
**BROOME COUNTY LEGISLATURE
REGULAR SESSION
THURSDAY, MAY 19, 2005**

The Legislature convened at 5:03 p.m. with a call to order by the Chair, Daniel A. Schofield. The Clerk, Louis P. Augustini, read the fire exit announcement and called the Attendance Roll, Present-18, Absent-1 (Hutchings).

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

Mr. Miller made a motion, seconded by Mr. Mather, that the minutes of the April 21, 2005 Regular Session be approved as prepared and presented by the Clerk. **Carried**, Ayes-18, Nays-0, Absent-1 (Hutchings).

Mr. Schofield noted that the committee minutes for the period April 21, 2005 through May 18, 2005 had been distributed to the members of each committee for review and that they are also on file in the Clerk's Office. The Clerk indicated that a quorum of all committees were present. Mr. Schofield asked for corrections to the committee minutes. Seeing none, a motion to approve the committee minutes was made by Mr. Hull, seconded by Mr. Materese. **Carried**, Ayes-18, Nays-0, Absent-1 (Hutchings).

ANNOUNCEMENTS FROM THE CHAIR

Chair Schofield announced a Committee of the Whole meeting to be scheduled for June 8, 2005, at 4:30 p.m. following the Personnel Committee meeting. The topic of said Committee of the Whole meeting is Administrative Rules.

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY EXECUTIVE:

- A. Letters from the County Executive, Barbara J. Fiala
 - 1. Appointment of Jerome Z. Knebel as Commissioner of Finance

PRESENTATION OF PETITIONS, COMMUNICATIONS, NOTICES & REPORTS:

- A. Petitions: None
- B. Communications:
 - 1. Landfill Citizen Advisory Committee Minutes 4/25/05
 - 2. Cornell Cooperative Extension of Broome County Board of Directors Minutes 2/17/05
 - 3. Broome County Association of Municipal Clerks Minutes 4/21/05
 - 4. EMC Brownfields Committee Minutes 5/9/05
 - 5. Broome County Soil & Water Conservation District Minutes 4/21/05
 - 6. Broome County Fire Advisory Board Minutes 1/27/05
 - 7. Law Department-Liaison Assignments
 - 8. Budget & Research - Appropriated Fund Balance
 - 9. Audit & Control-Memo to County Executive Re: Payroll/Personnel
 - 10. Audit & Control-Memo to County Executive Re: Payroll Checks
 - 11. Town of Binghamton Lillian Drive Water District Application
 - 12. Sivad Davis-Memorandum of Law
 - 13. Cheryl A. Holley-Letter Regarding Veterans Services Center
- C. Notices:
 - 1. Special Committee of the Whole Meeting 5/2/05
 - 2. Special County Administration Meeting 5/19/05

D. Reports:

1. Dept. of Finance First Quarterly 2005 Sales Tax Collections
2. Dept. of Finance Semi-Annual Mortgage Tax Receipts & Disbursements
3. Audit & Control Quarterly Accounts Receivable Analysis 4/05
4. Discovery Center 2003-2004 Annual Report
5. Broome Community College Above Minimum Hire 3/05
6. Broome Community Budget Transfers 3/05
7. Broome County Department of Parks & Recreation 2004 Annual Report
8. 2005 Salary Schedule
9. Broome Community College 2005-2006 Proposed Budget
10. Broome County Shared Services Summit Final Report

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY LEGISLATURE

A. Letters from the Chair, Daniel A. Schofield:

1. Designation for Mr. Hutchings 5/10/05 & 5/11/05
2. Designation for Mr. Marinich, Mr. Miller and Mr. Lindsey 5/9/05 & 5/10/05
3. Designation for Mr. Mather 5/12/05

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

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

RESOLUTION RECALLED FROM PREVIOUS SESSION

Mr. Kuzel made a motion to recall **RESOLUTION NO. 222 RESOLUTION AUTHORIZING SUPPLEMENTAL FUNDING FOR THE VETERANS SUPPORT COUNCIL** for the purpose of a revote. Mr. Brunza seconded the motion. **Motion to recall carried**, Ayes-10 (Materese, Schafer, Whalen, Nannery, Sanfilippo, Brunza, Kuzel, Reynolds, Lindsey, Buchta), Nays-8 (Keibel, Hull, Miller, Shafer, Howard, Marinich, Mather, Schofield), Absent-1 (Hutchings). **Resolution carried**, Ayes-15, Nays-3 (Kuzel, Reynolds, Lindsey), Absent-1 (Hutchings).

RESOLUTIONS INTRODUCED AT THIS SESSION

RESOLUTION NO. 226

By Public Works and Finance Committees Seconded by Mr. Howard
RESOLUTION AUTHORIZING RENEWAL OF INTERMUNICIPAL AGREEMENTS WITH THE TOWNS OF COLESVILLE AND SANFORD FOR RECYCLING DROP-OFF SITES FOR THE DIVISION OF SOLID WASTE MANAGEMENT FOR 2006-2010

WHEREAS, this County Legislature, by Resolution 527 of 2004, authorized renewal of intermunicipal agreements with the Towns of Colesville and Sanford for recycling drop-off sites for the Division of Solid Waste Management, for the period January 1, 2005 through December 31, 2005, and

WHEREAS, pursuant to the agreements so authorized the County provides roll-off containers, services the roll-offs and subsidizes the processing of the recyclable materials and is indemnified from and against any and all damages and claims which may arise as a result of usage of the drop-off site, and

WHEREAS, the Towns of Colesville and Sanford pursuant to said agreements are responsible for staffing, snow and ice removal, monitoring the container for non-recyclables,

trash removal from the sites, disposal costs associated with rejected loads and construction/repairs of the platforms for residents to safely access the roll-off containers and landfill tipping fees in the event any loads of recyclables are rejected, and

