
**BROOME COUNTY LEGISLATURE
REGULAR SESSION
WEDNESDAY, JULY 20, 2005**

The Legislature convened at 3:30 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-17, Absent-2 (Brunza, Reynolds).

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. Mather made a motion, seconded by Mr. Howard, that the minutes of the June 15, 2005 Regular Session be approved as prepared and presented by the Clerk. **Carried**, Ayes-17, Nays-0, Absent-2 (Brunza, Reynolds).

Mr. Schofield noted that the committee minutes for the period June 15, 2005 through July 19, 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. Miller, seconded by Mr. Materese. **Carried**, Ayes-17, Nays-0, Absent-2 (Brunza, Reynolds).

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY EXECUTIVE:

- A. Letters from the County Executive, Barbara J. Fiala
 - 1. Appointment to Broome Community College Board of Trustees

PRESENTATION OF PETITIONS, COMMUNICATIONS, NOTICES & REPORTS:

- A. Petitions: None
- B. Communications:
 - 1. EMC Recycling & Waste Management Committee Minutes 5/23/05
 - 2. Broome County Association of Municipal Clerks 6/16/05
 - 3. Broome County Industrial Development Agency Minutes 4/8/05
 - 4. Cornell Cooperative Extension Board of Directors Minutes 5/19/05
 - 5. Environmental Management Council Minutes 6/2/05
 - 6. EMC Natural Resources Committee Minutes 6/16/05
 - 7. Landfill Citizens Advisory Committee Minutes 4/25/05
 - 8. Broome County Industrial Development Agency Minutes 6/17/05
 - 9. Broome Soil and Water Conservation District Minutes 6/14/05
 - 10. Assemblyman Finch-Receipt of "Resolution in Support of Legislation Before the New York State Assembly on the Civil Confinement of Sexually Violent Predators"
 - 11. Panicia & Beck, LLP-Notice of Defect-Nanticoke Drive
 - 12. Early Intervention Program-Public Hearing 7/21/05
 - 13. Letter from NYSAC-Re: Help America Vote Act Election Machines
 - 14. Memo from Legislative Clerk-Re: Absence From Broome County Area
 - 15. Letter from Robert Kilmer, Endicott Board of Trustees, to Joseph Sluzar-Re: Terms of En-Joie Golf Course
 - 16. Memo From Patrick Brennan, Deputy County Executive-Re: Broome County Internship Program
 - 17. Law Department Information Packet-Re: En-Joie Golf Course
- C. Notices:
 - 1. Annual Broome Tobacco Asset Securitization Corporation Meeting 7/1/05
 - 2. Special Committee-of-the-Whole Meeting 7/13/05

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3. Special Transportation and Personnel Committee Meeting 7/20/05
 4. Broome Community College Public Hearing 7/14/05
- D. Reports:
1. Sheriff's Office 2004 Annual Report
 2. CASA 2004 Annual Report
 3. Office of the County Clerk 2004 Annual Report
 4. 2005-2006 Recommended Broome Community College Budget
 5. Audit & Control Quarterly Accounts Receivable Analysis 6/05
 6. BCC Above Minimum Hire 5/05
 7. BCC Budget Transfers 5/05

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY LEGISLATURE

- A. Letters from the Chair, Daniel A. Schofield:
1. Designations for J. Sanfilippo 7/11/05 & 7/13/05 and A. Shafer 7/14/05
 2. Designation for B. Mather 7/11/05.
 3. Designation for M. Whalen 7/14/05
 4. Designations for D. Reynolds and A. Shafer 7/14/05

Mr. Kuzel made a motion, seconded by Mr. Marinich, 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-17, Nays-0, Absent-2 (Brunza, Reynolds).

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

RESOLUTIONS HELD OVER FROM PREVIOUS SESSION

RESOLUTION NO. 301

(Held over by Mr. Mather)

By County Administration and Finance Committees Seconded by Mr. Shafer
RESOLUTION AUTHORIZING ACCEPTANCE OF A COURT RECORDS PILOT PROGRAM GRANT FOR THE OFFICE OF THE COUNTY CLERK, ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH AND AUTHORIZING AN AGREEMENT WITH EXIGENT COMPUTER GROUP, INC. TO PROVIDE HARDWARE, SOFTWARE AND SERVICES FOR SAID PROGRAM FOR 2005-2006

Carried, Ayes-16, Nays-1 (Kuzel), Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 307

(Held over by Mr. Hull)

By Personnel, Economic Development & Planning and Finance Committees
Seconded by Mr. Mather
RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUESTS FOR THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

(Legislative Note: The effective date of PCR#05-209 referred to in the second FURTHER RESOLVED paragraph contained a typographical error and was corrected to read December 31, 2005.)

Carried, Ayes-14, Nays-3 (Nannery, Kuzel, Lindsey), Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 316

(Held over by Mr. Keibel)

By Personnel, Public Works and Finance Committees

Seconded by Mr. Sanfilippo

RESOLUTION AUTHORIZING COMPENSATION FOR ADDITIONAL RESPONSIBILITY FOR THE DIVISION OF SOLID WASTE MANAGEMENT ASSIGNED TO THE DEPUTY COMMISSIONER OF PUBLIC WORKS FOR ENGINEERING

Carried, Ayes-15, Nays-2 (Keibel, Schafer), Absent-2 (Brunza, Reynolds).

RESOLUTIONS INTRODUCED AT THIS SESSION

RESOLUTION NO. 319

By Human Services Committee

Seconded by Mr. Howard

RESOLUTION AMENDING RESOLUTION 189 OF 2005 CONFIRMING THE APPOINTMENT OF HEIDI KOWALCHYK TO MEMBERSHIP ON THE BROOME COUNTY YOUTH ADVISORY BOARD

WHEREAS, this County Legislature, by Resolution 189 of 2005, confirmed the appointment of Heidi Kowalchyk, 330 Park Avenue, Binghamton, New York 13903 to membership on the Broome County Youth Bureau Advisory Board for a term ending December 31, 2006, and

WHEREAS, Barbara J. Fiala, Broome County Executive, pursuant to the authority vested in her by Resolution 163 of 1971 and Resolution 133 of 1976, wishes to extend the term of Heidi Kowalchyk from December 31, 2006 to December 31, 2007, on the Broome County Youth Bureau Advisory Board, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Resolution 163 of 1971 and Resolution 133 of 1976, confirms the extension of the term of Heidi Kowalchyk from December 31, 2006 to December 31, 2007, on the Broome County Youth Bureau Advisory Board in accordance with her appointment by the County Executive.

Carried, Ayes-17, Nays-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 320

By Economic Development & Planning Committee

Seconded by Mr. Howard

RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME-TIOGA WORKFORCE INVESTMENT BOARD (F/K/A THE BROOME-TIOGA WORKFORCE DEVELOPMENT BOARD)

WHEREAS, Barbara J. Fiala, Broome County Executive, pursuant to the authority vested in her by Resolution 499 of 2000, has duly designated and appointed the following named individuals to membership on the Broome-Tioga Workforce Investment Board (f/k/a the Broome-Tioga Workforce Development Board), for the terms indicated, subject to confirmation by this County Legislature:

<u>NAME</u>	<u>TERM EXPIRING</u>
Jane Ryan 152 Willis Road Binghamton, NY 13905	New Appointment 6/30/2008 Private Sector
Jon Miselnicky PO Box 105 Port Crane, NY 13833-0105	New Appointment 6/30/2008 Private Sector
Diane Julian 232 Antoinette Drive Endicott, NY 13760	New Appointment 6/30/2008 Private Sector

Paul D. West 281 Lower Stella-Ireland Road Binghamton, NY 13905	New Appointment 6/30/2008 Public Sector
Laurence Spraggs PO Box 1017 Binghamton, NY 13905	New Appointment 6/30/2008 Public Sector
Michael Muller 4700 Vestal Parkway East Vestal, NY 13850-4750	Reappointment 6/30/2008 Private Sector
Alan Hertel 4425 Old Vestal Road PO Box 3607 Binghamton, New York 13902-3607	Reappointment 6/30/2008 Business Sector
Chris Burger 110 Walters Road Whitney Point, NY 13862	Reappointment 6/30/2008 Business Sector
Gene George 627 Field Street Johnson City, NY 13790	Reappointment 6/30/2008 Business Sector
Richard Bohman 44 Hawley Street Binghamton, NY 13901	Reappointment 6/30/2008 Regional Sector
Richard D'Attilio PO Box 1766 Binghamton, NY 13902	Reappointment 6/30/2008 Public Sector
Robert Sweet 44 Hawley Street Binghamton, NY 13901	Reappointment 6/30/2008 Public Sector
Gerald McDonald PO Box 433 Endicott, NY 13760	Reappointment 6/30/2008 Business Sector

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 499 of 2000, confirms the appointments of the above-named individuals to membership on the Broome-Tioga Workforce Investment Board for the terms indicated, in accordance with their appointment by the County Executive.

Carried, Ayes-17, Nays-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 321

By Education, Culture & Recreation Committee

Seconded by Mr. Whalen

RESOLUTION CONFIRMING AN APPOINTMENT TO MEMBERSHIP ON THE BROOME COMMUNITY COLLEGE BOARD OF TRUSTEES

WHEREAS, Barbara J. Fiala, County Executive, pursuant to the authority vested in her by Article XXIII-A of the Broome County Charter and Code, has duly designated and appointed the following named individual to membership on the Broome Community College Board of Trustees, for the term indicated, subject to confirmation by this County Legislature:

<u>Name</u>	<u>Term Expiring</u>
Timothy Grippen 32 Brookfield Road Binghamton, New York 13903	New Appointment 6/5/2014

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 XXIII-A of the Broome County Charter and Code, hereby confirms the appointment of the above-named individual to membership on the Broome Community College Board of Trustees for the term indicated, in accordance with his appointment by the County Executive.

