
**BROOME COUNTY LEGISLATURE
REGULAR SESSION
WEDNESDAY, AUGUST 17, 2005**

The Legislature convened at 3:34 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-19, Absent-0.

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. Marinich, that the minutes of the July 20, 2005 Regular Session be approved as prepared and presented by the Clerk. **Carried.**

Mr. Schofield noted that the committee minutes for the period July 20, 2005 through August 16, 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. Howard, seconded by Mr. Schafer. **Carried.**

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY EXECUTIVE:

- A. Letters from the County Executive, Barbara J. Fiala
 - 1. Amending Appointments to Broome County Library Board of Trustees
 - 2. Appointments to Broome County Youth Bureau

PRESENTATION OF PETITIONS, COMMUNICATIONS, NOTICES & REPORTS:

- A. Petitions: None
- B. Communications:
 - 1. Memo from Chairman Schofield Calling an Informational Meeting-Re: Living Wage Local Law
 - 2. Memo from Mr. Keibel-Re: Citizens Advisory Committee Supporting a Full Environmental Assessment for the Broome County Landfill Section IV Entrance Evaluation and Positive Declaration
 - 3. State Board of Real Property Services State Equalization Rates For 2005
 - 4. DSS/Broome County Youth Bureau Community Forum 8/15/05
 - 5. Memo from Commissioner Johnson-Re: DSS Medicaid Reduction Activities
 - 6. Memo from County Clerk-Re: Designation of Newspapers
 - 7. Environmental Management Council-Soliciting Nominations For The Landfill Citizens Advisory Committee
 - 8. EMC Recycling & Waste Management Committee Minutes 6/20/05
 - 9. Broome County Soil & Water Conservation District Minutes 7/12/05
- C. Notices:
 - 1. Special Committee-of-the-Whole 8/10/05
- D. Reports:
 - 1. BCC June 2005 Budget Transfers
 - 2. BCC Above Minimum Hire Report 6/05
 - 3. 2005-2006 Broome Community College Budget Public Hearing Minutes
 - 4. Finance Department – Second Quarterly Report of 2005 Sales Tax Collections

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY LEGISLATURE

- A. Letters from the Chair, Daniel A. Schofield:
 - 1. Designation for Mr. Brunza 7/20/05
 - 2. Designation for Mr. Reynolds 8/9/05

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3. Designation for Mr. Materese 8/9/05
 4. Designation for Mr. Howard 8/11/05

Mr. Kuzel made a motion, seconded by Mr. Whalen, 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.**

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

RESOLUTION RECALLED FROM PREVIOUS SESSION

Mr. Howard made a motion, seconded by Mr. Shafer, to recall Resolution No. 345 of 2005 entitled A RESOLUTION AMENDING THE 2005 CAPITAL IMPROVEMENT PROGRAM. **Motion to recall carried.** Mr. Howard then made a motion, seconded by Mr. Shafer, to amend said resolution as follows (language underlined as it relates to the Bevier Street Bridge Reconstruction - Design to be added):

RESOLUTION NO. 345

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>County</u>
			<u>State</u>	<u>Federal/Other</u>	
<u>501409</u>	<u>Bevier St Bridge Reconstruction - Design</u>	<u>500,000</u>	<u>75,000</u>	<u>400,000</u>	<u>25,000</u>
		<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>
		<u>2005</u>	<u>5</u>	<u>100,000</u>	<u>0</u>

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>		<u>County</u>
			<u>State</u>	<u>Federal/Other</u>	
<u>501409</u>	<u>Bevier St Bridge Reconstruction - Design</u>	<u>765,000</u>	<u>0</u>	<u>612,000</u>	<u>153,000</u>
		<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>
		<u>2005</u>	<u>5</u>	<u>25,000</u>	<u>128,000</u>

Note: \$128,000 in addition to 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.

Amendment carried. Resolution as amended carried.

RESOLUTIONS HELD OVER FROM PREVIOUS SESSION

RESOLUTION NO. 324

(Held over by Mr. Hutchings)

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

Mr. Hutchings made a motion to table to the September 13, 2005 Legislative Session. **Motion to table carried.**

RESOLUTION NO. 352

(Held over by Mr. Howard)

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

Carried.

RESOLUTION NO. 353

(Held over by Mr. Howard)

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

Carried.

RESOLUTION NO. 354

(Held over by Mr. Marinich)

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

Mr. Marinich made a motion, seconded by Mr. Materese, to amend the resolution to read as follows (language to be removed ~~strikeout~~, language to be added underlined):

RESOLUTION NO. 354

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 annual net profits at En-Joie, if any, will be distributed as follows:

- (i) ~~the first \$200,000 in net profit will be retained by the County in a special fund; said \$200,000 shall be available to be used by the County to pay for any unanticipated damage to En-Joie during the term of the agreement caused by floods, winds, rains or other acts of God;~~
- (ii) ~~at the end of each year that the County has a balance of at least \$200,000 in the aforescribed special fund, one half of any excess will be returned to Endicott, and one half will be retained by the County;~~
- (iii) ~~at the end of the term of the agreement, the balance in the aforescribed special fund, if any, shall be divided equally between the Village and the County;~~

~~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; and be it~~

FURTHER RESOLVED, that the County shall not be obligated to assume any existing debt of the Village related to En-Joie or related to any other purpose; 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.

Amendment carried, Ayes-16, Nays-3 (Keibel, Kuzel, Lindsey).

Mr. Kuzel then made a motion, seconded by Mr. Lindsey, to change the commencement date of the agreement to January 1, 2007. **Motion to amend failed**, Ayes-3 (Hull, Kuzel, Lindsey), Nays-16.

Resolution as amended carried, Ayes-11 (Materese, Schafer, Hutchings, Whalen, Howard, Sanfilippo, Brunza, Reynolds, Marinich, Buchta, Schofield), Nays-8 (Keibel, Hull, Miller, Shafer, Nannery, Kuzel, Lindsey, Mather).

RESOLUTION NO. 360

(Held over by Mr. Shafer)

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

Mr. Keibel stated that he had polled the County Administration Committee and this resolution was withdrawn.

RESOLUTIONS INTRODUCED AT THIS SESSION

RESOLUTION NO. 364

By County Administration and Finance Committees

Seconded by Mr. Shafer

RESOLUTION URGING THE AMENDMENT OF THE REAL PROPERTY TAX LAW TO PROVIDE VOLUNTEER FIREMEN AND EMERGENCY MEDICAL SERVICE PERSONNEL IN BROOME COUNTY WITH A PARTIAL EXEMPTION FROM REAL PROPERTY TAXATION

WHEREAS, many towns and villages throughout Broome County depend on volunteer fire fighters and emergency medical services personnel, and

WHEREAS, this volunteer work is difficult and necessary for the health and safety of the residents of Broome County, and

WHEREAS, many volunteer fire companies and emergency squads are having difficulty recruiting and retaining members, and

WHEREAS, §466-a of the Real Property Tax Law of the State of New York provides volunteer firemen and emergency services squad members who belong to volunteer fire companies and emergency squads located in Rockland County and reside in said County with an exemption from County real property taxes to the extent of ten per centum of the assessed valuation of their primary residence not to exceed \$3,000 multiplied by the latest State equalization rate, and

WHEREAS, this County Legislature wants to be able to offer the same real property tax incentives as Rockland County in order to attract more volunteers to these programs, now therefore be it

RESOLVED, that this County Legislature requests that the New York State Legislature adopt an amendment to §466-a of the Real Property Tax Law adding Broome County and the villages and towns located in Broome County as municipal sub-divisions empowered to offer the real property tax exemption enumerated therein, and be it

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

Mr. Kuzel made a motion, seconded by Mr. Brunza, to make the following changes (language to delete ~~strikeout~~, language to add underlined):

WHEREAS, many towns and villages throughout ~~Broome County~~ New York State depend on volunteer fire fighters and emergency medical services personnel, and

WHEREAS, this volunteer work is difficult and necessary for the health and safety of the residents of ~~Broome County~~ New York State, and

WHEREAS, many volunteer fire companies and emergency squads are having difficulty recruiting and retaining members, and

WHEREAS, §466-a of the Real Property Tax Law of the State of New York provides volunteer firemen and emergency services squad members who belong to volunteer fire companies and emergency squads located selected municipalities with limited incentives, ~~in~~

Rockland County and reside in said County with an exemption from County real property taxes to the extent of ten per centum of the assessed valuation of their primary residence not to exceed \$3,000 multiplied by the latest State equalization rate, and

WHEREAS, this County Legislature encourages the use of ~~wants to be able to offer the same real property tax incentives as Rockland County~~ in order to attract more volunteers to these programs, now therefore be it

RESOLVED, that this County Legislature requests that the New York State Legislature adopt legislation to establish an income tax credit of \$100 which would be available to all residents of New York State who belong to volunteer fire companies and emergency squads located within New York State ~~an amendment to §466-a of the Real Property Tax Law adding Broome County and the villages and towns located in Broome County as municipal sub-divisions empowered to offer the real property tax exemption enumerated therein, and be it~~

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

Amendment carried, Ayes-15, Nays-3 (Whalen, Reynolds, Schofield), Abstain-1 (Mather).
Resolution as amended carried, Ayes-18, Nays-0, Abstain-1 (Mather).