WHEREAS, it is desired to renew said agreements for the period January 1, 2006 through December 31, 2010 and to include a provision whereby the Towns of Colesville and Sanford, commencing January 1, 2006, would reimburse the County for a portion of the cost of picking up the roll-off containers from their locations in the Towns and transporting them to the recycling facility, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes intermunicipal agreements with the Towns of Colesville and Sanford whereby the Division of Solid Waste Management will provide and service roll-off containers for use by the Town residents at the recycling drop-off sites in the respective Towns for the period January 1, 2006 through December 31, 2010 under substantially the same terms and conditions contained in the prior agreement that will expire on December 31, 2005, except for the requirement that the Towns reimburse the County for a portion of its costs in connection with the servicing of the roll-off containers, and be it

FURTHER RESOLVED, that, commencing January 1, 2006, the Towns shall reimburse Broome County for a portion of the cost of providing and servicing the roll-off containers at the Town recycling drop off sites pursuant to the following schedule and with the annual estimated costs over a five year period (w/o Processing Fee) for each Town as set forth below:

		<u>Colesville</u>	<u>Sanford</u>
	<u>Estimated Cost</u>	<u>\$15,276</u>	<u>\$19,698</u>
2006	20% of the cost	\$ 3,055	\$ 3,940
2007	40% of the cost	\$ 6,110	\$ 7,879
2008	60% of the cost	\$ 9,166	\$11,819
2009	80% of the cost	\$12,221	\$15,758
2010	100% of the cost	\$15,276	\$19,698

and be it

FURTHER RESOLVED, that revenue received pursuant to the agreements herein above authorized shall be credited to budget lines 230086.0464.206000 (Other Local Governments), and be it

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

Carried, Ayes-17, Nays-1 (Miller), Absent-1 (Hutchings).

RESOLUTION NO. 227

By Transportation Committee

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AN EASEMENT AGREEMENT WITH NEXTEL WIP LEASE CORP.

WHEREAS, the Commissioner of Transportation has requested an easement agreement through land owned by Broome County located at the north side of Dawes Drive, Plot Map 075.02-01-31.1, in the Town of Maine, and

WHEREAS, said easement is necessary to provide Nextel access to underground and electrical and telephone service for the wireless antenna equipment, and

WHEREAS, the Department of Aviation has determined that granting this easement would not interfere with the existing land use, now, therefore, be it

RESOLVED, that this County Legislature hereby grants Nextel WIP Lease Corp., d/b/a Nextel Partners, Inc., 4500 Carillon Point, Kirkland, Washington 98033, a 10-foot wide easement running through land owned by Broome County at Dawes Drive, Plot Map 075.02-01-31.1 in the Town of Maine, as more fully described in a map referred to as Exhibit "A," and be it

per hour for 200 hours of service, total cost not to exceed \$20,000, for the period April 25, 2005 through April 24, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Professor Surinder Kahai, 1040 Glenwood Road, Vestal, New York 13850-3239 for professional services for the Department of Health for the period April 25, 2005 through April 24, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at a rate of \$100 per hour for 200 hours of service, total cost not to exceed \$20,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 480228.4457.101000 (Subcontracted Program) and 480301.4457.104940 (Subcontracted Program), and be it

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

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

RESOLUTION NO. 230

By Finance and County Administration Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AN AGREEMENT WITH ALLEN TUNNELL CORPORATION FOR SOFTWARE MAINTENANCE AND SUPPORT FOR THE TAX COLLECTION SYSTEM FOR THE OFFICE OF REAL PROPERTY TAX SERVICE FOR 2005

WHEREAS, the Director of Real Property Tax Service requests authorization for an agreement with Allen Tunnell Corporation for software maintenance and support for the tax collection system for the Office of Real Property Tax Service at a cost not to exceed \$6,100, for the period January 1, 2005 through December 31, 2005, and

WHEREAS, said agreement provides for software maintenance and on-site support for the tax collection system used for town and county properties under the consolidated collection programs for the towns of Union, Conklin and Dickinson, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Allen Tunnell Corporation, 1041 Front Street, Binghamton, New York 13905, for software maintenance and support for the tax collection system for the Office of Real Property Tax Service, for the period January 1, 2005 through December 31, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$6,100 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 630004.4513.101000 (Software Maintenance), and be it

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

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

RESOLUTION NO. 231

By Public Safety & Emergency Services and Finance Committees

Seconded by Mr. Howard

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 2004-2005

WHEREAS, this County Legislature, by Resolution 163 of 2004, authorized and approved the Broome County Impaired Driving Deterrence Program Grant for the STOP-DWI Program, adopted a program budget in the amount of \$24,000 and authorized agreements with various

Broome County police agencies for the period October 1, 2003 through September 30, 2004, and

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

WHEREAS, it is desired to renew said grant program in the amount of \$5,000, adopt a program budget and authorize agreements with various Broome County police agencies for the period October 1, 2004 through September 30, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$5,000 from the Governor's Traffic Safety Committee, Department of Motor Vehicles, 6 Empire State Plaza, Room 414, Albany, New York 12228 for the Broome County Impaired Driving Deterrence Program for the period October 1, 2004 through September 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 \$5,000, 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, 2004 through September 30, 2005, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made for all agencies except the Office of the Sheriff from budget line 820035.4457.105XXX (Subcontracted Program Expense) and the payment hereinabove authorized for the Office of the Sheriff shall be made from budget line 820035.4410.105XXX (Personal Services), and be it

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

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

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

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

RESOLUTION NO. 232

By Public Safety & Emergency Services Committee

Seconded by Mr. Howard

RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE CATSKILL REGIONAL COMMUNICATIONS ALLIANCE FOR THE OFFICE OF EMERGENCY SERVICES TO PURSUE FUNDING FOR COMMUNICATIONS UPGRADES

