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**BROOME COUNTY LEGISLATURE  
REGULAR SESSION  
THURSDAY, APRIL 22, 2004**

The Legislature convened at 5:08 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-16, Absent-3 (Howard, Mather, Wike).

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. Burger made a motion, seconded by Mr. Miller, that the minutes of the March 18, 2004 and April 8, 2004 Legislative Sessions be approved as prepared and presented by the Clerk. **Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

Mr. Schofield noted that the committee minutes for the period March 18, 2004 through April 21, 2004 had been distributed to the members of each committee for review and that they are also on file in the Clerk's Office. The Clerk indicated that a quorum of all committees were present. Mr. Schofield asked for corrections to the committee minutes. Seeing none, a motion to approve the committee minutes was made by Mr. Kolba, seconded by Mr. Marinich. **Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

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

Letters from the County Executive, Jeffrey P. Kraham:

- A. Appointments to the Broome County Criminal Justice Advisory Board (CJAB)
- B. Appointment to the Broome County Criminal Justice Advisory Board (CJAB)
- C. Appointments to the Binghamton Regional Airport Advisory Board
- D. Appointment To the Fish and Wildlife Board

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

- A. Petitions: In support of Broome County Legislature to Put the Term Limits and Reduction Question on the November Ballot
- B. Communications:
  - 1. Town of Kirkwood Public Hearing-AT&T Wireless Special Application Permit
  - 2. Memo from William Gibson, Jr. regarding Willow Point Bad Debt Write Off
  - 3. Tentative Agreement Between Broome County and Broome County Law Enforcement Officers Association, AFSCME 82, Local 8500
  - 4. Memo from Jeffrey P. Kraham Designating William L. Gibson, Jr. to Conduct Public Hearing on 4/6/04
  - 5. Memo from Jerome Z. Knebel regarding Balance Transfer Resolution
  - 6. Assemblyman Clifford W. Crouch-Receipt of Resolution from Broome County Legislature Urging Passage of Assembly Bill and Senate Bill Prohibiting Unfunded Mandates on Local Governments
  - 7. Assemblyman Gary D. Finch-Receipt of Resolution from Broome County Legislature Urging Passage of Assembly Bill and Senate Bill Prohibiting Unfunded Mandates on Local Governments
  - 8. Schuyer County Legislature Resolution Urging Passage of Assembly Bill A01757 and Senate Bill S675 Prohibiting Unfunded Mandates
  - 9. Greene County Legislature Resolution Urging Passage of Assembly Bill and Senate Bill Prohibiting Unfunded Mandates
  - 10. Orange County Legislature Resolution Urging Passage of Assembly Bill and Senate Bill Prohibiting Unfunded Mandates

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11. Hamilton County Board of Supervisors Resolution in Opposition to Legislation that Ultimately Seeks Amendment of the Public Health Law in Relation to the Regulation of Residential Septic Systems
  12. Essex County Board of Supervisors Resolution in Opposition to Legislation Seeking Amendment of the Public Health Law in Relation to the Regulation of Residential Septic Systems
  13. NYS Department of Health Public Information Session Regarding Ongoing Environmental Projects in the Endicott Area
  14. EMC Natural Resources Committee Minutes-2/19/04 & 3/18/04
  15. EMC Recycling and Waste Management Committee Minutes-2/23/04
  16. Broome County Soil & Water Conservation District Minutes 3/2/04
  17. Broome County Association of Municipal Clerks Minutes 3/18/04
  18. Cornell Cooperative Extension Board of Director Minutes 2/19/04
- C. Notices:
1. Special Session of the Broome County Legislature-April 8, 2004 at 5:00 pm
  2. Cancellation of the Centralization and Consolidation Committee Meeting scheduled for April 8, 2004 at 4:00 pm
  3. Town of Kirkwood Pubic Hearing-Amend Zoning Ordinance
  4. Town of Maine Local Law-Amend Zoning Ordinance
- D. Reports:
1. BCC February 2004 Budget Transfers
  2. BCC March 2004 Above Minimum Hires
  3. Southern Tier East Regional Planning Development Board 2003 Annual Report
  4. Broome County Soil and Water Conservation District 2003 Annual Report

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

Letters from the Chair, Daniel A. Schofield:

1. Designation for M. Whalen 3/11/04
2. Designations for B. Mather and A. Nannery during the week of 4/12/04
3. Designations for D. Reynolds during the week of 4/12/04
4. Designation for C. Kuzel 4/15/04
5. Designation for W. Wike 4/15/04

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

Mr. Reynolds and Mr. Shafer 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 HELD OVER FROM PREVIOUS SESSION**

##### **RESOLUTION NO. 128**

By County Administration and Finance Committee

Seconded by Mr. Kuzel

**RESOLUTION ADOPTING LOCAL LAW INTRO NO. 3 OF 2004 ENTITLED "A LOCAL LAW PROVIDING FOR THE AUTHORIZATION OF AN EXEMPTION FROM COUNTY REAL PROPERTY TAXES FOR CERTAIN QUALIFIED INFRASTRUCTURE"**

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

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**RESOLUTION NO. 131A**

By Finance, Health & Human Services and Public Safety & Emergency Services Committees  
Seconded by Ms. Hudak

**RESOLUTION AUTHORIZING THE BUDGET TRANSFER FOR THE OFFICE OF THE SHERIFF Carried**, Ayes-12 (Burger, Hudak, Hull, Kolba, Kuzel, Lindsey, Marinich, Miller, Nannery, Pasquale, Shafer, Schofield), Nays-4 (Brunza, Hutchings, Reynolds, Whalen), Absent-3 (Howard, Mather, Wike).

**RESOLUTIONS INTRODUCED AT THIS SESSION**

**RESOLUTION NO. 142**

By County Administration and Finance Committees

Seconded by Mr. Shafer

**RESOLUTION ADOPTING LOCAL LAW INTRO NO. 9, 2004 ENTITLED "A LOCAL LAW AMENDING LOCAL LAW NO. 7 OF 1980, AS AMENDED, GRANTING PARTIAL EXEMPTION FROM REAL PROPERTY TAXATION TO CERTAIN PERSONS WITH LIMITED INCOME WHO ARE SIXTY-FIVE YEARS OF AGE OR OVER"**

RESOLVED, that Local Law Intro. No. 9, 2004 entitled "A LOCAL LAW AMENDING LOCAL LAW NO. 7 OF 1980, AS AMENDED, GRANTING PARTIAL EXEMPTION FROM REAL PROPERTY TAXATION TO CERTAIN PERSONS WITH LIMITED INCOME WHO ARE SIXTY-FIVE YEARS OF AGE OR OVER" be and the same hereby is adopted and approved in accordance with the Broome County Charter and Code and all the applicable statutes and laws pertaining thereto.

**LOCAL LAW INTRO. NO. 9, 2004**

**"A Local Law Amending Local No. 7 of 1980,  
As Amended, Granting Partial Exemption From  
Real Property Taxation to Certain Persons With Limited Income  
Who Are Sixty-Five Years of Age or Over"**

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

SECTION 1. Section 1 of Local Law No. 7 of 1980, as amended by Local Law No. 8 of 1993, Local Law No. 6, of 1984, Local Law No. 6, of 1988, Local Law No. 10, of 1990, Local Law No. 14, of 1991, Local Law No. 4, of 1997 and Local Law No. 11 of 2000 is amended to read as follows:

A. To the extent that the income of the owner or combined income of the owners of real property for the income tax year immediately preceding the date of making application for exemption does not exceed [~~\$19,500~~] ~~\$24,000~~ such real property shall be exempt from real property taxation by the County of Broome to the extent of 50% of the assessed valuation thereof. "Income tax year" shall mean the twelve-month period for which the owner or owners file a federal personal income tax return or, if no return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed the sum of [~~\$19,500~~] ~~\$24,000~~. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings and net income from self-employment, but shall not include a return of capital, gifts or inheritances. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.

B. To the extent that the income of the owner or combined income of the owners of real property for the income tax year immediately preceding the date of making application for exemption exceeds ~~[\$19,500] \$24,000~~ but is less than the amount set forth on the following schedule, such real property shall be exempt from real property taxation by the County of Broome to the extent of the percentage of the assessed valuation of said real property set forth on the following schedule. "Income tax year" shall mean the twelve-month period for which the owner or owners file a federal personal income tax return or, if no return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income must be less than the maximum set forth in the following schedule for each percentage class. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings and net income from self-employment, but shall not include a return of capital, gifts or inheritances. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.

SCHEDULE OF PERCENTAGE OF EXEMPTION

Annual income (Combined income of Spouses)	Percentage of Assessed Valuation Exempt From Taxation
More than <del>[\$19,500] \$24,000</del> but less than <del>[\$20,500] \$25,000</del>	45%
[More than \$20,500] <del>\$25,000</del> or more but less than <del>[\$21,500] \$26,000</del>	40%
[More than \$21,500] <del>\$26,000</del> or more but less than <del>[\$22,500] \$27,000</del>	35%
[More than \$22,500] <del>\$27,000</del> or more but less than <del>[\$23,300] \$27,900</del>	30%
[More than \$23,300] <del>\$27,900</del> or more but less than <del>[\$24,400] \$28,800</del>	25%
[More than \$23,400] <del>\$28,800</del> or more but less than <del>[\$25,200] \$29,700</del>	20%
[More than \$25,200] <del>\$29,700</del> or more but less than <del>[\$26,100] \$30,600</del>	15%
[More than \$26,100] <del>\$30,600</del> or more but less than <del>[\$27,000] \$31,500</del>	10%

C. Income, as determined pursuant to Subsections A through B above, shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance.

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SECTION 2. Section 2 of Local Law No. 7 of 1980, as amended by Local Law No. 8 of 1993, Local Law No. 6, of 1984, Local Law No. 6, of 1988, Local Law No. 10, of 1990. Local Law No. 14, of 1991, Local Law No. 4, of 1997 and Local Law No. 11 of 2000 is amended to read as follows:

- A. No exemption shall be granted from real property taxes levied by the County of Broome for the year commencing January 1, 1981, and ending December 31, 1981, if the income of the owner or the combined income of the owners of the real property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of \$ 8,200. "Income tax year" shall mean the twelve-month period for which the owner or owners file a federal personal income tax return, or, if no return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed the sum of \$8,200. Such income shall include social security and retirement benefits, interest, dividends, net rental income, salary or earnings and net income from self-employment but shall not include gifts or inheritances.
- B. No exemption shall be granted from real property taxes levied by the County of Broome for the year commencing January 1, 1982, and ending December 31, 1982, if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of \$8,700. " Income tax year" shall mean the twelve-month period for which the owner or owners file a federal personal income tax return or, if no return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed the sum of \$8,700. Such income shall include social security and retirement benefits, interest, dividends, net rental income, salary or earnings and net income from self-employment, but shall not include gifts or inheritances.
- C. No exemption shall be granted from real property taxes levied by the County of Broome for the year commencing January 1, 1983, and ending December 31, 1983, and for years subsequent thereto, if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of \$9,200. "Income tax year" shall mean the twelve-month period for which the owner or owners file a federal personal income tax return or, if no return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed the sum of \$9,200. Such income shall include social security and retirement benefits, interest, dividends, net rental income, salary or earnings and net income from self-employment but shall not include gifts or inheritances.
- D. No exemption shall be granted from real property taxes levied by the County of Broome for the year commencing January 1, 1985, and ending December 31, 1985, and for years subsequent thereto, if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of \$10,200. "Income tax year" shall mean the twelve-month period for which the owner or owners file a federal personal income tax return or, if no return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed the sum of \$10,200. Such income shall include social security and retirement benefits, interest, dividends, net rental income, salary or earnings and net income from self-employment but shall not include gifts or inheritances.

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- E. No exemption shall be granted from real property taxes levied by the County of Broome for the year commencing January 1, 1986, and ending December 31, 1986, and for years subsequent thereto, if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of \$13,499.99. "Income tax year" shall mean the twelve-month period for which the owner or owners file a federal personal income tax return or, if no return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed the sum of \$13,499.99. Such income shall include social security and retirement benefits, interest, dividends, net rental income, salary or earnings and net income from self-employment but shall not include gifts or inheritances.
- F. No exemption shall be granted from real property taxes levied by the County of Broome for the year commencing January 1, 1989, and ending December 31, 1989, and for years subsequent thereto, if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of \$15,024.99. "Income tax year" shall mean the twelve-month period for which the owner or owners file a federal personal income tax return or, if no return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed the sum of \$15,024.99. Such income shall include social security and retirement benefits, interest, dividends, net rental income, salary or earnings and net income from self-employment but shall not include gifts or inheritances.
- G. No exemption shall be granted from real property taxes levied by the County of Broome for the year commencing January 1, 1992, and ending December 31, 1992, and for years subsequent thereto, if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of \$18,599.99. "Income tax year" shall mean the twelve-month period for which the owner or owners file a federal personal income tax return or, if no return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed the sum of \$18,599.99. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange or a capital asset in the same income tax year, net rental income, salary or earnings and net income from self-employment but shall not include a return of capital, gifts or inheritances. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.
- H. No exemption shall be granted from real property taxes levied by the County of Broome for the year commencing January 1, 1993, and ending December 31, 1993, and for years subsequent thereto, if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of \$19,800. "Income tax year" shall mean the twelve-month period for which the owner or owners file a federal personal income tax return or, if no return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed the sum of \$19,800. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings and net income from self-employment but shall not include a return of capital, gifts or inheritances. In

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computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.