RESOLUTION NO. 365

By County Administration and Public Works Committees

Seconded by Mr. Brunza

A RESOLUTION ESTABLISHING RULES AND REGULATIONS FOR THE LOWEST RESPONSIBLE BIDDER ON ALL PUBLIC WORKS PROJECTS IN BROOME COUNTY

WHEREAS, the awarding of contracts for public works projects is governed by Section 103 of the General Municipal Law and requires that said contracts shall be awarded to the "lowest responsible bidder", and

WHEREAS, this County Legislature wishes to establish an effective screening process for determining which individuals or entities are a "lowest responsible bidder", and

WHEREAS, an effective screening process can benefit the County and its taxpayers by avoiding cost overruns, scheduled delays and defective or inferior work when such work is performed by an entity that is the lowest bidder, but whom or which is not responsible, and

WHEREAS, Section 1201 of the Broome County Charter and Code establishes a Board of Acquisition and Contract (BAC), which is authorized to award public works contracts to the lowest responsible bidder, and

WHEREAS, said Charter and Code provides that the County Legislature may direct the Board of Acquisition and Contract to require the prequalification of bidders on any contract, and

WHEREAS, this Legislature believes that nonresponsible bidders on public works projects could be more effectively screened if potential bidders were required to disclose certain information that is relevant to determining whether they are responsible bidders, and

WHEREAS, this Legislature believes that potential bidders on public works contracts should be required to submit all performance evaluations of any type performed on the potential bidder by any source with the last five (5) years, now, therefore, be it

RESOLVED, that any person, corporation or other entity submitting a bid on any Broome County Public Works project or any part of such contract shall complete and submit a "Contractor/Subcontractor Questionnaire" attached to this Resolution as Exhibit "A", and be it

FURTHER RESOLVED, that all answers submitted in response to the "Contractor/Subcontractor Questionnaire" shall be complete, accurate and true for a period of five (5) years in the past and be made under penalty of law, and be it

FURTHER RESOLVED, that whenever a bidder answers a question in the affirmative, that bidder must submit an attachment, providing details concerning the matter in question, including applicable dates, locations, names or projects/project owners and circumstance, and be it

FURTHER RESOLVED, that a failure to submit information or documents responsive to the "Contractor/Subcontractor Questionnaire" or the submission of any false statement, misrepresentation or omission regarding a material fact concerning any aspect of said questionnaire will render that bidder ineligible to be awarded the contract, and be it

FURTHER RESOLVED, that any bidder engaged in any conduct which would require an affirmative answer to any of the questions of the "Contractor/Subcontractor Questionnaire" during the completion of a public works contract, the County may at its discretion render the contract void and render the bidder ineligible for further contracts for a period of two years, and be it

FURTHER RESOLVED, that this Resolution shall become effective immediately.

Carried.

RESOLUTION NO. 366

By Finance and Public Works Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING AN AGREEMENT FOR THE PURCHASE OF REAL PROPERTY ON KNAPP ROAD IN THE TOWN OF NANTICOKE

WHEREAS, the County is interested in purchasing areas around the Nanticoke Landfill for use as a buffer zone for the Landfill Expansion Project, and

WHEREAS, the property at 434 Knapp Road, Town of Nanticoke, is adjacent to the Nanticoke Landfill and suitable for use as a buffer zone for the Landfill Expansion Project, and

WHEREAS, the owners of said property, the Estate of Nicholas T. Sbarra, has agreed to sell said property to the County of Broome, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the Estate of Nicholas T. Sbarra, 117 Hawley Street, Binghamton, New York, 13902 for the purchase of real property located at 434 Knapp Road, Town of Nanticoke, Tax Map No. 053.04-1-15, on an "as is" basis without an abstract of title, and be it

FURTHER RESOLVED, that in consideration of said purchase, the County shall pay the Estate of Nicholas T. Sbarra an amount not to exceed \$2,200 for said property, and be it

FURTHER RESOLVED, that the payment hereinabove authorized shall be made from budget line 235044.2001.502269 (Original Acquisition), 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.

RESOLUTION NO. 367

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

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING A MAINTENANCE AND SOFTWARE SUPPORT AGREEMENT WITH THE NEW YORK STATE DEFENDERS ASSOCIATION, INC. FOR THE OFFICE OF THE PUBLIC DEFENDER FOR 2005-2006

WHEREAS, this County Legislature, by Resolution 447 of 2004, authorized a maintenance and software support agreement with the New York State Defender's Association, Inc., for the Pubic Defender's Public Defense Case Management System (PDCMS) at a cost not to exceed \$5,000 for the period May 21, 2004 through May 20, 2005, and

WHEREAS, said system provides the Office of the Public Defender with a tool to help track cases, identify conflicts of interest, automatically generate documents and create reports, and

WHEREAS, said agreement expired by its terms on May 20, 2005 and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$5,000 for the period May 21, 2005 through May 20, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a maintenance and software support agreement with the New York State Defenders Association, Inc., 194 Washington Avenue, Suite 500, Albany, New York 12210-2314, for the Public Defender's Public Defense Case Management System (PDCMS) for the period May 21, 2005 through May 20, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$5,000 for the term of this agreement, and be it

FURTHER RESOLVED, that the payment hereinabove authorized shall be made from budget line 530006.4419.101000 (General Office 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.

RESOLUTION NO. 368

By Health Services and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AMENDING THE CLINIC FEE SCHEDULE FOR THE DEPARTMENT OF HEALTH FOR 2005

WHEREAS, this Legislature, by Resolution 650 of 2004, authorized and approved a Clinic Fee Schedule for the Department of Health for the period January 1, 2005 through December 31, 2005, and

WHEREAS, said amendment is necessary to reflect the current Medicare reimbursements for HIV confidential testing, attached hereto as Exhibit "A", now, therefore, be it

RESOLVED, that this Legislature hereby authorizes the amendment to the Clinic Fee Schedule for the Department of Health to reflect the current Medicare reimbursements for HIV confidential testing attached hereto as Exhibit "A".

Carried.

RESOLUTION NO. 369

By County Administration and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING RENEWAL OF AN INTERMUNICIPAL AGREEMENT BETWEEN THE BROOME COUNTY DIVISION OF INFORMATION TECHNOLOGY AND THE VILLAGE OF ENDICOTT POLICE DEPARTMENT FOR COMPUTER AND NETWORK MAINTENANCE SERVICES FOR 2005-2006

WHEREAS, this County Legislature, by Resolution 362 of 2004, authorized an intermunicipal agreement between the Village of Endicott Police Department and the Broome County Division of Information Technology for computer and network maintenance services for an amount not to exceed \$3,400, for the period September 1, 2004 through August 31, 2005, and

WHEREAS, said services will provide the Village of Endicott Police Department routine maintenance of personal computers, peripherals and network equipment, and

WHEREAS, said agreement expires by its terms on August 31, 2005 and it is desired at this time to renew said intermunicipal agreement on substantially similar terms and conditions, for an amount not to exceed \$3,400, for the period September 1, 2005 through August 31, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the intermunicipal agreement between the Village of Endicott Police Department and the Broome County Division of Information Technology, to provide routine maintenance of personal computers, peripherals and network equipment, for the period September 1, 2005 through August 31, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall receive payment from the Village of Endicott Police Department an amount not to exceed \$3,400 for the term of the agreement, and be it

FURTHER RESOLVED, that the revenue hereinabove authorized shall be credited to budget line 370007.0027.101000 (Miscellaneous 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.

RESOLUTION NO. 370

By County Administration and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH MAINLINE PROFESSIONAL SERVICES, LLC. FOR SERVICES FOR THE DIVISION OF INFORMATION TECHNOLOGY FOR 2004

WHEREAS, this County Legislature, by Resolution 236 of 2004, as amended by Resolution 634 of 2005, authorized an agreement with Mainline Professional Services, LLC. for consulting services for the Division of Information Technology at a rate of \$191.20 per hour, total amount not to exceed \$11,118.40 for the period June 1, 2004 through December 31, 2005, and

WHEREAS, said services are necessary to review and assess the County's Tivoli Storage Management data storage system in order to recommend improvements and assist the County in planning for future improvements, and

WHEREAS, it is necessary to authorize an amendment to said agreement to provide for an additional \$2,500 for 15 hours of online and telephone support for the County's Tivoli Storage Management data storage system that runs the Shark Enterprise Storage System for the backup of County data, and

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

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Mainline Professional Services, 17W635 Butterfield Road, Suite 300, Oakbrook Terrace, Illinois 60181 for 15 hours of online and telephone support for the County's Tivoli Storage Management data storage system that runs the Shark Enterprise Storage System for the backup of County data, for the Division of Information Technology, for the period June 1, 2004 through December 31, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an additional \$2,500, total amount not to exceed \$13,618.40, for the term of the agreement, and be it

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

FURTHER RESOLVED, that Resolutions 236 of 2004 and 634 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 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.