WHEREAS, the Director of Emergency Services requests authorization to enter into a Memorandum of Understanding between Broome County and the Catskill Regional Communications Alliance to secure funding for communications upgrades, and

WHEREAS, the Broome County Office of Emergency Services has promoted an Alliance comprised of representatives from similar organizations among eight neighboring counties in New York State and Wayne County, Pennsylvania, and

WHEREAS, said Memorandum of Understanding is necessary to collectively seek funding for communication upgrade goals, which may not be forthcoming if petitioned for by a sole entity, and

WHEREAS, the need to update antiquated radio systems and the capability to obtain interoperability capabilities across county borders would be of mutual benefit to all Broome County residents and Alliance members, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a Memorandum of Understanding between the Broome County Office of Emergency Services and the Catskill Regional Communication Alliance to secure funding for communications upgrades, and is it

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

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

RESOLUTION NO. 233

By Public Works Committee

Seconded by Mr. Howard

RESOLUTION DESIGNATING THE BROOME COUNTY LEGISLATURE AS LEAD AGENCY WITH RESPECT TO THE OQUAGA CREEK FLOOD CONTROL PROJECT IN THE TOWN OF SANFORD AND RENDERING A "NEGATIVE DECLARATION" WITH RESPECT THERETO

WHEREAS, it is necessary to remove a berm in Oquaga Creek and to construct bank improvements in the Town of Sanford to minimize the potential for flooding at the intersection of County Road 28 (Old Route 17) and County Road 237 (Oquaga Lake Road), and

WHEREAS, it has been determined that such Project is subject to the requirements of the State Environmental Quality Review Act, and it is therefore necessary to initiate procedures with respect thereto, and

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

WHEREAS, this County Legislature is the only involved agency, as defined in the State Environmental Quality Review Act, reviewing the aforementioned project, and

WHEREAS, said Project may have an impact on the environment, now, therefore, be it

RESOLVED, that this County Legislature hereby declares its intention to seek lead agency status with respect to the environmental review of the Oquaga Creek Flood Control Project in the Town of Sanford, and be it

FURTHER RESOLVED, that this County Legislature, based on the Short Environmental Assessment Form annexed hereto as Exhibit "A", hereby determines and declares that the Oquaga Creek Flood Control Project will not have a significant effect on the environment, and be it

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

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

RESOLUTION NO. 234

By Economic Development & Planning and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AN AGREEMENT WITH ESRI, INC. FOR UPGRADE AND MAINTENANCE OF ARCHVIEW GIS SOFTWARE AND EXTENSIONS FOR THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT FOR 2005-2006

WHEREAS, the Commissioner of Planning and Economic Development requests authorization for an agreement with ESRI, Inc. for upgrade and maintenance of ArchView GIS software and extensions for the Department of Planning and Economic Development at a cost not to exceed \$5,800, for the period of one year from the date of purchase, and

WHEREAS, said agreement includes upgrades and maintenance of software, that includes nine (9) licenses shared by the Department of Planning, BMTS, Emergency Services and the Department of Health and two (2) ArcView 9 Spatial Analyst Extensions for the Departments of Planning and Economic Development and Health, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with ESRI, Inc., 55 Ferncroft Road, Suite 300, Danvers, Massachusetts 01923, for upgrade and maintenance of

ArchView GIS software and extensions for the Department of Planning and Economic Development, for the period of one year from the date of purchase, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$5,800 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 440016.4545.101000 (Contracted Services), and be it

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

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

RESOLUTION NO. 235

By Economic Development & Planning and Finance Committees Seconded by Mr. Howard
RESOLUTION AUTHORIZING AN AGREEMENT WITH ESRI INC. FOR MAINTENANCE OF ARCHIMS AND ARCPAD GIS SOFTWARE FOR THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT FOR 2005

WHEREAS, the Board of Acquisition and Contract authorized an agreement with ESRI, Inc. (CA1236-158) for purchase and maintenance of ArclMS, ArchView and ArcPad GIS software for the Department of Planning and Economic Development for a total amount not to exceed \$1,700 for the period June 23, 2002 through June 22, 2003, and

WHEREAS, it is desired at this time to reactivate maintenance on said systems which requires payment of all maintenance fees from the date of discontinuation, and

WHEREAS, the Commissioner of Planning and Economic Development requests authorization for a new agreement with ESRI, Inc. for maintenance of ArclMS and ArcPad GIS software for the Department of Planning and Economic Development at a cost not to exceed \$3,740.27, for the period of June 23, 2003 through December 31, 2005, and

WHEREAS, said agreement includes maintenance of ArclMS and ArcPad GIS software, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with ESRI, Inc., 380 New York Street, Redlands, California 92373, for maintenance of ArchIMS and ArcPad GIS software for the Department of Planning and Economic Development, for the period June 23, 2003 through December 31, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$3,740.27 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 440016.4545.101000 (Contracted Services), and be it

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

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

RESOLUTION NO. 236

By Economic Development & Planning and Finance Committees Seconded by Mr. Howard
RESOLUTION AUTHORIZING ACCEPTANCE OF A STATEWIDE RAPID RESPONSE-TAA PROGRAM GRANT FOR THE OFFICE OF EMPLOYMENT AND TRAINING AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2005-2006

WHEREAS, this County Legislature, by Resolution 316 of 2004, authorized acceptance of a Statewide Rapid Response-TAA Program Grant and adopted a program budget in the amount of \$50,000 for the period April 20, 2004 through June 30, 2005, and

WHEREAS, the Director of Employment and Training requests authorization to accept the second year allocation of Rapid Response-TAA funds for the Broome/Tioga Counties Local