- I. No exemption shall be granted for real property taxes levied by the County of Broome for the year commencing January 1, 1999 and ending December 31, 2000 and for years subsequent thereto, if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of \$26,000. "Income tax year" shall mean the twelve-month period for which the owner or owners file a federal income tax return or, if no return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed the sum of \$26,000. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings and net income from self-employment but shall not include a return of capital, gifts or inheritances. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.
- J. No exemption shall be granted for real property taxes levied by the County of Broome for the year commencing January 1, 2002 and ending December 31, 2002 and for years subsequent thereto, if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of [\$26,000] \$27,000. "Income tax year" shall mean the twelve-month period for which the owner or owners file a federal income tax return or, if no return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed the sum of [\$26,000] \$27,000. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings and net income from self-employment but shall not include a return of capital, gifts or inheritances. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.
- K. No exemption shall be granted for real property taxes levied by the County of Broome for the year commencing January 1, 2006 and ending December 31, 2006 and for years subsequent thereto, if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of \$31,500. "Income tax year" shall mean the twelve-month period for which the owner or owners file a federal income tax return or, if no return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed the sum of \$31,500. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings and net income from self-employment but shall not include a return of capital, gifts or inheritances. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.

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[K] L. No exemption shall be granted for real property taxes levied by the County of Broome unless the title of the property shall have been vested in the owner or one of the owners of the property for at least 24 consecutive months prior to the date of making application for exemption; provided, however, that in the event of the death of either a husband or wife in whose name the title of the property shall have been vested at the time of death, which title then becomes vested solely in the survivor by virtue of devise by or descent from the deceased husband or wife, the time of ownership of the property by the deceased husband or wife shall be deemed also a time of ownership by the survivor, and such ownership shall be deemed continuous for the purposes of computing such period of 24 consecutive months; provided, further, that in the event of a transfer by either a husband or wife to the other spouse of all or part of the title to the property, the time of ownership of the property by the transferor spouse shall be deemed also a time of ownership by the transferee spouse, and such ownership shall be deemed continuous for the purposes of computing such period of 24 consecutive months; and provided, further, that where property of the owner or owners has been acquired to replace property formerly owned by such owner or owners and taken by eminent domain for other involuntary proceedings, except a tax sale, the period of ownership of the former property shall be combined with the period of ownership of the property for which application is made for exemption, and such periods of ownership shall be deemed to be consecutive for purposes of this section. Where a residence is sold and replaced with another within one year and is located in Broome County, the period of ownership of the former property shall be combined with the period of ownership of the replacement residence and deemed consecutive for exemption from taxation; provided, however, that where the replacement property is in another school district, the periods of ownership of both properties shall also be deemed consecutive for purposes of the exemption from taxation by such school district. Notwithstanding any other provision of law, where a residence is sold and replaced with another within one year and both residences are within the state, the period of ownership of both properties shall be deemed consecutive for purposes of the exemption from taxation by Broome County or any other municipality within the state granting such exemption.

[L.] M. No exemption shall be granted unless the property is used exclusively for residential purposes.

[M.] N. No exemption shall be granted unless the real property is the legal residence of and is occupied in whole or in part by the owner or by all the owners of the property.

[N.] O. Effective for the year commencing January 1, 1999, and ending December 31, 2000, and for years subsequent thereto, income, as determined pursuant to [Subsection H] Section 1(A) and (B) above, shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance.

SECTION 3. This local law shall become effective following a public hearing before and approved by the County Executive, in the manner prescribed by law.

Material in [brackets] deleted

Material underlined added

Automatically **held over 'under the rules'**.

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### RESOLUTION NO. 143

By Health & Human Services Committee

Seconded by Mr. Brunza

#### **RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE WILLOW POINT NURSING HOME BOARD OF DIRECTORS**

WHEREAS, Jeffery P. Kraham, Broome County Executive, pursuant to the authority vested in him by Article XIV of the Broome County Charter and Administrative Code, has duly designated and appointed the following named individuals to membership on the Willow Point Nursing Home Board of Directors, for the terms indicated, subject to confirmation by this County Legislature:

<u>NAME</u>	<u>TERM EXPIRING</u>
Frederick Guley, Jr. 107 Helen Street Binghamton, New York 13905	New Appointment Term Expires 12/31/06
Russell Pepe 4121 Drexel Drive Vestal, New York 13850	Reappointment Term Expires 12/31/06

and

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

RESOLVED, that this County Legislature, pursuant to the provisions of Article XIV of the Broome County Charter and Administrative Code confirms the appointments of the above-named individuals to membership on the Willow Point Nursing Home Board of Directors for the terms indicated, in accordance with their appointment by the County Executive.

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

### RESOLUTION NO. 144

By Public Safety & Emergency Services Committee

Seconded by Mr. Brunza

#### **RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME COUNTY CRIMINAL JUSTICE ADVISORY BOARD (CJAB)**

WHEREAS, Jeffery P. Kraham, Broome County Executive, pursuant to the authority vested in him by Resolution 61 of 1985, has duly designated and appointed the following named individuals to membership on the Broome County Criminal Justice Advisory Board (CJAB), for the terms indicated, subject to confirmation by this County Legislature:

<u>NAME</u>	<u>TERM EXPIRING</u>
Carl Fenescey 12 Summer Street Binghamton, New York 13901	Reappointment Term Expires 12/31/05
Hon. Gerald Mollen 4209 Emerson Place Vestal, New York 13850	Reappointment Term Expires 12/31/05
Richard Lindhorst 129 Murphy Lane Newark Valley, New York 13811	Reappointment Term Expires 12/31/05
Hon. John Hillis 57 Moeller Street Binghamton, New York 13904	Reappointment Term Expires 12/31/05

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Sheriff David Harder 263 Stateline Road Binghamton, New York 13903	Reappointment Term Expires 12/31/05
James May 63 Park Street Binghamton, New York 13905	Reappointment Term Expires 12/31/05
Arthur Johnson 95 Phelps Street Binghamton, New York 13901	Reappointment Term Expires 12/31/05
Hon. Mary Anne Lehmann 128 Helen Street Binghamton, New York 13905	Reappointment Term Expires 12/31/05
Hon. Martin Smith 12 Chadwick Road Binghamton, New York 13903	Reappointment Term Expires 12/31/05
Michael Husar 1239 Cornell Avenue Binghamton, New York 13901	Reappointment Term Expires 12/31/05
Ivan Moscrip 5411 Route 26 P.O. Box 703 Whitney Point, New York 13862	Reappointment Term Expires 12/31/05
Jay Wilber 3714 Highway Drive Endicott, New York 13760	Reappointment Term Expires 12/31/05
David Nemeč 627 Chenango Street Binghamton, New York 13901	Reappointment Term Expires 12/31/05
Hon. Brian Mather 301 Vandervort Avenue Vestal, New York 13850	Reappointment Term Expires 12/31/04
Christine Morris 377 Robinson Street Binghamton, New York 13904	New Appointment Term Expires 12/31/04 (Fills unexpired term of Lynn Giacobbe)
Chief John Butler 3 Spring Street Binghamton, New York 13902	New Appointment Term Expires 12/31/05
Pearl Reed Klein 1399 County Route 2 Greene, New York 13778	New Appointment Term Expires 12/31/05

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Joseph Cawley  
136 Court Street  
Binghamton, New York 13901

New Appointment  
Term Expires 12/31/05

and

WHEREAS, it is desired at this time to confirm said appointments, now, therefore, be it  
RESOLVED, that this County Legislature, pursuant to the provisions of Resolution 61 of  
1985 confirms the appointments of the above-named individuals to membership on the Broome  
County Criminal Justice Advisory Board (CJAB) for the terms indicated, in accordance with their  
appointment by the County Executive.

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

#### **RESOLUTION NO. 145**

By Education, Culture & Recreation Committee

Seconded by Mr. Brunza

#### **RESOLUTION CONFIRMING AN APPOINTMENT TO MEMBERSHIP ON THE BROOME COUNTY CENTRAL LIBRARY BOARD OF TRUSTEES**

WHEREAS, Jeffrey P. Kraham, County Executive, pursuant to the authority vested in him  
by Resolution 221 of 1984, has duly designated and appointed the following named individual to  
membership on the Broome County Central Library Board of Trustees, for the term indicated,  
subject to confirmation by this County Legislature:

<u>NAME</u>	<u>TERM EXPIRING</u>
Thomas Crossett 25 Stearns Avenue Johnson City, New York 13790	New Appointment Term Expires 12/31/06 (Fills unexpired term of Daria Golazeski)

and

WHEREAS, it is desired at this time to confirm said appointment, now, therefore, be it  
RESOLVED, that this County Legislature, pursuant to the provisions of Resolution 221 of  
1984, hereby confirms the appointment of the above-named individual to membership on the  
Broome County Central Library Board of Trustees for the term indicated, in accordance with his  
appointment by the County Executive.

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

#### **RESOLUTION NO. 146**

By Health & Human Services and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH ACS SERVICE BUREAU, INC. FOR MEDICAL RECORDS REVIEW FOR THE WILLOW POINT NURSING HOME FOR 2003**

WHEREAS, this County Legislature, by Resolution 22 of 2004, authorized an agreement  
with ACS Service Bureau, Inc. for medical records review for the Willow Point Nursing Home at  
a cost not to exceed \$75,000 for the period October 1, 2003 through December 31, 2003, and

WHEREAS, said agreement is necessary to review resident medical records for glucose  
testing that may be billable/reimbursable, and

WHEREAS, it is necessary to authorize the amendment of said agreement to extend the  
term through December 31, 2004, and

WHEREAS, the Administrator of the 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 ACS Service Bureau, Inc., 226 Lowell Street, Suite A2, Wilmington,  
Massachusetts 01887, to extend the term of the agreement through December 31, 2004 for  
medical records review, for the Willow Point Nursing Home, and be it



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WHEREAS, the Administrator of the 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 DenServ, 15 Canal Road, Pelham Manor, New York 10803, to include payment for pre-approved outside oral surgeries where DentServ will pay the first \$2,000 per year, Willow Point Nursing Home will pay the next \$2,000 per year and after \$4,000 per year, DentServ and Willow Point Nursing Home will split the fees 50/50 for the period January 1, 2004 through December 31, 2004, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an additional amount of up to \$3,000 for pre-approved outside oral surgeries, total amount not to exceed \$59,184, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 160218.4712.204000 (Physician Services), and be it

FURTHER RESOLVED, that Resolution 448 of 2003, to the extent consistent herewith, shall remain in full force and effect, and be it

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

**Carried,** Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

### RESOLUTION NO. 149

By Public Works Committee

Seconded by Mr. Brunza

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

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

<u>Name</u>	<u>Term Expiring</u>
David Bradstreet 363 Perry Road Binghamton, New York 13905	Grange Representative December 31, 2004

and

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

RESOLVED, that this County Legislature, pursuant to the provisions of Resolution 115 of 1944 and Resolution 27 of 1972, hereby confirms the appointment of the above-named individual to membership on the Broome County Soil and Water Conservation District Board of Directors for the term indicated, in accordance with his appointment by the Chair of the County Legislature.

**Carried,** Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

### RESOLUTION NO. 150

By Public Safety & Emergency Services and Finance Committees

Seconded by Brunza

#### **RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH CRIME VICTIMS ASSISTANCE CENTER, INC. CHILD ADVOCACY CENTER FOR SUPPORT SERVICES FOR THE DISTRICT ATTORNEY'S OFFICE FOR 2004-2005**

WHEREAS, this County Legislature, by Resolution 657 of 2001, authorized renewal of the agreement with Crime Victims Assistance Center, Inc. Child Advocacy Center for support

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services for the District Attorney's Office in connection with the investigation of child abuse at an amount of \$8,000 per year, total amount not to exceed \$16,000 for the period January 1, 2002 through December 31, 2003, and

WHEREAS, said services are necessary to provide multi-disciplinary interviews of children who are alleged to have been physically or sexually abused and to provide support for the victims, and

WHEREAS, said agreement expired by its terms on December 31, 2003, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$8,000 per year, total amount not to exceed \$16,000, for the period January 1, 2004 through December 31, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with Crime Victims Assistance Center, Inc. Child Advocacy Center, 377 Robinson Street, P.O. Box 836, Binghamton, New York 13902 for support services for the District Attorney's Office in connection with the investigation of alleged physical and sexual child abuse cases, for the period January 1, 2004 through December 31, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor the amount of \$8,000 per year, total amount not to exceed \$16,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 330001.4457.101000 (Subcontracted Program Expense), and be it

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

**Carried,** Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

#### **RESOLUTION NO. 151**

By Health & Human Services, Personnel and Finance Committees      Seconded by Mr. Brunza  
**RESOLUTION AUTHORIZING REVISION OF THE NEW YORK STATE OFFICE FOR AGING (SOFA) SENIOR COMMUNITY SERVICES EMPLOYMENT PROGRAM (SCSEP) GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 263 of 2003, authorized and approved renewal of the New York State Office for Aging (SOFA) Senior Community Services Employment Program (SCSEP) Grant for the Office for Aging and adopted a program budget in connection therewith in the total amount of \$61,228 for the period July 1, 2003 through June 30, 2004, 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 \$4,009 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the New York State Office for Aging (SOFA) Senior Community Services Employment Program (SCSEP) Grant to reflect an increase of \$4,009 for the period July 1, 2003 through June 30, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$65,237, and be it

FURTHER RESOLVED, that Resolution 263 of 2003, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to execute any such agreements, documents or papers, approved as to form

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by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution, and be it

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

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

**Carried, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).**

### **RESOLUTION NO. 152**

By Health & Human Services and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING AN AGREEMENT WITH ACTION FOR OLDER PERSONS, INC. FOR PROFESSIONAL SERVICES FOR THE OFFICE FOR AGING'S AGING FUTURES II PROJECT FOR 2004-2005**

WHEREAS, the Office for Aging requests authorization for an agreement with Action for Older Persons, Inc. for professional services for the Office for Aging's Aging Futures II Project at a cost not to exceed \$16,350, for the period April 1, 2004 through January 31, 2005, and

WHEREAS, said services are necessary to increase awareness of aging services and programs that are available to Broome County's older adult population, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Action for Older Persons, Inc. 30 West State Street, Binghamton, New York 13901, for professional services for the Office for Aging's Aging Futures II Project for the period April 1, 2004 through January 31, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$16,350 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 760850.4457.104888 (Subcontracted Program Expense), and be it

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

**Carried, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).**

### **RESOLUTION NO. 153**

By Health & Human Services and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING AGREEMENT WITH LIFE SCIENCE LABORATORIES, INC. FOR WATER TESTING SERVICES FOR THE DEPARTMENT OF HEALTH FOR 2004-2006**

