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**BROOME COUNTY LEGISLATURE  
REGULAR SESSION  
AUGUST 23, 2007**

The Legislature convened at 5:00 p.m. with a call to order by the Chair, Mark R. Whalen. The Clerk, Eric S. Denk, read the fire exit announcement and called the Attendance Roll, Present-19, Absent-0.

The Chair, Mr. Whalen, led the members of the Legislature in the Pledge of Allegiance to the Flag, followed by an invocation by Ms. Buchta.

Mr. Herz made a proclamation honoring the Town of Windsor on its 200<sup>th</sup> anniversary. The Town Supervisor, Randy Williams, accepted the proclamation and thanked the Legislature.

Mr. Garnar made a motion, seconded by Mr. LaBare, that the minutes of the July 19, 2007 session be approved as prepared and presented by the Clerk. **Carried.**

Mr. Whalen noted that the committee minutes for the period July 19, 2007 through August 22, 2007 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. Whalen asked for corrections to the committee minutes.

Mr. Shafer advised the Legislature that the Economic Development and Planning Committee minutes should be corrected to reflect his nay vote on Resolution No. 50.

Motion by Mr. Garnar, seconded by Mr. LaBare, to correct the Economic Development and Planning Committee minutes. **Carried.**

Motion by Mr. Garnar, seconded by Mr. LaBare, to approve the committee minutes. **Carried.**

**ANNOUNCEMENTS FROM THE CHAIR**

Motion by Mr. Howard, seconded by Mr. Shafer, to change the date of the Special Session from October 1, 2007 to September 27, 2007 at 5:00 pm. **Carried.**

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

- A. From the County Executive, Barbara J. Fiala:
1. Appointment to the Environmental Management Council Board of Directors
  2. Executive Order: 2007-Establishment of a County Safety Committee

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

A. PETITIONS: NONE

B. COMMUNICATIONS:

1. Broome County Soil & Water Conservation District Meeting Minutes 7/17/07
2. Board of Acquisition and Contract Meeting Minutes 7/25/07
3. Broome County Industrial Development Agency Meeting Minutes 5/11/07
4. Broome County Industrial Development Agency Meeting Minutes 6/8/07
5. Broome County Association of Municipal Clerks Meeting Minutes 6/21/07
6. Village of Port Dickinson-Notice of Public Hearing 8/14/07
7. Village of Port Dickinson-Resolution Expressing Support for an Underpass or Overpass to Provide Access to the Broome County Landfill Section IV
8. Village of Endicott-Resolution Expressing Support for an Underpass of Overpass to Provide Access to the Broome County Landfill Section IV
9. Town of Colesville-Resolution expressing Support for an underpass or Overpass to Provide Access to the Broome County Landfill Section IV

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10. Board of Acquisition and Contract Meeting Minutes 8/8/07
  11. Office of the Sheriff-Response to the County Executive's Memo Regarding Study of the Broome County Sheriff's Department
  12. Sheriff Harder-Study of the Broome County Sheriff's Office
  13. BMTS-Transit Household Survey Results
  14. State of New York Board of Real Property Services-List of Certified 2007 State Equalization Rates
  15. State of New York Board of Real Property Services-List of Certified 2007 Class Equalization Rates
  16. Department of Public Works-Request for Change Order No 1 Approval in the Amount of \$431,432 for the Asbestos Abatement Selective Demolition Contract
  17. President George W. Bush-Proclamation of Lady Bird Johnson

C. NOTICES:

1. Joint Personnel & County Administration Committee Meeting 8/1/07
2. County Executive's 2008 Budget Presentation Rescheduled to 10/1/07
3. Special Session of the Board of Acquisition and Contract 8/15/07

D. REPORTS:

1. Broome Community College-Above Minimum Hire Report
2. Broome Community College-Budget Transfers 6/07
3. Broome County Arts Council 2007 Annual Report
4. Piaker & Lyons Independent Auditor's Report of the Four County Library System

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

- A. Letters from the Chair, Mark R. Whalen
1. Designations for Mr. Sanfilippo 8/15/07

Mr. Kuzel made a motion, seconded by Mr. Cleary, to receive and file the above referenced reports and to authorize and direct the Clerk to index said reports in the 2007 JOURNAL OF PROCEEDINGS and to publish pertinent portions of said reports as may be directed by the Chair. **Carried.**

Mr. Garnar and Mr. Marinich were designated as participants with Chairman Whalen 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**

Motion by Mr. Reynolds, seconded by Mr. Garnar, to recall Resolution 403 of 2007. **Carried.**

**RESOLUTION 403**

(Adopted July 19, 2007)

**RESOLUTION AUTHORIZING CORRECTIONS ERRORS ON TAX ROLLS FOR THE CITY OF BINGHAMTON AND THE TOWNS OF COLESVILLE, CONKLIN, UNION AND VESTAL**

Motion by Mr. Reynolds, seconded by Mr. Shafer, to amend the resolution to add the Towns of Kirkwood and Sanford, and to replace Exhibit A with an amended exhibit. **Carried.**

**Resolution as amended carried.**

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**RESOLUTIONS HELD OVER FROM PREVIOUS SESSION**

**RESOLUTION NO. 233**

(Held over by Mr. Schofield)

**RESOLUTION AUTHORIZING AN AGREEMENT WITH VOORHIS/ROBERTSON JUSTICE SERVICES, INC. TO CONDUCT A STUDY OF THE OPERATIONS OF THE OFFICE OF THE SHERIFF FROM MAY 1, 2007 THROUGH MARCH 31, 2008**

Motion by Mr. Shafer, seconded by Mr. Mather, to amend the date of the agreement to September 1, 2007 through July 31, 2008. **Carried.** Ayes-18, Nays-1 (Kuzel)

Motion by Mr. Schofield, seconded by Mr. Shafer, to table the resolution to October 18, 2007.

Motion by Mr. Reynolds, seconded by Mr. Keibel, to call the question. **Carried.** Ayes-11, Nays-8 (Materese, Sanfilippo, Hutchings, LaBare, Cleary, Garnar, Kuzel, Marinich)

Motion by Mr. Schofield, seconded by Mr. Shafer, to table the resolution to October 18, 2007.

**Defeated.** Ayes-8, Nays-11 (Materese, Sanfilippo, Hutchings, LaBare, Cleary, Garnar, Kuzel, Reynolds, Herz, Buchta, Whalen)

Motion by Mr. Schofield, seconded by Mr. Shafer, to call the question. **Carried.** Ayes-15, Nays-4 (Materese, Hutchings, Garnar, Kuzel)

**Resolution carried as amended.**

Ayes-10, Nays-9 (Keibel, Hull, Schofield, Shafer, Black, Howard, Kuzel, Marinich, Mather)

**RESOLUTION NO. 415**

(Automatic holdover)

**RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 6 OF 2007, ENTITLED "A LOCAL LAW AMENDING PART IV OF THE BROOME COUNTY CHARTER AND CODE (REGULATORY LOCAL LAWS) CHAPTER 168 BY ADDING ARTICLE IX, AUTOMATIC EXTERNAL DEFIBRILLATORS"**

Mr. Howard made a motion, seconded by Mr. Schofield, to amend the resolution to read as follows:

WHEREAS, each year, more than 250,000 Americans die from sudden cardiac arrest, and

WHEREAS, according to medical experts, the key to survival is timely initiation of a "Chain of Survival", including cardio-pulmonary resuscitation (CPR), and

WHEREAS, because of recent technological advances, a portable lifesaving device called an Automated External Defibrillator, or AED, has become an important medical tool, and

WHEREAS, the AED guides the user through the process by audible or visual prompts without requiring any discretion or judgment, and

WHEREAS, the American Heart Association notes that with broad deployment of AEDs among the trained responders, as many as 50,000 deaths due to sudden cardiac arrest could be prevented each year, and

WHEREAS, New York State has a Good Samaritan Law which protects "any [lay] person who voluntarily and with out expectation of monetary compensation renders first aid or emergency treatment..." from liability against negligence, and<sup>[2]</sup>

WHEREAS, requiring places of public assembly in Broome County to provide and maintain an automatic external defibrillator and provide a person trained in the use of said AED will promote the public health and welfare and may help reduce the incidence of death due to sudden cardiac arrest. ~~[now, therefore be it]~~ and

**WHEREAS, an owner of such a facility may ensure that his or her facility is in compliance either by directly supplying the AED and trained personnel or requiring an organization using the facility to provide the AED and trained personnel, now, therefore be it.**

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RESOLVED, that Local Law Intro No. 6 of 2007 entitled “**A LOCAL LAW AMENDING PART IV OF THE BROOME COUNTY CHARTER AND CODE (REGULATORY LOCAL LAWS) CHAPTER 168 BY ADDING ARTICLE IX, AUTOMATIC EXTERNAL DEFIBRILLATORS**” be and the same hereby is adopted and approved in accordance with the Broome County Charter, the Municipal Home Rule Law and all applicable statutes and laws pertaining thereto:

**A LOCAL LAW AMENDING PART IV OF THE BROOME COUNTY CHARTER AND CODE (REGULATORY LOCAL LAWS) CHAPTER 168 BY ADDING ARTICLE IX, AUTOMATIC EXTERNAL DEFIBRILLATORS**

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

Section 1.