Workforce Investment Areas in the amount of \$50,000 for the period March 1, 2005 through June 30, 2006, and

WHEREAS, said grant program provides funding to assist in the integration of Trade Act services into the local service delivery system, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$50,000 from the New York State Department of Labor, Workforce Development and Training Division, Building 12, Room 450, Governor W. Averell Harriman State Office Building, Albany, New York 12240 for the Office of Employment and Training's Statewide Rapid Response-TAA Program Grant for the period March 1, 2005 through June 30, 2006, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$50,000, and be it

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

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

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

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

RESOLUTION NO. 237

By Economic Development & Planning and Finance Committees Seconded by Mr. Howard
RESOLUTION AUTHORIZING REVISION OF THE PY2004 WORKFORCE INVESTMENT ACT ADMINISTRATION PROGRAM GRANT FOR THE OFFICE OF EMPLOYMENT AND TRAINING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2004-2006

WHEREAS, this County Legislature, by Resolution 233 of 2004, authorized and approved acceptance of the PY2004 Workforce Investment Act Administration Program Grant for the Office of Employment and Training and adopted a program budget in connection therewith in the amount of \$217,337 for the period July 1, 2004 through June 30, 2006, and

WHEREAS, said grant program allocation covers the administrative costs associated with the grant programs that provide customers with core employment services by providing job search assistance and labor market information as well as more intensive services including career training programs, and

WHEREAS, it is necessary at this time to revise said program to reflect a decrease in the amount of \$872 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the PY2004 Workforce Investment Act Administration Program Grant to reflect a decrease of \$872 for the period July 1, 2004 through June 30, 2006, 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 \$216,465, and be it

FURTHER RESOLVED, that Resolution 233 of 2004, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

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

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

RESOLUTION NO. 238

By Economic Development & Planning and Finance Committees Seconded by Mr. Howard
RESOLUTION AUTHORIZING REVISION OF THE PY2004 WORKFORCE INVESTMENT ACT (WIA) ADULT PROGRAM GRANT FOR THE OFFICE OF EMPLOYMENT AND TRAINING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2004-2006

WHEREAS, this County Legislature, by Resolution 230 of 2004, as amended by Resolution 430 of 2004, authorized and approved renewal of the PY2004 Workforce Investment Act (WIA) Adult Program Grant for the Office of Employment and Training and adopted a program budget in connection therewith in the total amount of \$711,304 for the period July 1, 2004 through June 30, 2006, and

WHEREAS, said grant program provides customers with core employment services including job search assistance and labor market information as well as more intensive services including career training program, and

WHEREAS, it is necessary at this time to revise said program to reflect a decrease in the amount of \$3,588 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the PY2004 Workforce Investment Act Adult Program Grant to reflect a decrease of \$3,588 for the period July 1, 2004 through June 30, 2006, 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 \$707,716, and be it

FURTHER RESOLVED, that Resolutions 230 and 430 of 2004, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

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

RESOLUTION NO. 239

By Economic Development & Planning and Finance Committees Seconded by Mr. Howard
RESOLUTION AUTHORIZING REVISION OF THE PY2004 WORKFORCE INVESTMENT ACT (WIA) DISLOCATED WORKER PROGRAM GRANT FOR THE OFFICE OF EMPLOYMENT AND TRAINING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2004-2006

WHEREAS, this County Legislature, by Resolution 231 of 2004, as amended by Resolution 429 of 2004, authorized and approved renewal of the PY2004 Workforce Investment Act (WIA) Dislocated Worker Program Grant for the Office of Employment and Training and adopted a program budget in connection therewith in the total amount of \$594,663 for the period July 1, 2004 through June 30, 2006, and

WHEREAS, said grant program provides customers with core employment services including job search assistance and labor market information as well as more intensive services including career training program, and

WHEREAS, it is necessary at this time to revise said program to reflect a decrease in the amount of \$4,259 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the PY2004 Workforce Investment Act Dislocated Worker Program Grant to reflect a decrease of \$4,259 for the period July 1, 2004 through June 30, 2006, 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 \$590,404, and be it

FURTHER RESOLVED, that Resolutions 231 and 429 of 2004, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

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

RESOLUTION NO. 240

By County Administration and Public Safety & Emergency Services Committees

Seconded by Mr. Howard

RESOLUTION RENEWING A REQUEST TO THE NEW YORK STATE LEGISLATURE TO SUPPORT AND ADOPT LEGISLATION THAT WOULD RESTRICT PERSONS CONVICTED OF SEX CRIMES AGAINST CHILDREN FROM RESIDING WITHIN 1500 FEET OF A SCHOOL, DAY-CARE CENTER OR PLAYGROUND AREA AND FROM LOITERING NEAR THE SAME

WHEREAS, this County Legislature, by Resolution 351 of 2001, requested the New York State Legislature to support and adopt legislation that would restrict persons convicted of sex crimes against children from residing within 1500 feet of a school, day-care center or playground area and from loitering near the same, and

WHEREAS, this County Legislature believes that sex crimes committed against young people or against any individual by force are among the most heinous of crimes in our society, and

WHEREAS, State Law presently requires persons convicted of sex crimes against children to notify their local police agency of their current address, and

WHEREAS, there is currently no restriction placed on the residency location or the activities of these convicted sex offenders and these people are free to live and loiter near public and private schools, day-care centers and playground areas frequented by young children, and

WHEREAS, this County Legislature would like to ensure that every means possible is taken to protect our young people from possible harm by convicted sex offenders and believes that the residences of convicted sex offenders should not be any closer than 1,500 feet from a

school, day-care center or playground area nor should they be allowed to loiter near these areas, now, therefore, be it

RESOLVED, that this County Legislature respectively renews its request to the New York State Legislature to support and adopt legislation that would require all persons convicted of sex crimes against children to live no closer than 1,500 feet from a public/private school, day-care center and/or a playground area used by young children, and to refrain from loitering near a public/private school, day-care center or a playground area, and be it

FURTHER RESOLVED, that the Clerk of the Broome County Legislature is hereby directed to transmit copies of this resolution to Governor George Pataki, Assembly Speaker Sheldon Silver, Senate Majority Leader Joseph Bruno, Senator Thomas W. Libous, Assemblywoman Donna A. Lupardo, Assemblyman Clifford Crouch and Assemblyman Gary Finch.