WHEREAS, the Public Health Director requests authorization for an agreement with Life Science Laboratories, Inc., for water testing services for the Department of Health at a cost not to exceed \$4,000, for the period April 22, 2004 through March 31, 2006, and

WHEREAS, said services are necessary to provide water testing services for total coliform plus e-coli bacteria for positive coliform tests, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Life Science Laboratories, Inc., 5854 Butternut Drive, East Syracuse, New York 13057, for water testing services for the Department of Health for the period April 22, 2004 through March 31, 2006 with an option for a one-year renewal by mutual consent at the same cost, terms and conditions, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$4,000 for the term of the agreement, and be it

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FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480301.4703.104903 (Laboratory Services) for the period April 22, 2004 through March 31, 2005 and 480301.4703.104XXX (Laboratory Services) for the period April 1, 2005 through March 31, 2006, and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

#### **RESOLUTION NO. 154**

By Transportation and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING AGREEMENT WITH LOURDES OCCUPATIONAL HEALTH SERVICES FOR PHYSICAL EXAMINATIONS FOR THE DEPARTMENT OF PUBLIC TRANSPORTATION FOR 2004-2007**

WHEREAS, the Commissioner of Transportation requests authorization for an agreement with Lourdes Occupational Health Services for physical (Article 19-A) examinations for transit bus drivers for the Department of Public Transportation at a rate of \$60 per examination, annual cost not to exceed \$5,000, total amount not to exceed \$15,000 for the period May 10, 2004 through May 9, 2007, and

WHEREAS, said services are necessary to provide State mandated Article 19-A physical examinations for all transit operators, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Lourdes Occupational Health Services, 169 Riverside Drive, Binghamton, New York 13905, for physical (Article 19-A) examinations for transit bus drivers for the Department of Public Transportation for the period May 10, 2004 through May 9, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at a rate of \$60 per examination, total annual cost not to exceed \$5,000, total 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 220004.4449.203110 (Other Operational Expenses), and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

#### **RESOLUTION NO. 155**

By Public Works Committee

Seconded by Mr. Kolba

#### **RESOLUTION DECLARING DEPARTMENT OF PUBLIC WORKS' LESTER AVENUE BRIDGE REHABILITATION PROJECT IN THE VILLAGE OF JOHNSON CITY, TOWN OF UNION, TO BE EXEMPT FROM THE PUBLIC HEARING REQUIREMENT OF THE EMINENT DOMAIN LAW AND AUTHORIZING THE ACQUISITION OF NECESSARY REAL PROPERTY BY PURCHASE OR CONDEMNATION**

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

WHEREAS, the Lester Avenue Bridge Rehabilitation Project in the Village of Johnson City, Town of Union, has been determined under the New York State Environmental Quality Review Act to have no substantial effect on the environment in that it involves only the rehabilitation of the existing bridge, and

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

WHEREAS, the Public Works Committee has reviewed the scope of the aforesaid project and recommends that it be found to be exempt from the public hearing requirement because it is "de minimis" in nature, said determination being based upon the fact that the project involves only the replacement of an existing deficient bridge in its present location having no substantial effect on the environment, and at this time it appears that approximately six permanent easements and four temporary easements shall be obtained from adjoining property owners, now, therefore, be it

RESOLVED, that this County Legislature hereby finds the Department of Public Works Lester Avenue Bridge Rehabilitation Project in the Village of Johnson City, Town of Union, to be "de minimis" in nature and therefore exempt from the public hearing requirement of the Eminent Domain Law, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes the acquisition by purchase or condemnation of the real property necessary to undertake and perform the aforesaid reconstruction project in accordance with the design and specifications for said project. **Carried**, Ayes-11 (Burger, Hudak, Hull, Kolba, Lindsey, Marinich, Miller, Nannery, Pasquale, Shafer, Schofield), Nays-5 (Brunza, Hutchings, Kuzel, Reynolds, Whalen), Absent-3 (Howard, Mather, Wike).

### RESOLUTION NO. 156

By Finance Committee

Seconded by Mr. Brunza

#### RESOLUTION AUTHORIZING ADJUSTMENT TO 2004 SCHOOL TAX BILLS FOR VARIOUS MUNICIPALITIES

WHEREAS, the Director of Real Property Tax Service is requesting authorization for the Commissioner of Finance to adjust 2004 Town and County bills for various properties and for the reasons as shown below, now, therefore, be it

RESOLVED, that this County Legislature hereby approves the adjustment of 2004 Town and County for various properties in various municipalities as shown below:

#### Town of Colesville

People State of New York (no tax map) Acct. #26790500000  
Assessment from 110 to 50 (for town purposes only)

	<u>Incorrect Tax</u>	<u>Correct Tax</u>
Budget Note	\$ 0.23	\$ 0.23
Med./DSS	7.79	7.79
County Serv.	0	0
Town Gen.	2.25	1.15
Total	\$10.54	\$9.17

#### Town of Kirkwood

People State of New York - Tax Map # 163.01-2-34  
Assessment from 600 to 0 (for town purposes only)

	<u>Incorrect Tax</u>	<u>Correct Tax</u>
Budget Note	\$ 0.14	\$ 0.14
Med./DSS	4.53	4.53
County Serv.	0	0
Town Gen.	0.12	0
Town Hwy.	0.82	0
Fire	0.67	0
Total	\$6.28	\$4.67

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**Town of Lisle**

People State of New York (no tax map #) Acct. #36793000000  
Assessment from 1,040 to 0 (for town purposes only)

	<u>Incorrect Tax</u>	<u>Correct Tax</u>
Budget Note	\$ 0.26	\$ 0.26
Med./DSS	8.71	8.71
County Serv.	0	0
Town Gen.	1.34	0
Town Hwy.	2.45	0
Total	\$12.76	\$8.97

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

**RESOLUTION NO. 157**

By Finance Committee

Seconded by Mr. Brunza

**RESOLUTION AUTHORIZING CANCELLATION OF WATER AND SEWER CHARGES PLUS ACCRUED INTEREST AND PENALTIES ON A PARCEL IN THE TOWN OF DICKINSON**

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

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

Parcel ID:	145.05-1-17
Town:	Dickinson
Owner:	Broome County
Current tax bill amount:	\$1147.17
2003 Sewer Amount to be Cancelled:	\$191.48
2003 Water Amount to be Cancelled:	\$168.27
Reason:	Parcel sold at County auction, water and sewer relievis should not have been added to the tax bill
Correct tax bill amount:	\$787.42

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

**RESOLUTION NO. 158**

By Public Safety & Emergency Services and Finance Committees

Seconded by Mr. Brunza

**RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH THE NEW YORK STATE OFFICE OF MENTAL HEALTH FOR LEASE OF SPACE FOR THE OFFICE OF THE SHERIFF FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 380 of 2003, authorized an agreement with the New York State Office of Mental Health for lease of space for the Office of the Sheriff at a cost not to exceed \$2,000, for the period October 1, 2003 through September 30, 2004, and

WHEREAS, it is necessary to authorize the amendment of said agreement to provide for an increase in the annual cost of \$1,000, total amount not to exceed \$3,000, and authorization to enter into a Revocable Permit agreement beginning January 1, 2004 and continuing until the permit is revoked or the County wishes to discontinue occupancy of the premises at 425 Robinson Street, Binghamton, New York, and

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

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RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with New York State Office of Mental Health, 44 Holland Avenue, Albany, New York 12201 for an increase in the annual cost of \$1,000 and authorization to enter into a Revocable Permit agreement beginning January 1, 2004 and continuing until the permit is revoked or the County wishes to discontinue occupancy of the premises at 425 Robinson Street, Binghamton, New York, and be it

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

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 996025.603000 (Subsidiary Trust Account 525525029), and be it

FURTHER RESOLVED, that Resolution 380 of 2003, to the extent consistent herewith, shall remain in full force and effect, and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

### **RESOLUTION NO. 159**

By Public Safety & Emergency Services, County Administration and Finance Committees  
Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING ACCEPTANCE OF A MOBILE DATA PROGRAM GRANT FOR THE OFFICE OF THE SHERIFF AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2005**

WHEREAS, the Broome County Sheriff requests authorization to accept a Mobile Data Program Grant and adopt a program budget in the amount of \$3,000 for the period April 1, 2003 through September 15, 2005, and

WHEREAS, said grant program provides mobile data terminals for patrol supervisors' vehicles to monitor patrol activity and to deploy resources more efficiently, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$3,000 from the New York State Division of Criminal Justice Services, 4 Tower Place, Albany, New York 12203-3764 for the Office of the Sheriff's Mobile Data Program Grant for the period April 1, 2003 through September 15, 2005, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$3,000, and be it

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

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

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

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### RESOLUTION NO. 160

By Public Safety & Emergency Services, Personnel and Finance Committees  
Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A BROOME COUNTY WATER RESCUE/SCUBA TEAM AND AUTHORIZING WORKERS' COMPENSATION TO MEMBERS OF SAID TEAM**

WHEREAS, the Director of Emergency Services requests authorization to establish a Broome County Water Rescue/SCUBA Team, and

WHEREAS, the Director of Emergency Services requests authorization to provide Workers' Compensation benefits to said team members, and

WHEREAS, team members will be volunteers and will receive no compensation for their service to the County, and

WHEREAS, team members face the possibility of injury, illness or death when responding to water rescue incidents, and

WHEREAS, this County Legislature desires to establish the Broome County Water Rescue/SCUBA Team and provide Workers' Compensation benefits to said team members, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves the establishment of the Broome County Water Rescue/SCUBA Team, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes and approves providing Workers' Compensation benefits to said team members, pursuant to the New York State Workers' Compensation Law, and be it

FURTHER RESOLVED, that such benefits shall be paid from the fund established by Chapter 76 of the Broome County Charter and Code, and be it

FURTHER RESOLVED, that any such expenses paid shall be allocated to Emergency Services, and be it

FURTHER RESOLVED, that the Director of Emergency Services shall maintain a roster of team members, and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately.

**Carried, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).**

### RESOLUTION NO. 161

By Public Safety & Emergency Services and Finance Committees      Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING RENEWAL OF EMERGENCY MANAGEMENT PERFORMANCE GRANT FOR OFFICE OF EMERGENCY SERVICES AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 29 of 2003, authorized and approved continued participation in the Emergency Management Performance Grant for the Office of Emergency Services and adopted a program budget in the amount of \$33,280 for the period October 1, 2002 through September 30, 2003, and

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

WHEREAS, it is desired to renew said grant program in the amount of \$43,803 for the period October 1, 2003 through September 30, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$43,803 from the New York State Emergency Management Office, 120 Washington Avenue, Building 22, Suite 101, Albany, New York 12226-2251, for the Office of Emergency Services' Emergency Management Performance Grant for the period October 1, 2003 through September 30, 2004, and be it

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

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

### **RESOLUTION NO. 162**

By Public Safety & Emergency Services, County Administration and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING ACCEPTANCE OF A WIRELESS 911 EXPEDITED DEPLOYMENT PLAN AND FUNDING GRANT FOR THE OFFICE OF EMERGENCY SERVICES AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2004-2005**

WHEREAS, the Director of Emergency Services requests authorization to accept a Wireless 911 Expedited Deployment Plan and Funding Grant for the Office of Emergency Services and adopt a program budget in the amount of \$263,012 for the period May 1, 2004 through April 30 2005, and

WHEREAS, said grant program provides equipment, installation and maintenance costs necessary to provide enhanced wireless 911 services, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$263,012 from New York Department of State, New York State 911 Board, 41 State Street, Albany, New York 12231-0001 for the Office of Emergency Services Wireless 911 Expedited Deployment Plan and Funding Grant for the period May 1, 2004 through April 30, 2005, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$263,012, and be it

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

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

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

### **RESOLUTION NO. 163**

By Public Safety & Emergency Services and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING RENEWAL OF A BROOME COUNTY IMPAIRED DRIVING DETERRENCE PROGRAM GRANT FOR THE STOP-DWI PROGRAM, ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH AND RENEWING AGREEMENTS WITH VARIOUS MUNICIPALITIES FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 657 of 2002, authorized and approved the Broome County Impaired Driving Deterrence Program Grant for the STOP-DWI Program, adopted a program budget in the amount of \$31,380 and authorizing agreements with various Broome County police agencies for the October 1, 2002 through September 30, 2003, and

WHEREAS, said grant program enhances STOP-DWI enforcement and public awareness initiatives, and

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WHEREAS, it is desired to renew said grant program in the amount of \$24,000, adopt a program budget and authorize agreements with various Broome County police agencies for the period October 1, 2003 through September 30, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$24,000 from the Governor's Traffic Safety Committee, Department of Motor Vehicles, 6 Empire State Plaza, Albany, New York 12228 for the Broome County Impaired Driving Deterrence Program for the period October 1, 2003 through September 30, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$24,000, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes agreements with various Broome County police agencies as listed on Exhibit "B" and for the amounts as indicated on Exhibit "B" for the period October 1, 2003 through September 30, 2004, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 820027.4457.104XXX (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) is hereby authorized to make any transfers of funds required within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

**Carried, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).**

#### **RESOLUTION NO. 164**

By Education, Culture & Recreation, Personnel and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING RENEWAL OF NATURAL HERITAGE TRUST GRANT-ZBGA AWARD AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR THE DEPARTMENT OF PARKS AND RECREATION FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 111 of 2003, authorized and approved the renewal of the Natural Heritage Trust Grant-ZBGA Award and adopted a program budget in the amount of \$5,523 for the period April 1, 2002 through March 31, 2003, and

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

WHEREAS, it is desired to renew said grant program in the amount of \$4,971 for the period April 1, 2003 through March 31, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$4,971 from New York State Office of Parks, Recreation and Historic Preservation, Empire State Plaza, Agency Building 1, Albany, New York 12238, for the Natural Heritage Trust Grant-ZBGA Award for the period April 1, 2003 through March 31, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$4,971, 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