Carried, Ayes-16, Nays-1 (Kuzel), Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 322

By Public Works Committee

Seconded by Mr. Howard

RESOLUTION RENDERING A "POSITIVE DECLARATION" WITH RESPECT TO THE SUPPLEMENTAL ENVIRONMENTAL REVIEW FOR THE PROPOSED DEVELOPMENT OF A NEW LANDFILL UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT

WHEREAS, it is necessary to conduct a supplemental environmental review in connection with the evaluation of various means of entry into the new Section IV at the Broome County Landfill and various related improvements at the Broome County Landfill 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 landfill, and

WHEREAS, it has been determined that such project is 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, 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 and a solid waste composting system, and

WHEREAS, this County Legislature, by Resolution 249 of 2005, declared its intention to seek "Lead Agency" re-designation status with respect to the supplemental environmental review of the new landfill, including various means of entry and egress to the new Section IV at the landfill and related improvements, and

WHEREAS, this County Legislature has obtained "Lead Agency" re-designation status after receiving concurrence from other involved agencies, and

WHEREAS, this project is a Type 1 action as defined in 6 NYCRR 617.6(a) (iv) and the proposed action may have an impact on the environment, now, therefore, be it

RESOLVED, that this County Legislature, based on the Full Environmental Assessment Form attached hereto as Exhibit "A", hereby determines and declares that the development of a new landfill (Section IV), including entry and egress and related improvements, may have a significant impact on the environment, and be it

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

Carried, Ayes-17, Nays-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 323

By Human Services and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AGREEMENT WITH LUNDY BANCROFT FOR PROFESSIONAL SERVICES FOR FAMILY VIOLENCE PREVENTION COUNCIL FOR 2005

WHEREAS, the Coordinator of Family Violence Prevention Council requests authorization for an agreement with Lundy Bancroft for professional services for Family Violence Prevention Council at a cost not to exceed \$3,200, for the period November 3, 2005 through November 4, 2005, and

WHEREAS, said agreement is necessary for a professional speaker and travel expenses at the annual Family Violence Prevention Council Conference entitled: "Rebuilding Lives: Overcoming the Impact of Domestic Violence on Families and Children", now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Lundy Bancroft, PO Box 253, Northampton, Massachusetts 01060, for professional services for the Family Violence Prevention Council's Conference for the period November 3, 2005 through November 4, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$3,200 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 640003.4747.104023 (Other Fees for Services) and 640003.4465.104023 (Non-Employee Travel), 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-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 324

By County Administration and Finance Committees

Seconded by Mr. Hutchings

RESOLUTION ADOPTING LOCAL LAW INTRO NO. 3, 2005, ENTITLED; A LOCAL LAW ADOPTING A NEW CHAPTER 80 OF THE BROOME COUNTY CHARTER AND CODE ESTABLISHING A MINIMUM LIVING WAGE LAW FOR BROOME COUNTY

WHEREAS, the County of Broome awards many contracts to various profit and not for profit business entities whose employees perform work, labor and services pursuant to the terms of the contracts, and

WHEREAS, employees and their families of business entities that contract with the County sometimes live below the poverty line, and must rely on taxpayer funded social services, and

WHEREAS, paying a living wage to such employees will promote productivity and workplace stability, increase consumer income, recycle within the community County tax dollars, decrease poverty, invigorate communities, and mitigate the need for social services programs, and

WHEREAS, the County seeks to ensure that all employees of contractors and subcontractors who deliver services to the County are healthy and productive citizens and have health insurance for themselves and their families, and

WHEREAS, the County encourages the Broome County Industrial Development Agency, Broome Community College and the Broome County Public Library to pass similar living wage legislation, and

WHEREAS, the payment of a Living Wage will further the above stated interests, now, therefore, be it

RESOLVED, that Local Law Intro No. 3, 2005, entitled "A Local Law Adopting a New Chapter 80 of the Broome County Charter and Code establishing a Minimum Living Wage For Broome County" be and the same is hereby adopted and approved in accordance with the Broome County Charter, the Municipal Home Rule Law, and all applicable statutes and laws pertaining thereto.

LOCAL LAW INTRO NO. 3, 2005

**LOCAL LAW ADOPTING A NEW CHAPTER 80 OF THE BROOME COUNTY
CHARTER AND CODE ESTABLISHING A MINIMUM LIVING WAGE LAW
FOR BROOME COUNTY**

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

SECTION 1. Chapter 80 of the Broome County Code and Charter shall be and hereby is added to read as follows:

§ 80-1. Title and Purpose.

- A. Title.** This Local Law shall be known as the Broome County Minimum Living Wage Law.
- B. Purpose.** The purpose of this Local Law is to ensure that when taxpayer-funded benefits are extended by Broome County to private businesses, they are used in a way that benefits the interests of the County as a whole, by creating jobs that keep workers and their families out of poverty. This Local Law therefore requires the County, its contractors and subcontractors, and businesses benefiting from its financial assistance programs and from the opportunity to lease County property, to pay their employees a wage that will enable a full-time worker to support a family at a level that meets basic needs and avoids economic hardship.

§ 80-2. Definitions.

For purposes of this Local Law, the following terms shall have the following meanings:

- A. "County"** means the County of Broome and any County board, Binghamton Regional Airport, commission, bureau, division, department, administrative unit, or other office, position, administration, institution or agency of County Government:
 - 1. The expenses of which are paid in whole or in part from the County general funds,
 - 2. Over which majority control is exercised by officers of the County or their Appointees, provided, however, that County shall not include the Broome County Industrial Agency, Broome Community College or the Broome County Public Library.
- B. "Contracting Agency"** shall mean any subordinate or component entity of the County that solicits proposals or bids and administers Service Contracts or County Assistance agreements.
- C. "Service Contract"** means any written agreement whereby the County is committed to expend funds for services provided to or for the County, and that involves an expenditure of at least twenty-five thousand dollars (\$25,000) in any 12-month period. The term "Service Contract" shall not include contracts where services are incidental to the delivery of products, equipment or commodities. The term Service Contract shall include agreements whereby the County leases property and receives services pursuant to that lease. For the purposes of this definition, County expenditures for

more than one contract for the same service from the same vendor within any 12-month period shall be aggregated. A contract for the purchase or lease of goods, products, equipment, supplies or other property is not a "Service Contract" for the purposes of this definition. A subcontract shall be considered a "Service Contract" for the purposes of this Local Law where the subcontract is entered into to assist the primary contractor in performing services for the County.

- D. **"County Assistance"** shall mean any tax abatement, grant, loan, bond financing or other economic incentive of at least twenty-five thousand dollars (\$25,000.00) over the life of the agreement that is realized by or provided to a Covered Employer, as herein defined, by or through the authority or approval of the County or any Contracting Agency.
- E. **"Service Contractor"** shall mean any person that enters into a Service Contract with the County.
- F. **"Covered Employer"** shall mean any employer that is a
1. Service Contractor;
 2. Subcontractor to a Service Contractor;
 3. On-Site Service Contractors;
 4. Recipient of County Assistance;
 5. Tenant or concessionaire of a recipient of County Assistance;
 6. Tenant or concessionaire of the County where the relevant Service Contract, County Assistance, lease or concession agreement was entered into or renewed subsequent to the effective date of this law and where the employer employs at least ten (10) full-time equivalent employees regardless of whether those employees are Covered Employees or not.
- G. **"Covered Employee"** shall mean a person employed by a Covered Employer, to
1. Perform work in, on or for a project that is the subject of a Service Contract, or
 2. Perform work at a site or on a project for which County Assistance was granted or that is the subject of a County lease or concession agreement; including a person who performs work on a full-time, part-time, contingent or contracted basis, including a person made available to work through an agency providing temporary services, including staffing agencies and employment agencies or similar entities. For the purposes of this act, a person employed as part of a County or private youth employment program is not a covered employee.
- H. **"Full-Time Equivalent"** shall mean any combination of hours worked by one or more employees equivalent to between 35 and 40 hours per week.
- I. **"Person"** shall mean any entity or its agents, employees, representatives or legal representatives, including, but not limited to, natural persons, corporations, partnerships, limited liability companies, joint ventures, associations, labor organizations, educational institutions, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees in bankruptcy, receivers or fiduciaries.
- J. **"Subcontractor"** shall mean any Person, other than an employee, that enters into a Service Contract with a Service Contractor to assist the primary Service Contractor in performing a Service Contract.

§ 80-3. Minimum Living Wage Established.

- A. Applicability.** Covered Employers shall pay no less than a Minimum Living Wage to their Covered Employees. This requirement applies for each hour that a Covered Employee actually performs work or renders services in connection with a County Service Contract or Subcontract, in connection with a project matter or location for which the Covered Employer has received County Assistance or that is the subject of a County lease or concession agreement, or under the program of a Covered Child Care Agency. Provided that in the case of employees performing work that is covered by federal, state or local prevailing wage laws, Covered Employers shall pay the greater of the Minimum Living Wage pursuant to this law or the applicable prevailing wage.
- B. Amount of Minimum Living Wage.** The Minimum Living Wage shall be calculated on an hourly basis and shall be no less than \$9.10 per hour with health benefits, as described in this local law, or otherwise \$10.75 per hour. The Minimum Living Wage shall be adjusted upwardly on an annual basis no later than April 1, beginning in 2006, in proportion to the annual increase, if any, in the Consumer Price Index for the area encompassing Broome County, for all items over the preceding year. The covered employer shall provide written notification of the rate adjustments, if any, to each of its covered employees and make the necessary payroll adjustments by July 1, beginning in 2006.
- C. Health Benefits.** Health benefits shall consist of the payment by the Covered Employer to its Covered Employees or on their behalf, of at least one dollar and sixty-five cents (\$1.65) per hour towards the provision of health care benefits for employees and/or their dependents. The required amount of this employer health benefits contribution shall be one dollar and sixty-five cents (\$1.65) per hour in the first year of this law and shall be adjusted upwardly every year thereafter at rate equivalent to that of the Minimum Living Wage pursuant to paragraph B of this section. Proof of the provision of such benefits must be submitted to the County not later than thirty (30) days after the execution of the relevant Service Contract, award of County Assistance, or County lease or concession agreement in order to qualify for the wage rate in paragraph B of this section.
- D. Compensated Leave.** Covered Employers shall provide at least twelve (12) compensated days leave per year to Covered Employees for sick leave, vacation, or personal necessity at the employee's request. Employees shall accrue one compensated day of leave per month of full-time equivalent employment. Covered Employees shall be eligible to use accrued days off after the first six months of employment or consistent with company policy, whichever is sooner. Paid holidays, consistent with established employer policy, may be counted toward provision of the required twelve (12) compensated days off.
- E. Uncompensated Leave.** Covered Employers shall also permit Covered Employees to take at least ten (10) days per year of uncompensated leave to be used for sick leave for the illness of the Covered Employee or a member of his or her immediate family. Uncompensated leave need not accrue from year to year.
- F. No Reduction in Collective Bargaining Wage Rates.** Nothing in this law shall be read to require or authorize any Covered Employer to reduce wages set by a collective bargaining agreement or required under any New York State or other state or federal prevailing wage.

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- G. Cuts in Non-Wage Benefits Prohibited.** No Covered Employer may fund wage increases required by this local law or otherwise respond to the requirements of this Local Law, by reducing the health, insurance, pension, vacation, or other non-wage benefits of any of its employees.
 - H. Earned Income Credit.** Covered Employers shall inform employees making less than twelve dollars (\$12.00) per hour of their possible right to the federal earned income tax credit (EIC) under Section 32 of the Internal Revenue Code of 1954, and shall make available to employees forms informing them about EIC and forms required to secure advance EIC payments from the employer.
 - I. Non-Discrimination.** All County Service Contracts, agreements to award County Assistance, or County leases or concession agreements shall contain an agreement by said employers or said recipients not to discriminate on the basis of race, color, religion, sex, national origin, age, marital status, sexual preference, discharge from military service or handicap unrelated to job ability.