RESOLUTION NO. 371

By County Administration and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING AN INCREASE OF THE PETTY CASH FUNDS FOR THE BROOME COUNTY CLERK'S DEPARTMENT OF MOTOR VEHICLES OFFICES IN ENDICOTT AND ON CLINTON STREET IN BINGHAMTON

WHEREAS, the Broome County Clerk's Department of Motor Vehicles currently has a petty cash fund in the amount of \$550 in the Endicott office and one in the amount of \$475 in the Clinton Street office in the City of Binghamton, which funds are inadequate for its current needs, and

WHEREAS, the County Clerk has requested an increase of said petty cash funds in the amount of \$250 for each office for use as a change fund, and

WHEREAS, the Commissioner of Finance has determined that the petty cash funds should be increased by \$250 for each office, now, therefore, be it

RESOLVED, that this County Legislature hereby approves and increases the petty cash fund for the Department of Motor Vehicles, Endicott Office, by \$250 to a total amount of \$800 and the petty cash fund for the Department of Motor Vehicles, Clinton Street Binghamton Office, by \$250, for a total amount of \$725, and further authorizes the Commissioner of Finance to transfer \$500 to the petty cash funds previously established, and be it

FURTHER RESOLVED, that the administration of said funds shall be in accordance with those rules and procedures governing the use of petty cash funds created by the County Comptroller including, but not limited to, the requirement that at all times the petty cash allowance be fully accounted for in the form of cash on hand, receipts and records.

Carried.

RESOLUTION NO. 372

By County Administration Committee

Seconded by Mr. Brunza

RESOLUTION FOR THE SUPPORT AND CONTINUATION OF OFF-TRACK BETTING REVENUES FOR PARTICIPATING NEW YORK STATE COUNTIES

WHEREAS, since 1971, Statewide Off-Track Betting Corporations (OTB) have paid more than \$2.8 Billion to counties in New York State and the City of New York, and

WHEREAS, since 1971, Statewide Off-Track Betting Corporations have paid more than \$900 Million to the State of New York, and

WHEREAS, since 1971, Statewide Off-Track Betting Corporations have paid more than \$3.3 Billion to the racing industry, and

WHEREAS, more than 3,500 New York State residents are currently employed at Off-Track Betting Corporations across New York State, and

WHEREAS, since inception, Catskill Off-Track Betting Corporation has generated more than \$180 Million for member counties as their share of wagering activities conducted by the Corporation, and

WHEREAS, since inception, Catskill Off-Track Betting Corporation has generated more than \$220 Million for the support of horse racing in the State of New York, and

WHEREAS, Broome County has benefited by participation in Catskill Off-Track Betting Corporation with a national reputation for the "best in the nation" distribution of per capita benefits to member counties, and

WHEREAS, through 2004, Broome County has received more than \$22.5 Million of much needed revenues through participation in Catskill Off-Track Betting, and

WHEREAS, in recent years, Statewide Off-Track Betting revenues have been seriously threatened by legislative enactments, apathy and private forces attempting to divert revenues known by member counties to their own individual cause or benefit, and

WHEREAS, the Board of Directors of the Catskill Off-Track Betting Corporation has resolved and recommended that member counties aggressively oppose any further incursions upon county revenues from OTB, now, therefore, be it

RESOLVED, that this County Legislature does hereby urge that the Legislature of the State of New York refuse and reject any amendments of New York State Law which would further erode OTB sales and OTB revenues for counties, and be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the Town of Conklin, 1271 Conklin Avenue, PO Box 182, Conklin, New York 13748, to accept the Steps to a Healthier US Walkable Community Program Grant from the Broome County Department of Health's Steps to a Healthier US Initiative Program Grant for the period August 17, 2005 through September 21, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$17,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480301.4449.104931 (Other Operational), 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.

RESOLUTION NO. 375

By Health Services and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH WBNG-TV FOR MEDIA PROMOTION SERVICES FOR THE DEPARTMENT OF HEALTH'S STEPS TO A HEALTHIER US PROGRAM GRANT FOR 2005-2006

WHEREAS, this County Legislature, by Resolution 270 of 2004, as amended by Resolution 311 of 2005, authorized renewal of the agreement with WBNG-TV for media promotion services for the Department of Health's Steps to a Healthier US Program Grant at a cost not to exceed \$48,650, for the period June 21, 2004 through September 21, 2005, and

WHEREAS, said agreement is necessary to provide media promotion of healthy lifestyles in Broome County by reducing obesity, diabetes and asthma, and

WHEREAS, said agreement expires by its terms on September 21, 2005, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$40,840, for the period September 22, 2005 through September 21, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with WBNG-TV, 560 Columbia Drive, Johnson City, New York 13790 for media promotion services for the Department of Health's Steps to a Healthier US Program Grant for the period September 22, 2005 through September 21, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$40,840 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480376.4448.105XXX (Advertising and Promotion), 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.

RESOLUTION NO. 376

By Health Services, Personnel and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING RENEWAL OF THE PUBLIC HEALTH PREPAREDNESS AND RESPONSE TO BIOTERRORISM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2005-2006

WHEREAS, this County Legislature, by Resolution 367 of 2004, authorized and approved renewal of the Public Health Preparedness and Response to Bioterrorism Grant for the Department of Health and adopted a program budget in the amount of \$202,536 for the period August 31, 2004 through August 30, 2005 and

WHEREAS, said grant program provides the means to develop response plans to address all forms of communicable disease outbreaks and terrorist threats, including biological, chemical and radiological, and includes staffing and development of a redundant communication and technology infrastructure, and

WHEREAS, it is desired to renew said grant program in the amount of \$200,536 for the period August 31, 2005 through August 30, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$200,536 from Health Research Incorporated, One University Place, Rensselaer, New York 12144-3455, for the Department of Health's Public Health Preparedness and Response to Bioterrorism Grant for the period August 31, 2005 through August 30, 2006, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$200,536, 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.

RESOLUTION NO. 377

By Health Services, Personnel and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING RENEWAL OF THE STEPS TO A HEALTHIER US INITIATIVE PROGRAM GRANT FOR DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2005-2006

WHEREAS, this County Legislature, by Resolution 327 of 2004, as amended by Resolutions 81 and 199 of 2005, authorized and approved the Steps to a Healthier US Initiative Program Grant for the Department of Health and adopted a program budget in the amount of \$445,547 for the period September 22, 2004 through September 21, 2005, and

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

WHEREAS, it is desired to renew said grant program in the amount of \$451,732 for the period September 22, 2005 through September 21, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$451,732 from Health Research, Inc., One University Place, Rensselaer, New York 12144-3455, on behalf of the New York State Department of Health, for the Department of Health's Steps to a Healthier US Initiative Program Grant for the period September 22, 2005 through September 21, 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 \$451,732, 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.

RESOLUTION NO. 378

By Human Services and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING ACCEPTANCE OF AN ADOPTION INCENTIVE PAYMENT AWARD FOR THE DEPARTMENT OF SOCIAL SERVICES, ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH AND AUTHORIZING AN AGREEMENT WITH FAMILY & CHILDREN'S SOCIETY TO ADMINISTER SAID PROGRAM FOR 2005

WHEREAS, the Commissioner of Social Services requests authorization to accept an Adoption Incentive Payment Award, to adopt a program budget in the amount of \$27,067 and to enter into an agreement with Family & Children's Society to administer said program for the period April 1, 2005 through September 30, 2005, and

WHEREAS, said award provides the funding to purchase five adoption-related services and programs, including Adopting Special Kids (ASK), a Post Adoption Conference, Adolescent Pre-Adoption Group, Post-Adoption Counseling and the Protective Allies for Children Education Group, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$27,067 from the New York State Office of Children & Family Services, 52 Washington Street, Rensselaer, New York 12144 for the Department of Social Services' Adoption Incentive Payment Award 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 \$27,067, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with Family & Children's Society, 257 Main Street, Binghamton, New York 13905 to administer said program, 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 \$27,067 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 670513.4561.105XXX (Purchase of Services), and be it

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

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

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

Carried.