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

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

**Carried, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).**

### **RESOLUTION NO. 165**

By Public Safety & Emergency Services, Personnel and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING RENEWAL OF THE DEA OVERTIME TASK FORCE PROGRAM GRANT FOR THE OFFICE OF THE SHERIFF AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2004-2005**

WHEREAS, this County Legislature, by Resolution 344 of 2003, authorized and approved the continued participation in the DEA Overtime Task Force Program Grant for the Office of the Sheriff and adopted a program budget in the amount of \$20,000 for the period April 1, 2003 through March 31, 2004, and

WHEREAS, said grant program provides funding for overtime and fringe benefits for one officer, and

WHEREAS, it is desired to renew said grant program in the amount of \$20,000 for the period April 1, 2004 through March 31, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$20,000 from the New York State Division of Criminal Justice Services, Executive Park Tower, Stuyvesant Plaza, Albany, New York 12203-3764, for the Office of the Sheriff's DEA Overtime Task Force Program Grant for the period April 1, 2004 through March 31, 2005, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$20,000, and be it

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

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

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

**Carried, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).**

### **RESOLUTION NO. 166**

By Public Works and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING AN AGREEMENT WITH THE VILLAGE OF JOHNSON CITY 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

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WHEREAS, the Commissioner of Public Works has determined that the County has no further need of two used twin post above ground vehicle lifts, and

WHEREAS, the Commissioner of Public Works requests authorization for an agreement with the Village of Johnson City for the sale of said "as is" equipment to the Village for \$1, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an intergovernmental agreement between the Department of Public Works and the Village of Johnson City for the sale of two "as is" used twin post above ground vehicle lifts for \$1, and be it

FURTHER RESOLVED, that the revenue hereinabove received shall be credited to budget line 030007.0559.250000 (Miscellaneous Revenue), and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

### **RESOLUTION NO. 167**

By Health & Human Services and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING THE OFFICE FOR AGING TO ACCEPT THE DISTRIBUTION OF FUNDS FROM THE ESTATE OF DR. LLOYD C. AND ALICE J. PETERS FOR THE MEALS-ON-WHEELS PROGRAM**

WHEREAS, the Broome County Office for Aging's Meals-on-Wheels Program has been named as a beneficiary in the will of the late Dr. Lloyd C. and Alice J. Peters, and

WHEREAS, the Office For Aging has been notified that its Meals-on-Wheels Program will receive a bequest of approximately \$15,000 to be used to honor and directly benefit the individuals that make this program possible through such programs as the yearly appreciation dinner, the promotion of volunteerism and service recognition, and

WHEREAS, the Director of the Office for Aging requests authorization to accept a distribution of approximately \$15,000 from Alan Peters, executor of the Last Will and Testament of the estate of Dr. Lloyd C. and Alice J. Peters, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the acceptance of a distribution of approximately \$15,000 from Alan Peters, 7 Edwards Street, Binghamton, New York 13903, executor of the Last Will and Testament of the estate of Dr. Lloyd C. and Alice J. Lewis, deceased, as a distribution of the bequest to the Office for Aging's Meals-on-Wheels Program, and be it

FURTHER RESOLVED, that the distribution of the bequest from the estate of Dr. Lloyd C. and Alice J. Peters hereinabove authorized shall be deposited in the Office For Aging's Title III-C-2 Home Delivered Meals Program Grant, 760744.0166.104826 (Miscellaneous Contributions), and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

### **RESOLUTION NO. 168**

By Health & Human Services and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING AGREEMENTS WITH VARIOUS DAY CARE PROVIDERS FOR MEDICATION ADMINISTRATION TRAINING PROVIDED BY THE BROOME COUNTY HEALTH DEPARTMENT FOR 2004-2005**

WHEREAS, the Public Health Director requests authorization to enter into agreements with various day care providers for Medication Administration Training to be provided by the

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Broome County Health Department, resulting in revenue to the County in the amount of \$100 per person, for the period March 1, 2004 through March 1, 2005, and

WHEREAS, said training is necessary to meet a new State health and safety issue requiring that childcare providers be certified to administer medication to children under their care, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes agreements with various day care providers as listed on Exhibit "A", to enable the Broome County Health Department to provide Medication Administration Training to said day care providers for the period March 1, 2004 through March 1, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the day care providers shall pay the County an amount not to exceed \$100 per person for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 480293.0057.101080 (Student Tuition), and be it

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

**Carried,** Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

### **RESOLUTION NO. 169**

By Health & Human Services, Personnel and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING REVISION OF A STEPS TO A HEALTHIER US INITIATIVE PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 565 of 2003, authorized and approved the Steps to a Healthier US Initiative Program Grant for the Department of Health, adopted a program budget in connection therewith in the total amount of \$350,250 and entered into an agreement with Broome-Tioga BOCES for a part time school health coordinator to coordinate school-based interventions and handle contracts with school district health advisory councils for said program grant for the period September 22, 2003 through September 21, 2004, and

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

WHEREAS, it is necessary at this time to revise said program to reflect a decrease in the amount of \$54,750 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Steps to a Healthier US Initiative Program Grant to reflect a decrease of \$54,750 for the period September 22, 2003 through September 21, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$295,500, and be it

FURTHER RESOLVED, that Resolution 565 of 2003, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

#### **RESOLUTION NO. 170**

By Health & Human Services and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING AGREEMENT WITH VARIOUS VENDORS FOR VARIOUS SERVICES FOR THE DEPARTMENT OF HEALTH'S STEPS TO A HEALTHIER US INITIATIVE PROGRAM GRANT FOR 2004**

WHEREAS, the Director of Public Health requests authorization for an agreement with various vendors for various services in administering the Department of Health's Steps to a Healthier US Initiative Program Grant at a cost not to exceed those listed on Exhibit "A" for the period May 1, 2004 through September 21, 2004, and

WHEREAS, said services are necessary to promote healthy lifestyles in Broome County by reducing the burden of obesity, diabetes and asthma through selected community and school based interventions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with various vendors as listed on Exhibit "A", for various services, for the Department of Health's Steps to a Healthier US Initiative Program Grant for the period May 1, 2004 through September 21, 2004, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractors an amount not to exceed those listed on Exhibit "A" for the term of the agreements, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480301.4457.104842 (Subcontracted Program Expense), and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

#### **RESOLUTION NO. 171**

By Health & Human Services and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH THE RESEARCH FOUNDATION OF SUNY AT BINGHAMTON FOR THE WEST NILE VIRUS SURVEILLANCE PROGRAM FOR THE DEPARTMENT OF HEALTH FOR 2004**

WHEREAS, this County Legislature, by Resolution 214 of 2003, authorized the renewal of agreement with The Research Foundation of SUNY at Binghamton for the West Nile Virus Surveillance Program for the Department of Health at a cost not to exceed \$8,500 for the period May 26, 2003 through September 30, 2003, and

WHEREAS, said agreement is necessary for bird surveillance, the collection, identification and testing of adult mosquito/larva for the West Nile Virus throughout Broome County, and

WHEREAS, said agreement expired by its terms on September 30, 2003, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$8,500, for the period April 22, 2004 through September 30, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with The Research Foundation of SUNY at Binghamton, Office of Research and Sponsored Programs, Cooper Administration Building-242, P.O. Box 6000, Binghamton, New York 13902-6000 for bird surveillance, the collection, identification and testing of adult mosquito/larva for the West Nile Virus for the Department of Health for the period April 22, 2004 through September 30, 2004, and be it

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FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$8,500 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480137.4545.101000 (Contracted Services), and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

### **RESOLUTION NO. 172**

By Health & Human Services and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING REVISION OF THE HEALTHY LIVING PARTNERSHIP/HRI PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 377 of 2003, authorized and approved renewal of the Healthy Living Partnership/HRI Program Grant for the Department of Health and adopted a program budget in connection therewith in the total amount of \$127,561 for the period June 30, 2003 through June 29, 2004, and

WHEREAS, said grant program provides a regional approach to breast and cervical cancer screening and diagnostic services for eligible women in a five-county region that includes Broome, Tioga, Chenango, Otsego and Delaware Counties, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$76,000 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Healthy Living Partnership/HRI Program Grant to reflect an increase of \$76,000 for the period June 30, 2003 through June 29, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$203,561, and be it

FURTHER RESOLVED, that Resolution 377 of 2003, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

### **RESOLUTION NO. 173**

By Health & Human Services, Personnel and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING REVISION OF THE TOBACCO CONTROL AND INSURANCE INITIATIVES PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH, ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH AND AMENDING AGREEMENT WITH THE TIOGA COUNTY HEALTH DEPARTMENT FOR 2003-2004**

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WHEREAS, this County Legislature, by Resolution 211 of 2003, authorized and approved the continued participation in the Tobacco Control and Insurance Initiatives Program Grant for the Department of Public Health, adopted a program budget in the amount of \$238,329 and authorized an agreement with Tioga County Health Department in the amount of \$36,420 to assist in the administration of said program for the period June 1, 2003 through May 31, 2004, and

WHEREAS, said grant program allows the Broome County Department of Health to be the fiscal agent and to support tobacco control and prevention-related project activities, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in grant appropriations of \$39,722, an increase in the Tioga County Health Department agreement of \$6,070 and extending the grant and subsequent agreement period to June 1, 2003 through July 31, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Tobacco Control and Insurance Initiatives Program Grant to reflect an increase in grant appropriations of \$39,722, total grant appropriations of \$278,051 and to extend the period to June 1, 2003 through July 31, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$278,051, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with the Tioga County Health Department, Health Education Division, 231 Main Street, Owego, New York 13827, to reflect an increase of \$6,070, total amount not to exceed \$42,490, to assist in the administration of the Tobacco Control and Insurance Initiatives Program Grant, for the amended period of June 1, 2003 through July 31, 2004, and be it

FURTHER RESOLVED, that Resolution 211 of 2003, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

#### **RESOLUTION NO. 174**

By Health & Human Services, Personnel and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING REVISION OF THE DIABETES PREVENTION AND CONTROL PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 249 of 2003, as amended by Resolution 19 of 2004, authorized and approved renewal of the Diabetes Prevention Program Grant for the Department of Health and adopted a program budget in connection therewith in the total amount of \$55,000 for the period April 1, 2003 through March 31, 2004, and

WHEREAS, said grant program provides diabetes awareness, education and screening to targeted populations in a five county region which includes Broome, Tioga, Chenango, Delaware and Otsego Counties, and

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WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$25,000 in grant appropriations and extend the period through September 30, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Diabetes Prevention and Control Program Grant to reflect an increase of \$25,000 and extend the period of the grant to April 1, 2003 through September 30, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$80,000, and be it

FURTHER RESOLVED, that Resolution 249 of 2003 and Resolution 19 of 2004, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

**Carried, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).**

#### **RESOLUTION NO. 175**

By Health & Human Services and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENTS WITH VARIOUS VENDORS FOR PROFESSIONAL SERVICES FOR THE DEPARTMENT OF HEALTH'S DIABETES PREVENTION AND CONTROL PROGRAM GRANT FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 250 of 2003, as amended by Resolution 20 of 2004, authorized renewal of agreements with various vendors for professional services for the Department of Health's Diabetes Prevention and Control Program Grant at a cost not to exceed \$36,880, for the period April 1, 2003 through March 31, 2004, and

WHEREAS, said agreements provide project coordination, diabetes awareness, education and screening to targeted populations in a five-county region which includes Broome, Tioga, Chenango, Delaware and Otsego, and

WHEREAS, it is necessary to authorize an amendment to said agreements to reflect an increase total amount not to exceed \$47,880 and extend the term to April 1, 2003 through September 30, 2004, and

WHEREAS, the Director of Public Health requests authorization for an agreement with Chenango Health Network for professional services for the Department of Health's Diabetes Prevention and Control Program Grant at a cost not to exceed \$800 for the period April 1, 2003 through September 30, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreements with the various vendors as listed on Exhibit "A", to reflect an increase, total amount not to exceed the amounts listed on Exhibit "A" for professional services for the Department of Health's Diabetes Prevention and Control Program Grant and extend the term to April 1, 2003 through September 30, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with Chenango Health Network, 24 Conkey Avenue, Box 209, Norwich, New York 13815 for professional services for the Department of Health's Diabetes Prevention and Control Program Grant for the period April 1, 2003 through September 30, 2004, and be it

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FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractors an amount not to exceed \$47,880 for the term of the agreements, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480301.4457.104802 (Sub-contracted program Expense), and be it

FURTHER RESOLVED, that Resolution 250 of 2003 and Resolution 20 of 2004, to the extent consistent herewith, shall remain in full force and effect, and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

### **RESOLUTION NO. 176**

By Health & Human Services, Personnel and Finance Committees      Seconded by Mr. Brunza  
**RESOLUTION AUTHORIZING REVISION OF THE HIV CARE NETWORK GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2005**

WHEREAS, this County Legislature, by Resolution 105 of 2003, as amended by Resolution 246 of 2003, authorized and approved renewal of the HIV Care Network Program Grant for the Department of Health and adopted a program budget in connection therewith in the total amount of \$97,583 for the period April 1, 2003 through March 31, 2004, and

WHEREAS, said grant program provides funding for the administration of the NY-Penn Region HIV Care Network, a local coalition responsible for defining the local HIV/AIDS epidemic, planning and coordination of services and raising public awareness, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$90,583 in grant appropriations and extend the term to April 1, 2003 through March 31, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the HIV Care Network Grant to reflect an increase of \$90,583 and extend the term of the grant to April 1, 2003 through March 31, 2005, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$188,166, and be it

FURTHER RESOLVED, that Resolutions 105 and 246 of 2003, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

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### **RESOLUTION NO. 177**

By Health & Human Services and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION REQUESTING AN INCREASE IN RATES FOR MILEAGE REIMBURSEMENT FOR THE OFFICE FOR AGING**

WHEREAS, the Meals on Wheels Home Delivered Meals Program has been operated by the Office for Aging since 1995, and

WHEREAS, volunteers have been utilized by the Office for Aging to provide meal delivery service to clients and have been reimbursed for mileage at a rate of \$3.00 for meal routes departing from Binghamton and \$.32 per mile for meal routes more than 10 miles long, and