Part IV of the Broome County Charter and Code, Chapter 168 is hereby amended to add Article IX as follows:

Article IX – Automated External Defibrillators

Section 168-45 - Definitions:

- A. AED – an automated external defibrillator.
- B. Places of Public Assembly shall be those places of public or private assembly or employment ~~[with an occupancy capacity of at least five hundred people,]~~ and shall include all facilities used for conducting recreational and sporting events, gymnasiums, theaters, business, malls, and social organizations ~~[during a single event, at which five hundred or more individuals are in attendance at any given moment in time.].~~
- C. Municipal Recreation Fields or Facilities shall be those field or facilities used by youth and adult organizations for sporting events ~~[having a capacity of at least four hundred persons including spectators and participants in games or events.].~~
- D. Golf Courses shall be all golf courses regardless of size and number of holes including municipal, public and private courses.
- E. Youth Organizations shall be those organizations with enrollment or membership of two hundred or more persons.
- F. Fitness/Health Clubs shall be those fitness/health clubs with a membership of two hundred or more persons.
- G. Schools shall be those schools, whether public or private, with an enrollment of two hundred or more students.
- H. Adult Residential Facility shall be **adult homes and assisted living programs** ~~[a facility with twenty or more residential dwelling units.]~~ **licensed by New York State law and skilled nursing facilities certified by New York State law that offer medical or custodial care provided in conjunction with housing.**

Section 168-46 – Facilities/Organizations Required to Have an AED on Site and a Person Available who is Trained in CPR and the use of an AED.

- A. All places of public ~~for private~~ assembly ~~for employment including all facilities used for conducting recreational and sporting events, gymnasiums, theaters, business, malls, and social organizations]~~ during ~~[a single]~~ an event at which five hundred or more individuals are in attendance at any given **moment in time.**
- B. Golf courses **during hours of operation.**
- C. All youth organizations during all sponsored sporting or recreational events **at which five hundred or more individuals are in attendance at any given moment in time** ~~[attended by four hundred or more individuals]~~ including participants, officials and spectators.

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- D. All Fitness/Heath Clubs ~~[with membership of two hundred or more persons]~~ during hours of operation.
  - E. All schools, public or private, during regular school hours and for extra curricular activities **at which five hundred or more individuals are in attendance at any given moment in time** ~~[attended by four hundred or more individuals.]~~.
  - F. Adult residential facilities **consisting of twenty or more residential dwelling units during hours of operation.**

Section 168-47 – Facilities/Organizations Required to Have an AED available.

- A. All municipal recreation fields or facilities during events **at which five hundred or more individuals are in attendance at any given moment in time** ~~[attended by five hundred or more individuals in attendance at any given moment in time]~~ including participants, officials and spectators.

Section 168-48 – Investigations; Enforcement; Penalties.

Article VII of this Chapter shall apply

Section 168-49 – Waivers.

Those entities subject to the requirements of this Article that do not have an AED on site and a person trained in CPR and the use of an AED available on the effective date of this Article shall have six months from the effective date of this Article to comply with said requirements. Prior to the expiration of said six month period the Broome County Commissioner/Director of Health, upon application of the entity, may waive compliance with this Article for an additional period of six months.

Section 168-50 – Limitation of Liability.

Section 225(5-b)(e) of the New York Public Health Law shall ~~[be]~~ apply to any public access defibrillation provider or any employee or other agent of the provider who in accordance with the provisions of the Public Health Law and this local law voluntarily and without expectation of monetary compensation renders emergency medical or first aid treatment using an AED which has been made available pursuant to the requirements of this local law or the New York Public Health Law.

Section 168-51 – Inter-agency Cooperation.

All schools are encouraged to make their AED's available to community groups when non-sponsored events take place at their facilities. Troop C of the New York State Police when responding to incidents in Broome County is requested to provide an AED and trooper trained in its use. **All places of worship are encouraged to have an AED and trained operator present during substantially attended events. Other law enforcement agencies in Broome County are encouraged to equip their patrols with an AED and train their personnel in its proper use.**

Section 168-52 – Responsibility for Compliance.

It shall be the responsibility of the owner of a facility required under Section 168-46 or 168-47 of this Article to ensure that his or her facility is in compliance either by directly supplying the AED and trained personnel or by requiring an organization using the facility to provide the AED and trained personnel.

Section 2. This Local Law shall become effective upon filing with the Secretary of State.

Material in **[brackets]** and **bold** deleted

Material underlined and bold added

**Amendment carried. Ayes-15, Nays-4 (Schofield, Shafer, Kuzel, Mather)**

**Resolution is an automatic holdover.**

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**RESOLUTIONS INTRODUCED AT THIS SESSION**

**RESOLUTION NO. 419**

Introduced by: Health and Human Services and Finance Committees

**RESOLUTION AUTHORIZING AN AGREEMENT WITH DOCUMENT & DIGITAL PRESERVATION SERVICES, INC. FOR DOCUMENT CONVERSION SERVICES FOR THE COMMUNITY ALTERNATIVE SYSTEMS AGENCY FOR 2007**

WHEREAS, the Director of the Community Alternative Systems Agency requests authorization for an agreement with Document & Digital Preservation Services, Inc. for document conversion services at a cost not to exceed \$21,910, for the period September 1, 2007 through December 31, 2007, and

WHEREAS, said agreement is necessary to scan, capture and store active case files, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the Document & Digital Preservation Services, Inc., 142 West 36<sup>th</sup> Street Suite 1008, New York, New York 10018, for document conversion services for the Community Alternative Systems Agency for the period September 1, 2007 through December 31, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$21,910 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 680033.4726.101000 (Contracted Data Processing), 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. 420**

Introduced by: Finance and Health and Human Services Committees

**RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR THE HEALTH DEPARTMENT**

RESOLVED, that in accordance with a request from the Public Health Director, in order to appropriate sufficient funds to various accounts to maximize spending for the Steps to a Healthier NY Grant for 06-07, as requested by BF# 006502, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

|       | <u>Index Code</u> | <u>Subject</u> | <u>Project Code</u> | <u>Title</u>           | <u>Amount</u> |
|-------|-------------------|----------------|---------------------|------------------------|---------------|
| FROM: | 480376            | 1000           | 105199              | Salaries Full-Time     | 4,364         |
|       | 480376            | 8010           | 105199              | State Retirement       | 422           |
|       | 480376            | 8030           | 105199              | Social Security        | 326           |
|       | 480376            | 8040           | 105199              | Workers Compensation   | 34            |
|       | 480376            | 8050           | 105199              | Life Insurance         | 4             |
|       | 480376            | 8060           | 105199              | Health Insurance       | 400           |
|       | 480376            | 8063           | 105199              | Disability Insurance   | 15            |
| TO:   | 480376            | 4449           | 105199              | Other Operational Exps | 5,565         |

**Carried.**

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### **RESOLUTION NO. 421**

Introduced by: Health and Human Services and Finance Committees

#### **RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH TECHNOLOGY SOLUTIONS FOR SOFTWARE MAINTENANCE FOR THE DEPARTMENT OF SOCIAL SERVICES FOR 2007-2008**

WHEREAS, this County Legislature, by Resolution 578 of 2006, authorized an agreement with Technology Solutions for software maintenance for the Department of Social Services at a cost not to exceed \$24,038.87 for the period January 1, 2007 through September 30, 2008, and

WHEREAS, said agreement is necessary for software maintenance related to the imaging licenses for the DSS Imaging Project, and

WHEREAS, it is necessary to authorize amendments to said agreement to increase the not to exceed amount by \$1,474.73 and extend the term of the agreement through December 31, 2008, and

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

RESOLVED, that this County Legislature hereby authorizes amendments to the agreement with Technology Solutions, 5820 Main Street Suite 102, Williamsville, New York 14221 to increase the not to exceed amount by \$1,474.73 and extend the term of the agreement to January 1, 2007 through December 31, 3008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor a total amount not to exceed \$25,513.60 for the term of the agreement, and be it

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

FURTHER RESOLVED, that Resolution 578 of 2006, 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. 422**

Introduced by: Health and Human Services and Finance Committees

#### **RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH TECHNOLOGY SOLUTIONS FOR SOFTWARE MAINTENANCE FOR THE DEPARTMENT OF SOCIAL SERVICES FOR 2008**

WHEREAS, this County Legislature, by Resolution 45 of 2007, authorized renewal of the agreement with Technology Solutions for software maintenance for the Department of Social Services at an amount not to exceed \$11,378.18, for the period January 1, 2007 through December 31, 2007, and

WHEREAS, said agreement is necessary for software maintenance for Collaborative Care 4 Kids (CC4K) and Day Care related imaging software, and

WHEREAS, said agreement expires by its terms on December 31, 2007, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$11,378.18, for the period January 1, 2008 through December 31, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Technology Solutions, 5820 Main Street, Suite 102, Williamsville, New York 14221 for software maintenance for the Department of Social Services for the period January 1, 2008 through December 31, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$11,378.18 for the term of the agreement, and be it

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FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 670513.4513.105xxx (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. 423**

Introduced by: Health and Human Services and Finance Committees

#### **RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH THE SOS SHELTER, INC. FOR PROFESSIONAL SERVICES FOR THE DEPARTMENT OF SOCIAL SERVICES FOR 2007**

WHEREAS, this County Legislature, by Resolution 664 of 2006, authorized renewal of the agreement with the SOS Shelter, Inc. for professional services for the Department of Social Services at an amount not to exceed \$25,000 for the period October 1, 2006 through September 30, 2007, and

WHEREAS, said agreement is necessary to provide a part-time domestic violence worker at the Department of Social Services, and

WHEREAS, said agreement expires by its terms on September 30, 2007, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$6,250, for the period October 1, 2007 through December 31, 2007, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with the SOS Shelter, Inc., PO Box 393, Endicott, New York 13761 for professional services for the Department of Social Services for the period October 1, 2007 through December 31, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$6,250 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 670067.4561.103000 (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.