RESOLUTION NO. 379

By Human Services and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING ACCEPTANCE OF A NON-RESIDENTIAL DOMESTIC VIOLENCE PROGRAM GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES, ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH AND AUTHORIZING AN AGREEMENT WITH SOS SHELTER TO ADMINISTER SAID PROGRAM FOR 2005-2006

WHEREAS, the Commissioner of Social Services requests authorization to accept a Non-Residential Domestic Violence Services Program Grant, adopt a program budget in the amount of \$25,000 and enter into an agreement with the SOS Shelter to administer said program for the period July 1, 2005 through June 30, 2006, and

WHEREAS, said grant program provides services to families experiencing domestic violence and child abuse or neglect, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$25,000 from the New York State Office of Children & Family Services, 52 Washington Street, Rensselaer, New York 12144-2796 for the Department of Social Services Non-Residential Domestic Violence Program Grant for the period July 1, 2005 through June 30, 2006, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$25,000, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with the SOS Shelter, PO Box 393, Endicott, New York 13761 to administer said program grant, 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 Contractor an amount not to exceed \$25,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 670513.4747.105XXX (Other Fees for Service), 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.

RESOLUTION NO. 380

By Human Services, Personnel and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING REVISION OF THE HOME ENERGY ASSISTANCE 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 426 of 2004, as amended by Resolutions 19 and 287 of 2005, authorized and approved renewal of the Home Energy Assistance Program Grant, adopted a program budget in the total amount of \$359,073, and authorized renewal of agreement with Opportunities for Broome in the amount of \$10,000 for services for the Department of Social Services for the period October 1, 2004 through September 30, 2005, and

WHEREAS, said grant program provides assistance with home heating fuel, winterization and fuel equipment, as well as emergency assistance such as utility shut-off and fuel to eligible Temporary Assistance Food Stamp and low-income families, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$20,000 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Home Energy Assistance Program Grant to reflect an increase of \$20,000 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 \$379,073, and be it

FURTHER RESOLVED, that Resolution 426 of 2004 and Resolutions 19 and 287 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.

RESOLUTION NO. 381

By Economic Development and Planning and Finance Committees Seconded by Mr. Brunza

RESOLUTION AUTHORIZING ACCEPTANCE OF A DISABILITY PROGRAM NAVIGATOR PROGRAM GRANT FOR OFFICE OF EMPLOYMENT AND TRAINING AND ADOPTING A PROGRAM BUDGET FOR 2005-2006

WHEREAS, the Director of the Office of Employment and Training requests authorization to accept a Disability Program Navigator Program Grant and adopt a program budget in the amount of \$62,155 for the period July 1, 2005 through June 30, 2006, and

WHEREAS, said grant program provides funding to hire or subcontract the services of one full-time Disability Program Navigator to assist persons with disabilities in Broome and Tioga Counties with using the One-Stop centers and the services available at the center, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$62,155 from the New York State Department of Labor, State Office Campus, Building 12, Room 450, Albany, New York 12240 for the Office of Employment and Training's Disability Program Navigator Program Grant for the period July 1, 2005 through June 30, 2006, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$62,155, 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.

RESOLUTION NO. 382

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

WHEREAS, the Director of the Office of Employment and Training requests authorization to accept a Trade Adjustment Assistance Program Grant and adopt a program budget in the amount of \$4,969 for the period May 1, 2005 through April 30, 2006, and

WHEREAS, said grant program provides funding to support training for an individual from Tioga County identified on Notice of Obligational Authority (NOA) FY05-1, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$4,969 from the New York State Department of Labor, State Office Campus, Building 12, Room 450, Albany, New York 12240 for the Office of Employment and Training's Trade Adjustment Assistance Program Grant for the period May 1, 2005 through April 30, 2006, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$4,969, 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.

RESOLUTION NO. 383

By County Administration, Transportation and Finance Committees Seconded by Mr. Brunza
RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH TRAPEZE SOFTWARE GROUP, INC. FOR SOFTWARE MAINTENANCE FOR THE DIVISION OF INFORMATION TECHNOLOGY FOR 2005-2006

WHEREAS, this County Legislature, by Resolution 361 of 2004, authorized renewal of the agreement with Trapeze Software Group, Inc. for software support and maintenance for the Department of Public Transportation at an amount not to exceed \$9,800, for the period October 1, 2004 through September 30, 2005, and

WHEREAS, said agreement provides maintenance, updates and support for the Department of Transportation's Paratransit scheduling and dispatching software, 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, for an amount not to exceed \$10,115, 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 Trapeze Software Group, Inc., 8360 East Via de Ventura, Suite L-200, Scottsdale, Arizona 85258 for maintenance, updates and support for the Department of Transportation's Paratransit scheduling and dispatching software for the period October 1, 2005 through September 30, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$10,115 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 220004.4513.203120 (Software Maintenance), and be it

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

Carried.

RESOLUTION NO. 384

By County Administration and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING RENEWAL OF AN AGREEMENT WITH ASAP SOFTWARE, INC. FOR SOFTWARE LICENSE AND MAINTENANCE FOR THE DIVISION OF INFORMATION TECHNOLOGY FOR 2005-2006

WHEREAS, this County Legislature, by Resolution 408 of 2004, authorized renewal of the agreement with ASAP Software, Inc. for a Norton Anti-Virus software license and maintenance agreement for the Division of Information Technology at an amount not to exceed \$18,560, for the period October 7, 2004 through October 6, 2005, and

WHEREAS, said services are necessary to protect the County e-mail, network and computer system from viruses, Trojan horses and worms, and

WHEREAS, said agreement expires by its terms on October 6, 2005, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$14,448, for the period October 7, 2005 through October 6, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with ASAP Software, Inc., 850 Asbury Drive, Buffalo Grove, Illinois 60089 for a Norton Anti-Virus software license and maintenance agreement for the Division of Information Technology for the period October 7, 2005 through October 6, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$14,448 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 370007.4513.101000 (Software Maintenance), and be it

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

Carried.

RESOLUTION NO. 385

By Public Safety & Emergency Services Committee

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING AGREEMENT WITH THE BROOME COUNTY SHERIFF, THE NEW YORK STATE POLICE AND THE BINGHAMTON, DEPOSIT, ENDICOTT, JOHNSON CITY, PORT DICKINSON AND VESTAL POLICE DEPARTMENTS RELATING TO THE "911 LAW ENFORCEMENT DISPATCH NEAREST CAR CONCEPT/JURISDICTIONAL PROTOCOL" FOR THE OFFICE OF EMERGENCY SERVICES FOR 2005-2009

WHEREAS, this County Legislature, by Resolution 454 of 1999, authorized renewal of the agreement with the New York State Police in the Enhanced 911 System which provided for the

assignment of law enforcement calls to the closest available patrol unit for the period January 1, 2000 through December 31, 2004, and

WHEREAS, the Broome County Office of the Sheriff, the New York State Police and the Binghamton, Deposit, Endicott, Johnson City, Port Dickinson and Vestal Police Departments have agreed on the "911 Law Enforcement Dispatch Nearest Car Concept/Jurisdictional Protocol" for the Broome County Office of Emergency Services Communications Center, and

WHEREAS, the Director of Emergency Services requests authorization for an agreement with the Broome County Sheriff, the New York State Police and the Binghamton, Deposit, Endicott, Johnson City, Port Dickinson and Vestal Police Departments relating to the "911 Law Enforcement Dispatch Nearest Car Concept/Jurisdictional Protocol", attached hereto as Exhibit "A", for the period January 1, 2005 through December 31, 2009, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the Broome County Sheriff, the New York State Police and the Binghamton, Deposit, Endicott, Johnson City, Port Dickinson and Vestal Police Departments relating to the "911 Law Enforcement Dispatch Nearest Car Concept/Jurisdictional Protocol", attached hereto as Exhibit "A", for the period January 1, 2005 through December 31, 2009, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representatives 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.

RESOLUTION NO. 386

By Public Safety & Emergency Services and Finance Committees Seconded by Mr. Brunza
RESOLUTION AUTHORIZING REVISION OF THE HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS GRANT FOR THE OFFICE OF EMERGENCY SERVICES AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2000-2005

WHEREAS, this County Legislature, by Resolution 562 of 2000, as amended by Resolution 395 of 2001, Resolution 363 of 2002, Resolution 312 of 2003 and Resolution 304 of 2004, authorized the continued participation in the Hazardous Materials Emergency Preparedness Grant by the Office of Emergency Services and adopted a program budget in connection therewith in the total amount of \$8,500 for the period April 1, 2000 through September 30, 2005, and

WHEREAS, said grant program provides support of ongoing development of hazardous materials response plans as developed by the Local Emergency Planning Committee, and

WHEREAS, it is necessary at this time to revise said program to accept a donation of \$850 from the American Chemistry Council to be used for the Whistle Stop training session, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Hazardous Materials Emergency Preparedness Grant to reflect an increase of \$850, 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 \$9,350, and be it

FURTHER RESOLVED, that Resolution 562 of 2000, Resolution 395 of 2001, Resolution 363 of 2002, Resolution 312 of 2003 and Resolution 304 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.