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

RESOLUTION NO. 241

By Finance Committee

Seconded by Mr. Howard

RESOLUTION AUTHORIZING A HOME RULE REQUEST WITH RESPECT TO AN AMENDMENT OF SALES AND COMPENSATING USE TAX IN BROOME COUNTY

WHEREAS, this Legislature previously adopted Resolution 97 of 2005 with respect to the amendment of the sales and compensating use tax in Broome County, and

WHEREAS, Assembly Bill A7082 and Senate Bill S3833 have been introduced into the New York State Assembly and Senate in relation to extending the authorization of the County of Broome to impose an additional one percent sales and compensating use tax, and

WHEREAS, pursuant to Article IX of the Constitution of the State of New York, it is necessary for this Legislature to enact a Home Rule Request for the purpose of said legislation, now, therefore, be it

RESOLVED, that this County Legislature hereby urges and approves the adoption and passage of said Assembly Bill A7082 and Senate Bill S3833 entitled "An Act to amend the Tax Law, in relation to extending the authorization of the County of Broome to impose an additional one percent sales and compensating use tax" and hereby declares that a necessity exists for the passage of such bill and that the local Legislative Body of the County of Broome does not have the power to enact such legislation by local law, and be it

FURTHER RESOLVED, that a Home Rule Request be submitted to the Senate and Assembly of the New York State Legislature indicating the necessity exists for the enactment of said legislation.

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

RESOLUTION NO. 242

By Finance and Economic Development & Planning Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING A TRANSFER OF FUNDS FOR THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

RESOLVED, that in accordance with a request from the Director of Planning and Economic Development, in order to transfer funds to begin the data collection for Broome County's storm water management plan as requested by BF# 005006, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	Index Code	Sub-object	Project Code	Title	Amount
FROM:	440016	9005	101000	Transfer to Grant	\$20,000
TO:	440016	1600	105044	Salaries – Temp	\$14,958
	440016	4461	105044	Mileage & Parking	\$5,042

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

RESOLUTION NO. 243

By County Administration

Seconded by Mr. Howard

RESOLUTION APPOINTING THE HONORABLE MICHAEL W. SCHAFFER TO MEMBERSHIP ON THE BROOME COUNTY JURY BOARD

WHEREAS, pursuant to Section 503 of the Judiciary Law, a member of the County Legislature must be appointed to the Broome County Jury Board, and

WHEREAS, it is the desire of this Legislative body to appoint the Hon. Michael W. Schaffer to said Board for a term to expire on December 31, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby appoints the Hon. Michael W. Schaffer, Legislator-District 15, 2707 Alexander Street, Endicott, New York 13760, to the Broome County Jury Board for a term expiring on December 31, 2006.

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

RESOLUTION NO. 244

By Public Works Committee

Seconded by Mr. Howard

RESOLUTION DECLARING DEPARTMENT OF PUBLIC WORKS' OQUAGA CREEK FLOOD CONTROL PROJECT IN THE TOWN OF SANFORD 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 Oquaga Creek Flood Control Project in the Town of Sanford 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 removal of an existing berm that is obstructing the flow of Oquaga Creek and constructing bank improvements, and

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 removal of an existing berm that is obstructing the flow of Oquaga Creek and constructing bank improvements, having no substantial effect on the environment, and at this time it appears that approximately two temporary easements shall be required from adjoining property owners, now, therefore, be

RESOLVED, that this County Legislature hereby finds the Department of Public Works' Oquaga Creek Flood Control Project in the Town of Sanford 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-18, Nays-0, Absent-1 (Hutchings).

RESOLUTION NO. 245

By Transportation and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT OFFER FROM THE FEDERAL AVIATION ADMINISTRATION FOR THE BINGHAMTON REGIONAL AIRPORT'S RUNWAY 16/34 REHABILITATION PROJECT

WHEREAS, the Commissioner of Aviation has been advised by the FAA that a grant offer of up to \$5,436,400 is pending for the Greater Binghamton Airport, and

WHEREAS, these funds, which will cover ninety-five percent (95%) of the project cost with the remaining funds coming from New York State and the Airport, shall be programmed for the rehabilitation of the Airport's primary runway (16/34), now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of up to \$5,436,400 from the Federal Aviation Administration for rehabilitation of the primary runway (16/34) at the Greater Binghamton Airport, and be it

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

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

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

RESOLUTION NO. 246

By Economic Development & Planning and Finance Committees Seconded by Mr. Howard
RESOLUTION AUTHORIZING ACCEPTANCE OF AN ENVIRONMENTAL RESTORATION PROGRAM GRANT FOR THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT, ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH AND AUTHORIZING AN AGREEMENT WITH GZA GEOENVIRONMENTAL OF NEW YORK TO ADMINISTER SAID PROGRAM FOR 2001-2011

WHEREAS, the Commissioner of Planning and Economic Development requests authorization to accept An Environmental Restoration Program Grant, to adopt a program budget in the amount of \$152,000 and to enter into an agreement with GZA GeoEnvironmental of New York to administer said program for the period June 28, 2001 through June 28, 2011, and