WHEREAS, because of rising costs and inflation it is necessary for Office for Aging to increase the rates paid to these volunteers to maintain a level of service which is crucial to this program, now, therefore, be it

RESOLVED, that the Broome County Office for Aging is authorized to continue reimbursement of volunteers who use their own vehicles to deliver meals at the rate of \$3.50 for meal routes departing from Binghamton and \$.37 per mile for meal routes more than 10 miles long, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 760744.4465.104826 (Non-Employee Travel), and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

### **RESOLUTION NO. 178**

By Health & Human Services and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH MOTHERS AND BABIES PERINATAL NETWORK. FOR SERVICES FOR THE DEPARTMENT OF HEALTH'S TOBACCO CONTROL AND INSURANCE INITIATIVES PROGRAM GRANT FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 208 of 2003, authorized an agreement with Mothers and Babies Perinatal Network for services for the Department of Health's Tobacco Control and Insurance Initiatives Program Grant in the amount of \$5,000 for the period June 1, 2003 through May 31, 2004, and

WHEREAS, said services are necessary to conduct community education activities and events related to smoking prevention education and control, and

WHEREAS, it is necessary to authorize an amendment to said agreement to reflect an \$833 increase and to extend the agreement to June 1, 2003 through July 31, 2004, and

WHEREAS, the Public Health Director 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 Mothers and Babies Perinatal Network, 45 Lewis Street, Binghamton, New York 13905, to reflect an increase of \$833, total amount not to exceed \$5,833, for services for the Department of Health's Tobacco Control and Insurance Initiatives Grant and to extend the term of the agreement to June 1, 2003 through July 31, 2004, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 480301.4457/4458.104786 (Subcontracted Program Expenses/Other Program Expenses), and be it

FURTHER RESOLVED, that Resolution 208 of 2003, to the extent consistent herewith, shall remain in full force and effect, and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

#### **RESOLUTION NO. 179**

By Health & Human Services and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH MCCUE ADVERTISING AND PUBLIC RELATIONS, INC. FOR AN ANTI-SMOKING ADVERTISING CAMPAIGN FOR THE DEPARTMENT OF HEALTH'S TOBACCO CONTROL AND INSURANCE INITIATIVES PROGRAM GRANT FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 209 of 2003, authorized an agreement with McCue Advertising and Public Relations, Inc. for an anti-smoking advertising campaign for the Department of Health's Tobacco Control and Insurance Initiatives Program Grant in the amount of \$93,040, for the period June 1, 2003 through May 31, 2004, and

WHEREAS, it is necessary to authorize the amendment of said agreement to reflect an increase of \$15,506 and to extend the term to June 1, 2003 through July 31, 2004, and

WHEREAS, the Public Health Director 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 McCue Advertising and Public Relations, Inc., 91 Riverside Drive, Binghamton, New York 13905, to reflect an increase of \$15,506, total amount not to exceed \$108,546 for an anti-smoking advertising campaign for the Department of Health's Tobacco Control and Insurance Initiatives Program Grant and to extend the term to June 1, 2003 through July 31, 2004, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 480301.4457/4458.104786 (Subcontracted Program Expenses/Other Program Expenses), and be it

FURTHER RESOLVED, that Resolution 209 of 2003, to the extent consistent herewith, shall remain in full force and effect, and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

#### **RESOLUTION NO. 180**

By Health & Human Services and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH VARIOUS VENDORS FOR VARIOUS SERVICES FOR THE DEPARTMENT OF HEALTH'S HEALTHY LIVING PARTNERSHIP INTEGRATED CANCER SERVICES PROGRAM GRANT FOR 2004-2005**

WHEREAS, this County Legislature, by Resolution 207 of 2003, as amended by Resolution 566 of 2003, authorized renewal of agreements with various vendors for various services for the Department of Health's Healthy Living Partnership Integrated Cancer Services Program Grant at rates not to exceed those listed on Exhibit "B" of said resolution for the period April 1, 2003 through March 31, 2004, and

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

WHEREAS, said agreements expired by their terms on March 31, 2004, and it is desired at this time to renew various agreements on substantially similar terms and conditions, at rates not to

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exceed those listed on Exhibit "B", for the period April 1, 2004 through March 31, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of agreements with various vendors for various services as shown on Exhibit "A" for the Department of Health's Healthy Living Partnership Integrated Cancer Services Program Grant for the period April 1, 2004 through March 31, 2005, and be it

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

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480301.4715.104XXX (Other Health and Medical Services) and 480301.4707.104XXX (Medical and Hospital 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, seconded by Mr. Lindsey, to amend the resolution replacing Exhibit A to include Dr. Diane Georgeson. **Amendment carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike). **Resolution as amended carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

### RESOLUTION NO. 181

By Health & Human Services and Finance Committees

Seconded by Mr. Brunza

**RESOLUTION AUTHORIZING RENEWAL OF AGREEMENTS WITH ROBERT PACKER HOSPITAL AND GUTHRIE CLINIC LIMITED FOR COLORECTAL CANCER SCREENING SERVICES FOR THE DEPARTMENT OF HEALTH'S HEALTHY LIVING PARTNERSHIP INTEGRATED CANCER SERVICES PROGRAM FOR 2004-2005**

WHEREAS, this County Legislature, by Resolution 207 of 2003, as amended by Resolution 566 of 2003, authorized agreements with various vendors for various services for the Department of Health's Healthy Living Partnership Integrated Cancer Services Program Grant at rates not to exceed those listed on Exhibit "B" of said resolution for the period April 1, 2003 through March 31, 2004, and

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

WHEREAS, said agreements expired by their terms on March 31, 2004, and it is desired at this time to renew agreements with Robert Packer Hospital and Guthrie Clinic Limited on substantially similar terms and conditions, for an amount not to exceed those listed on Exhibit "B", for the period April 1, 2004 through March 31, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreements with Robert Packer Hospital, Guthrie Square, Sayre, Pennsylvania 11840 and Guthrie Clinic Limited, One Guthrie Square, Sayre, Pennsylvania 11840 for services as shown on Exhibit "A" for the Department of Health's Healthy Living Partnership Integrated Cancer Services Program Grant for the period April 1, 2004 through March 31, 2005, and be it

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

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480301.4707.104XXX (Medical and Hospital Services) and 480301.4715.104XXX (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-16, Nays-0, Absent-3 (Howard, Mather, Wike).

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**RESOLUTION NO. 182**

By Health & Human Services and Finance Committees

Seconded by Mr. Brunza

**RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH DELAWARE COUNTY AGENCIES FOR VARIOUS SERVICES FOR DEPARTMENT OF HEALTH'S HEALTHY LIVING PARTNERSHIP INTEGRATED CANCER SERVICES PROGRAM GRANT FOR 2004-2005**

WHEREAS, this County Legislature, by Resolution 207 of 2003, as amended by Resolution 566 of 2003, authorized renewal of agreements with various vendors for various services for the Department of Health's Healthy Living Partnership Integrated Cancer Screening Services Program Grant at rates not to exceed those listed on Exhibit "B" of said resolution for the period April 1, 2003 through March 31, 2004, and

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

WHEREAS, said agreements expired by their terms on March 31, 2004, and it is desired at this time to renew various agreements on substantially similar terms and conditions, at rates not to exceed those listed on Exhibit "B", for the period April 1, 2004 through March 31, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with various Delaware County vendors for various services as shown on Exhibit "A" for the Department of Health's Healthy Living Partnership Integrated Cancer Service Program Grant for the period April 1, 2004 through March 31, 2005, and be it

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

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480301.4715.104XXX (Other Health and Medical Services) and 480301.4707.104XXX (Medical and Hospital 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, seconded by Mr. Burger, to amend the resolution replacing Exhibit A to include Dr. Diane Georgeson. **Amendment carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike). **Resolution as amended carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

**RESOLUTION NO. 183**

By Public Safety & Emergency Services Committee

Seconded by Mr. Brunza

**RESOLUTION ACCEPTING A MEMORANDUM OF UNDERSTANDING BETWEEN THE SOUTHERN TIER CHAPTER OF THE AMERICAN RED CROSS AND THE BROOME COUNTY DEPARTMENT OF MENTAL HEALTH FOR INCLUSION IN THE BROOME COUNTY EMERGENCY OPERATIONS PLAN**

WHEREAS, the Director of Emergency Services recommends that this County Legislature accept a Memorandum of Understanding between the Southern Tier Chapter of the American Red Cross and the Broome County Department of Mental Health for inclusion in the Broome County Emergency Operations Plan, and

WHEREAS, said Memorandum of Understanding defines a working relationship between the American Red Cross and the Department of Mental Health in preparing for and responding to the psychological needs of Red Cross responders, victims and families in disaster relief situations in Broome County, now, therefore, be it

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RESOLVED, that this County Legislature hereby accepts the Memorandum of Understanding between the Southern Tier Chapter of the American Red Cross, 620 East Main Street, Endicott, New York 13760 and the Broome County Department of Mental Health for inclusion in the Broome County Emergency Operations Plan, beginning April 1, 2004, and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

#### **RESOLUTION NO. 184**

By Personnel and Public Safety & Emergency Services Committees

Seconded by Mr. Hull

#### **RESOLUTION GRANTING A WAIVER OF RESIDENCY FOR DEBORAH L. PHELPS FOR EMPLOYMENT AS A BROOME COUNTY DEPUTY SHERIFF OF THE HIGHWAY PATROL**

WHEREAS, this County Legislature, by Resolution 82 of 1989, as amended by Resolution 510 of 1999, adopted residency requirements for Broome County officers and employees, and

WHEREAS, said Resolutions provided for waivers of the residency requirement upon the happening of certain conditions, and

WHEREAS, Deborah L. Phelps, who resides outside the County is otherwise qualified for the position of Deputy Sheriff of Highway Patrol, and

WHEREAS, Ms. Phelps has served in said capacity since 1997, and prior to that has served as a Deputy Sheriff with the Office of the Sheriff of Tioga County, and

WHEREAS, at the time of her initial employment as a Deputy Sheriff, Ms. Phelps was assured by former Sheriff Geno DeAngelo and his staff that she could continue to live in her Tioga County home while employed as a Broome County Deputy Sheriff, and

WHEREAS, since 1997, Ms. Phelps has satisfactorily performed the duties of a Deputy Sheriff of the Highway Patrol and in light of her performance and her general experience as a Deputy Sheriff, the Broome County Sheriff requests that this County Legislature grant a residency waiver, allowing Ms. Phelps to continue to work as a Deputy Sheriff of the Broome County Highway Patrol, now, therefore, be it

RESOLVED, that this County Legislature hereby finds that the situation pertaining to Ms. Phelps as a Deputy Sheriff of the Highway Patrol is a unique hiring situation as defined in Resolution 82 of 1989, as amended by Resolution 510 of 1999, justifying the granting of a waiver of the residency requirements for the position, and be it

FURTHER RESOLVED, that this County Legislature hereby exempts and waives the certificate of residency for Deborah L. Phelps, 4 Hilldale Drive, Endicott, New York 13760 and the residency requirement of Resolution 82 of 1989, as amended by Resolution 510 of 1999, in order that she may continue to work as a Broome County Deputy Sheriff of the Highway Patrol, and be it

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

Mr. Whalen made a motion, seconded by Mr. Shafer, to amend the resolution adding the following as the second FURTHER RESOLVED:

"FURTHER RESOLVED, said waiver shall be for a period of two years to allow Deborah L. Phelps time to obtain and establish permanent residency in Broome County, and be it"

Resolution was then **held over 'under the rules'** by Mr. Hull.

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**RESOLUTION NO. 185**

By Personnel & Public Safety and Emergency Services Committee      Seconded by Ms. Hudak  
**RESOLUTION GRANTING A WAIVER OF RESIDENCY FOR JON P. AYERS FOR  
EMPLOYMENT AS A BROOME COUNTY DEPUTY SHERIFF OF THE HIGHWAY PATROL**

WHEREAS, this County Legislature, by Resolution 82 of 1989, as amended by Resolution 510 of 1999, adopted residency requirements for Broome County officers and employees, and

WHEREAS, said Resolutions provided for waivers of the residency requirement upon the happening of certain conditions, and

WHEREAS, Jon P. Ayers, who resides outside the County is otherwise qualified for the position of Deputy Sheriff of Highway Patrol and has served in said capacity for the last 13 years, and

WHEREAS, in 1998, during the time of his employment as a Deputy Sheriff, Mr. Ayers built a home in Chenango County after he was assured by former Sheriff Geno DeAngelo and his staff that he could live in Chenango County while employed as a Broome County Deputy Sheriff, and

WHEREAS, since Mr. Ayers has satisfactorily performed the duties of a Deputy Sheriff of the Highway Patrol for the last 13 years and in light of his performance and his general experience as a Deputy Sheriff, the Broome County Sheriff requests that this County Legislature grant a residency waiver, allowing Mr. Ayers to continue to work as a Deputy Sheriff of the Broome County Highway Patrol, now, therefore, be it

RESOLVED, that this County Legislature hereby finds that the situation pertaining to Mr. Ayers as a Deputy Sheriff of the Highway Patrol is a unique situation as defined in Resolution 82 of 1989, as amended by Resolution 510 of 1999, justifying the granting of a waiver of the residency requirements for the position, and be it

FURTHER RESOLVED, that this County Legislature hereby exempts and waives the certificate of residency for Jon P. Ayers, 653 Jackson Hill Road, Greene, New York 13778 and the residency requirement of Resolution 82 of 1989, as amended by Resolution 510 of 1999, in order that he may continue to work as a Broome County Deputy Sheriff of the Highway Patrol, and be it

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

**Held over 'under the rules'** by Mr. Shafer.

**RESOLUTION NO. 186**

By Personnel, Public Safety & Emergency Services and Finance Committees  
Seconded by Mr. Shafer

**RESOLUTION AUTHORIZING A LABOR AGREEMENT WITH BROOME COUNTY SHERIFF'S  
LAW ENFORCEMENT OFFICERS ASSOCIATION, AFSCME COUNCIL 82, LOCAL 8500, FOR  
2002-2004**