RESOLUTION NO. 387

By Transportation and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT OFFER FROM THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR THE GREATER BINGHAMTON AIRPORT'S RUNWAY 16/34 REHABILITATION PROJECT

WHEREAS, the Commissioner of Aviation has been advised by the New York State Department of Transportation (NYSDOT) that a grant offer of up to \$143,066 is pending for the Greater Binghamton Airport, and

WHEREAS, these funds will be programmed for the rehabilitation of the Airport's primary runway (16/34), now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of up to \$143,066 from the New York State Department of Transportation for rehabilitation of the primary runway (16/34) at the Greater Binghamton Airport, and be it

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

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

Carried.

RESOLUTION NO. 388

By Transportation and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING RENEWAL OF AN INTERMUNICIPAL AGREEMENT WITH THE BINGHAMTON CITY SCHOOL DISTRICT FOR TRANSPORTATION OF STUDENTS DURING THE 2005-2008 SCHOOL YEARS

WHEREAS, this County Legislature, by Resolution 219 of 2002, authorized renewal of the agreement with the Binghamton City School District for transportation of students during the 2002-2003, 2003-2004, 2004-2005 school years, and

WHEREAS, said services are necessary to provide transportation for eligible students to and from school, and

WHEREAS, said agreement expired by its terms on the last school day of the 2004-2005 school year, and it is desired at this time to renew said agreement on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the intermunicipal agreement with the Binghamton City School District, 164 Hawley Street, Binghamton, New York 13902 for the transportation of students for the next three school years at the rates as follows:

<u>Academic Year</u>	<u>Formula</u>
2005 – 2006	\$200,000
2006 – 2007	2005 - 2006 + CPI
2007 – 2008	2006 - 2007 + CPI

and be it

FURTHER RESOLVED, the payments hereinabove authorized shall be credited to budget line 220004.0095.203115 (Binghamton School District Contract), 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.

RESOLUTION NO. 389

By Finance Committee

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING AMENDMENT OF RESOLUTION 213 OF 2005 AUTHORIZING THE CANCELLATION OF REAL PROPERTY TAXES, PENALTIES AND INTEREST ON PARCELS IN VARIOUS TOWNS IN BROOME COUNTY

WHEREAS, this County Legislature, by Resolution 213 of 2005, authorized the cancellation of taxes, plus accrued interest and penalties on parcels of real property listed on an attached Exhibit "A", and

WHEREAS, it is necessary to amend said resolution to correct the amounts to be cancelled for Tax Map No. 157.18-1-6, now, therefore, be it

RESOLVED, that the taxes, penalties and interest to be cancelled for a parcel in the Town of Vestal in Resolution 213 of 2005 be corrected as follows:

<u>Owner</u>	<u>Address</u>	<u>Tax Map</u>	<u>Town</u>	<u>Year</u>	<u>Amount</u>
American Board Industries	200 Stage Road	157.18-1-6	Vestal	2002	103,266.27
				2004	64,064.23

Carried.

RESOLUTION NO. 390

By Finance Committee

Seconded by Mr. Brunza

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

WHEREAS, the County of Broome now owns certain parcels of real property in the Towns of Colesville and Union (Village of Johnson City) 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 listed, now, therefore, be it,

RESOLVED, that this County Legislature hereby authorizes the sale of the following County-owned properties:

Town: Colesville
Address: 488 Davey Road
Tax Map Number: 061.00-1-9
Purchase Price: \$250
Purchaser: Patricia J. Cannon
115 Johnstontown Road
Sloatsburg, New York 10974

Town: Union (Village of Johnson City)
Address: 516 Columbia Drive
Tax Map Number: 127.18-1-21
Purchase Price: \$28,500
Purchaser: Verizon New York, Inc.
ATTN: Corporate Real Estate, Manager - Transactions
1095 Avenue of the Americas, Room 3214
New York, New York 10036

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.

RESOLUTION NO. 391

By Economic Development & Planning and Finance Committees Seconded by Mr. Brunza
RESOLUTION AUTHORIZING AGREEMENT WITH SOUTHERN TIER EAST REGIONAL PLANNING AND DEVELOPMENT BOARD FOR SERVICES IN SUPPORT OF THE WATER AND SANITARY SEWER INVENTORY PROJECT FOR THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT FOR 2005-2006

WHEREAS, the Commissioner of Planning and Economic Development requests authorization for an agreement with the Southern Tier East Regional Planning Development Board (STERPDB) for services in support of the water and sanitary sewer inventory project for the Department of Planning and Economic Development with revenue to the County in the amount of \$5,000, for the period January 1, 2005 through December 31, 2006, and

WHEREAS, STERPDB has received a Federal grant to create a consistent region-wide Geographic Information System (GIS) to include information concerning the location of public water and sanitary sewer facilities, and

WHEREAS, the County's Department of Planning and Economic Development provided services to STERPDB in support of the water and sanitary sewer inventory project, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the Southern Tier East Regional Planning and Development Board, 375 State Street, Binghamton, New York 13901 for services in support of the water and sanitary sewer inventory project for the Department of Planning and Economic Development, for the period January 1, 2005 through December 31, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, STERPDB shall pay the County an amount not exceed \$5,000 for the term of the agreement, and be it

FURTHER RESOLVED, that revenue received pursuant to the agreement herein above 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.

RESOLUTION NO. 392

By Human Services Committee Seconded by Mr. Brunza
RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME COUNTY YOUTH BUREAU ADVISORY BOARD

WHEREAS, Barbara J. Fiala, Broome County Executive, pursuant to the authority vested in her by Resolution 163 of 1971 and Resolution 133 of 1976, has duly designated and appointed the following named individuals to membership on the Broome County Youth Bureau Advisory Board, for the terms indicated, subject to confirmation by this County Legislature:

<u>Name</u>	<u>Term Expiring</u>
Shawn A. Berkowitz 8 Hallstead Avenue Owego, NY 13827	New Appointment December 31, 2007

Kimberly Griffith
541 Leon Drive
Endicott, NY 13760

New Appointment (Youth Member)
December 31, 2007

Bryan Daniels
1028 State Route 369
Chenango Forks, NY 13746

New Appointment (Youth Member)
July 31, 2008

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 163 of
1971 and Resolution 133 of 1976, confirms the appointments of the above-named individuals to
membership on the Broome County Youth Bureau Advisory Board for the terms indicated, in
accordance with their appointment by the County Executive.

Carried.

RESOLUTION NO. 393

By County Administration and Finance Committees

Seconded by Mr. Schafer

RESOLUTION AUTHORIZING ACCEPTANCE OF A BROOME COUNTY BICENTENNIAL PROGRAM GRANT FOR 2005-2006

WHEREAS, the County Executive requests authorization to accept a Broome County
Bicentennial Program Grant and adopt a program budget in the amount of \$5,000 for the period
August 17, 2005 through August 31, 2006, and

WHEREAS, said grant program provides funding to Broome County for use in
bicentennial celebration activities, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of
\$5,000 from the New York State Office of Parks, Recreation and Historic Preservation, Empire
State Plaza, Agency Building 1, Albany, New York 12238 for the County Executive's Broome
County Bicentennial Program Grant for the period August 17, 2005 through August 31, 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 \$5,000, and be it

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

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

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

EXHIBIT A

Broome County Bicentennial Program Grant

August 17, 2005 through August 31, 2006

Index Code: 910174

Project Code: 105064

Appropriations

5019	Bicentennial	\$5,000
	Total Appropriations	\$5,000

	<u>Revenues</u>			
	0464	State Aid		\$5,000
		Total Revenues		\$5,000
Carried.				

RESOLUTION NO. 394

By County Administration and Finance Committees Seconded by Mr. Brunza
RESOLUTION AUTHORIZING THE ESTABLISHMENT OF THE BROOME COUNTY BICENTENNIAL TRUST ACCOUNT

WHEREAS, Broome County was founded in 1806 and will soon observe its bicentennial, and

WHEREAS, it is the intention of Broome County Government to commemorate the bicentennial with various activities celebrating this event, and

WHEREAS, Broome County expects to receive various gifts and donations to supplement any County appropriations dedicated to this event, and

WHEREAS, it is this Legislature's intent to create a trust account for these gifts and donations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the establishment of the "Broome County Bicentennial Trust Account," Fund 60 Subsidiary 525-525059, for use in the observance of that event, and be it

FURTHER RESOLVED, that this County Legislature authorizes the acceptance by the County of any gifts or donations for use in the observance of Broome County's Bicentennial, which gifts and donations shall be deposited in the Bicentennial Trust Account, and be it

FURTHER RESOLVED, that the administration of said funds shall be in accordance with all laws, rules and procedures governing the use of trust accounts created by the County Legislature.

Carried.