WHEREAS, said grant program will allow for the continued environmental investigation and interim remediation of a County owned property at 312 Maple Street in the Village of Endicott, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$136,800 from the New York State Department of Environmental Conservation for the Department of Planning and Economic Development's Environmental Restoration Program Grant for the period June 28, 2001 through June 28, 2011, 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 \$152,000, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with GZA GeoEnvironmental of New York, 364 Nagel Drive, Buffalo, New York 14225 to administer said program grant, for the period June 28, 2001 through June 28, 2011, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$152,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 440123.4747.104XXX (Other Fees for Services), 440123.4747.104774 (Other Fees for Services) and 440016.4545.101000 (Contracted Services), and be it

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

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

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

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

RESOLUTION NO. 247

By Human Services, County Administration and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AN AGREEMENT WITH TECHNOLOGY SOLUTIONS FOR SOFTWARE MAINTENANCE FOR THE DEPARTMENT OF SOCIAL SERVICES FOR 2005

WHEREAS, the Commissioner of Social Services requests authorization for an agreement with Technology Solutions for software maintenance for the Department of Social Services at a cost not to exceed \$11,475, for the period March 1, 2005 through December 31, 2005, and

WHEREAS, said agreement will provide maintenance for the Department of Social Services Imaging Project software, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Technology Solutions, 5820 Main Street, Suite 102, Williamsville, New York 14221, for software maintenance, for the Department of Social Services for the period March 1, 2005 through December 31, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$11,475 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 670018.4513.103000 (Software Maintenance), and be it

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

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

RESOLUTION NO. 248

By Finance Committee

Seconded by Mr. Howard

RESOLUTION AUTHORIZING DISTRIBUTION OF MORTGAGE TAX RECEIPTS PURSUANT TO SECTION 261 OF THE NEW YORK STATE TAX LAW

WHEREAS, the County Clerk and the Commissioner of Finance have presented their report concerning mortgage tax receipts for the period October 2004 through March 2005, pursuant to Section 261 of the New York State Tax Law, and the same has been apportioned to the various municipalities thereto, now, therefore, be it

RESOLVED, that the Commissioner of Finance be and hereby is authorized to pay the Treasurer of the City of Binghamton and to respective Supervisors of the 23 Towns and Villages of Broome County, those amounts listed:

Semi-annual Mortgage Tax Distribution

October 2004 through March 2005

Dickinson	Village of Port Dickinson	4,628.50
	Outside	27,343.17
Lisle	Village of Lisle	391.88
	Outside	7,639.28
Sanford	Village of Deposit	2,088.19
	Outside	26,718.90

Triangle	Village of Whitney Point	2,473.17
	Outside	12,456.20
Union	Village of Johnson City	47,770.81
	Village of Endicott	32,305.92
	Outside	284,700.27
Windsor	Village of Windsor	1,788.56
	Outside	29,987.84
Barker		16,144.42
Binghamton (Town)		43,118.61
Chenango		124,609.93
Colesville		30,090.50
Conklin		58,422.69
Fenton		39,862.00
Kirkwood		47,721.52
Maine		36,426.74
Nanticoke		8,924.67
Vestal		195,910.06
City of Binghamton		200,130.16
	Total	\$1,281,653.99

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

RESOLUTION NO. 249

By Public Works Committee

Seconded by Mr. Howard

RESOLUTION RE-DESIGNATING THE BROOME COUNTY LEGISLATURE AS "LEAD AGENCY" WITH RESPECT TO THE SUPPLEMENTAL ENVIRONMENTAL REVIEW OF RELATED IMPROVEMENTS FOR THE PROPOSED DEVELOPMENT OF A NEW LANDFILL

WHEREAS, this County Legislature, by Resolution 298 of 1996, declared its intention to seek "Lead Agency" status with respect to the environmental review of the proposed development of a new landfill, a solid waste composting system and rendering a "Positive Declaration" with respect thereto, and

WHEREAS, this County Legislature, by Resolution 217 of 2002, declared its intention to seek "Lead Agency" status with respect to the supplemental environmental review of the proposed development of a new landfill, including various means of entry and egress, which was not completed, and

WHEREAS, it is necessary at this time for this County Legislature to re-designate itself as "Lead Agency" for a supplemental environmental review to evaluate various related improvements that may include a cueing area for trucks, a scale house, inbound and outbound scales, customer convenience areas for refuse disposal, a recycling drop-off area and an area for developing supplemental processing at the proposed new landfill, and

WHEREAS, it has been determined that such projects are subject to the requirements of the State Environmental Quality Review Act (SEQRA), and it is, therefore, necessary to initiate procedures with respect thereto, and

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

WHEREAS, the development of related improvements at the proposed new landfill may have an impact on the environment, now, therefore, be it

RESOLVED, that this County Legislature hereby declares its intention to seek a "Lead Agency" re-designation status with respect to the supplemental environmental review of various related improvements that may include a cueing area for trucks, a scale house, inbound and

outbound scales, customer convenience areas for refuse disposal, a recycling drop-off area and an area for developing supplemental processing at the proposed new landfill, and be it

FURTHER RESOLVED, that the Division of Solid Waste Management is hereby directed to take all steps necessary to initiate a "coordinated review" of this project in accordance with the State Environmental Quality Review Act.