§ 80-4. Relationship to Other Labor Standards.

- A. Minimum Standards.** This Local Law establishes minimum standards for wages, benefits and protections that must be extended to Covered Employees. Nothing in this Local Law shall be construed as prohibiting or conflicting with any other obligation or law, including any collective bargaining agreement that mandates the provision of higher wages, greater benefits, or increased protections to employees.
- B. Federal Preemption and Severability.** No part of this Local Law shall be construed as applying to any Covered Employee where such coverage would be preempted by Federal Law. However, in such circumstances, only those applications of this Local Law for which coverage would be preempted shall be construed as inapplicable.
- C. State Law Preemption.** No part of this Local Law shall be construed as applying to any Covered Employee where such coverage would be preempted by state Law. Except where preempted by State Law, this Local Law applies in full to all funds administered by the County.

§ 80-5. Reporting Requirements

- A. County Compliance Responsibility.** The Broome County Office of Audit and Control shall be responsible for coordinating implementation of this Local Law by County agencies, and compliance with its requirements by Covered Employers. The Broome County Office of Audit and Control shall monitor compliance with this Local Law by Covered Employers and shall promptly investigate complaints of violations of this Local Law, shall report his or her findings and actions to complainants, and shall use best efforts to prevent, detect, and remedy violations
- B. Notice of Application for Service Contract, County Lease or Concession Agreement or County Assistance.** Any and all Service Contracts, County lease or concession agreements or agreements to provide County Assistance shall be void, and no Service Contract, County lease or concession agreement or County Assistance shall be awarded, unless, at least twenty-one (21) days before the Service Contract, County lease or concession agreement, or County Assistance is awarded, the Covered Employer files with the Broome County Office of Audit and Control of

the County of Broome, a publicly available application which shall include the following:

1. The name, address and telephone number of both the prospective Covered Employer, and, if different, the specific project for which the Service Contract or County Assistance is sought;
2. A description of the project or service for which the Service Contract, lease, concession agreement or County Assistance is sought;
3. A statement of projected number of employees, by job title, under the prospective Service Contract, lease, concession agreement, or project for which County Assistance is sought;
4. A statement of the projected wage levels of all Covered Employees in each of the years for which a service Contract or County Assistance is sought; and
5. A written commitment to pay all Covered Employees a Minimum Living Wage as defined under this Local Law, unless an exception is granted under this Local Law.

B. Payroll Record Keeping and Reporting. Each Covered Employer shall maintain payrolls for all Covered Employees and basic records relating thereto and shall preserve them for a period of three years. The records shall contain the zip code of each employee's place of residence, the number of hours worked each day, the gross wages, deductions made, actual wages paid, a record of non-wage benefit payments, and any other data as may be required by the County from time to time. Every six months, each Covered Employer shall file with the Broome County Office of Audit and Control a complete payroll showing the Covered Employer's payroll records for each of its Covered Employees for one payroll period. Upon request by the County, a Covered Employer shall produce for inspection and copying its payroll records for all of its Covered Employees for the three-year period.

C. Annual Reports From Covered Employers. Covered Employers shall provide annual reports to the Broome County Office of Audit and Control of their employment activities, including job title, health benefits, period of employment and wage rate of Covered Employees.

§ 80-6. Compliance, Enforcement and Sanctions.

A. Covered Employer Cooperation. Upon written notice received by the Covered Employer three business days prior to an on-site inspection, the Covered Employer shall permit representatives from the County to observe work being performed at, in or on the project or matter for which the Covered Employer has received a Service Contract, lease, concession agreement, or County Assistance, to interview employees and to examine the books and records of the Covered Employer relating to employment and payroll to determine if the Covered Employer is in compliance with the provisions of this Local Law.

B. Posting. Upon hiring, and by January 15 of each year, Covered Employers shall provide all employees with materials provided by the County informing them of their rights under this law. Every Covered Employer shall conspicuously post on its premises, in an area where notices to employees and applications for employment are kept, two copies of this law or other materials designed by regulation, informing employees of their rights under this law.

C. Grievance Procedure. A person who believes that any Covered Employer is not complying with the requirements of this Local Law has the right to file a complaint with

the County. Complaints of alleged violations may be made at any time and shall be investigated promptly by the County. Written and oral statements in support of the complaint shall be treated as confidential and shall not be disclosed to the Covered Employer without the consent of the Covered Employee.

- D. Duties of the County.** It shall be the responsibility of the County through the Broome County Office of Audit and Control to examine payrolls as deemed necessary to determine compliance and cause investigations to be made as necessary to monitor compliance with the provisions of this law. The County shall promptly cause investigations to be made into complaints alleging non-compliance by Covered Employers. The County may in conjunction with the County Legislature, in accordance with the powers herein granted, require the production by the Covered Employer of such evidence as required to determine compliance with the provisions of this Local Law.
- E. Disputed Findings of Non-Compliance.** A Covered Employer may dispute a finding of non-compliance by requesting a hearing with the County to present evidence to refute the allegation of non-compliance. Based upon the evidence presented at said hearing, the County Finance Committee or a committee appointed by the Chairman of the Legislature shall make a final determination on the question of compliance.
- F. Non-Compliance.** Where a finding of non-compliance with this law has been determined by the County, the Service Contractor or recipient of County Assistance or a County lease or concession agreement will be given a written notice by the County. The Covered Employer shall be given the right to cure the violation within thirty (30) days from the date of the notice. Should the Covered Employer fail to cure the violation within such time, the County shall impose sanctions including one or more of the following:
1. Suspending and/or terminating the Service Contract, subcontract or financial agreement for cause;
 2. Requiring the Covered Employer to pay back any or all of the Service Contract or financial assistance awarded by the County;
 3. Deeming the Covered Employer ineligible for future County Service Contracts, County Assistance, County leases, and County concession agreements until all penalties and restitution have been paid in full, and until the County determines to restore eligibility;
 4. Imposing a fine payable to Broome County in the sum of five hundred dollars (\$500.00) for each week for each employee found not to have been paid in accordance with this law;
 5. Requiring the Covered Employer to: (i) reinstate the affected employee, (ii) make restitution of wages to the employee, (iii) grant to the employee any additional make whole relief deemed appropriate by the County, and (iv) pay to the affected employee liquidated damages of five-hundred dollars (\$500.00) per week for any periods of noncompliance with this law affecting the Covered Employee.
- G.** The County Attorney shall promulgate procedures for legal enforcement of the requirements of this law.
- H. Private Right of Action.** In addition to any other remedy provided for under this Local Law, an employee, an employee's representative, a labor union with an interest in the Service Contract, County lease, County concession agreement or County Assistance at issue, or any other aggrieved party claiming violation of this local law

may institute an action in a court of appropriate jurisdiction against any Covered Employer alleged to have violated this Local Law. For any violation of this Local Law, including failure to pay the Minimum Living Wage and required benefits, failure to comply with other requirements of this Local Law and retaliation for exercising rights provided hereunder, the court may award any appropriate remedy at law or equity, including but not limited to back pay, other equitable or make-whole relief, liquidated damages in the amount of five hundred dollars (\$500.00) for each employee for each week during which the violation continued, reinstatement, injunctive relief, compensatory damages and/or punitive damages. The court shall award reasonable attorney's fees and costs to any complaining party who prevails in any such enforcement action. Such action must be commenced within three years of the date on which the complainant became aware of the alleged violation. No remedy set forth in this Local Law is intended to be exclusive or a prerequisite for asserting a claim for relief to enforce any rights hereunder in a court of law. This Local Law shall not be construed to limit an employee's right to bring a common law cause of action for wrongful termination.

- I. Wage Protest Not Required.** Notwithstanding any inconsistent provision of this Local Law or of any other general, special or local law, or regulation, an employee affected by this law shall not be barred from the right to recover the difference between the amount paid to the employee and the amount that should have been paid under the provisions of this Local Law because of the prior receipt by the employee without protest of wages paid or on account of the employee's failure to state orally or in writing upon any payroll receipt of which the employee is required to sign that all wages received by the employee are received under protest, or on account of the employees failure to indicate a protest against the amount, or that the amount so paid does not constitute payment in full of wages due the employee for the period covered by such payment.

§ 80-7. Retaliation and Discrimination Barred.

It shall be unlawful for any person to retaliate or discriminate against an individual for making known a violation of this Local Law, for seeking or communicating information regarding rights conferred by this Local Law, for exercising any other right protected under this Local Law or for participating in any proceeding relating to this Local Law. The protection shall also apply to any individual who mistakenly, but in good faith, alleges a violation of this Local Law, or who seeks or communicates information regarding rights conferred by this Local Law in circumstances where he or she mistakenly, but in good faith believes this law is applicable. Taking adverse action against an individual within sixty (60) days of the individual's engaging in any of the aforementioned activities shall raise a rebuttable presumption of having done so in retaliation for those activities.

§ 80-8. Ban on Use of Public Assistance for Pro- or Anti-Union Activity

Covered Employers shall use all County Assistance and payments for services received from the County for purposes for which they are awarded. No Covered Employer shall, directly or indirectly, use any County Assistance or payments for the purpose of persuading employees to support or oppose unionization. In particular, County Assistance or payments for services received from the County shall not be used to schedule or hold meetings related to union representation during employees' working hours. However, this restriction shall not apply to any expenditure made in the course of good faith collective bargaining, or to any expenditure pursuant to obligations incurred under a bona-fide collective bargaining agreement.

§ 80-9. Non-Impairment of Existing Service Contracts or County Assistance.

Nothing contained herein shall operate to impair any existing Service Contract or awards of County Assistance. The provisions of this Local Law shall apply to (a) a Service Contract entered into and County Assistance provided after the effective date of this law; or (b) a Service Contract amendment executed after the effective date of this Local Law which is otherwise covered under this Local Law; and (c) supplemental County Assistance provided for after the effective date of this Local Law which is otherwise covered under this Local Law.

§ 80-10. Exemptions

A. Grounds for granting exemptions.

1. General exemption. Exemptions may be granted by the County Office of Audit and Control where application of this chapter to a particular form of assistance is found by the County to violate specific state or federal statutory, regulatory or constitutional provision or provisions.

2. Youth employment exemption. An exemption to this chapter may be granted where a beneficiary is an organization that regularly employs individuals under the age of 21 in a summer youth or school-to-work program. The exemption shall only apply to such employees.

