 2002 for terms to begin on January 1, 2003 and for County Legislators elected thereafter. Otherwise, it shall establish the Legislative Districts for County Legislators elected at the first general election held following such filing with the Office of the Secretary of State, 2002 excluded, for terms to begin on the January 1 following such general election.

SECTION 3. If any clause, sentence, paragraph, word, section or part of this Local Law, shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment or decision shall not affect, impair or invalidate the remainder of said Local Law, but rather, such judgment or decision shall be confined in its operation to the clause, sentence, paragraph, word, section or part of said Local law directly involved in the controversy in which such judgment or decision shall have been rendered.

SECTION 4. This Local Law shall become effective upon its filing with the Secretary of State.

Material underlined added

Carried, Ayes-16, Nays-0, Absent-2 (Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 292

By Finance Committee

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING CANCELLATION OF REAL PROPERTY TAXES ON PARCELS IN THE TOWNS OF UNION AND NANTICOKE

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

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

Parcel ID: 143.57-2-34
Town: Union
Owner: Village of Johnson City
Amount to be Cancelled: \$413.21
plus Appropriate Interest and Penalties
Reason: Village Wholly Exempt

Parcel ID: 053.02-1-32
Town: Nanticoke
Owner: Broome County
Amount to be Cancelled: \$418.51
plus Appropriate Interest and Penalties
Reason: County Wholly Exempt

Parcel ID: 040.03-1-10.2
Town: Nanticoke
Owner: Town of Nanticoke
Amount to be Cancelled: \$1.06
plus Appropriate Interest and Penalties
Reason: Town Wholly Exempt

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 293

By Finance Committee

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING AMENDMENT TO AGREEMENT WITH JP MORGAN CHASE BANK AS SUCCESSOR TO CHEMICAL BANK TO ACT AS BOND REGISTRAR AND PAYING AGENT FOR BROOME COUNTY

WHEREAS, this County Legislature by Resolution Number 491 of 1989 authorized an agreement with Chemical Bank to act as bond registrar and paying agent for certain serial bonds issued by the County of Broome for the purpose of maintaining a register of holders of the bonds, providing for the transfer and exchange of said bonds and paying principal of and interest on such obligations, and

WHEREAS, said agreement provided for an annual payment of \$900 by the County to Chemical Bank in consideration of said banking services, and

WHEREAS, JP Morgan Chase Bank succeeded to the interest of Chemical Bank in said agreement, and

WHEREAS, JP Morgan Chase now seeks to increase the annual service fee to \$1,800 plus costs and disbursement for a total annual fee not to exceed \$2,500, and

WHEREAS, said services are legally necessary, now, therefore be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Chemical Bank, now know as JP Morgan Chase Bank, Institutional Trust Services, P.O. Box 2320, Dallas, Texas 75221-2320, as successor to said agreement previously authorized by Resolution 491 of 1989 to provide that in consideration of providing said registration and paying agent services, JP Morgan Chase Bank shall be paid an annual servicing fee not to exceed \$1,800 plus costs and disbursements, total annual fee not to exceed \$2,500, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 340000.4723.101000 (Bond and Note Issue Expenses), and be it

FURTHER RESOLVED, that except as herein modified, Resolution 491 of 1989 shall remain in full force and effect, and be it

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 294

By Finance, Personnel And Community and Social Services Committees

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING A BUDGET TRANSFER AND POSITION CHANGE REQUESTS FOR THE DEPARTMENT OF SOCIAL SERVICES

RESOLVED, that in accordance with a request from the Commissioner of Social Services, in order to maximize expenditures for the CCDBG Grant and to create one (1) Social Services Examiner position, two (2) Caseworker positions and one (1) Case Supervisor Grade B position (all Full Time) as requested in BF#003665, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index code</u>	<u>Subject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
FROM:	670455	4596	104584	Services CCDBG Childcare	43,831
TO:	670455	1000	104584	Salaries – Full Time	34,234
	670455	8010	104584	State Retirement	685
	670455	8030	104584	Social Security	2,619
	670455	8040	104584	Workers' Comp.	342
	670455	8050	104584	Life Insurance	24
	670455	8060	104584	Health Insurance	5,445
	670455	8063	104584	Disability Insurance	140
	670455	8070	104584	Unemployment Insurance	342

FURTHER RESOLVED, that in accordance with a request from the Commissioner of Social Services as contained in PCR#02-241, this County Legislature hereby authorizes the creation of (1) Social Services Examiner position, Full Time, at budget line 670455.1000.104584, minimum salary of \$23,418, Grade 11, Union CSEA, effective date 07/01/02.

FURTHER RESOLVED, that in accordance with a request from the Commissioner of Social Services as contained in PCR#02-240, this County Legislature hereby authorizes the creation of (2) Caseworker position, Full Time, at budget line 670455.1000.104584, minimum salary of \$30,069, Grade 16, Union CSEA, effective date 07/01/02.

FURTHER RESOLVED, that in accordance with a request from the Commissioner of Social Services as contained in PCR#02-239, this County Legislature hereby authorizes the creation of (1) Case Supervisor Grade B position, Full Time, at budget line 670455.1000.104584, minimum salary of \$36,834, Grade 20, Union CSEA, effective date 07/01/02.

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

Carried, Ayes-15, Nays-0, Absent-3 (Hull, Miller, Pasquale), Vacant-1 (District 12).

RESOLUTION NO. 295

By Personnel, Finance, and Public Safety & Emergency Services

Seconded by Mr. O'Day

RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST FOR DPW - SECURITY

RESOLVED, that in accordance with a request from the Commissioner of Public Works as contained in PCR#02-255, this County Legislature hereby authorizes the creation of six (6)

Ms. Hudak requested that Mr. Steve Garlock be allowed to speak to the Legislature. Chairman Schofield denied the request.

Mr. Howard made a motion to adjourn, seconded by Mr. Brunza. **Motion to adjourn carried.** Ayes-16, Nays-0, Absent-2 (Miller, Pasquale), Vacant-1 (District 12). The meeting was adjourned at 5:01 p.m.

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