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

RESOLUTION NO. 250

By Health Services and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH THE TIOGA COUNTY HEALTH DEPARTMENT FOR THE DEPARTMENT OF HEALTH'S TOBACCO CONTROL AND INSURANCE INITIATIVES PROGRAM GRANT FOR 2004-2005

WHEREAS, this County Legislature, by Resolution 272 of 2004, authorized renewal of the Tobacco Control and Insurance Initiatives Program Grant for the Department of Health, adopted a program budget in connection therewith and authorized an agreement with the Tioga County Health Department to assist in the administration of said program grant at a cost not to exceed \$30,960 for the period August 1, 2004 through July 31, 2005, and

WHEREAS, it is necessary to authorize an amendment to said agreement with Tioga County Health Department to increase the contract amount by \$59,806 and expand the scope of services to include purchase of campaign media buys, 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 the Tioga County Health Department to increase the contract amount by \$59,806 and expand the scope of services to include purchase of campaign media buys for the Department of Health's Tobacco Control and Insurance Initiatives Program Grant for the period August 1, 2004 through July 31, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor a total amount not to exceed \$90,766, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480301.4448.104930 (Other Program Expense), and be it

FURTHER RESOLVED, that Resolution 272 of 2004, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

RESOLUTION NO. 251

By Health Services, Public Works and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AN AGREEMENT WITH HF JOHN GROUP, LLC (F/K/A KINNALLY, JOHN AND ASSOCIATES, INC.) FOR FINANCIAL CONSULTING SERVICES FOR THE WILLOW POINT NURSING HOME FOR 2005

WHEREAS, the Administrator of Willow Point Nursing Home requests authorization for an agreement with HF John Group, LLC (f/k/a Kinnally, John and Associates, Inc.) for financial consulting services for the Willow Point Nursing Home at a cost not to exceed \$28,000 for the period January 1, 2005 through December 31, 2005, and

WHEREAS, said services are necessary to update the financial aspects of the Feasibility Study prepared by Kinnally, John and Associates, Inc. in 2001 relative to retaining the present Willow Point Nursing Home building or building a new facility and to prepare a certificate of need application for the New York State Department of Health, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with HF John Group, LLC, P.O. Box 13505, Albany, New York 12212, for financial consulting services for the Willow Point Nursing Home for the period January 1, 2005 through December 31, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$28,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 160259.4721.501369 (Accounting and Cost Allocation Services), and be it

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

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

RESOLUTION NO. 252

By Health Services, County Administration and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AGREEMENT WITH CTR SYSTEMS FOR A PAYROLL SOFTWARE UPGRADE FOR THE WILLOW POINT NURSING HOME FOR 2005

WHEREAS, the Administrator of the Willow Point Nursing Home requests authorization for an agreement with CTR Systems for a payroll software upgrade for the Willow Point Nursing Home at a cost not to exceed \$6,280 for the period May 1, 2005 through August 31, 2005, and

WHEREAS, said services are necessary to upgrade the existing payroll software to be compatible with Windows XP, which Information Technology has adopted as the countywide standard, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with CTR Systems, Thornhill Industrial Plaza, 555 Keystone Drive, Warrendale, Pennsylvania 15086-7569 for a payroll software upgrade for the Willow Point Nursing Home for the period May 1, 2005 through August 31, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$6,280 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 160010.2851.204000 (Computer Software), and be it

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

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

RESOLUTION NO. 253

By Personnel, Public Works and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST(S) FOR THE DIVISION OF SOLID WASTE MANAGEMENT

RESOLVED, that in accordance with the request contained in PCR #05-180 and #05-181 from the Division of Solid Waste Management, this County Legislature hereby authorizes abolishing the Motor Equipment Operator III position, Union Code 12, Grade n/a, minimum salary \$34,549 at budget line 230086.1000.206000 effective July 1, 2005 and creating a Motor Equipment Operator II position, Union Code 12, Grade n/a, minimum salary \$31,596 at budget line 230086.1000.206000, effective July 1, 2005.

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

RESOLUTION NO. 254

By Personnel, Health Services and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST(S) FOR THE DEPARTMENT OF HEALTH

RESOLVED, that in accordance with the request contained in PCR #05-129 from the Department of Health, this County Legislature hereby authorizes the creation of a part-time Public Health Educator position, Union Code 08, Grade 18, minimum salary \$35,867 at budget line 480301.1500.104974, effective April 1, 2005 to September 30, 2005, and be it

FURTHER RESOLVED, that in accordance with the request contained in PCR #05-144 from the Department of Health, this County Legislature hereby authorizes changing the part-time Public Health Technician position, Union Code 08, Grade 14, minimum salary \$29,317 at budget line 480301.1500.104813 to a full-time Public Health Technician, Union Code 04, Grade 14, minimum salary \$29,317 at budget line 480301.1000.104989, effective January 31, 2005 to September 30, 2005, and be it

FURTHER RESOLVED, that in accordance with the request contained in PCR #05-158 from the Department of Health, this County Legislature hereby authorizes changing the Public Health Nurse position, Union Code 04, Grade 17, minimum salary \$34,095 at budget line 480293.1000.101080 to Senior Registered Professional Nurse position, Union Code 04, Grade 16, minimum salary \$32,413 at budget line 480293.1000.101080, effective April 25, 2005.

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

RESOLUTION NO. 255

By Public Works and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AN AGREEMENT WITH CHARLES S. COLLEY AND PAULETTE A. COLLEY FOR A DRAINAGE EASEMENT ABUTTING NANTICOKE DRIVE IN THE TOWN OF UNION

WHEREAS, the Commissioner of Public Works and the Deputy Commissioner of Public Works for the Highway Division have determined that it is necessary to acquire a perpetual drainage easement across the lands of Charles S. Colley and Paulette A. Colley located in the Town of Union at 1641 Nanticoke Drive, Endicott, New York leading from a culvert under Nanticoke Drive across the lands of the Colleys to the Nanticoke Creek, and

WHEREAS, the Commissioner of Public Works has negotiated with Mr. and Mrs. Colley whereby they will grant a perpetual drainage easement to Broome County in consideration of the County maintaining the easement area and defending and indemnifying Mr. and Mrs. Colley in connection with any actions or proceedings that may be brought against them as the result of the County's construction and maintenance of the easement, and