3. Not-for-profit and for-profit corporations. An exemption to this chapter may be granted for a maximum period of one year after the enactment of this chapter to any not-for-profit organization which is exempt from federal income tax under Section 501(c) of the Internal Revenue Code of 1986 and to any for-profit corporation which performs services for the County or its departments for the benefit of the people of Broome County, provided:

(a) The Chief Executive Officer of such organization or corporation provides proof to the County of Broome that the highest paid employee of the organization or corporation earns a salary which, when calculated on an hourly basis, is less than six times the lowest wage or salary paid by the organization or corporation; or

(b) An applicant for an exemption demonstrates that the fulfilling of the requirement of this chapter will present a hardship in that the fulfilling of the requirement of this chapter will directly increase the expected total annual budget of the applicant in an amount greater than 10% of the prior year's adopted budget.

(c) An applicant for an exemption pursuant to Subsection a(3) of this section shall submit in writing to the Broome County Office of Audit and Control an application for an exemption containing the following information:

[1] The anticipated total annual budget of the applicant should the exemption be granted;

[2] The annual cost of the application of this chapter to the applicant;

[3] The percentage increase of the anticipated total annual budget of the applicant if the application for an exemption is denied; and

[4] The number of employees that would be affected by the application of this chapter to the applicant.

(d) The applicant agrees to submit all books and records to the Broome County Office of Audit and Control, upon request, for examination and documentation of the basis for the request for such an exemption.

§ 80-11. No Private Right of Action Against the County.

No person shall have the authority to maintain a private right of action against Broome County or any of its officers or employees relating to the compliance, enforcement or implementation of this Article.

§ 80-12. Implementation.

- A. Relationship with Existing Procedures.** The provisions of this Local Law shall augment the County's existing procedures for award and administration of County Contracts, County Financial Assistance and County Leases.
- B. Financial Assistance Agreements Required.** Every award of County Financial Assistance must be set forth in a County Financial Assistance Agreement to which the County and the recipient of the County Financial Assistance are parties.
- D. Material Term.** Every County Contract, County Financial Assistance Agreement or County Lease shall include as a material term enforceable by the County that during such time as any party is a Covered Employer under the terms of this Local Law, that party shall comply with the terms of this Local Law.
- E. Promulgation of Regulations.** The Broome County Office of Audit and Control shall promulgate implementing rules, regulations, forms, bid and contract provisions, and other materials, as appropriate, consistent with this Local Law. Rules, regulations, and provisions implementing this Local Law shall be binding on the County and on all Covered Employers.
- F. Content of Regulations.** Implementing rules and regulations shall establish procedures for monitoring the operations of Covered Employers to ensure compliance with this Local Law, including regular review of payroll records, and shall establish procedures for investigation and resolution of complaints of violations of any of the requirements of this Local Law.
- G. Public Hearing.** Implementing rules, regulations, forms, bid and contract provisions, and other materials related to this Local Law and promulgated by the Broome County Office of Audit and Control shall be subject to public hearing, review, and comment by the County Legislature before they take effect.
- H. Annual Report by Broome County Office of Audit and Control.** By March 1 of each year, the Broome County Office of Audit and Control shall prepare for the public and the County Legislature an annual report on the implementation and enforcement of this Local Law during the preceding year.
- I. Annual Bulletin by Broome County Office of Audit and Control.** By December 1 of each year, the Broome County Office of Audit and Control shall publish a bulletin announcing an adjusted Minimum Living Wage Rate and Health Benefits Supplement Rate, which shall take effect on January 1 of the subsequent year. By December 1,

this bulletin shall be distributed to all County agencies and made available to Covered Employees. In conjunction with this bulletin, the *Broome* County Office of Audit and Control shall release and distribute revised text for the posting required by Section 80-6.

- J. Minimum Living Wage Advisory Committee.** A cooperative oversight board shall be created, which shall be composed of three individuals nominated for two year terms by the County Executive and approved by the County Legislature. The board shall consist of one individual who shall be at the time of nomination employed by one of the businesses that are subject to this Local Law, one County employee and one individual who at the time of nomination represents a business subject to this Local Law. The Broome County Office of Audit and Control shall promulgate regulations prescribing the procedures of the board. The board shall meet at least once per year in a forum that is open to the public, and shall be afforded by the County access to information needed to monitor implementation and enforcement of this Local Law.

§ 80-13. Severability.

The requirements and provisions of this Local Law and their parts, subparts and clauses are severable. In the event that any requirement, provision, part, subpart or clause of this Local Law, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the County Legislature that the remainder of the Local Law be enforced to the maximum extent possible consistent with the Legislature's purpose of ensuring a living wage for persons covered by the Local Law.

SECTION 2. This Local Law shall take effect ninety days after filing with the New York State Department of State.

Held over 'under the rules' by Mr. Hutchings.

RESOLUTION NO. 325

By Health Services and Finance Committees Seconded by Mr. Howard
RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH OUR LADY OF LOURDES FOR LEASE OF SPACE AT 225 FRONT STREET FOR 1999-2005

WHEREAS, this County Legislature, by Resolution 61 of 1999, authorized an agreement with Our Lady of Lourdes Memorial Hospital, Inc. for lease of space at 225 Front Street for 1999-2005 for a five year term with the option, upon consent of both parties, to renew for an additional five year term, with an annual rent of \$85,000 for the first year with a 4% escalator for each remaining year (including renewals) effective upon the anniversary date of the lease and any subsequent renewals to include utilities (excluding telephone and computer charges), maintenance, parking, plowing and security services, and

WHEREAS, said agreement was amended by Resolution 547 of 2004, removing the 4% escalator clause from the remainder of the agreement and extending the agreement to June 30, 2005, and

WHEREAS, it is necessary to authorize an amendment to said agreement extending the lease through August 31, 2005, with additional revenue of \$14,205, 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 Our Lady of Lourdes Memorial Hospital, Inc. to extend the lease through August 31, 2005, and be it

FURTHER RESOLVED, that in consideration of said amendment, the contractor shall pay the County an additional \$14,205, total lease revenue not to exceed \$56,821, for the period January 1, 2005 through August 31, 2005, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 480046.0189.101000 (Rental of Real Property), and be it

FURTHER RESOLVED, that Resolution 61 of 1999, as amended by Resolution 547 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-17, Nays-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 326

By Economic Development & Planning and Finance Committees Seconded by Mr. Howard
RESOLUTION AUTHORIZING AN INTERMUNICIPAL AGREEMENT WITH THE TOWN OF MAINE WHEREBY THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT PROVIDES ASSISTANCE IN DEVELOPING A TOWN OF MAINE COMPREHENSIVE PLAN

WHEREAS, the Town of Maine is desirous of developing a town comprehensive plan and has asked the Broome County Department of Planning and Economic Development for assistance, and

WHEREAS, the Department of Planning and Economic Development has the expertise and ability to provide consulting services to the Town of Maine in conjunction with the development of said comprehensive plan, and

WHEREAS, the Commissioner of Planning and Economic Development has requested authorization to enter into an agreement with the Town of Maine for an amount not to exceed \$3,000 for the Broome County Department of Planning and Economic Development to assist the Town in developing a comprehensive plan, for the period June 15, 2005 through June 14, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the Town of Maine for consulting services from the Department of Planning and Economic Development to assist the Town in developing a comprehensive plan for the period June 15, 2005 through June 14, 2006 by:

- Developing a survey instrument to obtain community input on issues related to planning
- Preparing and disseminating approximately 2,200 surveys to residents and property owners
- Compiling survey results
- Providing demographic, environmental and land use data and analysis to the Town Board
- Conducting an analysis of existing local legislation affecting land use
- Participating in the public hearings required for the comprehensive plan
- Guiding the Town in preparing the text of a comprehensive plan
- Advising the Town on the steps necessary to comply with the State Environmental Quality Review Act (SEQR)
- Providing up to fifteen (15) copies of the completed comprehensive plan,

and be it

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

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 440016.0070.101000 (Fees for 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-17, Nays-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 327

By Finance Committee

Seconded by Mr. Howard

RESOLUTION APPROVING SALE OF COUNTY-OWNED PROPERTIES IN THE TOWNS OF CHENANGO AND UNION

WHEREAS, the County of Broome now owns certain parcels of real property as listed below, and

WHEREAS, in conformity with the procedures established by this County Legislature and in accordance with all applicable laws, the Director of Real Property Tax Services requests authorization to sell said properties to the individuals as listed:

Property Location:	1153 Upper Front Street Rear
Town:	Chenango
Tax Map Number:	111.20-1-22
Purchase Price:	\$5,000

Note: Deposit of \$500 received.
Balance owed is \$4,500.

Lot Size:	3.85 acres
Purchaser:	Brookfield, LLC
Address:	1152 Front Street Binghamton, New York 13905

Property Location:	752 Grant Street
Town/Village:	Union/Johnson City
Tax Map Number:	143.21-1-21
Purchase Price:	\$20,000
Lot Size:	80 x 168
Purchaser:	Richard Vasquez
Address:	P.O. Box 1750 New City, New York 10956

now, therefore, be it,

RESOLVED, that this County Legislature hereby authorizes the sale of County properties as indicated above, and be it

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

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

Carried, Ayes-17, Nays-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 328

By Finance Committee

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AN AMENDMENT TO RESOLUTION 214 OF 2005 TO CORRECT THE SELLBACK PRICE TO THE FORMER OWNER FOR A PARCEL OF PROPERTY IN THE TOWN OF KIRKWOOD

WHEREAS, this County Legislature, by Resolution 214 of 2005, authorized the conveyance of certain real property to the successful bidders in the 2005 tax sale as indicated on Exhibit "A" and the sell back to former owners of parcels listed on Exhibit "B", and

WHEREAS, it is necessary to amend Exhibit "B" of Resolution 214 of 2005 to reflect the correct sellback amount of a parcel in the Town of Kirkwood to Robert R. and Donna E. Kocan as shown on the attached Exhibit "A", now, therefore, be it

RESOLVED, that this County Legislatures authorizes an amendment to Exhibit "B" of Resolution 214 of 2005 to reflect the correct sellback amount of a parcel in the Town of Kirkwood to Robert R. and Donna E. Kocan as shown on the attached Exhibit "A", and be it

FURTHER RESOLVED, that Resolution 214 of 2005, to the extent consistent herewith, shall remain in full force and effect.

Carried, Ayes-17, Nays-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 329

By Finance Committee

Seconded by Mr. Howard

RESOLUTION AUTHORIZING REFUNDS TO AUCTION BIDDERS

WHEREAS, the County conducts an annual auction of properties foreclosed on for property taxes, and

WHEREAS, the Real Property Tax Director recommends the refund of two bid deposits and auctioneer's fees due to the unique circumstance and undue hardship regarding these two bids, and

WHEREAS, the two auction bidders are due refunds for reasons stated in Exhibit "A", now, therefore, be it

RESOLVED, that refunds be given to the auction bidders for the reasons stated in Exhibit "A", and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is authorized to remove the above stated properties from the County tax rolls.