RESOLUTION NO. 395

By Finance and Transportation Committees Seconded by Mr. Shafer
RESOLUTION AMENDING THE 2004 AND 2005 CAPITAL IMPROVEMENT PROGRAMS

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

FROM:

			Estimated Construction Cost:			
<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>State</u>	<u>Federal/Other</u>	<u>County</u>	
052372	Glycol Collection System	200,000	0	0	200,000	
			Local Finance Law Section 11			How Financed:
		<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current Revenue</u>	
		2004	Na	0	200,000	

TO:

			Estimated Construction Cost:			
<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>State</u>	<u>Federal/Other</u>	<u>County</u>	
502372	Glycol Collection System	295,000	0	0	295,000	
			Local Finance Law Section 11			How Financed:
		<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current Revenue</u>	
		2004	n/a	0	295,000*	

*Local share paid entirely with Passenger Facility Charge (PFC) funds

Note: This project will consist of the airport's primary deicing material collection area. It will include the replacement of the collection tank, trench drains, catch basin and other worn parts of the collection system.

and be it

FURTHER RESOLVED, that the 2005 Capital Improvement Program is hereby amended to add the following project for the Airport:
To:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>			<u>County</u>
			<u>State</u>	<u>Federal/Other</u>		
502376	Airport Perimeter Road Improvements	225,000	0	0		225,000
			<u>Local Finance Law Section 11</u>			
			<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>How Financed:</u>
			2005	10	0	<u>Current Revenue</u>
						225,000*

*Local share paid entirely with Passenger Facility Charge (PFC) funds

Description:

This project will include the grading, surface preparation, and paving of approximately one half of the perimeter access road that surrounds the airport. Associated security fence improvements are included in this project. The purpose of this project is to enhance airport safety and security by improving emergency vehicle access.

Carried.

RESOLUTION NO. 396

By Finance, Public Works and Health Services Committees Seconded by Mr. Brunza
RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR THE DIVISION OF SOLID WASTE MANAGEMENT AND THE DEPARTMENT OF HEALTH

RESOLVED, that in accordance with a request from the Director of Solid Waste, in order to transfer funding to cover the purchase and installation of a truck scale at the Broome County Landfill as requested by BF#005128 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:	230086	2024	206000	Construction Motor Equip	110,750
TO:	230086	2018	206000	Landfill	110,750

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 Steps to a Safer Broome Roads Traffic Safety Grant as requested by BF#005831 and 005832 and 005833, 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:	480301	4448	104945	Advertising & Promotions	500
	480301	4461	104945	Mileage & Parking	127
	480301	4462	104945	Travel, Hotel & Meals	34
	480301	4601	104945	Indirect Costs	50
	480301	4606	104945	Telephone Billing	209
	480301	4615	104945	Gas Chgbk	100
	480301	4616	104945	Fleet Svc Chgbk	100
	480301	4617	104945	Dup/Printing Chgbk	68
	480301	4618	104945	Office Supply Chgbk	322
	480301	8010	104945	State Retirement	750
	480301	8030	104945	Social Security	647
	480301	8040	104945	Workers Comp	427
	480301	8050	104945	Life Insurance	11
	480301	8060	104945	Health Insurance	144
	480301	8063	104945	Disability	45
	480301	8070	104945	Unemployment Insurance	362

TO:	480301	1500	104945	Salaries P-T	328
	480301	1600	104945	Salaries Temp	1,205
	480301	4346	104945	Edu & Trng.	1,202
	480301	4349	104945	Misc. Operational Supls	800
	480301	4418	104945	Dues & Membership	150
	480301	4463	104945	Education & Training	75
	480301	4614	104945	Other Chgbk Expenses	136

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 for the Steps to a Healthier US 04/05 Grant as requested by BF#005349 and 005350, 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:	480301	1500	104931	Salaries P-T	4,629
	480301	4465	104931	Non County	500
	480301	4359	104931	Computer Equip	771
	480301	4414	104931	Telephone	40
	480301	4457	104931	Subcont. Prog. Exp.	3600
	480301	4466	104931	Ad Brd Trust Exp.	200
	480301	4715	104931	Other Hlth & Med	300
	480301	4606	104931	Telephone Billing	300
	480301	8010	104931	State Retirement	219
	480301	8030	104931	Social Security	542
	480301	8040	104931	Workers Comp.	1,532
	480301	8050	104931	Life Insurance	25
	480301	8060	104931	Health Insurance	3190
	480301	8063	104931	Disability	69
	480301	8070	104931	Unemployment Insurance	1,500
TO:	480301	1000	104931	Salaries F-T	1,139
	480301	4346	104931	Training & Education	6,978
	480301	4411	104931	Postage & Freight	200
	480301	4448	104931	Advertising & Promotion	8,000
	480301	4463	104931	Ed & Training	1,100

Carried.

RESOLUTION NO. 397

By Transportation and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING THE ASSIGNMENT OF AN AGREEMENT FROM FIRSTAIR GROUP, INC. TO TRAJEN FLIGHT SUPPORT FOR GENERAL AVIATION SERVICES AND HANGAR BUILDING LEASE AT THE GREATER BINGHAMTON AIRPORT

WHEREAS, the County Legislature, by Resolution 147 of 2002, authorized an agreement with FirstAir Group, Inc. to provide the services of a Fixed Base Operator (FBO) at the Greater Binghamton Airport and to lease Hangars 2 and 3 at the Airport for the period April 1, 2002 through March 31, 2012 with an option of extending the term for two additional ten- year periods, and

WHEREAS, said agreement includes provisions for general aviation services at the Airport to include hangaring, repairing, maintaining and fueling aircraft, collecting landing fees and providing charter service, and

WHEREAS, FirstAir Group, Inc. wishes to assign its operating rights and privileges at the Greater Binghamton Airport to Trajen Flight Support a wholly owned subsidiary of Trajen Holdings Inc., which has agreed to accept the assignment, and

WHEREAS, the Commissioner of Aviation agrees with said assignment and requests authorization to consent to said assignment, now, therefore, be it

RESOLVED, that this County Legislature hereby consents to the assignment by FirstAir Group, Inc. to Trajen Flight Support a wholly owned subsidiary of Trajen Holdings Inc., 3131 Briarcrest Drive, Suite 100, Bryan, Texas 77802 on or about August 17, 2005 of a certain agreement entered into by and between FirstAir Group, Inc. and Broome County subject to the same terms and conditions set forth in said agreement between Broome County and FirstAir Group, Inc., 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.

RESOLUTION NO. 398

By Transportation and Finance Committees

Seconded by Mr. Miller

RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT BETWEEN THE SIXTH JUDICIAL DISTRICT OF THE NEW YORK STATE UNIFIED COURT SYSTEM AND BROOME COUNTY TRANSIT FOR MONTHLY BUS PASSES AND TOKENS FOR 2003-2005

WHEREAS, this County Legislature, by Resolution 330 of 2004, authorized for an agreement with the Sixth Judicial District of the New York State Unified Court System to purchase monthly bus passes at a cost of \$22 per monthly pass and tokens at a cost of \$.91 per token from Broome County Transit with revenue to the county not to exceed \$16,692.90, for the period October 1, 2003 through September 30, 2005, and

WHEREAS, said agreement is necessary for Binghamton Adult Drug Treatment Court to purchase monthly bus passes and bus tokens from Broome County Transit for participants who are in need of transportation to treatment, appointments, social service appointments, court appearances, and self-help meetings within the County, and

WHEREAS, it is necessary to authorize an amendment to said agreement to extend the term of the agreement through December 31, 2006, and

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

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with the Sixth Judicial District of the New York State Unified Court System, State Office Building, Suite 1501, 44 Hawley Street Binghamton, New York 13901 to extend said agreement through December 31, 2006 for a new agreement period of October 1, 2003 through December 31, 2006, and be it

FURTHER RESOLVED, that Resolution 330 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-10 (Materese, Schafer, Miller, Hutchings, Whalen, Sanfilippo, Brunza, Reynolds, Buchta, Schofield), Nays-9 (Keibel, Hull, Shafer, Nannery, Howard, Kuzel, Marinich, Lindsey, Mather).

RESOLUTION NO. 399

By Transportation and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH BINGHAMTON UNIVERSITY FOR BUS TRANSPORTATION OF STUDENTS FOR 2005-2010

WHEREAS, this County Legislature, by Resolution 257 of 2002, authorized and approved renewal of an agreement with the Binghamton University to furnish bus transportation to students during the 2002-2003, 2003-2004, and 2004-2005 academic years, and

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

WHEREAS, said agreement expired by its terms at the end of the academic year 2004-2005, and it is desired at this time to renew said agreement on substantially similar terms and conditions with an increase in revenue to Broome County, now, therefore, be it

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

1. The term of the agreement shall be for the academic years 2005-2006, 2006-2007, 2007-2008, and 2009-2010, beginning in the Summer and ending in the Spring of each year. The dates for the commencement and expiration of each academic year shall be established by Binghamton University officials and the Department of Transportation.
2. Students may board the bus by showing a validated Binghamton University identification card.
3. Payment to Broome County for services rendered shall be as follows:

<u>Academic Year</u>	<u>Payment</u>
Summer 2005-Spring 2006	\$312,900
Summer 2006-Spring 2007	\$322,287

Payments for each of the following contract years (2007-2008, 2008-2009, 2009-2010), the yearly increase shall be equal to the previous year's payment plus the Consumer Price Index--All Urban Consumers (CPI-U)

Note: The CPI for the month ending May will be used and no increase shall be less than two percent (2%) or more than five percent (5%) annually.

and be it

FURTHER RESOLVED, that the revenue hereinabove authorized shall be credited to budget line 220004.0094.203115 (SUNY O.C.C. Contract)

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.