**Carried.**

#### **RESOLUTION NO. 424**

Introduced by: Health and Human Services, Personnel and Finance Committees

#### **RESOLUTION AUTHORIZING RENEWAL OF THE DIABETES PREVENTION AND CONTROL PROGRAM GRANT FOR DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2007-2008**

WHEREAS, this County Legislature, by Resolution 459 of 2006, as amended by Resolutions 25 and 338 of 2007, authorized and approved renewal of the Diabetes Prevention and Control Program Grant for the Department of Health and adopted a program budget in the amount of \$114,456 for the period October 1, 2006 through September 30, 2007, and

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

WHEREAS, it is desired to renew said program grant in the amount of \$100,000 for the period October 1, 2007 through September 30, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$100,000 from the New York State Department of Health, Room 780, Corning Tower, Empire State Plaza, Albany, 12237, for the Department of Health's Diabetes Prevention and Control Program Grant for the period October 1, 2007 through September 30, 2008, and be it

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FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$100,000, 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. 425**

Introduced by: Health and Human Services and Finance Committees

#### **RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH VARIOUS VENDORS FOR PROFESSIONAL SERVICES FOR THE DEPARTMENT OF HEALTH'S DIABETES PREVENTION AND CONTROL PROGRAM GRANT FOR 2007-2008**

WHEREAS, this County Legislature, by Resolution 507 of 2006, as amended by Resolution 336 of 2007, authorized the renewal of agreements with various vendors for professional services for the Department of Health's Diabetes Prevention and Control Program Grant at a total cost not to exceed \$45,600 for the period October 1, 2006 through September 30, 2007, and

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

WHEREAS, said agreements expire by their terms on September 30, 2007, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for a total amount not to exceed \$37,500 for the period October 1, 2007 through September 30, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreements with various vendors as listed on Exhibit "A" for professional services for the Department of Health's Diabetes Prevention and Control Program Grant for the period October 1, 2007 through September 30, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractors at the amounts listed on Exhibit "A", total amount not to exceed \$37,500 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480376.4457.105347 (Subcontracted Program Expense), and be it

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

**Carried.**

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### **RESOLUTION NO. 426**

Introduced by: Health and Human Services and Finance Committees

#### **RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH PROFESSOR SURINDER KAHAI FOR PROFESSIONAL SERVICES FOR THE DEPARTMENT OF HEALTH FOR 2006-2007**

WHEREAS, this County Legislature, by Resolution 189 of 2006, authorized an agreement with Professor Surinder Kahai for professional services for the Department of Health at the rate of \$100 per hour for 70 hours of services, total cost not to exceed \$7,000 for the period April 25, 2006 through April 24, 2007, and

WHEREAS, said agreement is necessary to provide training to clinic staff on complex query development and to create middleware to export data from the New York State Department of Vital Statistics database, Clinic QS System communicable disease database and Early Intervention program KIDS software system into the Geographic Information System (GIS) for bioterrorism preparedness, and

WHEREAS, it is necessary to authorize an amendment to said agreement to increase the not to exceed amount by \$600, and

WHEREAS, the Director of Public Health 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 Professor Surinder Kahai, 1040 Glenwood Road, Vestal, New York 13850-3239, to increase the not to exceed amount by \$600 for professional services for the Department of Health for the period April 25, 2006 through April 24, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor a total amount not to exceed \$7,600 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480293.4457.101000 (Subcontracted Program Expense), and be it

FURTHER RESOLVED, that Resolution 189 of 2006, 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. 427**

Introduced by: Health and Human Services, Personnel and Finance Committees

Seconded by: Mr. Shafer

#### **RESOLUTION AUTHORIZING RENEWAL OF THE PUBLIC HEALTH PREPAREDNESS AND RESPONSE TO BIOTERRORISM PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2007-2008**

WHEREAS, this County Legislature, by Resolution 369 of 2006, authorized and approved renewal of the Public Health Preparedness and Response to Bioterrorism Program Grant for the Department of Health and adopted a program budget in the amount of \$200,536 for the period August 31, 2006 through August 30, 2007, and

WHEREAS, said program grant 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 program grant in the amount of \$180,482 for the period August 31, 2007 through August 30, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$180,482 from the Health Research, Inc., One University Place, Rensselaer, New York 12144-

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3456, for the Department of Health's Public Health Preparedness and Response to Bioterrorism Program Grant for the period August 31, 2007 through August 30, 2008, 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 \$180,482, 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. 428**

Introduced by: Health and Human Services, Personnel and Finance Committees

#### **RESOLUTION AUTHORIZING RENEWAL OF THE CHILDREN WITH SPECIAL HEALTH CARE NEEDS PROGRAM GRANT FOR DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2007-2008**

WHEREAS, this County Legislature, by Resolution 456 of 2006, as amended by Resolution 335 of 2007, authorized and approved renewal of the Children with Special Health Care Needs Program Grant for the Department of Health and adopted a program budget in the amount of \$26,826 for the period October 1, 2006 through September 30, 2007, and

WHEREAS, said program grant provides aid in determining the children with special needs, identifies relevant issues and works with State agencies to resolve such issues, and

WHEREAS, it is desired to renew said program grant in the amount of \$26,806 for the period October 1, 2007 through September 30, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$26,806 from the New York State Department of Health Division of Family and Local Health, Corning Tower, Empire State Plaza, Albany, New York 12237-0657, for the Department of Health's Children with Special Health Care Needs Program Grant for the period October 1, 2007 through September 30, 2008, 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 \$26,806, 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.**

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**RESOLUTION NO. 429**

Introduced by: Health and Human Services and Finance Committees

**RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENTS WITH VARIOUS VENDORS FOR VARIOUS SERVICES FOR THE DEPARTMENT OF HEALTH'S STEPS TO A HEALTHIER NY PROGRAM GRANT FOR 2007-2008**

WHEREAS, this County Legislature, by Resolution 428 of 2006, authorized agreements and renewal of agreements with various vendors for various services for the Department of Health's Steps to a Healthier US Initiative Grant at the amounts listed on Exhibit "A", total amount not to exceed \$118,500 for the period September 22, 2006 through September 21, 2007, and

WHEREAS, said agreements are necessary to provide healthy lifestyles in Broome County by reducing the burden of obesity, diabetes and asthma through selected community and school-based interventions, and

WHEREAS, said agreements expire by their terms on September 21, 2007, and it is desired at this time to renew said agreements on substantially similar terms and conditions, at the amounts listed on Exhibit "A", total amount not to exceed \$127,500 for the period September 22, 2007 through September 21, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with various vendors as listed on Exhibit "A" for various services for the Department of Health's Steps to a Healthier NY Program Grant for the period September 22, 2007 through September 21, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractors the amounts listed on Exhibit "A", total amount not to exceed \$127,500 for the term of the agreements, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480376.4457.105340 (Subcontracted Program Expense), and be it

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

**Carried.**

**RESOLUTION NO. 430**

Introduced by: Health and Human Services, Personnel and Finance Committees

**RESOLUTION AUTHORIZING RENEWAL OF THE EARLY INTERVENTION ADMINISTRATION PROGRAM GRANT FOR DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2007-2008**

WHEREAS, this County Legislature, by Resolution 455 of 2006, as amended by Resolutions 101 and 339 of 2007, authorized and approved the Early Intervention Program Grant for the Department of Health and adopted a program budget in the amount of \$132,801 for the period October 1, 2006 through September 30, 2007, and

WHEREAS, said program grant provides funding to identify and register infants and children with suspected disabilities and developmental delays and refers them to the Early Intervention Program to ensure they are provided with appropriate services, and

WHEREAS, it is desired to renew said program grant in the amount of \$132,801 for the period October 1, 2007 through September 30, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$132,801 from the New York State Department of Health Division of Family & Local Health, Corning Tower, Empire State Plaza, Albany, New York 12237-0657, for the Department of Health's Early Intervention Administration Program Grant for the period October 1, 2007 through September 30, 2008, and be it

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FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$132,801, 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. 431**

**Introduced by:** Health and Human Services, Personnel and Finance Committees

#### **RESOLUTION AUTHORIZING RENEWAL OF PREVENTIVE DENTISTRY/DENTAL SEALANT PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2007-2008**

WHEREAS, this County Legislature, by Resolution 293 of 2006, as amended by Resolution 382 of 2007, authorized and approved the Preventive Dentistry/Dental Sealant Program Grant for the Department of Health and adopted a program budget in the amount of \$43,580 for the period July 1, 2006 through June 30, 2007, and