WHEREAS, the County of Broome, under the provisions of the Civil Service Law (Taylor Law), has heretofore recognized the Broome County Sheriff's Law Enforcement Officers Association, AFSCME Council 82, Local 8500, as an employee organization for those certain Broome County employees represented by said Union, and

WHEREAS, a tentative agreement has been reached with the Broome County Sheriff's Law Enforcement Officers Association for the period January 1, 2002 through December 31, 2004, and

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

RESOLVED, that this County Legislature hereby authorizes an agreement with Broome County Sheriff's Law Enforcement Officers Association, AFSCME Council 82, Local 8500, setting forth the terms and conditions of employment for those employees represented by said Union for the period January 1, 2002 through December 31, 2004, and be it

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FURTHER RESOLVED, that said agreement shall be upon substantially similar terms and conditions as the 2000 through 2001 written labor agreement, with the exception of those changes listed on Exhibit "A" attached hereto, and be it

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

**Carried,** Ayes-15, Nays-1 (Whalen), Absent-3 (Howard, Mather, Wike).

#### **RESOLUTION NO. 187**

By Public Works and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING AGREEMENT WITH STEARNS & WHELER, LLC FOR CONSULTING SERVICES FOR THE BROOME COUNTY LANDFILL TITLE V AIR PERMIT FOR THE DIVISION OF SOLID WASTE MANAGEMENT FOR 2004-2005**

WHEREAS, the Commissioner of Public Works requests authorization for an agreement with Stearns & Wheler, LLC for consulting services for the Broome County Landfill Title V Air Permit for the Division of Solid Waste Management at a cost not to exceed \$33,500, for the period May 1, 2004 through April 30, 2005, and

WHEREAS, said services are necessary for technical and regulatory services associated with air emissions from the County's landfill for Title V Air Permit compliance, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Stearns & Wheler, LLC, One Remington Park Drive, Cazenovia, New York 13035, for consulting services for the Broome County Landfill Title V Air Permit for the Division of Solid Waste Management, for the period May 1, 2004 through April 30, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$33,500 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 230086.4746.206000 (Engineering and Architectural Services), and be it

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

**Carried,** Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

#### **RESOLUTION NO. 188**

By Finance Committee

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN BROOME COUNTY AND THE TOWN OF CONKLIN FOR THE COLLECTION OF REAL PROPERTY TAXES**

WHEREAS, the Town of Conklin currently collects Town and County taxes through an elected Receiver of Taxes, and

WHEREAS, a study performed by Broome County and the Town of Conklin indicates that there are savings and economies to be gained by having the tax collection performed by Broome County rather than the Town's elected Receiver of Taxes, and

WHEREAS, the Town of Conklin Town Board adopted a resolution which called for the abolishment of the position of Receiver of Taxes to be put before the voters of the Town at the General Election in November 2003, and

WHEREAS, at the aforementioned General Election a majority of the voters of the Town of Conklin voted in favor of abolishing the elected position of Receiver of Taxes and also in favor of Broome County performing the function of collecting Town and County taxes in the Town, now, therefore, be it

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RESOLVED, this County Legislature hereby authorizes the Broome County Real Property Tax Service to perform those functions necessary to collect taxes in the Town of Conklin for the period January 1, 2005 through December 31, 2005, and be it,

FURTHER RESOLVED, that this agreement shall be automatically renewed annually, unless either party shall notify the other, no later than 30 days prior to the end of the term, of its election not to renew, and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

### RESOLUTION NO. 189

By Finance Committee

Seconded by Mr. Brunza

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

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, interest and penalties for the year(s) indicated will be cancelled on the following parcels of real property:

Parcel ID:	143.44-1-39
Town/Village:	Dickinson
Owner:	Broome County
Amount to be Cancelled:	\$12.62 (2004)
Reason:	County Owned – Exempt

Parcel ID:	144.33-1-22
Town/Village:	Dickinson
Owner:	Broome County
Amount to be Cancelled:	\$2.12 (2004)
Reason:	County Owned – Exempt

Parcel ID:	007.03-1-14
Town/Village:	Triangle
Owner:	Broome County
Amount to be Cancelled:	\$509.74 (2004)
Reason:	County Owned – Exempt

Parcel ID:	143.42-2-19
Town/Village:	Union/JC
Owner:	Town of Union
Amount to be Cancelled:	\$86.56 (2004)
Reason:	Town Owned – Exempt

Parcel ID:	143.72-2-33
Town/Village:	Union/JC
Owner:	Town of Union
Amount to be Cancelled:	\$926.41 (2004)
Reason:	Town Owned – Exempt

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Parcel ID:	143.81-1-25
Town/Village:	Union/JC
Owner:	Town of Union
Amount to be Cancelled:	\$284.39 (2004)
Reason:	Town Owned – Exempt
Parcel ID:	143.73-4-62
Town/Village:	Union/JC
Owner:	Town of Union
Amount to be Cancelled:	\$412.68 (2004)
Reason:	Town Owned – Exempt
Parcel ID:	159.24-4-2
Town/Village:	Union/JC
Owner:	Broome County
Amount to be Cancelled:	\$15.54 (2004)
Reason:	County Owned – Exempt
Parcel ID:	188.23-1-4
Town/Village:	Vestal
Owner:	Broome County
Amount to be Cancelled:	\$8.65 (2004)
Reason:	County Owned – Exempt
Parcel ID:	148.03-2-19
Town/Village:	Windsor
Owner:	West Windsor Baptist Church
Amount to be Cancelled:	\$1,565.61 (2003)
Reason:	Wholly Exempt
Parcel ID:	199.03-1-5
Town/Village:	Windsor
Owner:	Benedictine Sisters of Transformation Monastery Inc.
Amount to be Cancelled:	\$970.68 (2003)
Reason:	Wholly Exempt
Parcel ID:	212.04-1-3.1
Town/Village:	Windsor
Owner:	NE Wesleyan Methodist Church
Amount to be Cancelled:	\$25.58 (2003)
Reason:	Wholly Exempt
Parcel ID:	233.00-1-6
Town/Village:	Windsor
Owner:	NE District Churches Christ
Amount to be Cancelled:	\$106.28 (2003)
Reason:	Wholly Exempt

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

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### RESOLUTION NO. 190

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

#### **RESOLUTION AUTHORIZING REVISION OF A WORKFORCE INVESTMENT ACT (WIA) PROMISING PRACTICES INCENTIVES GRANT FOR THE OFFICE OF EMPLOYMENT AND TRAINING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 463 of 2003, authorized and approved renewal of the Workforce Investment Act (WIA) Promising Practices Incentives Program Grant for the Office of Employment and Training and adopted a program budget in connection therewith in the total amount of \$75,000 for the period September 15, 2003 through June 30, 2004, and

WHEREAS, said grant program is awarded to the Broome Tioga Workforce as the result of a Promising Practice application with regard to Services to Job Seekers, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$75,000 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Workforce Investment Act (WIA) Promising Practices Incentives Grant to reflect an increase of \$75,000 for the period September 15, 2003 through June 30, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$150,000, and be it

FURTHER RESOLVED, that Resolution 463 of 2003, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

**Carried,** Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

### RESOLUTION NO. 191

By Economic Development & Planning and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING AN AGREEMENT WITH THE GREATER BINGHAMTON CHAMBER OF COMMERCE FOR PROFESSIONAL SERVICES UNDER THE OFFICE OF EMPLOYMENT AND TRAINING'S WORKFORCE INVESTMENT ACT PROMISING PRACTICES GRANT FOR 2004**

WHEREAS, the Director of the Workforce Development Board requests authorization for an agreement with the Greater Binghamton Chamber of Commerce for professional services under the Office of Employment and Training's Workforce Investment Act (WIA) Promising Practices Grant, for an amount not to exceed \$100,000, for the period May 1, 2004 through December 31, 2004, and

WHEREAS, said agreement is necessary to market the community to external audiences, promote employment opportunities to the community, market training programs to companies and work with industries to assess workforce and economic development needs, now, therefore, be it

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RESOLVED, that this County Legislature hereby authorizes an agreement with the Greater Binghamton Chamber of Commerce, The Metro Center, Binghamton, New York 13901, for professional services, under the Office of Employment and Training's WIA Promising Practices Grant, for the period May 1, 2004 through December 31, 2004, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$100,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 720730.4542.308135 (Contracted Training), and be it

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

Mr. Whalen made a motion, seconded by Mr. Reynolds, to amend the resolution to add as the third FURTHER RESOLVED:

"FURTHER RESOLVED, that any elected County official is prohibited from appearing in any Chamber of Commerce broadcast media advertisement during an election year for that official, and be it"

**Amendment carried**, Ayes-10 (Brunza, Hudak, Hutchings, Kolba, Miller, Nannery, Pasquale, Reynolds, Whalen, Schofield), Nays-6 (Burger, Hull, Kuzel, Lindsey, Marinich, Shafer), Absent-3 (Howard, Mather, Wike). Resolution as **amended carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

### RESOLUTION NO. 192

By Transportation and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION ESTABLISHING ADMISSION AND PARKING FEES FOR THE 2004 AIR SHOW/AVIATION DAY OPEN HOUSE AT THE GREATER BINGHAMTON REGIONAL AIRPORT**

WHEREAS, the County proposes to conduct an Air Show/Aviation Day Open House at the Greater Binghamton Airport on July 10 and 11, 2004, and

WHEREAS, this event promotes community awareness in connection with the airport and, as part of the airport community relations program, provides the community an affordable and entertaining day at the Greater Binghamton Regional Airport, and

WHEREAS, there will be exhibits that include planes on the field and demonstrations by aircraft performance teams, all of which create expenses in connection with the event, and

WHEREAS, to offset, in part, the costs associated with the 2004 Air Show/Aviation Day Open House, the Commissioner of Transportation proposes an entrance fee schedule, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an admission fee schedule for the Air Show/Aviation Day Open House Program at the Greater Binghamton Airport to be held on July 10 and 11, 2004 as follows:

#### **AIR SHOW/AVIATION DAY EVENT 2004 ADMISSION FEE SCHEDULE**

##### July 10 & 11, 2004 Admission Gate Purchase

Adults (17 years and older):	\$12.00
Children (8 to 16 years of age):	\$ 8.00
Children (Under the age of 8):	Free

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Admission Tickets Purchased Prior to July 10, 2004

Adults (17 years and older):	\$10.00
Children (8 to 16 years of age):	\$ 6.00
Children (Under the age of 8):	Free
<b>Parking Fee</b>	
All Vehicles (Off Site and On Site)	\$ 2.00

and be it

FURTHER RESOLVED, that the entrance fees authorized herein shall be deposited in the Aviation Community Relations Trust Account (Fund 60, GL525, Subsidiary 525052) to be used to defray expenses in connection with the Air Show/Aviation Day Open House, and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

**RESOLUTION NO. 193**

By Health & Human Services, Personnel and Finance Committees      Seconded by Mr. Brunza  
**RESOLUTION AUTHORIZING REVISION OF THE PREVENTIVE DENTISTRY/DENTAL SEALANT PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 408 of 2003, as amended by Resolution 48 of 2004, authorized and approved renewal of the Preventive Dentistry/Dental Sealant Program Grant for the Department of Health and adopted a program budget in connection therewith in the total amount of \$94,872 for the period October 1, 2003 through September 30, 2004, and

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

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$172,900 in grant appropriations and an extension of the period to October 1, 2003 through September 30, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Preventive Dentistry/Dental Sealant Program Grant to reflect an increase of \$172,900 for the period October 1, 2003 through September 30, 2005, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$267,772, and be it

FURTHER RESOLVED, that Resolution 408 of 2003 and Resolution 48 of 2004, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

**RESOLUTION NO. 194**

By Finance, Public Works and Transportation Committees Seconded by Mr. Shafer

**RESOLUTION AMENDING THE 2001 CAPITAL IMPROVEMENT PROGRAM**

RESOLVED, that the 2001 Capital Improvement Program is hereby amended as follows:

FROM:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>			<u>County</u>
			<u>State</u>	<u>Federal/Other</u>		
502354	Engineered Material Arresting System (AMAS)	8,138,778	406,939	7,324,900		406,939
			<u>Local Finance Law Sec. 11</u>		<u>How Financed:</u>	
	<u>Year Start</u>	<u>YPU</u>	<u>Subd.</u>	<u>Bond</u>	<u>Current Revenue</u>	
	2001	10	11(14)	0	406,939	

Comments: The County Share (Current Revenue) will be paid for with PFC.

Description: To purchase and install and Engineering Material Arresting System (EMAS) on Runway 16/34.

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>			<u>County</u>
			<u>State</u>	<u>Federal/Other</u>		
502354	Engineered Material Arresting System (AMAS)	8,138,778	406,939	7,324,900		406,939
			<u>Local Finance Law Sec. 11</u>		<u>How Financed:</u>	
	<u>Year Start</u>	<u>YPU</u>	<u>Subd.</u>	<u>Bond</u>	<u>Current Revenue</u>	
	2001	10	11(14)	0	406,939	

Comments: The County Share (Current Revenue) will be paid for with PFC.

**CHANGE IN DESCRIPTION ONLY.**

Description: To purchase and install and Engineering Material Arresting System (EMAS) on Runway 16/34 **[and to include the Runway 10/28 safety area study.]**

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

**RESOLUTION NO. 195**

By Finance, Public Works and Transportation Committees Seconded by Mr. Shafer

**RESOLUTION AMENDING THE 2004 CAPITAL IMPROVEMENT PROGRAM**

RESOLVED, that the 2004 Capital Improvement Program is hereby amended as follows:

TO:

<u>Code</u>	<u>Project Name</u>	<u>Estimated Construction Cost:</u>			
		<u>Total</u>	<u>State</u>	<u>Federal/Other</u>	<u>County</u>
502372	Glycol Collection System Rehabilitation	200,000	0	0	200,000
		<u>Local Finance Law Sec. 11</u>		<u>How Financed:</u>	
<u>Year Start</u>	<u>YPU</u>	<u>Subd.</u>	<u>Bond</u>	<u>Current Revenue</u>	
2004	NA	NA	0	200,000	

Comments: To rehabilitate the airport's primary deicing material collection area. It will include but not limited to the replacement of the collection tank, trench drains, catch basin and other worn parts of the collection system. County dollars are PFC.