WHEREAS, the Commissioner of Public Works requests authorization to enter into an agreement with Charles S. Colley and Paulette A. Colley whereby they will grant a perpetual drainage easement across their land, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Charles S. Colley and Paulette A. Colley of 1641 Nanticoke Drive, Endicott, New York 13760 whereby the said Charles and Paulette Colley will grant to Broome County a perpetual drainage easement across a portion of real property owned by them known as Tax Map Parcel Town of Union 125.13-1-29 for use by the County as described on the annexed "Exhibit A", and be it

FURTHER RESOLVED that in consideration of said easement Broome County will defend, indemnify and save harmless Charles S. Colley and Paulette A. Colley, their heirs, successors and assigns, from any injury, damage, claims or judgments arising out of the culvert and channel to be constructed and maintained by Broome County, and be it

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

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

RESOLUTION NO. 256

By Personnel and Finance Committees

Seconded by Mr. Howard

RESOLUTION CONFIRMING THE APPOINTMENT OF JEROME Z. KNEBEL AS COMMISSIONER OF FINANCE

WHEREAS, Barbara J. Fiala, Broome County Executive, pursuant to the authority vested in her by Article V, Section 501 of the Broome County Charter and Code, has duly designated and appointed, pending confirmation by this County Legislature, Jerome Z. Knebel, 39 Kendall Avenue, Binghamton, New York 13903, as Commissioner of Finance, at the 2004 annual base salary of 79,104 (Admin II, Grade J), effective April 28, 2005, and

WHEREAS, Jerome Z. Knebel is fully qualified to fill the position of Commissioner of Finance, 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 Article V, Section 501 of the Broome County Charter and Code, does hereby confirm the appointment of Jerome Z. Knebel as Commissioner of Finance, effective April 28, 2005, in accordance with his appointment by the County Executive.

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

RESOLUTION NO. 257

By Finance Committee

Seconded by Mr. Shafer

RESOLUTION AMENDING RESOLUTION 180 OF 1965, ENTITLED: "RESOLUTION IMPOSING TAXES ON SALES AND USE OF TANGIBLE PERSONAL PROPERTY AND CERTAIN SERVICES, OCCUPANCY OF HOTEL ROOMS, ADMISSION CHARGES AND CLUB DUES, PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK", AS LAST AMENDED BY RESOLUTION 126 OF 2003, IN RELATION TO THE ALLOCATION OF SALES TAX RECEIPTS

WHEREAS, since 1965 Broome County has distributed to the cities, towns and villages within the County a portion of the 3% sales tax received by the County, and

WHEREAS, this County Legislature, by Resolution 126 of 2003, revised the distribution formula for the three percent (3%) sales tax received by the County because of serious financial problems resulting from state mandates that forced the County to find a new source of revenue, and

WHEREAS, this County Legislature had agreed to review the sales tax distribution formula after one year to gauge the effect of said change in the redistribution formula on various municipalities in the County, and

WHEREAS, after said review, it has been determined that the change in the redistribution formula had a negligible effect on the sales tax revenue distributed to the various municipalities except that the municipalities were unable to benefit from any growth in sales tax revenues, and

WHEREAS, the New York State Legislature has taken action to soften the growth impact of Medicaid mandates on New York State Counties, and

WHEREAS, this County Legislature desires to share the softening of the Medicaid mandates with the cities, towns and villages within the County to that portion of the 3% sales tax collected, and

WHEREAS, it has been determined that changing the distribution of the 3% sales tax to provide that the County shall retain fifty-two-and-a-half percent (52½%) of the 3% collected with the remaining forty-seven and-a-half percent (47½%) distributed to the cities, towns and villages will have the effect of restoring some of the sales tax revenue with the municipalities while allowing the County to retain a sufficient portion to meet the continuing mandates imposed on the County by the State of New York, now, therefore, be it

RESOLVED, that section 14 of Resolution 180 of 1965, as last amended by Resolution 126 of 2003, is hereby amended to revise subdivision "g" to read as follows:

“Anything hereinabove contained to the contrary notwithstanding, commencing with the distribution by the County to the cities, towns and villages within the County to be made on or about October 15, 2005, said municipalities shall receive forty-seven and-a-half percent (47½%) of such three percent sales tax collected, in accordance with the distribution formula established herein.”

and be it

FURTHER RESOLVED, that this Resolution shall take effect on July 1, 2005.

Mr. Brunza made a motion, seconded by Mr. Sanfilippo, to change the wording in the RESOLVED paragraph “...on or about October 15, 2005...” to “...on or about April 15, 2006...”. The resolution was then **held over ‘under the rules’** by Mr. Brunza.

RESOLUTION NO. 258

By County Administration Committee

Seconded by Mr. Lindsey

RESOLUTION IN SUPPORT OF LEGISLATION BEFORE THE NEW YORK STATE ASSEMBLY ON THE CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS

WHEREAS, legislation on the civil commitment of sexually violent predators is currently being considered by the New York State Assembly Committee on Mental Health, and

WHEREAS, said legislation, Bill Number A2693, provides for the civil commitment of sexually violent predators to protect the public from these predators who are likely to repeat acts of sexual violence, and

WHEREAS, the New York State Senate, on April 5, 2005, adopted companion legislation by an overwhelming bi-partisan majority vote of 58 to 2, now, therefore, be it

RESOLVED, that this County Legislature supports the New York State Assembly Bill A2693 that provides for the civil commitment of sexually violent predators to protect the public from these predators who are likely to repeat acts of sexual violence, 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, Assemblywoman Donna A. Lupardo, Assemblyman Clifford Crouch, Assemblyman Gary Finch and the New York State Association of Counties.

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

Mr. Howard made a motion to adjourn, seconded by Mr. Whalen. **Motion to adjourn carried**, Ayes-18, Nays-0, Absent-1 (Hutchings). The meeting was adjourned at 5:34 p.m.

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