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

WHEREAS, it is desired to renew said program grant in the amount of \$57,768 for the period July 1, 2007 through June 30, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$43,580 from the New York State Department of Health, Bureau of Dental Health, Empire State Plaza, Corning Tower, Room 542, Albany, New York, for the Department of Health's Preventive Dentistry/Dental Sealant Program Grant for the period July 1, 2007 through June 30, 2008, 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 \$57,768, 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.**

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### **RESOLUTION NO. 432**

Introduced by: Health and Human Services and Finance Committees

#### **RESOLUTION AUTHORIZING AN AGREEMENT WITH REVEREND TIMOTHY DODD FOR CHAPLAIN SERVICES FOR THE WILLOW POINT NURSING HOME FOR THE PERIOD 2007-2008**

WHEREAS, the Administrator of the Willow Point Nursing Home requests authorization for an agreement with Reverend Timothy Dodd for chaplain services for the Willow Point Nursing Home at a cost not to exceed \$3,000, for the period June 1, 2007 through May 31, 2008, and

WHEREAS, said agreement is necessary to provide protestant chaplain services mandated by state and federal regulations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the Reverend Timothy Dodd, Twin Orchards Baptist Church, 3701 Vestal Road, Vestal, New York 13850 for chaplain services at the Willow Point Nursing Home for the period June 1, 2007 through May 31, 2008, and be it

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

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 160176.4437.204000 (Religious), 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. 433**

Introduced by: Health and Human Services and Finance Committees

#### **RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH REPORTERS TRANSCRIPTION CENTER FOR MEDICAL TRANSCRIPTION SERVICES FOR THE WILLOW POINT NURSING HOME FOR 2007**

WHEREAS, this County Legislature, by Resolution 112 of 2005, authorized an agreement with Reporters Transcription Center for medical transcription services for the Willow Point Nursing Home at a cost not to exceed \$18,000 per year, for the period January 1, 2005 through December 31, 2005, with three (3) one-year renewal options by mutual consent at the same costs, terms and conditions, and

WHEREAS, said agreement is necessary to meet the present and future needs of the Physician Services Program by utilizing internet based digital and telephone dictation services at the Willow Point Nursing Home, and

WHEREAS, it is necessary to authorize an amendment to said agreement to increase the not to exceed amount by \$9,000 for the period January 1, 2007 through December 31, 2007, and

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

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Reporters Transcription Center, 71 State Street, Binghamton, New York 13901, to increase the not to exceed amount by \$9,000 for medical transcription services for the Willow Point Nursing Home for the period January 1, 2007 through December 31, 2007, and be it

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

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 160036.4747.204000 (Other Fees for Services), and be it

FURTHER RESOLVED, that Resolution 112 of 2005, to the extent consistent herewith, shall remain in full force and effect, and be it

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FURTHER RESOLVED, that the County Executive or 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. 434**

Introduced by: Economic Development and Planning and Finance Committees

#### **RESOLUTION AUTHORIZING REVISION OF THE DISABILITY PROGRAM NAVIGATOR GRANT FOR THE OFFICE OF EMPLOYMENT AND TRAINING AND ADOPTING A REVISED PROGRAM BUDGET FOR 2007-2008**

WHEREAS, this County Legislature, by Resolution 381 of 2006, authorized and approved a revision of the Disability Program Navigator Grant for the Office of Employment and Training and adopted a revised program budget reflecting an increase of \$31,078, and extended the period of the grant through December 31, 2006, and

WHEREAS, said funding extends the Disability Program Navigator Grant to assist persons with disabilities in Broome and Tioga Counties with using the One-Stop centers and the services available at the center, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$17,485 in grant appropriations and extend the period of the grant to June 30, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Disability Program Navigator Grant for the Office of Employment and Training to reflect an increase of \$17,485 and to extend the period of the Grant through June 30, 2008, 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 \$17,485, and be it

FURTHER RESOLVED, that Resolution 381 of 2006, 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. 435**

Introduced by: Economic Development and Planning Committee

#### **RESOLUTION CONFIRMING APPOINTMENT TO MEMBERSHIP ON THE BROOME COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL BOARD OF DIRECTORS**

WHEREAS, Barbara J. Fiala, County Executive of the County of Broome, pursuant to the authority vested in her by Resolution 277 of 1971, Resolution 64 of 1973, Resolution 366 of 1976 and Resolution 341 of 1980, has duly designated and appointed the following named individual to membership on the Broome County Environmental Management Council Board of Directors, for the term indicated, subject to confirmation by this County Legislature:

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NAME  
Julia Ann Hoover  
203 Frey Avenue  
Endicott, New York 13760

TERM EXPIRING  
December 31, 2008

and

WHEREAS, it is desired at this time to confirm said appointment, now, therefore, be it  
RESOLVED, that this County Legislature, pursuant to the provisions of Resolution 277 of 1971, Resolution 64 of 1973, Resolution 366 of 1976, and Resolution 341 of 1980, hereby confirms the appointment of the above-named individual to membership on the Broome County Environmental Management Council Board of Directors, for the terms indicated, in accordance with the appointment by the County Executive.

**Carried.**

### **RESOLUTION NO. 436**

Introduced by: Economic Development and Planning and Finance Committees

#### **RESOLUTION AUTHORIZING AN AGREEMENT WITH SYSTEMS DEVELOPMENT GROUP FOR AN IMAGEMATE ONLINE SOFTWARE SYSTEM FOR 2008**

WHEREAS, the Commissioner of Planning requests authorization for an agreement with the Systems Development Group for an ImageMate Online Software System at a cost not to exceed \$60,000, for the period ending May 31, 2008, and

WHEREAS, said services are necessary to provide the County with ImageMate, an online system to view parcel information from Real Property, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the Systems Development Group, 441 Trenton Ave., Utica, New York 13502, for an ImageMate Online Software System for the period ending May 31, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$60,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 370064.4747.105333 (Other 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. 437**

Introduced by: Economic Development and Planning and Finance Committees

#### **RESOLUTION AUTHORIZING AN AGREEMENT WITH WEILER MAPPING FOR GIS CONSULTING SERVICES FOR 2007**

WHEREAS, the Commissioner of Planning and Economic Development requests authorization for an agreement with Weiler Mapping for GIS consulting services at a cost not to exceed \$45,000, and

WHEREAS, said services are necessary to convert Real Property CAD tax parcels to ESRI geodatabase format, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Weiler Mapping, for the Department of Planning, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$45,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 370064.various.105333, 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,

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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. 438**

**Introduced by:** Economic Development and Planning and Finance Committee  
**RESOLUTION AUTHORIZING AN AMENDMENT TO FEE SCHEDULE FOR THE SALE OF MAPS AND DIGITAL FILES BY THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT**

WHEREAS, the Broome County Department of Planning and Economic Development regularly sells various maps and aerial photo prints to the general public, and

WHEREAS, this County Legislature, by Resolution 118 of 1989, as amended by Resolution 163 of 1993, Resolution 138 of 1994, Resolution 521 of 2000, Resolution 425 of 2003, and Resolution 181 of 2005 established a schedule of fees for such sales, and

WHEREAS, it is appropriate at this time to revise said schedule of fees to account for all currently available products and distribution methods, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and adopts the rate structure attached hereto as Exhibit "A" for the sale of various maps and digital files by the Broome County Department of Planning and Economic Development, and be it

FURTHER RESOLVED, that the fees hereinabove shall become effective immediately, and be it

FURTHER RESOLVED, that all proceeds received from said sales shall be credited to budget line 440016.0208.101000 (Minor Sales-Planning), and be it

FURTHER RESOLVED, that the Commissioner of Finance and the Comptroller of Broome County are hereby authorized to make such bookkeeping and accounting entries and adjustments as may be necessary to effectuate the intent and purpose of this Resolution.

**Carried.**

### **RESOLUTION NO. 439**

**Introduced by:** Transportation and Rural Development Committee  
**RESOLUTION AUTHORIZING AN AGREEMENT WITH CORNELL COOPERATIVE EXTENSION FOR OPERATION OF A FARMER'S MARKET AT OTSININGO PARK**

WHEREAS, the Commissioner of Parks and Recreation requests authorization for an agreement with Cornell Cooperative Extension for operation of a Farmer's Market at Otsiningo Park, and

WHEREAS, said services are necessary to operate a Farmer's Market on August 25, September 22, and October 20, 2007, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Cornell Cooperative Extension for operation of a Farmers Market on August 25, September 22 and October 20, 2007 at Otsiningo Park, and be it

FURTHER RESOLVED, that there will be no cost to Broome County, and

FURTHER RESOLVED, that Cooperative Extension will, through its vendors, keep Broome County save harmless and insure that Broome County is named as additional insured on all vendor policies for the term of the agreement, 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.**

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### RESOLUTION NO. 440

Introduced by: County Administration, Public Works and Finance Committees

Seconded by: Mr. LaBare

**RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 7, 2007, ENTITLED: "A LOCAL LAW AMENDING CHAPTER 179 OF THE BROOME COUNTY CHARTER AND CODE, AS AMENDED, REGARDING LANDFILL FEES"**

WHEREAS, the Division of Solid Waste Management would like to make protective safety vests more readily accessible to landfill users in order to comply with safety regulations and promote backyard composting by offering compost bins, now, therefore, be it

RESOLVED, that Local Law Intro. No. 7, 2007, entitled: "A Local Law Amending Chapter 179 of the Broome County Charter and Code, as amended, regarding landfill fees," be and the same hereby is adopted and approved in accordance with the Broome County Charter and Code, the Municipal Home Rule Law and all the applicable statutes and laws pertaining thereto.