Carried, Ayes-17, Nays-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 330

By Human Services and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING REVISION OF THE CONGREGATE SERVICES INITIATIVE PROGRAM GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2005-2006

WHEREAS, this County Legislature, by Resolution 128 of 2005, authorized and approved renewal of the Congregate Services Initiative Program Grant for the Office for Aging and adopted a program budget in connection therewith in the total amount of \$15,089 for the period April 1, 2005 through March 31, 2006, and

WHEREAS, said grant program provides funding for various congregated center activities including meal enhancement and testing, transportation, health/wellness and computer equipment, and

WHEREAS, it is necessary at this time to revise said program to reflect a decrease in the amount of \$3,818 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Congregate Services Initiative Program Grant to reflect a decrease of \$3,818 for the period April 1, 2005 through March 31, 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 \$11,271, and be it

FURTHER RESOLVED, that Resolution 128 of 2005, 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-17, Nays-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 331

By Human Services, Personnel and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING REVISION OF THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2005-2006

WHEREAS, this County Legislature, by Resolution 127 of 2005, authorized and approved renewal of the Supplemental Nutrition Assistance Program (SNAP) Grant for the Office for Aging and adopted a program budget in connection therewith in the total amount of \$281,639 for the period April 1, 2005 through March 31, 2006, and

WHEREAS, said grant program provides supplemental funding for congregate meals and home delivered meals, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$30,248 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Supplemental Nutrition Assistance Program (SNAP) Grant to reflect an increase of \$30,248 for the period April 1, 2005 through March 31, 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 \$311,887, and be it

FURTHER RESOLVED, that Resolution 127 of 2005, 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-17, Nays-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 332

By Human Services, Personnel and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING REVISION OF THE EXPANDED IN-HOME SERVICES FOR THE ELDERLY PROGRAM (EISEP) GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2005-2006

WHEREAS, this County Legislature, by Resolution 132 of 2005, authorized and approved renewal of the Expanded In-Home Services for the Elderly Program (EISEP) Grant for the Office for Aging and adopted a program budget in connection therewith in the total amount of \$529,929 for the period April 1, 2005 through March 31, 2006, and

WHEREAS, said grant program provides personal care and housekeeper/chore services and case management of clients, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$103,033 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Expanded In-Home Services for the Elderly Program (EISEP) Grant to reflect an increase of \$103,033 for the period April 1, 2005 through March 31, 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 \$632,962, and be it

FURTHER RESOLVED, that Resolution 132 of 2005, 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-17, Nays-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 333

By Human Services and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING ACCEPTANCE OF A STATE PHARMACEUTICAL ASSISTANCE PROGRAM GRANT FOR THE OFFICE FOR AGING, ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH AND AUTHORIZING AN AGREEMENT WITH ACTION FOR OLDER PERSONS, INC. TO ADMINISTER SAID PROGRAM FOR 2005

WHEREAS, the Director of the Office for Aging requests authorization to accept a State Pharmaceutical Assistance Program Grant, adopt a program budget in the amount of \$50,000 and enter into an agreement with Action for Older Persons to administer said program for the period April 1, 2005 through September 30, 2005, and

WHEREAS, said grant program provides funding for recruitment and training of volunteers to educate and assist EPIC clients with the choices that they must make to participate in the new Part D Medicare prescription drug coverage benefit under the Medicare Modernization Act of 2003, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$50,000 from the New York State Office for the Aging, Two Empire State Plaza, Albany, New York 12223-1251 for the Office for Aging's State Pharmaceutical Assistance Program Grant for the period April 1, 2005 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 \$50,000, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with Action for Older Persons, Inc., 30 West State Street, Binghamton, New York 13901 to administer said program grant, for the period April 1, 2005 through September 30, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$50,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 761114.4457.105059 (Subcontracted Program Expense), 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-17, Nays-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 334

By Human Services and Finance Committee

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AGREEMENT WITH UNITED HEALTH SERVICES FOR SERVICES FOR THE OFFICE FOR AGING'S AGING FUTURES II PROJECT FOR 2005-2006

WHEREAS, the Director of Office for Aging requests authorization for an agreement with United Health Services for services for the Office for Aging's Aging Futures II Project at a cost not to exceed \$10,200, for the period August 1, 2005 through January 31, 2006, and

WHEREAS, said agreement is necessary to develop a caregiver support program utilizing existing systems of Nurse Direct, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with United Health Services 35-57 Harrison Street, Johnson City, New York 13790, for services for the Office for Aging's Aging Futures II Project for the period August 1, 2005 through January 31, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$10,200 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 761114.4457.105010 (Subcontracted Program Expense), 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-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 335

By Human Services and Finance Committee

Seconded by Mr. Howard

RESOLUTION AUTHORIZING RENEWAL OF AMY WATKINS CASEWORKER EDUCATION PROGRAM GRANT FOR DEPARTMENT OF SOCIAL SERVICES AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2004-2005

WHEREAS, this County Legislature, by Resolution 74 of 2004, authorized and approved the Amy Watkins Caseworker Education Program Grant for the Department of Social Services and adopted a program budget in the amount of \$7,560 for the period April 1, 2003 through March 31, 2004, and

WHEREAS, said grant program provides funding for one caseworker participating in the Caseworker Education Program, who is enrolled in the Master of Social Work Program at Marywood College, Scranton, Pennsylvania, and

WHEREAS, it is desired to renew said grant program in the amount of \$1,822 for the period April 1, 2004 through September 15, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$1,822 from the New York State Office of Children & Family Services, 52 Washington Street, Rensselaer, New York 12144-2796 for the Department of Social Services Amy Watkins

Caseworker Education Program Grant for the period April 1, 2004 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 \$1,822, 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-17, Nays-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 336

By Human Services, Personnel and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING REVISION OF FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2004-2005

WHEREAS, this County Legislature, by Resolution 406 of 2004, authorized and approved renewal of the Food Stamp Employment and Training Program Grant for the Department of Social Services and adopted a program budget in connection therewith in the total amount of \$50,102 for the period October 1, 2004 through September 30, 2005, and

WHEREAS, said grant program provides job readiness and job search activities to non-public assistance and safety net food stamp recipients, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$69,798 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Food Stamp Employment and Training Program Grant to reflect an increase of \$69,798 for the period October 1, 2004 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 \$119,900, and be it

FURTHER RESOLVED, that Resolution 406 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-17, Nays-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 337

By Human Services and Finance Committee

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AGREEMENT WITH VARIOUS VENDORS FOR INSTITUTIONAL CHILD CARE FOR THE DEPARTMENT OF SOCIAL SERVICES FOR 2005-2006

WHEREAS, the Commissioner of Social Services requests authorization for an agreement with various vendors as approved by the State Office of Children and Family Services for institutional child care for the Department of Social Services at rates not to exceed the maximum State Aid Rates set by New York State, within County budgetary guidelines, total amount not to exceed \$12,022,500 for all child care institutions for the period July 1, 2005 through June 30, 2006, and

WHEREAS, said agreements are necessary to provide room and board and various services to children who require placement outside their homes, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with various vendors as approved by the State Office of Children and Family Services for institutional child care for the Department of Social Services for the period July 1, 2005 through June 30, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractors at rates not to exceed the maximum State Aid Rates set by New York State, within County budgetary guidelines, total amount not to exceed \$12,022,500 for all child care institutions for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 670117.4573.103000 (EAF-TANF), 670117.4579.103000 (Foster Care Homes/Institution CW), 670117.4580.103000 (Foster Care Homes/Institution-ADC), 670125.4573.103000 (EAF-TANF), 670125.4583.103000 (JD/PINS Institutions-ADC) and 670125.4584.103000 (JD Care in Institutions), 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-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 338

By Public Safety & Emergency Services, Personnel and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING REVISION OF THE PRETRIAL RELEASE PROGRAM GRANT FOR THE DEPARTMENT OF PROBATION AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2005

WHEREAS, this County Legislature, by Resolution 553 of 2004, authorized and approved renewal of the Pretrial Release Program Grant for the Department of Probation and adopted a program budget in connection therewith in the total amount of \$93,150 for the period January 1, 2005 through December 31, 2005, and

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

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$50 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Pretrial Release Program Grant to reflect an increase of \$50 for the period January 1, 2005 through December 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 \$93,200, and be it

FURTHER RESOLVED, that Resolution 553 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-17, Nays-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 339

By Public Safety & Emergency Services and Finance Committees Seconded by Mr. Howard
RESOLUTION AUTHORIZING AGREEMENT WITH VERIZON COMMUNICATIONS FOR THE LEASE AND MAINTENANCE OF ENHANCED 911 EQUIPMENT FOR THE OFFICE OF EMERGENCY SERVICES FOR 2005-2006

WHEREAS, the Director of Emergency Services requests authorization for an agreement with Verizon Communications for the lease and maintenance of Enhanced 911 equipment for the Office of Emergency Services at a cost not to exceed \$1,630 per month, total cost not to exceed \$19,560, for the period June 1, 2005 through May 31, 2006, and

WHEREAS, said services are necessary for the lease and maintenance of Customer Premises Equipment (CPE) for the County's Enhanced 911 (E911) System, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Verizon Communications, 201 South State Street, Second Floor, Syracuse, New York 13202, for the lease and maintenance of Enhanced 911 equipment, for the Office of Emergency Services for the period June 1, 2005 through May 31, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$1,630 per month, total cost not to exceed \$19,560 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 460097.4412.101000 (Telephone), 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-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 340

By Public Safety & Emergency Services and Finance Committees Seconded by Mr. Howard
RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH THE FEDERAL BUREAU OF INVESTIGATION FOR LEASE OF TOWER SPACE FOR EMERGENCY SERVICES COMMUNICATIONS SYSTEM FOR 2005-2006

WHEREAS, this County Legislature, by Resolution 40 of 2005, authorized renewal of an agreement with the Federal Bureau of Investigation of the United States Department of Justice for lease of the tower facility at Hawkins Hill, Site 66 Tower in the Town of Fenton, providing revenue to the County of \$125 per month, total revenue amount of \$1,500 for the period October 1, 2004 through September 30, 2005, and

WHEREAS, said agreement expires by its terms on September 30, 2005, and it is desired at this time to renew said agreement on substantially similar terms and conditions, with revenue to the County of \$125 per month, total revenue amount of \$1,500, for the period October 1, 2005 through September 30, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with the Federal Bureau of Investigation of the United States Department of Justice, ERF Building 27958A, Quantico, Virginia 22135-0001 for lease of the Hawkins Hill, Site 66 Tower, for the period October 1, 2005 through September 30, 2006, and be it