RESOLUTION NO. 400

By Public Works and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH STEARNS & WHELDER, LLC FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DIVISION OF SOLID WASTE MANAGEMENT FOR 2004-2006

WHEREAS, this County Legislature, by Resolution 353 of 2004, authorized an agreement with Stearns & Whelder, LLC for professional engineering services for the Division of Solid Waste Management at a cost not to exceed \$15,000 for the period September 1, 2004 through August 31, 2005, and

WHEREAS, said services are necessary to assist the leachate treatment plant operations staff with operation questions, evaluation of chemical usage, troubleshooting operations issues and plant

maintenance and repair issues at the County's leachate treatment facility at the Broome County Landfill, and

WHEREAS, with funds remaining under the existing contract, the Commissioner of Public Works is requesting to extend said agreement through August 31, 2006, at no additional cost to the County, and

WHEREAS, the Commissioner of Public Works 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 Stearns & Wheeler, LLC, 1 Remington Park Drive, Cazenovia, New York 13035 to extend the existing agreement through August 31, 2006, at no additional cost to the County, and be it

FURTHER RESOLVED, that Resolution 353 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.

RESOLUTION NO. 401

By Finance Committee

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING CANCELLATION OF REAL PROPERTY TAXES ON PARCELS IN VARIOUS BROOME COUNTY TOWNS AND VILLAGES

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

RESOLVED, that taxes, interest and penalties will be cancelled on the parcels of real property as shown on Exhibit "A".

Carried.

RESOLUTION NO. 402

By Public Works and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH SCS ENGINEERS, PC FOR DESIGN SERVICES FOR THE DIVISION OF SOLID WASTE MANAGEMENT FOR 2003-2006

WHEREAS, this County Legislature, by Resolution 374 of 2003, authorized an agreement with SCS Engineers, PC for design services for the Division of Solid Waste Management at a cost not to exceed \$58,254, for the period October 6, 2003 through September 30, 2005, and

WHEREAS, said services are necessary for design services to modify and upgrade the Broome County Landfill Gas Recovery System, from a recovery system to a recovery and emissions control system in order to meet more stringent EPA and NYSDEC gas emission control regulations and to design and permit a new collection infrastructure for the vertical landfill expansion of Sections II and III, and

WHEREAS, it is necessary to authorize amendments to said agreement to provide an increase in cost in the amount of \$21,765 for additional design services in response to an evolving engineering design, additional construction supervision for 20 new vertical wells and nine horizontal collections in the new landfill section, and to extend the term of the agreement through December 31, 2006, and

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

RESOLVED, that this County Legislature hereby authorizes the amendments to the agreement with SCS Engineers, PC, 2 Crosfield Avenue, Suite 422, West Nyack, New York 10994, for additional design and construction review services and to extend the term of the

agreement to December 31, 2006, for the Division of Solid Waste Management for the period October 6, 2003 through December 31, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an additional amount of \$21,765, total amount not to exceed \$80,019 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 230086.4457.206000 (Subcontracted Program), and be it

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

Carried.

RESOLUTION NO. 403

By Education, Culture & Recreation and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH THE VILLAGE OF JOHNSON CITY FOR LEASE OF THE FINCH HOLLOW FLOOD CONTROL PROJECT SITE I FOR 2005-2015

WHEREAS, this County Legislature, by Resolution 517 of 1995, authorized an agreement with the Village of Johnson City for lease of Finch Hollow Flood Control Project Site I, without rent, for the period August 7, 1995 through August 6, 2005, and

WHEREAS, said agreement expired by its terms on August 6, 2005, and it is desired at this time to renew said agreement for the term August 7, 2005 through August 6, 2015, on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the lease agreement with the Village of Johnson City for the lease of Finch Hollow Flood Control Project Site I for the period August 7, 2005 through August 6, 2015, and be it

FURTHER RESOLVED, that no rent shall be payable by the Village of Johnson City, and be it

FURTHER RESOLVED, that said lease shall be on substantially the same terms and conditions, including the provision that all boating shall be prohibited and the Village of Johnson City shall be required to provide regular and periodic safety and security patrols for the entire watershed project, 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.

RESOLUTION NO. 404

By Education, Culture & Recreation and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING ACCEPTANCE OF A BROOME COUNTY ALL WARS MEMORIAL GRANT FOR DEPARTMENT OF PARKS AND RECREATION AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH

WHEREAS, the Commissioner of Parks and Recreation requests authorization to accept a Broome County All Wars Memorial Grant and adopt a program budget in the amount of \$3,000, and

WHEREAS, said grant program provides funding to assist Broome County with costs associated with the All Wars Memorial, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$3,000 from the New York State Governor's Initiative Community Projects Fund, 41 State Street, Albany, New York 12231-0001 for the Department of Parks and Recreations Broome County All Wars Memorial Grant, and be it

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

FURTHER RESOLVED, that the County Executive or 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.

RESOLUTION NO. 405

By Economic Development & Planning and Finance Committees Seconded by Mr. Brunza
RESOLUTION AUTHORIZING AN AMENDMENT TO AN AGREEMENT FOR THE BROOME-TIOGA INVESTMENT AREA PURSUANT TO THE WORKFORCE INVESTMENT ACT

WHEREAS, this County Legislature, pursuant to Resolution 438 of 2000, authorized an agreement with Tioga County which prescribes the method by which the Counties of Broome and Tioga would function as a service delivery area under the Workforce Investment Act, Federal Law 105-220, and

WHEREAS, it is necessary at this time to amend this agreement on the terms set forth in Exhibit "A", and

WHEREAS, it is necessary and appropriate that this County Legislature authorizes the proposed amendment to the agreement as set forth in Exhibit "A", now, therefore, be it

RESOLVED, that this County Legislature, hereby authorizes an amendment to the agreement with Tioga County, which is annexed hereto as Exhibit "A" and which prescribes the method by which the Counties of Broome and Tioga will function as a service delivery area under the Workforce Investment Act, Federal Law 105-220, and be it

FURTHER RESOLVED, that Resolution 438 of 2000, 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.

RESOLUTION NO. 406

By Finance and Public Safety & Emergency Services Committees Seconded by Mr. Brunza
RESOLUTION AUTHORIZING AGREEMENT WITH WATCH SYSTEMS FOR A CENTRAL SEX OFFENDER REGISTRY FOR THE OFFICE OF THE SHERIFF FOR 2005-2006

WHEREAS, the Broome County Sheriff requests authorization for an agreement with Watch Systems for a Central Sex Offender Registry for the Office of the Sheriff at a cost not to exceed \$12,000, for the period September 1, 2005 through August 31, 2006 with the option to renew the agreement for one additional year at Broome County's option, and

WHEREAS, said services provides for the registration, verification and a community notification tool for all sex offenders in Broome County, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Watch Systems, 516 E. Rutland Street, Covington, Louisiana 70433, for a Central Sex Offender

Registry, for the Office of the Sheriff for the period September 1, 2005 through August 31, 2006, with the option to renew the agreement for one additional year at Broome County's option, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor a license fee of \$7,000, a fee of \$3,000 for postage, and a fee of \$2,000 for four satellite locations, total amount not to exceed \$12,000, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 450023.4411.101000 (Postage) and 450023.4515.101000 (Software Rental), and be it

FURTHER RESOLVED, that in furtherance of this Resolution, this County Legislature hereby authorizes the Budget Director, the Commissioner of Finance and the Comptroller 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:	900084	4752	101000	Contingency	\$12,000
TO:	450023	4411	101000	Postage and Freight	3,000
	450023	4515	101000	Software Rental	9,000

and be it

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

Carried.

RESOLUTION NO. 407

By Public Works and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH JENNINGS ENVIRONMENTAL MANAGEMENT, INC. FOR AIR QUALITY MONITORING SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS FOR 2004-2005

WHEREAS, this County Legislature, by Resolution 410 of 2004, authorized renewal of an agreement with Jennings Environmental Management Inc. for air quality monitoring services for the Department of Public Works at a cost not to exceed \$50,000 for the period October 1, 2004 through September 30, 2005, and

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

WHEREAS, it is necessary to authorize the amendment of said agreement to increase the amount by \$50,000, total amount not to exceed \$100,000 for air quality monitoring services for the remodeling of rooms for the Courts and the replacement of boilers at the Forum, and

WHEREAS, the Commissioner of Public Works 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 Jennings Environmental Management, Inc., P.O. Box 831, Binghamton, New York 13902 for air quality monitoring services for the remodeling of rooms at the Courthouse and the replacement of boilers at the Forum for the Department of Public Works for the period October 1, 2004 through September 30, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an additional amount of \$50,000, total amount not to exceed \$100,000, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 035121.4746.501335 (Engineering and Architectural Services), and be it

FURTHER RESOLVED, that Resolution 410 of 2004, to the extent consistent herewith, shall remain in full force and effect, and be it

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

Carried.