LOCAL LAW INTRO. NO. 7, 2007

A Local Law Amending Chapter 179 of the Broome County Charter and Code, as Amended, Regarding Landfill Fees

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

Section 1. Chapter 179-9 A (3) of the Broome County Charter and Code, as amended, be and hereby is amended to read as follows:

Section 179-9 Fees and Charges:

(3) (h) Backyard Compost Bins: \$35 each

(i) Safety Vests: \$5 each

Section 2. Except as herein above amended, Chapter 179 of the Broome County Charter and Code, as amended, shall remain in full force and effect.

Section 3. This Local Law shall become effective on October 1, 2007

Material in [brackets] deleted

Material underlined added

**Carried.**

### RESOLUTION NO. 441

Introduced by: Public Works and Finance Committees

**RESOLUTION AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE OF THE FEDERAL AID AND STATE MARCHISELLI PROGRAM- AID (SUPPLEMENT AGREEMENT No. 1) ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS THEREFOR**

WHEREAS, a Project for Airport Road over Little Choconut Creek (BIN 3349530) in the Town of Maine, Broome County, P.I.N. 9752.67 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

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

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

FURTHER RESOLVED, that the Broome County Commissioner of Finance is authorized to pay in the first instance 100% of the Federal and non-Federal share of the Locally Administered costs and 100% of the non-Federal share of the State Administered costs of the Construction and Construction Supervision and Inspection work for the Project or portions thereof, and be it

FURTHER RESOLVED, that the sum of \$2,119,000 as previously appropriated pursuant to the 2001 Capital Improvement Program (C.I.P.), Project 502358 (Federal Aid Bridge

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Program), and the 2005 Capital Improvement Program Project 501408 (Airport Bridge Reconstruction Project) is made available to cover the cost of participation in the above phase of the Project, and be it

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

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

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

FURTHER RESOLVED, that this Resolution shall take effect immediately.

**Carried.**

#### **RESOLUTION NO. 442**

Introduced by: Transportation and Rural Development Committee

#### **RESOLUTION AUTHORIZING AN AGREEMENT WITH CAPITAL DISTRICT TRANSPORTATION AUTHORITY FOR THE ACCEPTANCE OF TWENTY TRANSIT BUSES BY BC TRANSIT**

WHEREAS, the Commissioner of Public Transportation requests authorization for an agreement with Capital District Transportation Authority for the acceptance of twenty transit buses by BC Transit, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Capital District Transportation Authority, for the acceptance of twenty transit buses, and be it

FURTHER RESOLVED, that due to the donation of said services; there will be no cost to the County for the agreement, 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. 443**

Introduced by: Public Safety and Emergency Services, County Administration and Finance Committees

#### **RESOLUTION AUTHORIZING ACCEPTANCE OF A COMPUTER ANALYSIS & TECHNICAL SERVICES (CATS) DIGITAL FORENSIC LAB PROGRAM GRANT FOR THE DIVISION OF SECURITY AND ADOPTING A PROGRAM BUDGET FOR 2007-2009**

WHEREAS, the Director of Security requests authorization to accept a Computer Analysis & Technical Services (CATS) Digital Forensic Lab Program Grant and adopt a program budget in the amount of \$20,000 for the period April 1, 2007 through March 31, 2009, and

WHEREAS, said program grant will be used to upgrade current forensic computers and purchase DVD/data storage equipment, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$20,000 from the New York State Department of Criminal Justice, Albany, New York for the Division of Security's Computer Analysis & Technical Services (CATS) Digital Forensic Lab Program Grant for the period April 1, 2007 through March 31, 2009, and be it

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

FURTHER RESOLVED, that the County Executive or 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. 444**

Introduced by: Public Safety and Emergency Services, Personnel, and Finance Committees

#### **RESOLUTION AUTHORIZING ACCEPTANCE OF OPERATION IMPACT IV PROGRAM GRANT FOR THE OFFICE OF THE DISTRICT ATTORNEY AND ADOPTING A PROGRAM BUDGET FOR 2007-2008**

WHEREAS, the District Attorney requests authorization to accept a Operation Impact IV Program Grant and adopt a program budget in the amount of \$130,282 for the period July 1, 2007 through June 30, 2008, and

WHEREAS, said program grant funds two part-time crime analyst positions and one Assistant District Attorney II position as part of a collaborative law enforcement effort to reduce violent crime in targeted areas in the City of Binghamton and the County of Broome, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$130,282 from NYS Division of Criminal Justice Services, Bureau of Justice Funding, 4 Tower Place, Albany, New York 12203 for the Office of the District Attorney's Operation Impact IV Grant for the period July 1, 2007 through June 30, 2008, 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 \$130,282, 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.**

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### **RESOLUTION NO. 445**

Introduced by: Public Safety and Emergency Services and Finance Committees

#### **RESOLUTION AUTHORIZING ACCEPTANCE OF FUNDING FOR THE BROOME COUNTY STOP-DWI PROGRAM'S 2007 CHRIS THATER MEMORIAL**

WHEREAS, the Coordinator of Broome County STOP-DWI requests authorization to accept \$5,000 from the Division of Criminal Justice Services, \$10,000 from the Governor's Traffic Safety Committee, \$5,000 from the Office of Alcohol and Substance Abuse and \$5,000 from the New York State Empire Development Corporation for the STOP-DWI Program's 2007 Chris Thater Memorial, and

WHEREAS, said funding will promote and sponsor the Chris Thater Memorial event, which is expected to draw 1,500 athletes and over 10,000 spectators for various races, events and expo areas, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$5,000 from the Division of Criminal Justice Services, 4 Tower Place, Albany, NY 12203, \$10,000 from the Governor's Traffic Safety Committee, 6 Empire State Plaza, Rm. 414, Albany, NY 12203, \$5,000 from the New York State Office of Alcohol and Substance Abuse Services, 1450 Western Avenue, Albany, New York 12203-3526 and \$5,000 from the Empire State Development Corporation, 633 Third Avenue, New York, New York 10017-8167 for the Broome County STOP-DWI Program's Chris Thater Memorial, and be it

FURTHER RESOLVED, that the funding hereinabove authorized shall be credited to the Chris Thater Memorial Trust Account 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. 446**

Introduced by: Finance and Personnel Committees

#### **RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH THE GUARDIAN LIFE INSURANCE COMPANY OF NEW YORK FOR LIFE INSURANCE FOR ELIGIBLE BROOME COUNTY EMPLOYEES FOR THE OFFICE OF RISK AND INSURANCE FOR 2007-2008**

WHEREAS, this County Legislature, by Resolution 545 of 2006, authorized renewal of agreement with the Guardian Life Insurance Company of New York for life insurance for eligible Broome County employees for the Office of Risk and Insurance at a rate of \$1.30 per enrollee per month, and \$.30 per enrollee per month for accidental death and dismemberment for the period December 1, 2006 through November 30, 2007, and

WHEREAS, said agreement is necessary to provide life insurance coverage for eligible Broome County employees, and

WHEREAS, said agreement expires by its terms on November 30, 2007, and it is desired at this time to renew said agreement on substantially similar terms and conditions, at a rate of \$1.30 per enrollee per month for life insurance, and \$.30 per enrollee per month for accidental death and dismemberment, for the period December 1, 2007 through November 30, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with the Guardian Life Insurance Company of New York, 3900 Burgess Place, Bethlehem, Pennsylvania 18017 for life insurance for eligible Broome County employees for the Office of Risk and Insurance for the period December 1, 2007 through November 30, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at the rate of \$1.30 per enrollee per month for life insurance and \$.30 per enrollee per month for accidental death and dismemberment for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 050088.4521.254000 (Insurance Premiums), 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. 447**

**Introduced by:** Finance Committee  
**RESOLUTION AUTHORIZING CANCELLATION OF REAL PROPERTY TAXES ON PARCELS IN VARIOUS VILLAGES**

WHEREAS, it is necessary to clear the tax records of these parcels of real property by virtue of Broome County taking title, now, therefore, be it