FURTHER RESOLVED, that in consideration of said lease the United States Department of Justice shall pay the County \$125 per month, total revenue amount of \$1,500 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 460006.0464.101000 (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-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 341

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

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AGREEMENT WITH COMNETIX COMPUTER SYSTEMS, INC. FOR SOFTWARE AND UPGRADE TO THE OFFICE OF THE SHERIFF'S LIVESCAN-CARDSCAN SERVER FOR THE DIVISION OF INFORMATION TECHNOLOGY FOR 2005

WHEREAS, the Director of Information Technology requests authorization for an agreement with Comnetix Computer Systems, Inc. for software and upgrade to the Office of the Sheriff's Livescan-Cardscan Server for the Division of Information Technology at a cost not to exceed \$12,800, for the period July 20, 2005 through December 31, 2005, and

WHEREAS, said agreement is necessary to upgrade the Sheriff's fingerprint imaging software and server, install Oracle software to the server and migrate the current data to the new server equipment, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Comnetix Computer Systems, Inc., 2872 Bristol Circle, Oakville, Ontario L6H 6GH for software and upgrade to the Office of the Sheriff's Livescan-Cardscan Server for the Division of Information Technology for the period July 20, 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 \$12,800 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 450122.4726.105041 (Contracted Data Processing 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-17, Nays-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 342

By Health Services and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING REVISION OF CATHOLIC CHARITIES PROGRAM GRANT FOR THE DEPARTMENT OF MENTAL HEALTH, ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH AND AUTHORIZING AMENDMENT TO THE AGREEMENT WITH CATHOLIC CHARITIES OF BROOME COUNTY FOR 2005

WHEREAS, this County Legislature, by Resolution 467 of 2004, as amended by Resolution 161 of 2005, authorized the continued participation in the Catholic Charities Program Grant for the Department of Mental Health, adopted a program budget in connection therewith in the total amount of \$1,751,674 and authorized an agreement with Catholic Charities of Broome County to administer said program for the period January 1, 2005 through December 31, 2005, and

WHEREAS, said grant program provides care and services to select clients with severe and persistent mental illness who are at greatest risk of relapse and rehospitalization or repeated utilization of emergency services, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$55,257 in grant appropriations and amend the agreement with Catholic Charities of Broome County to reflect an increase in the amount of \$55,257, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Catholic Charities Program Grant to reflect an increase of \$55,257 for the period January 1, 2005 through December 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 \$1,806,931, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Catholic Charities of Broome County, 232 Main Street, Binghamton, New York 13905, to reflect an increase of \$55,257 to administer said program for the Department of Mental Health 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 \$1,806,931 for the term of the agreement, and be it

FURTHER RESOLVED, that Resolution 467 of 2004 and Resolution 161 of 2005, 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-17, Nays-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 343

By Health Services and Finance Committee

Seconded by Mr. Howard

RESOLUTION AUTHORIZING REVISION OF THE MENTAL HEALTH ASSOCIATION PROGRAM GRANT FOR THE DEPARTMENT OF MENTAL HEALTH, ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH AND AUTHORIZING AMENDMENT TO THE AGREEMENT WITH THE MENTAL HEALTH ASSOCIATION. TO ADMINISTER SAID PROGRAM FOR 2005

WHEREAS, this County Legislature, by Resolution 473 of 2005, authorized the continued participation in the Mental Health Association Program Grant for the Department of Mental Health, adopted a program budget in connection therewith in the total amount of \$496,387 and authorized an agreement with the Mental Health Association to administer said program for the period January 1, 2005 through December 31, 2005, and

WHEREAS, said grant program provides advocated improvements in the quality of care available to persons with mental and emotional disabilities, educating the public about the causes, treatments and prevention of mental illness and is an advocate for needed changes in law governing the care of the mentally ill, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$169,980 in grant appropriations and amend the agreement with Coordinated Care Services, Inc. to reflect an increase of \$169,980, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Mental Health Association Program Grant to reflect an increase of \$169,980 for the period January 1, 2005 through December 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 \$666,367, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with the Mental Health Association, 82 Oak Street, Binghamton, New York 13905, to reflect an increase of \$169,980 to administer said program for the Department of Mental Health 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 \$666,367 for the term of the agreement, and be it

FURTHER RESOLVED, that Resolution 473 of 2005, 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-17, Nays-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 344

By Health Services and Finance Committee

Seconded by Mr. Howard

RESOLUTION AUTHORIZING REVISION OF THE QUALITY ASSURANCE AND ACCOUNTABILITY PROGRAM GRANT FOR THE DEPARTMENT OF MENTAL HEALTH, ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH AND AUTHORIZING AMENDMENT TO THE AGREEMENT WITH COORDINATED CARE SERVICES, INC. TO ADMINISTER SAID PROGRAM FOR 2005

WHEREAS, this County Legislature, by Resolution 581 of 2005, authorized the continued participation in the Quality Assurance and Accountability Project Program Grant for the Department of Mental Health, adopted a program budget in connection therewith in the total amount of \$303,915 and authorized an agreement with Coordinated Care Services, Inc. to administer said program for the period January 1, 2005 through December 31, 2005, and

WHEREAS, said grant program provides stronger management and quality assurance capabilities as well as monitoring performance expectations, and

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 amend the agreement with Coordinated Care Services, Inc. to reflect an increase of \$25,000, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Quality Assurance and Accountability Program Grant to reflect an increase of \$25,000 for the period January 1, 2005 through December 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 \$328,915, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Coordinated Care Services, Inc. 1099 Jay Street, Rochester, New York 14611, to reflect an increase of \$25,000 to administer said program for the Department of Mental Health 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 \$315,262 for the term of the agreement, and be it

FURTHER RESOLVED, that Resolution 581 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-17, Nays-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 345

By Finance and Public Works Committees

Seconded by Mr. Shafer

RESOLUTION AMENDING THE 2005 CAPITAL IMPROVEMENT PROGRAM

RESOLVED, that the 2005 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>State</u>	<u>Federal/Other</u>	<u>County</u>	
501409	Bevier St Bridge Reconstruction - Design	500,000	75,000	400,000	25,000	
			<u>Local Finance Law Section 11</u>		<u>How Financed:</u>	
			<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current Revenue</u>
			2005	5	100,000	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>	
501409	Bevier St Bridge Reconstruction - Design	765,000	0	612,000	25,000	
			<u>Local Finance Law Section 11</u>		<u>How Financed:</u>	
			<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current Revenue</u>
			2005	5	25,000	0

Note: \$128,000 of the Federal/Other total is coming from the capital funding source 502358 (2001 Bridge Reconstruction/ Rehabilitation), a revenue account for capital projects related to bridge work.

and be it

FURTHER RESOLVED, that the 2005 Capital Improvement Program is hereby amended as follows: **DESCRIPTION CHANGE ONLY**

DPW – Highways/Engineering/Bridges

Project 501405 – Systematic Roof Replacement

Change From:

Project Title and Description

Systematic Roof Replacement

A large majority of roofs at County Facilities are reaching the end of their useful life. This project addresses the need to systematically replace the roofs to reduce damage caused by leaks at Transit and Central Kitchen. 4 Quarters to Complete.

Change To:

Project Description

Systematic Roof Replacement

A large majority of roofs at County Facilities are reaching the end of their useful life. This project addresses the need to systematically replace the roofs to reduce damage caused by leaks at Transit, Central Kitchen, (ADD) **The Veterans' Arena and any other Class B county maintained building.** 4 Quarters to Complete.

and be it

FURTHER RESOLVED, that the 2004 Capital Improvement Program is hereby amended as follows: **DESCRIPTION CHANGE ONLY**

Emergency Services

Project 501392 – Microwave System Replacement

Change From:

Project Description

Microwave System Replacement

Present system has outlived its useful life. Presently the radio vendor is purchasing parts off the internet in order to keep the system operational. A new system would allow the Broome County Information Technology Dept. to utilize the system for data links, thus generating a cost savings to the County. 4 Quarters to Complete.

Change To:

Project Description

Microwave System Replacement

Present system has outlived its useful life. Presently the radio vendor is purchasing parts off of the internet in order to keep the system operational. (ADD) **Also provide a high speed**

wireless backhaul between all tower site locations in Broome County in order to add additional wireless equipment to access previously unreachable County locations as well as to provide low cost coverage for Mobile Data Terminals. A new system would allow the Broome County Information Technology Dept. to utilize the system for data links, thus generating a cost savings to the County. 4 Quarters to Complete.

Mr. Howard made a motion, seconded by Mr. Shafer, to remove the section beginning with "FROM through the paragraph "FURTHER RESOLVED, that the 2005 Capital Improvement Program is hereby amended as follows:" **Amendment carried**, Ayes-17, Nays-0, Absent-2 (Brunza, Reynolds). **Resolution as amended carried**, Ayes-17, Nays-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 346

By Personnel, County Administration and Finance Committees Seconded by Mr. Howard
RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST FOR THE OFFICE OF THE COUNTY CLERK

RESOLVED, that in accordance with a request contained in PCR# 05-236 from the Office of the County Clerk, this County Legislature hereby authorizes changing the Records Clerk position, Union Code 07 (CSEA), Grade 7, minimum salary \$22,123, to a Clerk position, Union Code 07 (CSEA), Grade 6, minimum salary \$21,073 at budget line 300004.1000.101000, effective date September 12, 2005.

Carried, Ayes-17, Nays-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 347

By Personnel, Health Services and Finance Committees Seconded by Mr. Howard
RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST(S) FOR PUBLIC HEALTH DEPARTMENT

RESOLVED, that in accordance with a request contained in PCR#05-230 from the Public Health Department, this County Legislature hereby authorizes changing the Principal Account Clerk position, Union Code 08 (CSEA), Grade 13, minimum salary \$27,887, to a Senior Account Clerk position, Union Code 08 (CSEA), Grade 9, minimum salary \$22,874 at budget line 480301.1500.104931, effective from August 1, 2005 through September 21, 2005, and be it

FURTHER RESOLVED, that in accordance with a request contained in PCR# 05-229 from the Public Health Department, this County Legislature hereby authorizes changing the Principal Account Clerk position, Union Code 54 (CSEA), Grade 13, minimum salary \$27,887, to a Senior Account Clerk position, Union code 54 (CSEA), Grade 9, minimum salary \$22,874 at budget line 480376.1500.105034, effective from August 1, 2005 through March 31, 2006.