RESOLUTION NO. 408

By Transportation and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING SUPPLEMENT NO. 4 TO THE MASS TRANSPORTATION CAPITAL PROJECT AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR SEVERAL TRANSIT PROJECTS FOR THE DEPARTMENT OF PUBLIC TRANSPORTATION

WHEREAS, this County Legislature, by Resolution 242 of 2000, authorized a Mass Transportation Capital Project Agreement with the New York State Department of Transportation for several capital projects for the Department of Public Transportation, and

WHEREAS, this County Legislature, by Resolution 113 of 2003, authorized Supplement Number 3 to said agreement, and

WHEREAS, the Commissioner of Public Transportation requests authorization to enter into Mass Transportation Capital Project Supplemental Agreement Number 4 with respect to the following projects for the Broome Transit Public Transportation Program:

<u>Pin No.</u>	<u>Project</u>	<u>Total Cost</u>	<u>Federal Share</u>	<u>State Share</u>	<u>Local Share</u>
9820.63.001	6 Replacement Buses	\$ 300,000	\$ 0	\$300,000	\$ 0
9820.64.001	Purchase 2 Svc. Vehicles	34,000	0	34,000	0
9820.65.001	2003 Prevent. Maint.	1,250,000	1,000,000	125,000	125,000
9820.66.001	2004 Prevent. Maint.	1,250,000	1,000,000	125,000	125,000
9820.67.001	Mobile Fare Collection Equip.	<u>593,750</u>	<u>475,000</u>	<u>59,375</u>	<u>59,375</u>
	TOTALS	\$3,427,750	\$2,475,000	\$643,375	\$309,375

and

WHEREAS, certain of these projects are eligible for funding under Title 23, United States Code, as amended, that calls for the apportionment of the costs thereof to be borne at the ratio of 80% federal funds and 20% non- federal funds, and

WHEREAS, State Mass Transportation Capital Aid is available to fund the non-federal aid-eligible portion of projects approved by the Commissioner of Transportation, provided such state funds shall not be used in substitution for the non-federal share of the federally funded portion thereof, and

WHEREAS, this County Legislature desires to advance said projects, now, therefore, be it RESOLVED, that the County Executive of the County of Broome be and is hereby authorized to execute all necessary agreements, certifications, or reimbursement requests for Federal Aid and/or State Mass Transit Capital Aid on behalf of Broome County with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality'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 therefor 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.

Carried.

RESOLUTION NO. 409

By Education Culture & Recreation and Finance Committees Seconded by Mr. Brunza
RESOLUTION AUTHORIZING ACCEPTANCE OF DISCRETIONARY SENATE CAPITAL FUNDS FOR THE DEPARTMENT OF PARKS AND RECREATION AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2005-2006

WHEREAS, the Commissioner of Parks and Recreation requests authorization to accept Discretionary Senate Capital Funds and adopt a program budget in the amount of \$300,000 for the period August 1, 2005 through May 31, 2006, and

WHEREAS, said funds are provided for a new HVAC unit at the Broome County Forum and a hand railing system at the Veterans Memorial Arena, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$225,000 from the New York State Senate through Senator Thomas W. Libous for the Broome County Forum and Veterans Memorial Arena for the period August 1, 2005 through May 31, 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 \$300,000, and be it

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

Carried.

RESOLUTION NO. 410

By Finance and Transportation Committees Seconded by Mr. Shafer
RESOLUTION AMENDING THE 2005 CAPITAL IMPROVEMENT PROGRAM

RESOLVED, that the 2005 Capital Improvement Program is hereby amended to add the following project for the Department of Public Works:

			Estimated Construction Cost:			
<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>State</u>	<u>Federal/Other</u>	<u>County</u>	
501429	Forum/Arena Renovations	300,000	225,000	0	75,000	
			Local Finance Law Section 11		How Financed:	
		<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current Revenue</u>	
		2005	15	0	30,000	

Description:

This project will include purchasing and installing a new HVAC unit at the Broome County Forum and a hand railing system at the Veterans' Memorial Arena.

Notes:

- In order to fund the local portion of this grant the "Current Revenue" will be taken from project 501403 – County Office Building Renovations.
- \$45,000 of the county's share will be provided by in-kind service

FROM:

			Estimated Construction Cost:			
<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>State</u>	<u>Federal/Other</u>	<u>County</u>	
501403	County Buildings Renovations	310,000	0	0	310,000	
			Local Finance Law Section 11		How Financed:	
		<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current Revenue</u>	
		2005	15	310,000	0	

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>		<u>County</u>
			<u>State</u>	<u>Federal/Other</u>	
501403	County Buildings Renovations	280,000	0	0	280,000
			<u>Local Finance Law Section 11</u>		
		<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>How Financed:</u>
		2005	15	280,000	<u>Current Revenue</u>
					0

Note: The \$30K decrease in funding will be used to finance the local share of project 501429 – Forum / Arena Renovations.

Carried.

RESOLUTION NO. 411

By Finance Committee

Seconded by Mr. Schafer

RESOLUTION INCREASING THE RATE OF TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, AND ON OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES, PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK

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

SECTION 1. The first sentence of Section Two of Resolution No 180 of 1965, as amended, is amended to read as follows:

SECTION 2. Imposition of sales tax.

On and after June 1, 1974, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing March 1, 1994, and ending November 30, 2007, there is hereby imposed and there shall be paid an additional tax of one percent upon:

SECTION 2. Subdivision (e) of Section Three of Resolution No. 180 of 1965, as amended, is amended to read as follows:

(e) With respect to the additional tax of one percent imposed for the period commencing March 1, 1994, and ending November 30, 2007, the provisions of subdivision, (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to March 1, 1994, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to November 1, 1993, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to February 28, 1994. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to March 1, 1994, any transaction which may not be subject to the additional tax imposed effective on that date.

SECTION 3. Section Four of Resolution No. 180 of 1965, as amended, is amended to read as follows:

SECTION 4. Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after March 1, 1994, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or

other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing March 1, 1994, and ending November 30, 2007, the tax shall be at the rate of four percent, and on and after December 1, 2007, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing March 1, 1994 and ending November 30, 2007, the tax shall be at the rate of four percent, and on and after December 1, 2007, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing March 1, 1994, and ending November 30, 2007, the tax shall be at the rate of four percent, and on and after December 1, 2007, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an additional or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D), and (E) of subdivision (a) of this section, for the period March 1, 1994, and ending November 30, 2007, the tax shall be at the rate of four percent, and on and after December 1, 2007, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance for the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing March 1, 1994, and ending November 30, 2007, the tax shall be at the rate of four percent, and on and after December 1, 2007, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person

SECTION 4. Subdivision (k) of Section Six of Resolution No. 180 of 1965, as amended, is amended to read as follows:

(k) Exemption of certain energy sources and related services from additional one percent rate of tax. Notwithstanding any inconsistent provision of this resolution, receipts from the retail sale or use of fuel oil and coal used for residential purposes; the receipts from the retail sale or use of wood used for residential heating purposes; and the receipts from every sale, other than for resale, or use of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be exempt from the additional one percent rate of sales and compensating use taxes imposed by sections two and four, respectively, of this resolution for the period commencing March 1, 1994, and ending November 30, 2007.

SECTION 5. Subdivision One of Section Eleven of Resolution No. 180 of 1965, as amended, is amended to read as follows:

- (1) (A) In respect to the use of property used by the purchaser in the County prior to August 1, 1965
(B) With respect to the additional tax of one percent imposed for the period beginning March 1, 1994 and ending November 30, 2007, in respect to the use of property used by the purchaser in this County prior to March 1, 1994.

SECTION 6. Subdivision (e) of Section 14 of Resolution No. 180 of 1965, as amended, is amended to read as follows:

(e) Notwithstanding any other provision of this section to the contrary, one hundred percent of the net collections attributable to the additional one percent rate of sales and compensating use taxes imposed for the period December 1, 2005 through November 30, 2007, is hereby set aside for county purposes and shall be available for any county purpose.

SECTION 7. This enactment shall take effect on December 1, 2005.

Carried.

LEGISLATORS COMMENTS:

Mr. Shafer made a motion, seconded by Mr. Schafer, to change the September Legislative Session to Tuesday, September 13, 2005 at 4:00 p.m. **Motion carried**, Ayes-16, Nays-3 (Keibel, Kuzel, Brunza).

Mr. Howard made a motion to adjourn, seconded by Mr. Whalen. **Motion to adjourn carried**. The meeting was adjourned at 4:49 p.m.

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