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

| <b>Town</b>     | <b>Tax map</b> | <b>Address</b>    | <b>Owner</b> | <b>Amount to be cancelled</b> |
|-----------------|----------------|-------------------|--------------|-------------------------------|
| Deposit-Sanford | 203.06-1-22    | 17 Borden St      | Rynearson    | \$355.03                      |
| Endicott-Union  | 157-07-2-18    | 1809 Monroe St    | Lippolis     | \$1,486.89                    |
| Endicott-Union  | 157.09-4-21    | 500 Central St    | Smith        | \$868.19                      |
| JC-Union        | 143.32-4-32    | 138 Baldwin St N  | Demiri       | \$177.24                      |
| JC-Union        | 143.32-4-33    | 140 Baldwin St N  | Demiri       | \$1,220.07                    |
| JC-Union        | 143.32-4-34    | 144 Baldwin St N  | Demiri       | \$96.47                       |
| JC-Union        | 143.42-2-47    | 14 North St       | Solyan       | \$59.74                       |
| JC-Union        | 143.63-1-28    | 105 West St       | Cenova       | \$1,106.79                    |
| JC-Union        | 143.65-3-11    | 95 Endicott Ave   | Barker       | \$1,204.32                    |
| JC-Union        | 143.79-1-31    | 600 Riverside Dr  | Shields      | \$1,693.14                    |
| JC-Union        | 143.80-2-6     | 226 St Charles St | Edwards-Rohn | \$1,460.45                    |
| JC-Union        | 159.34-2-14    | 13 Stearns Ave    | Dailey       | \$1,533.52                    |
| JC-Union        | 143.71-2-12    | 345 Grand Ave     | Piave        | \$6,921.95                    |
| WP-Triangle     | 028.18-2-18    | 7295 Collins St   | Keeler       | \$31.88                       |
| WP-Triangle     | 028.18-2-19    | 7299 Collins St   | Keeler       | \$1,255.83                    |
| Windsor-Windsor | 182.07-1-9     | 30 Grove St       | Bowman       | \$656.36                      |
| Windsor-Windsor | 182.07-2-52    | 12 Gary St        | Crowley      | \$722.51                      |
| Windsor-Windsor | 182.11-3-33    | 60 Main St        | Benkovic     | \$8.27                        |

**Carried.**

**RESOLUTION NO. 448**

**Introduced by:** Transportation and Rural Development and Finance Committees  
**RESOLUTION AUTHORIZING ACCEPTANCE OF FEDERAL AVIATION ADMINISTRATION GRANT FOR THE DEPARTMENT OF AVIATION**

WHEREAS, the Commissioner of Aviation requests authorization to accept a Federal Aviation Administration Grant in the amount of \$1,132,476, and

WHEREAS, said program grant provides funding for approved Airport Capital Improvement Projects, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$1,132,476 from the Federal Aviation Administration, New York Airports District Office, 600 Old Country Rd., Suite 446, Garden City, New York 11530 for the Department of Aviation's Federal Aviation Administration Grant, and be it

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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. 449**

Introduced by: Transportation and Rural Development and Finance Committees

#### **RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH McFARLAND-JOHNSON, INC., FOR CONSULTING SERVICES TO UPDATE THE MASTER PLAN FOR THE GREATER BINGHAMTON AIRPORT**

WHEREAS, this County Legislature, by Resolution 353 of 2006, authorized an agreement with McFarland-Johnson, Inc. for consulting services for the period August 1, 2006 through July 31, 2007, and

WHEREAS, said agreement provides consulting services to update the airport's Master Plan to include a review of the airport's goals and objectives, activity forecasts, capacity analysis, future airport requirements, and airfield study, security and land side issues, and

WHEREAS, it is necessary to authorize an amendment to said agreement to extend the term of the agreement to December 31, 2007, due to additional time required to incorporate recent changes in facility requirements and to compensate for longer than anticipated FAA review times, and

WHEREAS, the Commissioner of Aviation 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 McFarland-Johnson, Inc., 49 Court St., PO Box 1980, Binghamton, New York 13902 to extend the term of the agreement for consulting services to December 31, 2007, and be it

FURTHER RESOLVED, that there will be no additional cost to the County, and be it

FURTHER RESOLVED, that Resolution 353 of 2006, 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. 450**

Introduced by: Transportation and Rural Development and Finance Committees

#### **RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH COMMUNIQUE DESIGN AND MARKETING, INC. FOR ADVERTISING CONSULTING SERVICES FOR THE DEPARTMENT OF AVIATION FOR 2007-2008**

WHEREAS, this County Legislature, by Resolution 213 of 2007, authorized an agreement with Communique Design and Marketing, Inc. for advertising consulting services at a cost of \$28,000 plus \$46,500 for all media and advertising campaigns, total amount not to exceed

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\$74,500 for the period May 1, 2007 through April 30, 2008, with the option to be exercised by the Commissioner of Aviation for two one-year renewals at the same annual amount, and

WHEREAS, said agreement provides for the continued development and implementation of the marketing program for the Greater Binghamton Airport, and

WHEREAS, it is necessary to authorize an amendment to said agreement to increase the amount not to exceed by \$50,500 to reflect the approved airport marketing budget and amend the renewal option to three one-year renewals, and

WHEREAS, the Commissioner of Aviation 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 Communique Design and Marketing, Inc., 221 Washington Street, Suite B, Binghamton, New York 13903, to increase the amount not to exceed by \$50,500 for consulting services for the Department of Aviation for the period May 1, 2007 through April 30, 2008, with the option to be exercised by the Commissioner of Aviation for three one-year renewals at the annual amount of \$125,000, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor a total amount not to exceed \$125,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 210195.4448.207000 (Advertising and Promotion Expenses), and be it

FURTHER RESOLVED, that Resolution 213 of 2007, 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. 451**

Introduced by: County Administration and Finance Committee

Seconded by: Mr. Sanfilippo

#### **RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 8 OF 2007, ENTITLED "A LOCAL LAW AMENDING §106-5 OF THE BROOME COUNTY CHARTER AND CODE ESTABLISHING PENALTIES FOR LITTERING"**

WHEREAS, Legislator Garnar wishes to increase the minimum fines for littering and to give local courts an option to impose community service, and

RESOLVED, that Local Law Intro No. 8 of 2007 entitled "A Local Law Amending §106-5 (County Property, Use of-Penalties for Offenses) of the Broome County Charter and Code Establishing Penalties for Littering", be and the same hereby is adopted and approved in accordance with the Broome County Charter, the Municipal Home Rule Law and all applicable statutes and laws pertaining thereto:

#### **A Local Law Amending §106-5 of the Broome County Charter and Code Establishing Penalties for Littering**

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

SECTION 1. Section 106-5 of the Broome County Charter and Code is amended as follows:

- A. Any violation of any provision of the foregoing rules, and regulations or any amendments thereto, with the exception of section 4. D, of this Chapter shall be deemed a violation, and any person found guilty thereof shall be liable to a fine which shall not exceed \$500 or imprisonment not to exceed 30 days, or both such fine and imprisonment.
- B. A violation of any provisions of Section 4. D of this Chapter shall be deemed a violation, and any person found guilty thereof shall be liable to a fine of not less than \$150 and/or 20 hours of community service, but not exceeding \$500 or imprisonment

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not exceeding 30 days, or by both such fine, community service, and imprisonment. The penalties for a second violation within a one-year period shall be a minimum fine of not less than \$250 and/or 40 hours of community service, but not exceeding \$750 or imprisonment as set forth above. The penalties for more than two offenses within a one-year period shall be a minimum fine of \$500, but not exceeding \$1000 or imprisonment as set above. Each day's violation shall constitute a separate offense.

C. At the discretion of the County Executive, Commissioner or Administrator, any person found guilty of violating any provision of this chapter may be banned from the buildings and grounds for a period of time specified in writing. Persons so notified are prohibited from entering or remaining upon buildings and grounds, as specified.

SECTION 2. That this Local Law shall take effect immediately.

Material underlined is added

Motion by Mr. Reynolds, seconded by Mr. Garnar, to amend the resolution, replacing "Legislator Garnar" with "the Broome County Legislature" in the first whereas paragraph. **Carried.**

**Automatic holdover.**

### **RESOLUTION NO. 452**

Introduced by: Public Works and Finance Committees

#### **RESOLUTION AUTHORIZING AN AMENDMENT TO RESOLUTION 456 OF 2004 TO PROVIDE FOR A PARKING AREA ADJACENT TO WITTMAN LANE**

WHEREAS, This County Legislature pursuant to Resolution 456 of 2004 authorized the Commissioner of Public Works to minimally maintain Wittman Lane from its intersection with Old State Road in the Town of Dickinson to just beyond the Finch property, and

WHEREAS, Resolution 456 of 2004 also authorized the Commissioner of Public Works to post "No Parking" signs along Wittman Lane, and

WHEREAS, it is now desired to provide parking adjacent to Wittman Lane to accommodate visitors to the Brandywine Watershed area, now, therefore, be it

RESOLVED, that this County Legislature hereby amends Resolution 456 of 2004 to authorize the Commissioner of Public Works to provide for parking for up to three vehicles in a parking area to be developed in that portion of Wittman Lane at the end of the section of Wittman Lane currently being minimally maintained by Broome County pursuant to Resolution 456 of 2004, and be it

FURTHER RESOLVED, that to the extent not modified herein Resolution 456 of 2004 shall remain in full force and effect.