TO:

<u>Code</u>	<u>Project Name</u>	<u>Estimated Construction Cost:</u>			
		<u>Total</u>	<u>State</u>	<u>Federal/Other</u>	<u>County</u>
502373	Snow Equipment Purchase	275,000	6,595	250,749	17,656
		<u>Local Finance Law Sec. 11</u>		<u>How Financed:</u>	
<u>Year Start</u>	<u>YPU</u>	<u>Subd.</u>	<u>Bond</u>	<u>Current Revenue</u>	
2004	NA	NA	0	17,656	

Comments: This includes the purchase of a replacement snowplow truck and any equipment associated with it. This truck will replace a specialized vehicle that is over 12 yrs. old and has surpassed its useful life. County dollars are PFC.

TO:

<u>Code</u>	<u>Project Name</u>	<u>Estimated Construction Cost:</u>			
		<u>Total</u>	<u>State</u>	<u>Federal/Other</u>	<u>County</u>
502374	Wildlife Hazard Study	60,000	1,500	57,000	1,500
		<u>Local Finance Law Sec. 11</u>		<u>How Financed:</u>	
<u>Year Start</u>	<u>YPU</u>	<u>Subd.</u>	<u>Bond</u>	<u>Current Revenue</u>	
2004	NA	NA	0	1,500	

Comments: This entails research of the wildlife activity in the area surrounding the airport, identify wildlife management techniques, prioritize mitigation measures and identify training resources. This project is mandated by the FAA. County Dollars are PFC.

FURTHER RESOLVED, the Commissioner of Finance is hereby authorized to make a short term, non-interest bearing, interfund loan from other operating funds to the above Capital Projects to provide cash sufficient to complete the project until State aid is received, and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

### RESOLUTION NO. 196

By County Administration Committee

Seconded by Mr. Brunza

#### RESOLUTION REQUESTING THE NEW YORK STATE LEGISLATURE NAME A PORTION OF NEW YORK STATE HIGHWAY ROUTE 79 THE LESTER R. STONE, JR. MEMORIAL HIGHWAY

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

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

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

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

"Sergeant Lester R. Stone, Jr., distinguished himself on 3 March 1969 while serving as squad leader of the 1st Platoon, Company B 1st Battalion, 20th Infantry, 11th Infantry Brigade, 23rd Infantry Division (America). On this date, the 1st Platoon was on a combat patrol mission just west of Landing Zone Liz when it came under intense automatic weapons and grenade fire from a well-conceal company-size force of North Vietnamese regulars. Observing the platoon machine gunner fall critically wounded, Sergeant Stone rushed into the open area to the side of his injured comrade. Utilizing the machine gun, Sergeant Stone remained in the exposed area to provide cover fire for the wounded soldier who was being pulled to safety by another member of the platoon. With enemy fire impacting all around him, Sergeant Stone had a malfunction in the machine gun, preventing him from firing the weapon automatically. Displaying extraordinary courage under the most adverse conditions, Sergeant Stone repaired the weapon and continued to place on the enemy positions effective suppressive fire, which enabled the rescue to be completed. In a desperate attempt to overrun his position, an enemy force left its cover and charged Sergeant Stone. Disregarding the danger involved, Sergeant Stone rose to his knees and began placing intense fire on the enemy at pointblank range, killing six of the enemy before falling mortally wounded. His actions of unsurpassed valor were a source of inspiration to his entire unit, and he was responsible for saving the lives of a number of his fellow soldiers. His actions were in keeping with the highest traditions of the military professions and reflect great credit on him, his unit, and the United States Army."

and

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

RESOLVED, that this County Legislature requests that the Legislature of the State of New York name New York State Highway Route 79 from the intersection of New York State Routes 7 and 79 in the Town of Colesville to the Pennsylvania State Line the Lester R. Stone, Jr. Memorial Highway, and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

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**RESOLUTION NO. 197**

By Health & Human Services and Finance Committees

Seconded by Mr. Brunza

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

WHEREAS, this County Legislature, by Resolution 251 of 2002, authorized agreements with various vendors for various services for the Department of Health's Preschool Education Program at rates set by the New York State Department of Education and the Broome County Department of Health as per an attached Exhibit "C" and "D" and tuition rates established by New York State Education Department, total amount not to exceed budgeted appropriations, for the period July 1, 2002 through June 30, 2004, and

WHEREAS, said services are necessary to provide various services including preschool evaluations, classroom tuition and related services, and

WHEREAS, said agreements expire by their terms on June 30, 2004, and it is desired at this time to renew said agreements on substantially similar terms and conditions, at rates as presented on Exhibits "B" and "D", total amount not to exceed budgeted appropriations, for the period July 1, 2004 through June 30, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreements with various vendors as shown on Exhibit "A" and Exhibit "C" for various services for the Department of Health for the period July 1, 2004 through June 30, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractors shown on Exhibit "A" at rates shown on Exhibit "B", total amount not to exceed budgeted appropriations, for the term of the agreements, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractors shown on Exhibit "C" at rates shown on Exhibit "D", total 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-16, Nays-0, Absent-3 (Howard, Mather, Wike).

**RESOLUTION NO. 198**

By County Administration Committee

Seconded by Mr. Brunza

**RESOLUTION OF SUPPORT FOR THE ELIMINATION OF THE SUNSET PROVISION OF THE LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND (LGRMIF) AND THE CULTURAL EDUCATION FUND (CEF)**

WHEREAS, the Local Government Records Management Improvement Fund (LGRMIF) was created in 1989 to provide technical assistance and grants to establish, improve or enhance records management programs in New York's more than 4,300 local governments, and

WHEREAS, the closely related Documentary Heritage Program (DHP) for grants and technical assistance to non-government historical records repositories also is supported by the LGRMIF, and

WHEREAS, a sunset date for the LGRMIF was established in the original legislation to permit its operation as a five-year experiment and the New York State Legislature since 1995 twice has extended the sunset date, most recently December 31, 2005, and

WHEREAS, the LGRMIF has effectively supported essential advisory services and 6,300 grants totaling over \$113 million to improve the management of records for over half of all New York State local governments, and

WHEREAS, the LGRMIF and the programs it supports continue to operate at a high standard of excellence and provide direct and significant benefit to local governments, and

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WHEREAS, Broome County has benefited from technical assistance, training, publications and grants totaling \$2,003,721, supported by the LGRMIF since 1990, and

WHEREAS, the State Legislature created the closely-related Cultural Education Fund (CEF) to support the New York State Archives, New York State Library and New York State Museum on behalf of all New Yorkers, the Office for Public Broadcasting and provided CEF with an identical sunset date, and

WHEREAS, the LGRMIF and the CEF continue to be critically important in the fulfillment of the many records and information-related responsibilities of Broome County and to the cultural and scientific needs of the people of New York State, now, therefore, be it

RESOLVED, that the Broome County Legislature supports the elimination of said sunset provision in order to make the LGRMIF and the CEF permanent, and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

### RESOLUTION NO. 199

By Transportation Committee

Seconded by Mr. Brunza

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

WHEREAS, Jeffrey P. Kraham, Broome County Executive, pursuant to the authority vested in him by Resolution 89 of 1999, has duly designated and appointed the following named individuals to membership on the Binghamton Regional Airport Advisory Board, for the terms indicated, subject to confirmation by this County Legislature:

<u>NAME</u>	<u>TERM EXPIRING</u>
Carl Ernstrom 3324 Cynthia Drive Binghamton, New York 13903	Reappointment Term Expires 12/31/06
Kathleen Fiacco 1208 Hillside Drive Vestal, New York 13850	Reappointment Term Expires 12/31/06
Charles "Rusty" Griffiths 3740 Cobblestone Court Binghamton, New York 13903	Reappointment Term Expires 12/31/06
Donald Miller 1061 Bunn Hill Road Vestal, New York 13850	Reappointment Term Expires 12/31/06

and

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

RESOLVED, that this County Legislature, pursuant to the provisions of Resolution 89 of 1999, confirms the appointments of the above-named individuals to membership on the Binghamton Regional Airport Advisory Board for the terms indicated, in accordance with their appointment by the County Executive.

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).



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Section 2. County towing list.

There shall hereby be established a County towing list. The list shall contain the names and phone numbers of towers with businesses with offices in Broome County and surrounding areas which are able to respond to calls within Broome County and who additionally meet all other requirements set forth below. All towers wishing to be placed on the list shall file a permit application with the Broome County Office of the Sheriff.

Section 3. Priority of calls.

Due to the need for prompt removal of vehicles when a police request is made for a tower, all such requests shall be directed by the dispatcher to the towing list. The order of names on the list shall be on a rotating basis.

Section 4. Permit Applications and additional eligibility requirements.

In order to be placed on the towing list, a prospective tower must file a permit application with the Broome County Office of the Sheriff. The application shall require the following information:

1. The name of the owner of the business. If a partnership, corporation or other business association is involved, the names and addresses of the partners, officers or principals shall be listed on the application. All addresses of persons involved shall be home addresses.
2. The name, address, and day and night phone numbers of the business.
3. The hours of operation for towing and vehicle retrieval.

Additional requirements for placement on the list shall be as follows:

- A. Before issuance of a permit, applicants agree to furnish to the Broome County Sheriff a certificate or certificates of insurance, in form and amount acceptable to the Broome County Office of Risk and Insurance, evidencing that the applicants are insured for comprehensive general liability, including property damage, personal injury and workers' compensation. In the event that such insurance is cancelled, terminated, modified or not renewed, such that such insurance is no longer in effect as required herein, applicants' permits shall be revoked. This permit will be renewable every two years. No subcontracting is permitted.
- B. Any person who has obtained a towing permit pursuant to this chapter shall be responsible for the conduct of him/herself, and the person's agents, servants and employees. The owner and operator of a towing company shall comply with all provisions of federal, state and local laws and ordinances relating to the conduct of the towing business and the use and maintenance of the towing company premises, and the owner and operator of a towing company shall comply with all the notices, orders, decisions and rules and regulations made by the Sheriff over the occupation.
- C. The towing firm must have full control over all towing equipment, and must supply the Broome County Sheriff with a list of all equipment at their disposal, including truck weights, capacities, length of cable, make, year, registration and license plate numbers. Included in towing equipment must be at least one (1) conventional tow truck with dollies and/or a wheel-lift, one (1) rollback or one (1) large capacity tow truck with a rating of at least twenty (20) tons. Warning equipment is required on all vehicles, and must be in good working condition. All towing companies shall maintain

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all licenses and/or registrations required by the New York State Vehicle and Traffic Law, and all equipment utilized shall comply with said law and all applicable rules and regulations of the Commissioner of Motor Vehicles, and all regulations and requirements set forth by the Sheriff. The equipment shall be in good operating condition, and all towing company personnel shall be properly trained and fully competent to perform their specific functions and shall so perform those functions in a courteous and orderly manner.

- D. The towing firm must provide a twenty-four hour service, accept all calls given to it by the Sheriff (staffing permitting) and maintain a response time of twenty (20) minutes or less. Towing firms with answering services are required to provide immediate responses as to their ability to answer a call; "call backs" or referrals to alternate numbers are prohibited.
- E. The towing firm must supply the Sheriff with a photostatic copy of the driver's license of each employee who operates their equipment; also, any certificates of training that the operators may have.
- F. The towing firm shall not tow vehicles outside of the County unless directed to by the owner or the Sheriff.
- G. The towing firm shall provide a storage lot, which is lighted, secured, and insured to store towed vehicles. Towing firms must provide access to their storage lots to the Broome County Sheriff so that officers will have the opportunity to complete their investigations. All lots will be within County limits.
- H. All vehicles must have a broom and shovel as cleaning equipment for debris, and all towing firms shall be required to remove all debris related to the incident to which they are called, in accordance with New York State Vehicle and Traffic Law § 1219(c).
- I. The Broome County Sheriff reserves the right to inspect applicant's equipment for the sole and exclusive purpose of ascertaining that applicant is in possession of the equipment specified and described herein, as well as other equipment which may be required.
- J. Any information submitted to Broome County shall be deemed accurate. Towing firms filing permit applications represent that the towing equipment specified therein is in good working order, and warrant that the same is fit for its intended purpose. The towing firm understands and acknowledges that the Broome County Sheriff relies upon the towing firms' representations and warranties in issuing permits. Accordingly, by executing a permit application, and in consideration of the issuance of a permit, the towing firm agrees to defend, indemnify and save harmless Broome County, and its agents and employees, of and from any liability arising from the towing firm's breach of its representations and warranties and any liability arising from the negligence or other culpable conduct of the towing firm, its agents, or employees.
- K. The Broome County Sheriff may require such additional information as may be necessary in order to enforce this local law and to ensure the safety of all persons.

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Section 5. Penalties for offenses.

- A. The Sheriff may deny a permit or placement on the list to any applicant who does not comply with the provisions of this local law or who makes a material misrepresentation on a permit application. The Sheriff shall give written notification to an applicant of the reasons for the denial, and any applicant who is denied a permit or placement on the list may, within ten (10) days from the date of denial, request a hearing before the Sheriff. Hearings will be conducted in the same manner as specified in subsection (B.) below.
- B. Violations of any portion of this local law may result in the suspension from the towing list following a Sheriff's investigation. Continued or severe violations may result in a permanent ban of a particular tower from the towing list. A towing firm against whom penalties (suspension or revocation) are proposed shall have written notice thereof and the reasons therefor, and shall be furnished a copy of the charges preferred against it. Any suspension or revocation may be appealed by filing a written notice of appeal with the Sheriff within ten (10) days of the date of the notice of suspension or revocation. Upon receipt of the notice of appeal, the matter will be scheduled for a hearing that shall be conducted within ten (10) business days of the receipt of the notice of appeal. The towing firm against whom charges are preferred shall be entitled to be represented by counsel, to summon witnesses on its behalf, and to cross-examine those witnesses who testify against it. Compliance with technical rules of evidence shall not be required. The Sheriff or his or her designee shall conduct the hearing, and make his or her determination within ten (10) business days of the hearing.