Carried, Ayes-17, Nays-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 348

By Finance, Health Services and Human Services Committees Seconded by Mr. Howard
RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR THE OFFICE FOR AGING AND THE DEPARTMENT OF HEALTH

RESOLVED, that in accordance with a request from the Director of Office for Aging, in order to revise revenue and appropriations for the 2004-2005 WRAP grant budget as requested by BF#005425 and 005426, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Sub-object</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	761072	4319	104936	Office Supplies	\$50
	761072	4449	104936	Other Operational Exp	\$1,000
	761072	4461	104936	Mileage & Parking	\$400
	761072	4606	104936	Telephone Billing Acct	\$75

	<u>Index Code</u>	<u>Sub-object</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
	761072	4610	104936	Personal Svcs Chgbks	\$2,000
	761072	4617	104936	Dup/Printing Chgbks	\$50
	761072	8010	104936	State Retirement	\$367
	761072	8030	104936	Social security	\$11
TO:	761072	1500	104936	Salaries P-T	\$1,868
	761072	4618	104936	Postage Chgbks	\$50
	761072	8040	104936	Worker's Comp	\$5
	761072	8060	104936	Health Insurance	\$2,011
	761072	8063	104936	Disability	\$19

and be it

FUTHER RESOLVED that in accordance with a request from the Director of Public Health, in order to transfer funds to maximize grant spending on the HIV/AIDS Training 2004/2005 grant as requested by BF#005828 and 005827, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

FROM:	<u>Index Code</u>	<u>Sub-object</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
	480301	1500	104928	Salaries P-T	\$1736
	480301	4614	104928	Other Chgbks	\$95
	480301	8010	104928	State Retirement	\$116
	480301	8030	104928	FICA	\$152
	480301	8040	104928	Worker's Comp	\$605
	480301	8050	104928	Life Insurance	\$8
	480301	8063	104928	Disability	\$16
	480301	8070	104928	Unemployment	\$615
TO:	<u>Index Code</u>	<u>Sub-object</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
	480301	1000	104928	Salaries F-T	\$413
	480301	4319	104928	Office Supplies	\$48
	480301	4419	104928	General Office Supplies	\$15
	480301	4462	104928	Travel, Hotel, Meals	\$503
	480301	4466	104928	Advisory Board	\$23
	480301	4617	104928	Dup/Printing Chgbk	\$1092
	480301	4618	104928	Office Supplies Chgbk	\$1249

Carried, Ayes-17, Nays-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 349

By Public Safety & Emergency Services and Finance Committees Seconded by Mr. Howard
RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH UNIFIED COURT SYSTEM OF THE STATE OF NEW YORK SIXTH JUDICIAL DISTRICT FOR COURT SECURITY SERVICES FOR 2004-2005

WHEREAS, this County Legislature, by Resolution 593 of 2004 authorized renewal of the agreement with Unified Court System of New York State, Sixth Judicial District, for court security services with reimbursement of allowable costs to the County in the amount of \$880,000 for the period April 1, 2004 through March 31, 2005, and

WHEREAS, said agreement provides security in Supreme Court, County Court, Family Court and Binghamton City Court, and

WHEREAS, it is necessary to authorize an amendment to said agreement to increase the reimbursement of allowable costs to the County by an additional \$25,450 for the period April 1, 2004 through March 31, 2005, and

WHEREAS, the Director of Security 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 Unified Court System of the State of New York, Sixth Judicial District to increase the reimbursement of allowable costs to the County by an additional \$25,450, total reimbursement not to exceed \$905,450 for Court Security Services for the period April 1, 2004 through March 31, 2005, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 031450.0038.101000 (Security Services), and be it

FURTHER RESOLVED, that Resolution 593 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-17, Nays-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 350

By Economic Development & Planning, Personnel and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING ACCEPTANCE OF A STORMWATER MAPPING PROGRAM GRANT FOR THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2005

WHEREAS, the Commissioner of Planning and Economic Development requests authorization to accept a Stormwater Mapping Program Grant and adopt a program budget in the amount of \$14,958 for the period June 1, 2005 through September 30, 2005, and

WHEREAS, said grant program provides funding for two temporary data collection interns to complete mandatory stormwater mapping for participation in the Broome County and Tioga County Stormwater Coalition Project, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$14,958 from the Broome County Soil and Water Conservation District, 1163 Upper Front Street, Binghamton, New York 13905 for the Planning and Economic Development's Stormwater Mapping Program Grant for the period June 1, 2005 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 \$14,958, 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-17, Nays-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 351

By County Administration and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH DOMENICO AND LUIGI FATA FOR LEASE OF OFFICE SPACE FOR THE BROOME COUNTY BUREAU OF MOTOR VEHICLES ENDICOTT OFFICE FOR 2006-2015

WHEREAS, this County Legislature, by Resolution 541 of 2000, as amended by Resolution 123 of 2001, authorized renewal of the agreement with Domenico and Luigi Fata for the lease of space for the Broome County Bureau of Motor Vehicles Endicott Office located at 124 Washington Avenue at a cost of \$2,781.92 per month, plus electricity, with annual payments within 60 days of the new year of the lease for the period May 1, 2000 through December 31, 2005, and

WHEREAS, said agreement expires by its terms on December 31, 2005, and it is desired at this time to renew said agreement on substantially similar terms and conditions, including construction of a public bathroom, for the period January 1, 2006 through December 31, 2015, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Domenico and Luigi Fata, 2901 Watson Boulevard, Endwell, New York 13760 for 3,514 square feet of floor space on the ground level of the building located at 124 Washington Avenue, Endicott, New York to be used for the Broome County Bureau of Motor Vehicles, including construction of a public bathroom, for the period January 1, 2006 through December 31, 2015, and be it

FURTHER RESOLVED, that in consideration of said lease agreement, the County shall pay the Contractor \$2,893.16 per month, total cost not to exceed \$173,590 plus electricity for years 2006 through 2010 and \$3,008.92 per month, total cost not to exceed \$180,535 plus electricity for years 2011 through 2015, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 300020.4422.101000 (Building and Land Rental), 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-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 352

By Public Works and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING IMPLEMENTATION AND FUNDING OF THE FEDERAL AID AND STATE "MARCHISELLI" PROGRAM AID-ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT IN RELATION TO THE BEVIER STREET OVER THE CHENANGO RIVER PROJECT AND APPROPRIATING FUNDS THEREFOR

WHEREAS, a project for Bevier Street over the Chenango River (BIN 3349300) in the City of Binghamton, Broome County, PIN 9752.68 ("the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Broome desires to advance the Project by making a commitment of 100% of the Federal and non-Federal share of the Locally Administered costs and 100% of the non-Federal share of the State Administered costs of the Preliminary Engineering and Right-of-Way work, now, therefore, be it

RESOLVED, that this County Legislature hereby approves the above-subject project, and be it

FURTHER RESOLVED, that the Broome County Commissioner of Finance is authorized to pay in the first instance 100% of the Federal and non-Federal share of the Locally Administered costs and 100% of the non-Federal share of the State Administered costs of the

Preliminary Engineering and Right-of-Way Incidentals work for the Project or portions thereof, and be it

FURTHER RESOLVED, that the sum of \$765,000, as previously appropriated pursuant to the 2005 C.I.P., Project 501409 (Highways/Engineering/Bridges), is made available to cover the cost of participation in the above phase of the Project, and be it

FURTHER RESOLVED, that in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, this County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by NYSDOT thereof, and be it

FURTHER RESOLVED, that the County Executive is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal-Aid and/or Marchiselli-aid on behalf of the County of Broome with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the County's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and be it

FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately.

Held over 'under the rules' by Mr. Howard.

RESOLUTION NO. 353

By Public Works and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AN AGREEMENT WITH DELTA ENGINEERS, P.C. FOR PROFESSIONAL CONSULTING ENGINEERING SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS FOR 2005-2009

WHEREAS, the Commissioner of Public Works requests authorization for an agreement with Delta Engineers, P.C. for professional consulting engineering services for the Department of Public Works at a cost not to exceed \$722,307, for the period July 25, 2005 through March 30, 2009, and

WHEREAS, said services are necessary for the design of the Bevier Street Bridge Rehabilitation Project, and

WHEREAS, said project is part of the Federal Aid Program with Federal funds paying 80 percent of the project, and County funds paying the remaining 20 percent after reimbursements, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Delta Engineers, P.C., 164 Court Street, Binghamton, New York 13901, for professional consulting engineering services for the Department of Public Works, for the period July 25, 2005 through March 30, 2009, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$722,307 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 035014.4746.501409 (Engineering and Architectural 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.

Held over 'under the rules' by Mr. Howard.

RESOLUTION NO. 354

By Education, Culture & Recreation, Economic Development & Planning and Finance
Committees

Seconded by Mr. Hull

RESOLUTION AUTHORIZING AN INTERMUNICIPAL AGREEMENT BETWEEN BROOME COUNTY AND THE VILLAGE OF ENDICOTT FOR COUNTY MANAGEMENT OF EN-JOIE GOLF COURSE AND RELATED FACILITIES

WHEREAS, this County Legislature places the highest priority on economic development in Broome County to insure a positive economic future for our community, and

WHEREAS, the County Legislature believes that the annual Professional Golfer's Association BC Open held at En-Joie Golf Course in Endicott, New York contributes to the economic health and economic development of Broome County, and

WHEREAS, it is desired to maintain the presence of the BC Open in Endicott, New York to facilitate the objectives of the County's economic development initiative, now, therefore be it

RESOLVED, that this County Legislature hereby authorizes a management agreement with the Village of Endicott for the County Park's Department, directly or by independent contract, to manage En-Joie Golf Course, its restaurant, pro shop, concessions, driving range and related facilities (herein collectively called En-Joie) as a public golf facility; the County shall be responsible for all leases, licenses and independent contracts with third parties who provide services at En-Joie, and be it

FURTHER RESOLVED, that the management agreement will commence January 1, 2006 and shall expire on December 31, 2010 with an option to renew for four years, provided, however, that the County may cancel the agreement as of January 1 of any year if for any reason the BC Open terminates or changes its association with En-Joie; any decision to cancel the agreement must be made by October 1 preceding the termination date, and be it

FURTHER RESOLVED, that at the end of the initial and renewal term, if exercised, the County may renew for an additional four year term, the County may elect to terminate the agreement, or the parties may negotiate terms of purchase and sale of En-Joie, and be it

FURTHER RESOLVED, that during the term of the agreement, the County will receive the gross revenues from En-Joie and be responsible for the expenses; revenues will include but not be limited to green fees, cart rentals, pro shop receipts, rent from Broome County Community Charities, fees from the restaurant and related concessions and driving range fees; expenses shall include normal operating expenses of En-Joie including but not limited to personnel, maintenance of facilities, utilities, repairs to the golf course, repairs to buildings and repairs and or replacement of equipment, and be it

FURTHER RESOLVED, that the annual net profits at En-Joie, if any, will be distributed as follows: one half will be returned to Endicott, and one half will be retained by the County to be used to offset any losses incurred during the term of the agreement; the County shall not be obligated to make any capital improvements at En-Joie, but has the discretion to pay for capital improvements from its share of the annual net profits; if there is a positive balance in the moneys retained by the County at the end of the agreement, the balance shall be returned to the Village, 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.