**Carried.**

### **RESOLUTION NO. 453**

Introduced by: Transportation and Rural Development Committee

#### **RESOLUTION AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO PROVIDE FREE TRANSPORTATION TO PEOPLE WEARING AUTHORIZED BUTTONS TO ATTEND THE "ASSISTIVE TECHNOLOGY AND HEALTH AWARENESS EXPO"**

WHEREAS, the Acting Commissioner of Public Transportation requests authorization to provide free transportation for up to three hundred people wearing authorized buttons distributed by the "Broome-Tioga National Disability Awareness Month Committee" to attend the "Assistive Technology and Health Awareness Expo" on Monday, October 8, 2007 at the Oakdale Mall, now therefore, be it

RESOLVED, that this County Legislature hereby authorizes the Department of Transportation to provide free transportation for up to three hundred people wearing authorized buttons distributed by the "Broome-Tioga National Disability Awareness Month Committee" to attend the "Assistive Technology and Health Awareness Expo" on Monday, October 8, 2007 at the Oakdale Mall, 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

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

**Carried.**

#### **RESOLUTION NO. 454**

Introduced by: Public Works Committee

#### **RESOLUTION DESIGNATING THE BROOME COUNTY LEGISLATURE AS LEAD AGENCY WITH RESPECT TO THE ENACTMENT OF LOCAL LAW INTRO. NO. 7, 2007, AND RENDERING A "NEGATIVE DECLARATION" WITH RESPECT THERETO**

WHEREAS, it is necessary to enact Local Law Intro. No. 7, 2007, authorizing the fee for backyard compost bins and safety vests, and

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

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

WHEREAS, this County Legislature is the only involved agency, as defined in the State Environmental Quality Review Act (SEQRA), reviewing the aforementioned commercial users fees and

WHEREAS, the added fee for backyard compost bins and safety vests may have an impact on the environment, now, therefore, be it

RESOLVED, that this County Legislature hereby declares its intention to seek "lead agency" status with respect to the environmental review of the proposed fees at the Broome County landfill, and be it

FURTHER RESOLVED, that this County Legislature, based on the Environmental Assessment Form annexed hereto as Exhibit "A", hereby determines and declares that adding fees for backyard compost bins and safety vest will not have a significant effect on the environment, and be it

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

**Carried.**

#### **RESOLUTION NO. 455**

Introduced by: Education, Culture and Recreation and Finance Committees

Seconded by: Mr. Hutchings

#### **RESOLUTION AUTHORIZING AN AGREEMENT WITH SPIEDIE FEST BALLOON RALLY EXPO, INC. FOR USE OF OTSININGO PARK FOR THE 2007 SPIEDIE FEST/BALLOON RALLY**

WHEREAS, the Commissioner of Parks and Recreation requests authorization for an agreement with Spiedie Fest Balloon Rally Expo, Inc. for use of Otsiningo Park for the 2007 Spiedie Fest/Balloon Rally, and

WHEREAS, said Spiedie Fest is a community event that is enjoyed by many Broome County residents, attracts visitors from near and far, and enhances the quality of life in Broome County, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Spiedie Fest Balloon Rally Expo, Inc., P.O. Box 275, Binghamton, New York 13905, on the same terms and conditions as the previous year's agreement whereby the County will provide the use of Otsiningo Park for the Spiedie Fest during the period July 27, 2007 through August 8, 2007, including in-kind support from the Department of Parks and Recreation consisting of assistance with set up and refuse removal (the Spiedie Fest to pay tipping fees) up to a maximum value of \$20,000 and the Security Division providing security during the festival up to a maximum value of \$25,000, and be it

FURTHER RESOLVED, that in consideration of this agreement, the Spiedie Fest will provide, at its own expense, insurance, transportation to the site, programs, set up of tents, traffic coordination, traffic control on County highways in and around the festival site provided by the Office of the Sheriff, on-site emergency services and temporary restroom facilities, and be it

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

**Carried.** Ayes-18, Nays-1 (Kuzel)

**RESOLUTION NO. 456**

Introduced by: Finance, Transportation and Rural Development and Public Works Committees

**Seconded by:** Mr. Cleary

**RESOLUTION AMENDING THE 2005 CAPITAL IMPROVEMENT PROGRAM**

RESOLVED, that the 2005 Capital Improvement Program is hereby amended as follows:

FROM:

| <u>Code</u> | <u>Project Name</u>   | <u>Total</u> | <u>Estimated Construction Cost:</u> |                                 |                                |
|-------------|---|--------------|-------------------------------------|---------------------------------|--------------------------------|
|             |   |              | <u>State</u>                        | <u>Federal/</u><br><u>Other</u> | <u>County/</u><br><u>Other</u> |
| 501399      | Runway16-34 Rehabilitation<br>Construction & Obstruction<br>Removal | 5,937,855    | 143,066                             | 5,436,510                       | 358,279                        |

  

| <u>Local Finance Law Section 11</u> |            |            | <u>How Financed:</u> |                                  |
|-------------------------------------|------------|------------|----------------------|----------------------------------|
| <u>Year Start</u>                   | <u>YPU</u> | <u>LFL</u> | <u>Bond</u>          | <u>Current</u><br><u>Revenue</u> |
| 2005                                | 10         | 14         | 250,000              | 0                                |

TO:

| <u>Code</u> | <u>Project Name</u>   | <u>Total</u> | <u>Estimated Construction Cost:</u> |                                 |                                |
|-------------|---|--------------|-------------------------------------|---------------------------------|--------------------------------|
|             |   |              | <u>State</u>                        | <u>Federal/</u><br><u>Other</u> | <u>County/</u><br><u>Other</u> |
| 501399      | Runway16-34 Rehabilitation<br>Construction & Obstruction<br>Removal | 6,137,897    | 153,447                             | 5,831,002                       | 153,448                        |

  

| <u>Local Finance Law Section 11</u> |            |            | <u>How Financed:</u> |                                  |
|-------------------------------------|------------|------------|----------------------|----------------------------------|
| <u>Year Start</u>                   | <u>YPU</u> | <u>LFL</u> | <u>Bond</u>          | <u>Current</u><br><u>Revenue</u> |
| 2005                                | 10         | 14         | 250,000              | 0                                |

Description: Phase III of the Airport Obstruction Removal Project was tentatively planned for the 2009 CIP to complete this project. Due to the important safety considerations of this project the Federal Aviation Administration has included in the 2007 grant offer their appropriations for the funding of all phases of this project. All costs associated with the completion of this project continue to be funded through Federal and State grants and airport generated revenue (PFC), and be it

FURTHER RESOLVED, that the Commissioner of Finance is hereby authorized to make a short term, non-interest bearing loan from the General Fund and/or the Enterprise Funds to provide sufficient cash to proceed with the projects until Federal and State Aid or bond proceeds are received, and be it

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

**Carried.**

#### **RESOLUTION NO. 457**

Introduced by: Public Safety and Emergency Services and Finance Committees  
**RESOLUTION AUTHORIZING AN AGREEMENT WITH SWAGGER, LLC FOR BROADCAST SERVICES FOR THE 2007 STOP-DWI CHRIS THATER MEMORIAL**

WHEREAS, the Coordinator of STOP-DWI requests authorization for an agreement with Swagger, LLC for broadcast services at the Chris Thater Memorial at a cost not to exceed \$11,025, on August 25, 2007 and August 26, 2007, and

WHEREAS, said agreement is necessary to broadcast the men's and women's pro cycling events on WCSN-TV and WCSN.com, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Swagger, LLC, 375 West Hancock Avenue, Suite 106, Athens, Georgia 30601 for broadcast services for the 2007 STOP-DWI Chris Thater Memorial on August 25, 2007 and August 26, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$11,025 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from the Chris Thater Trust Account 525525023, 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. 458**

Introduced by: Education, Culture and Recreation Committee  
**RESOLUTION CONFIRMING APPOINTMENT TO MEMBERSHIP ON THE BROOME COMMUNITY COLLEGE BOARD OF TRUSTEES**

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

| <u>NAME</u>  | <u>TERM EXPIRING</u>   |
|--|--|
| James Orband<br>1635 Sylvia Drive<br>Endicott, New York 13760-7144 | New Appointment<br>June 30, 2010<br>(filling unexpired term of Stanton Drazen) |

and

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

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

**Carried.**

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**RESOLUTION NO. 459**

Introduced by: Personnel, Education, Culture and Recreation and Finance Committees

**RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST FOR THE BROOME COUNTY PUBLIC LIBRARY**

RESOLVED, that in accordance with a request contained in PCR#07-209 from the Library Director, this County Legislature hereby authorizes a salary increase for the position of County Historian, Union Code 01, from a minimum annual salary \$5,000, to a minimum annual salary of \$7,500, at budget line 841007.1500.340000, effective August 27, 2007

Note: Please see attached

**Carried.**

**RESOLUTION NO. 460**

Introduced by: Personnel, Health and Human Services and Finance Committees

**RESOLUTION AUTHORIZING A PERSONNEL CHANGE REQUEST FOR THE DEPARTMENT OF MENTAL HEALTH**

RESOLVED, that in accordance with a request contained in PCR#07-197 from the Commissioner of Mental Health, this County Legislature hereby authorizes the abolishment of an Intensive Case Manager, Grade 18, Union Code 04, at a minimum salary \$37,095, at budget line 470153.1000.105109, effective July 1, 2007, due to a loss of funding for the ERA Grant

**Carried.**

**RESOLUTION NO. 461**

Introduced by: Personnel, Health and Human Services and Finance Committees

**RESOLUTION AUTHORIZING A PERSONNEL CHANGE REQUEST FOR THE DEPARTMENT SOCIAL SERVICES**

RESOLVED, that in accordance with a request contained in PCR#07-201 from the Commissioner of Social Services, this County Legislature hereby authorizes the creation of a Human Services Program Coordinator II, Grade 20, Union Code 04, in the Medicaid Technologies Improvement Grant at a minimum salary \$41,049, at budget line 670513.1000.105269, effective July 19, 2007,

**Carried.**

**RESOLUTION NO. 462**

Introduced by: Finance and Education, Culture and Recreation Committees

**RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FOR THE BROOME COUNTY PUBLIC LIBRARY**

RESOLVED, that in accordance with a request from the Library Director, in order to appropriate sufficient funds for shift differential expense, as requested by BF# 005544, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

|       | <u>Index Code</u> | <u>Subobject</u> | <u>Project Code</u> | <u>Title</u>                 | <u>Amount</u> |
|-------|-------------------|------------------|---------------------|------------------------------|---------------|
| FROM: | 841007            | 1000             | 304000              | Salaries – Full Time         | 630           |
| TO:   | 841007            | 1900             | 304000              | Salaries –Shift Differential | 630           |

Note: CSEA Library Unit #6510-01, Local 804 contract was negotiated 12/06 after the County budget was adopted.