Section 6. Information to vehicle owner.

- A. Each towing firm on the list must supply the owner/operator of a vehicle who is at the scene with a card containing his/her business name, address, phone numbers, hours of operation, and summary of the expected charges. The summary must detail at least the anticipated towing charge (including tow, mileage, winch, and road service fees), clean-up charge (if any), and the daily storage fee(s). A towing company, upon request of a vehicle owner paying to retrieve a towed vehicle, shall deliver a receipt to such person at the time of payment. Such receipt shall contain at least the following information:
  - 1. The name, business address, and telephone number of the towing company.
  - 2. The date the vehicle was towed and the date of the retrieval by the vehicle owner.
  - 3. The license plate and vehicle make of the vehicle towed.
  - 4. The starting and ending location of the tow and the amount of miles towed.
  - 5. An itemization of all fees charged, including towing, storage and any other charges.
- B. A towing company shall maintain accurate records concerning all vehicles towed, which shall contain at least the information required above, and such records shall be retained for at least three (3) years after a towed vehicle has been retrieved.

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- C. All towing and storage fees must be reasonable based upon local customs and common procedures. A towing company must be open to allow the retrieval of towed vehicles between 9:00 a.m. and 5:00 p.m. daily or whenever such company provides towing services, whichever time period is greater. After a towed vehicle has remained in the tower's possession for a period of thirty days, the tower is required to notify the owner of the vehicle: (1) that the vehicle remains in storage and that storage fees continue to accrue; (2) the daily storage fees and the amount currently owing in storage fees; and (3) the times that the vehicle may be retrieved. The tower is required to update the owner of the stored vehicle with this information every thirty (30) days.

Section 7. Owner's preference.

Nothing within this chapter shall prevent a vehicle owner from choosing to call a tower who is not on the County towing list; provided, however, that should the tower be unable to respond in what the officer at the scene feels is a reasonable period of time and the officer at the scene has safety concerns regarding the vehicle's location, the officer may supersede the desires of the owner and call a tower based upon the list.

Section 8. Documentation of requirements.

Following the establishment of the initial towing list, the County will update the list, based upon any new applications, on a semiannual basis. In order to maintain accurate records and accountability to the citizens, should information provided in a permit application change, the towing firm must report such change to the Office of the Sheriff within seventy-two (72) hours by calling 778-2492, 8:00 a.m. to 4:30 p.m., Monday through Friday.

Section 9. This Local Law shall become effective upon filing with the Secretary of State.

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

**RESOLUTION NO. 202**

By Education, Culture & Recreation Committee

Seconded by Mr. Brunza

**RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE FISH AND WILDLIFE BOARD**

WHEREAS, Jeffrey P. Kraham, Broome County Executive, pursuant to the authority vested in him by Section II-0501 of the New York State Environmental Conservation Law, has duly designated and appointed the following named individuals to membership on Fish and Wildlife Board, for the terms indicated, subject to confirmation by this County Legislature:

<u>NAME</u>	<u>TERM EXPIRING</u>
Harry C. Woodfield 419 Upper Stella Ireland Road Binghamton, New York 13905-5937	Reappointment Term Expires 12/31/06
Larry Shutts 3879 NYS Route 38B Newark Valley, New York 13811	New Appointment Term Expires 12/31/06

and

WHEREAS, it is desired at this time to confirm said appointments, now, therefore, be it RESOLVED, that this County Legislature, pursuant to the provisions of Section II-0501 of the New York State Environmental Conservation Law, confirms the appointments of the above-



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WHEREAS, it is necessary to authorize an amendment of said agreement, increasing the total amount by \$19,382, for term of the agreement, and

WHEREAS, the Commissioner of Social Services 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 Catholic Charities, 232 Main Street, Binghamton, New York 13905, increasing the total amount by \$19,382, for services for the Department of Social Services' Coordinated Children's Services Initiative Program for the period January 1, 2004 through December 31, 2004, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor a total amount not to exceed \$82,985, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 6700676.4561.103000 (Purchase of Services) in the amount of \$63,603 and budget line 670455.4561.104XXX (Purchase of Services) in the amount of \$19,382, and be it

FURTHER RESOLVED, that Resolution 545 of 2003, to the extent consistent herewith, shall remain in full force and effect, and be it

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

**Carried,** Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

### **RESOLUTION NO. 205**

By Economic Development & Planning and Finance Committee

Seconded by Mr. Burger

#### **RESOLUTION AUTHORIZING AGREEMENT WITH ENDICOTT INTERCONNECT TECHNOLOGIES, INC. PURSUANT TO GRANT FROM GOVERNOR'S OFFICE FOR SMALL CITIES**

WHEREAS, Broome County has accepted an economic development CDBG grant through the Governor's Office for Small Cities (GOSC) in the amount of \$1,000,000 to be used in connection with other economic development programs for the purchase of machinery and equipment by Endicott Interconnect Technologies, Inc. (EIT) conditioned on EIT creating 150 full time jobs within three years from the receipt by EIT of the grant funds, and

WHEREAS, the Commissioner of Planning and Economic Development requests authorization for an agreement with Endicott Interconnect Technologies, Inc. pursuant to said grant requirements in the amount of \$1,000,000 whereby EIT will agree to use said funds for the purchase of machinery and equipment and, within three years of the receipt of said funds, create 150 full time jobs, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Endicott Interconnect Technologies, Inc., 1701 North Street, Endicott, N.Y. 13760, consistent with the GOSC Grant Administration Manual, in order to accomplish the purposes of the \$1,000,000 grant that Broome County received from the Governor's Office for Small Cities whereby EIT will use said grant funds to purchase machinery and equipment and create, within three years from the receipt of the grant funds, 150 full time jobs, and be it

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

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 4401236.5999.104xxx (Other Contract Agencies), 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. Burger.



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	<u>Index code</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
FROM:	480301	4610	104564	Personal Services	6,737
	480301	8040	104564	Workers' Compensation	92
	480301	8060	104564	Health Insurance	5,994
	480301	8070	104564	Unemployment Insurance	324
TO:	480301	1500	104564	Salaries – Part Time	10,419
	480301	8010	104564	State Retirement	1,923
	480301	8030	104564	Social Security	805

FURTHER RESOLVED, that in accordance with a request from the Director of Health to modify the appropriations to maximize the Traffic Safety Awareness Program Grant as requested in BF#004808 & 004809, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index code</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
FROM:	480301	1500	104819	Salaries – Full Time	2,979
	480301	4601	104819	Indirect Costs	180
	480301	4618	104819	Office Supply Chargeback	200
	480301	8030	104819	Social Security	152
	480301	8040	104819	Workers' Compensation	76
	480301	8050	104819	Life Insurance	3
	480301	8060	104819	Health Insurance	250
	480301	8063	104819	Disability Insurance	7
	480301	8070	104819	Unemployment Insurance	247
TO:	480301	1600	104819	Salaries – Part Time	975
	480301	4319	104819	Office Supplies	206
	480301	4346	104819	Training & Education	1,650
	480301	4448	104819	Promotion & Advertising	365
	480301	4606	104819	Telephone Billing	180
	480301	8010	104819	State Retirement	718

FURTHER RESOLVED, that in accordance with a request from the Director of Office for Aging to modify the appropriations to maximize the SCSEP Admin. (Senior Community Service Employment Program) Grant as requested in BF#004575, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index code</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
FROM:	761056	1000	104760	Salaries – Full Time	6,819
	761056	8010	104760	State Retirement	942
	761056	8040	104760	Workers' Compensation	135
	761056	8050	104760	Life Insurance	12
	761056	8060	104760	Health Insurance	4,892
TO:	761056	4319	104760	Office Supplies	100
	761056	4359	104760	Computer Supplies	3,020
	761056	4418	104760	Dues & Memberships	100
	761056	4610	104760	Personal Svcs Chargeback	9,427
	761056	8030	104760	Social Security	153

FURTHER RESOLVED, that in accordance with a request from the Director Real Property Tax Services to provide funds to pay for unexpected costs relating to the tax collection process as requested in BF#004690, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index code</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
FROM:	900084	4752	101000	Contingency	18,940
TO:	630004	4449	101000	Professional Services	18,940

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

**Carried,** Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

### RESOLUTION NO. 208

By Finance, Public Works and Transportation Committees Seconded by Mr. Shafer

#### RESOLUTION AMENDING THE 2003 AND 2004 CAPITAL IMPROVEMENT PROGRAM

RESOLVED, that the 2003 Capital Improvement Program is hereby amended as follows:

FROM:

<u>Code</u>	<u>Project Name</u>	<u>Estimated Construction Cost:</u>			
		<u>Total</u>	<u>State</u>	<u>Federal/Other</u>	<u>County</u>
501379	ARFF Facility Rehabilitation	1,050,000	52,500	945,000	52,500
		<u>Local Finance Law Sec. 11</u>		<u>How Financed:</u>	
	<u>Year Start</u>	<u>YPU</u>	<u>Subd.</u>	<u>Bond</u>	<u>Current Revenue</u>
	2003	15	12(a)(2)	105,000	0

TO:

<u>Code</u>	<u>Project Name</u>	<u>Estimated Construction Cost:</u>			
		<u>Total</u>	<u>State</u>	<u>Federal/Other</u>	<u>County</u>
501379	ARFF Facility Rehabilitation	1,131,701	30,375	1,048,826	52,500
		<u>Local Finance Law Sec. 11</u>		<u>How Financed:</u>	
	<u>Year Start</u>	<u>YPU</u>	<u>Subd.</u>	<u>Bond</u>	<u>Current Revenue</u>
	2003	15	12(a)(2)	105,000	0

Comments: The County Share (Current Revenue) will be paid for with PFC.

FURTHER RESOLVED, that the 2004 Capital Improvement Program is hereby amended as follows:

FROM:

<u>Code</u>	<u>Project Name</u>	<u>Estimated Construction Cost:</u>			
		<u>Total</u>	<u>State</u>	<u>Federal/Other</u>	<u>County</u>
501384	Runway 16/34 Rehabilitation – Design	400,000	20,000	360,000	20,000
		<u>Local Finance Law Sec. 11</u>		<u>How Financed:</u>	
	<u>Year Start</u>	<u>YPU</u>	<u>Subd.</u>	<u>Bond</u>	<u>Current Revenue</u>
	2004	10	20(b)	40,000	0

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>		
			<u>State</u>	<u>Federal/Other</u>	<u>County</u>
501384	Runway 16/34 Rehabilitation – Design	480,000	8,267	277,862	193,871

<u>Year Start</u>	<u>Local Finance Law Sec. 11</u>		<u>How Financed:</u>	
	<u>YPU</u>	<u>Subd.</u>	<u>Bond</u>	<u>Current Revenue</u>
2004	10	20(b)	40,000	153,871

Comments: The County Share (Current Revenue) will be paid for with PFC.

FURTHER RESOLVED, the Commissioner of Finance is hereby authorized to make a short term, non-interest bearing, interfund loan from other operating funds to the above Capital Projects to provide cash sufficient to complete the project until State aid is received, and be it

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

**Carried**, Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike).

### **RESOLUTION NO. 209**

By County Administration Committee

Seconded by Mr. Whalen

**RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 8, 2004, ENTITLED: "A LOCAL LAW AMENDING THE BROOME COUNTY CHARTER AND ADMINISTRATIVE CODE TO REVISE THE COMPOSITION OF THE BOARD OF ACQUISITION AND CONTRACT."**

RESOLVED, that Local Law Intro. No. 8, 2004, entitled: "A Local Law Amending the Broome County Charter and Administrative Code to Revise the Composition of the Board of Acquisition and Contract," be and the same hereby is adopted and approved in accordance with the Broome County Charter, the Municipal Home Rule Law, and all the applicable statutes and laws pertaining thereto.

### **LOCAL LAW INTRO. NO. 8, 2004**

#### **A Local Law Amending the Broome County Charter and Administrative Code to Revise the Composition of the Board of Acquisition and Contract**

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

SECTION 1. Section C1201 of the Broome County Charter is hereby amended to read as follows:

§ C1201. Board created; powers and duties.

There shall be a Board of Acquisition and Contract which shall consist of the County Executive, the Commissioner of Public Works, the Director of Budget and Research, [and] the [Chairman] Chair of the County Legislature and the Minority Leader of the County Legislature or their designees. All matters voted upon by the Board shall require a majority vote of the members present at the time that the vote is taken. In the event more than one minority leader has been designated, the minority leader representing the greater number of members of the County Legislature shall be a member of the Board of Acquisition and Contract.

Section 2. Section A1201 of the Broome County Administrative Code is hereby amended to read as follows:

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§ A1201. Board created; organization and procedures

There shall be a Board of Acquisition and Contract which shall consist of the County Executive, the Commissioner of Public Works, ~~the Director of Budget and Research,~~ [and] the [Chairman] Chair of the County Legislature and the Minority Leader of the County Legislature or their designees. All matters voted upon by the Board shall require a majority vote of the members present at the time that the vote is taken. In the event more than one minority leader has been designated, the minority leader representing the greater number of members of the County Legislature shall be a member of the Board of Acquisition and Contract. The Board of Acquisition and Contract shall have all the powers and duties in relation to the acquisition of real property and the approval and execution of contracts as are set forth in §§ A1202, A1203, A1204. A1205 and A1206 of this Article.

Section 3. This Local Law shall become effective following [approval by the voters at a referendum to be held at the next general election and after filing a copy thereof with the Secretary of State] a public hearing before and approval by the County Executive, in the manner provided by law.

Material [bracketed] is deleted  
Material underlined is added

Automatically **held over 'under the rules'**.

Mr. Brunza made a motion to adjourn, seconded by Mr. Reynolds. **Motion to adjourn carried,** Ayes-16, Nays-0, Absent-3 (Howard, Mather, Wike). The meeting was adjourned at 5:55 p.m.

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