Held over 'under the rules' by Mr. Marinich.

RESOLUTION NO.355

By Economic Development & Planning Committee

Seconded by Mr. Howard

RESOLUTION AUTHORIZING THE BROOME COUNTY CHAMBER OF COMMERCE TO ACT AS THE AGENCY IN BROOME COUNTY FOR TOURISM AND CONVENTION PROMOTION FOR 2006

WHEREAS, this County Legislature, by Resolution 291 of 2004, authorized the Broome County Chamber of Commerce to act as the agency in Broome County for tourism and convention promotion for the period January 1, 2005 through December 31, 2005, and

WHEREAS, it is desired at this time to authorize the Broome County Chamber of Commerce to be the tourism and convention promoter for Broome County for the period January 1, 2006 through December 31, 2006 so that appropriate applications may be timely filed for New York State grant monies, now, therefore, be it

RESOLVED, that this County Legislature hereby names and authorizes the Broome County Chamber of Commerce to be the tourism and convention promoter for Broome County for the period January 1, 2006 through December 31, 2006, and be it

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

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

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

Carried, Ayes-17, Nays-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 356

By Economic Development & Planning and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING ACCEPTANCE OF A PY2005 TANF SUMMER YOUTH PROGRAM GRANT FOR THE OFFICE OF EMPLOYMENT AND TRAINING, ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH AND AUTHORIZING AN AGREEMENT WITH TIOGA COUNTY FOR 2005

WHEREAS, the Director of Employment and Training requests authorization to accept a PY2005 TANF Summer Youth Program Grant, to adopt a program budget in the amount of \$300,950 and to enter into an agreement with Tioga County for the period May 17, 2005 through September 30, 2005, and

WHEREAS, said grant program provides funding for full wage subsidy paid summer employment to youth participants from TANF-eligible families in Broome and Tioga Counties, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$300,950 from the State of New York Office of Temporary and Disability Assistance, 40 North Pearl Street, Albany, New York 12243-0001 for the Office of Employment and Training PY2005 TANF Summer Youth Program Grant for the period May 17, 2005 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 \$300,950, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with Tioga County to administer their portion of said program for the period May 1, 2005 through September 30, 2005, and be it

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

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 720730.4538.104XXX (Tioga 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, 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-17, Nays-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 357

By Economic Development & Planning and Finance Committees Seconded by Mr. Howard
RESOLUTION AUTHORIZING ACCEPTANCE OF A FY2004 TRADE ADJUSTMENT ASSISTANCE PROGRAM GRANT FOR THE OFFICE OF EMPLOYMENT AND TRAINING AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2005-2006

WHEREAS, the Director of Employment and Training requests authorization to accept a FY2004 Trade Adjustment Assistance Program Grant and adopt a program budget in the amount of \$12,980 for the period April 21, 2005 through June 1, 2006, and

WHEREAS, said grant program provides funds to Tioga County to support the individual training plans under the Trade Adjustment Assistance Program in accordance with New York State Department of Labor Technical Advisory, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$12,980 from the New York State Department of Labor, W. Averell Harriman State Office Campus, Building 12, Room 450, Albany, New York 12240 for the Office of Employment and Training's FY2004 Trade Adjustment Assistance Program Grant for the period April 21, 2005 through June 1, 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 \$12,980, 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-17, Nays-0, Absent-2 (Brunza, Reynolds).

WHEREAS, it is necessary to authorize amendments to said agreement to provide litigation services and to extend the term of the agreement from January 1, 2005 to December 31, 2006, and

WHEREAS, the County Attorney has requested authorization for said amendments as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes amendments to the agreement with LeBoeuf, Lamb, Greene & MacRae, L.L.P., 99 Washington Avenue Suite 2020, Albany, New York 12210-2820 to provide that LeBoeuf, Lamb, Greene & MacRae shall represent the County in any litigation involving the Broome County Gas to energy project, Landfill Gas Agreement and/or Meridian/Broome Landfill Gas Associates/Broome Energy Resources and/or negotiating a buyout or new agreements on more favorable terms for Broome County on the same terms and conditions, and be it

FURTHER RESOLVED, that the term of the agreement shall be extended from January 1, 2005 through December 31, 2006, and be it

FURTHER RESOLVED, that in consideration of said services the County shall pay the Contractor an additional amount not to exceed \$90,000, plus costs and disbursements in excess of the \$25,000 authorized pursuant to Resolution 175 of 2005, total amount not to exceed \$115,000, plus costs and disbursements, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 235036.4736.501219 1995 Landfill Expansion Project (Legal charges and fees), 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-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 360

By County Administration Committee

Seconded by Mr. Howard

RESOLUTION REQUESTING THE DEPARTMENT OF INFORMATION TECHNOLOGY ADOPT A PROCEDURE THAT WOULD PROVIDE A LIST OF CONVICTED SEX OFFENDERS ON THE BROOME COUNTY WEB PAGE

WHEREAS, this County Legislature believes that sex crimes committed against young people under the age of 18 or against any individual by force are among the most heinous of crimes in our society, and

WHEREAS, the innocent people of our society who are victims of such sex crimes are scarred for life and this County Legislature believes that every means possible should be taken to protect our young people from possible harm by convicted sex offenders, and

WHEREAS, every individual citizen of our community, especially our young children, are entitled to protection against convicted sex offenders, and

WHEREAS, said protection can be provided if the identity and residence of convicted sex offenders were known to the citizens of our community as recorded in the New York State Registry of Convicted Sex Offenders, and

WHEREAS, this County Legislature believes that a list of all Level 2 and Level 3 convicted sex offenders will provide another layer of protection from the citizens of Broome County by including the identities of sex offenders, as authorized by New York State Sex Offender Registration Act (SORA), on the Broome County Web Page (www.gobroomecounty.com), now, therefore, be it

RESOLVED, that the Broome County Legislature respectfully requests the Broome County Department of Information Technology include a list of all Level 2 and Level 3 convicted sex offenders as authorized by the Sex Offender Registration Act (SORA) on the County's Web Page for all Broome County citizens to view for the protection of our young people.

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

RESOLUTION NO. 361

By Finance and Education, Culture & Recreation Committees Seconded by Mr. Hull
RESOLUTION ADOPTING THE BUDGET FOR BROOME COMMUNITY COLLEGE FOR 2005-2006

WHEREAS, the Broome County Legislature is required to approve the Broome Community College's annual unrestricted operating budget, and

WHEREAS, such approval must state the total unrestricted appropriations, sponsor contribution and fiscal year for which the operating budget is approved, and

WHEREAS, the Finance Committee of the County Legislature recommends approval of the total budget and sponsor contribution as presented, now, therefore, be it

RESOLVED, that the unrestricted operating budget for Broome Community College for the college fiscal year September 1, 2005 through August 31, 2006, in the sum of \$40,188,907 be approved, and be it

FURTHER RESOLVED, that the Sponsor Contribution for Broome Community College for the college fiscal year September 1, 2005 through August 31, 2006, in the sum of \$6,194,864 be approved, and be it

FURTHER RESOLVED, that the Broome Community College's operating budget be submitted to the State University Board of Trustees for approval.

Mr. Howard made a motion, seconded by Mr. Kuzel, to amend Page 4 of the Proposed 2005-2006 BCC Budget to read as follows:

	<u>02-03</u> <u>Actual</u>	<u>03-04</u> <u>Actual</u>	<u>04-05</u> <u>Adopted</u>	<u>05-06</u> <u>Recom.</u>	<u>Incr/Decr.</u> <u>04/05-05/06</u>
Tuition	2,500	2,530	2,690,	2,814	124

Amendment to the Proposed 2005-2006 BCC Budget Document carried, Ayes-17, Nays-0, Absent-2 (Brunza, Reynolds). Resolution as presented carried, Ayes-17, Nays-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 362

By Transportation and Finance Committees Seconded by Mr. Miller
RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO ACCEPT THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION COMMUNITY SOLUTIONS FOR TRANSPORTATION PROGRAM ON BEHALF OF THE DEPARTMENT OF PUBLIC TRANSPORTATION

WHEREAS, Broome County has submitted a request for a grant of funds to New York State, pursuant to the State Community Solutions for Transportation Program, for a program of projects designed to increase access for TANF-eligible persons to employment, as identified through a joint planning process, and consistent with the services described in the Community Solutions for Transportation Application approved by the New York State Department of Transportation and the New York State Department of Labor for the period September 2001 to October 2005, and

WHEREAS, the New York State Department of Labor has made available TANF funds to the New York State Department of Transportation for the purpose of providing work-related transportation to TANF-eligible persons, and

WHEREAS, Broome County and the New York State Department of Transportation are entering into an agreement which authorizes the undertaking of the Project and payment of the federal share for the project, now, therefore, be it

RESOLVED, that the County Executive is authorized to act on behalf of the Broome County Legislature to sign the grant agreement to progress and complete the above-named project.

Carried, Ayes-17, Nays-0, Absent-2 (Brunza, Reynolds).

RESOLUTION NO. 363

By Transportation, Personnel and Finance Committees

Seconded by Mr. Shafer

RESOLUTION AUTHORIZING REVISION OF THE JOB ACCESS REVERSE COMMUTE/TEMPORARY ASSISTANCE FOR NEEDY FAMILIES GRANT FOR THE DEPARTMENT OF PUBLIC TRANSPORTATION AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2001-2005

WHEREAS, this County Legislature, by Resolution 412 of 2001, authorized and approved the acceptance of the Job Access Reverse Commute/Temporary Assistance for Needy Families Program (JARC/TANF) Grant and adopted a program budget in the amount of \$1,227,100 for the period August 1, 2001 through December 31, 2003, and

WHEREAS, the Grant period, pursuant to provisions of Resolution 412 of 2001, was extended to December 31, 2005, and

WHEREAS, said grant program provides for the introduction of Sunday transit service as well as increased service on week nights and Saturdays, and

WHEREAS, it is necessary at this time to revise said program grant to reflect an increase of \$208,642 for the period August 1, 2001 through December 31, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Department of Public Transportation Job Access Reverse Commute/Temporary Assistance for Needy Families Program Grant to reflect an increase of \$208,642 for the period August 1, 2001 through December 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 \$1,435,742, and be it

FURTHER RESOLVED, that Resolution 412 of 2001, 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, 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-17, Nays-0, Absent-2 (Brunza, Reynolds).

Mr. Howard made a motion to adjourn, seconded by Mr. Whalen. **Motion to adjourn carried**, Ayes-17, Nays-0, Absent-2 (Brunza, Reynolds). The meeting was adjourned at 4:55 p.m.

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