**Carried.**

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### **RESOLUTION NO. 463**

Introduced by: Transportation and Rural Services and Finance Committees  
**RESOLUTION AUTHORIZING AN AGREEMENT WITH MCFARLAND-JOHNSON, INC. FOR PROJECT DESIGN AND CONSTRUCTION OBSERVATION SERVICES AT THE GREATER BINGHAMTON AIRPORT FOR 2007-2008**

WHEREAS, the Commissioner of Aviation requests authorization for an agreement with McFarland-Johnson, Inc., for project design and construction observation services at the Greater Binghamton Airport at a cost not to exceed \$35,000, for the period August 27, 2007 through January 31, 2008, and

WHEREAS, said agreement is necessary to perform project design and construction observation services for the Airport Terminal Security Improvement Project, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the McFarland-Johnson, Inc., 49 Court Street, PO Box 1980, Binghamton, New York 13902, for project design and construction observation services at the Greater Binghamton Airport for the period August 27, 2007 through January 31, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$35,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 211011.2490.501513), 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. 464**

Introduced by: Personnel, Health and Human Services and Finance Committees  
**RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUESTS FOR THE DEPARTMENT OF HEALTH**

RESOLVED, that in accordance with a request contained in PCR# 07-222 from the Director of the Health Department, this County Legislature hereby authorizes the change of the position of Clinical Laboratory Technologist in the HIV Seroprevalence Grant from Union Code 54, Grade 24, minimum salary of \$50,406 FTE, at budget line 480376.1500.105330, to Union Code 54, Grade 24, minimum salary of \$50,406 FTE at budget line 480376.1500.105224 in the 2007 Inmate STD Testing – Jail Grant effective July 1, 2007, and be it

FURTHER RESOLVED, that in accordance with a request contained in PCR# 07-223 from the Director of the Health Department, this County Legislature hereby authorizes abolishing of the position of a Public Health Nurse, Union Code 08, Grade 17, minimum salary of \$35,255 FTE at budget line 480301.1500.104927 effective June 30, 2005 and be it

FURTHER RESOLVED, that in accordance with a request contained in PCR# 07-224 from the Director of the Health Department, this County Legislature hereby authorizes the abolishing of the position of Health Program Specialist, Union Code 08, Grade 8, minimum salary of \$22,511 FTE at budget line 480376.1500.105054 effective June 30, 2006 and be it

FURTHER RESOLVED, that in accordance with a request contained in PCR# 07-225 from the Director of the Health Department, this County Legislature hereby authorizes the abolishing of the position of Public Health Sanitarian, Union Code 08, Grade 17, minimum salary of \$35,255 FTE at budget line 480376.1500.105198 effective August 31, 2007, and be it

FURTHER RESOLVED, that in accordance with a request contained in PCR#07-227 from the Director of the Health Department, this County Legislature hereby authorizes the change of the position of Dental Program Coordinator, Union Code 04, Grade 15, minimum salary of \$31,868 FTE at budget line 480376.1000.105132 to budget line 480376.1000.105351 effective July 1, 2007 and be it

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FURTHER RESOLVED, that in accordance with a request contained in PCR# 07-228 from the Director of the Health Department, this County Legislature hereby authorizes the change of the position of Dental Assistant, Union Code 04, Grade 7, minimum salary of \$21,454 FTE at budget line 480376.1000.105132 to Dental Assistant, Union Code 08, Grade 7, minimum salary \$21,454 FTE at budget line 480376.1500.105132 effective July 1, 2007 and be it

FURTHER RESOLVED, that in accordance with a request contained in PCR# 07-232 from the Director of the Health Department, this County Legislature hereby authorizes the creation of the position of Health Program Specialist, Union Code 04, Grade 8, minimum salary of \$22,511 FTE at budget line 480376.1000.105303 effective August 31, 2007  
**Carried.**

### RESOLUTION NO. 465

Introduced by: Finance Committee

Seconded by: Mr. Cleary

**BOND RESOLUTION DATED AUGUST 23, 2007**

**RESOLUTION AUTHORIZING THE ISSUANCE OF \$479,900 BONDS OF THE COUNTY OF BROOME, NEW YORK, TO PAY THE COST OF CAPITAL PROJECTS**

BE IT RESOLVED, by the County Legislature of the County of Broome, New York as follows:

Section 1. The following is the class of objects or purposes or specific object or purpose to be financed by the County of Broome, New York, pursuant to this resolution, the maximum estimated cost thereof, and the subdivision of Section 11.00 (a) of the Local Finance Law and period of probable usefulness applicable thereto:

| <u>Project Name</u>    | <u>PPU/LFL Section 11.00</u> | <u>Maximum Estimated Cost</u> |
|------------------------|------------------------------|-------------------------------|
| Snow Removal Equipment | 15/28                        | \$279,900                     |
| Security Enhancement   | 5/32                         | <del>200,000</del> 286,776    |
| <b>TOTAL</b>           |                              | <b>\$479,900 \$566,676</b>    |

Section 2. SEQR DETERMINATION. It is hereby declared to be the intent of this County Legislature that the project listed above shall not commence until all steps have been taken under the New York State Environmental Quality Review Act (SEQR), to the extent applicable, to ensure that said proposed project is in compliance with the provisions thereof and, to this end, it is hereby determined that, until such compliance has been accomplished, the only obligations which shall be issued pursuant to this resolution shall be to provide funds for engineering, architectural and legal fees, including studies, surveys and testing of the site thereof, which will, at least, assist in the SEQR compliance process.

Section 3. The aggregate maximum estimated cost of the aforesaid class of objects or purposes or specific object or purpose is \$479,900 and the plan for financing thereof is by the issuance of \$479,900 serial bonds of said County.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Commissioner of Finance, the chief fiscal officer of such County.

Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Commissioner of Finance shall determine consistent with the provisions of the Local Finance Law.

Section 6. The faith and credit of said County of Broome, New York, are hereby irrevocably pledged for the payment of the principal of and interest of such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and any action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect upon its approval by the County Executive, shall be published in full in The Press & Sun Bulletin, which is the only newspaper having a general circulation in the County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby authorized to make a short term non-interest bearing interfund loan from the General Fund and other Enterprise Funds, Internal Service Funds, or Special Revenue Funds to provide sufficient cash to proceed with these projects until the bonds authorized by this Resolution are sold.

**Carried.**

**RESOLUTION NO. 466**

Introduced by: Finance, Public Works, Transportation and Rural Development Committees

Seconded by: Mr. Garnar

**RESOLUTION TO CREATE NEW 2007 CAPITAL IMPROVEMENT PROJECTS**

RESOLVED, that the 2007 Capital Improvement Program is hereby revised to create new projects as follows:

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> |                      |               |                        |
| 501512      | Snow Removal Equipment | 279,900      | 6,998                               | 265,904              |                      | 6,998         |                        |
|             |                        |              | <u>Local Finance Law Section 11</u> |                      | <u>How Financed:</u> |               |                        |
|             |                        |              | <u>Year Start</u>                   | <u>YPU</u>           | <u>LFL</u>           | <u>Bond</u>   | <u>Current Revenue</u> |
|             |                        |              | 2007                                | 15                   | 28                   | 279,900       | 0                      |

Description: To replace aging wheel loader used for plowing aircraft ramps and loading sand for runway friction control, a rotary plow attachment for this loader is also eligible.  
TO:

| Code   | Project Name         | Estimated Construction Cost: |                  |                    |                        |
|--------|----------------------|------------------------------|------------------|--------------------|------------------------|
|        |                      | Total                        | State            | Federal/Other      | County                 |
| 501513 | Security Enhancement | <del>200,000</del>           | <del>5,000</del> | <del>190,000</del> | <del>5,000</del>       |
|        |                      | 286,776                      | 3,910            | 148,569            | 134,297                |
|        |                      | Local Finance Law Section 11 |                  | How Financed:      |                        |
|        |                      | <u>Year Start</u>            | <u>YPU</u>       | <u>LFL</u>         | <u>Bond</u>            |
|        |                      | 2007                         | 5                | 32                 | 200,000                |
|        |                      |                              |                  |                    | <u>Current Revenue</u> |
|        |                      |                              |                  |                    | 0                      |

Description: Security upgrades in the airport terminal including purchase and installation of electronic monitoring equipment for the departure exit lane, installation of additional surveillance equipment, and removal of access points from sterile area in departure lounge to airport restaurant that has been unusable since 9/11/01 due to upgraded security regulations, and be it

FURTHER RESOLVED, that the Commissioner of Finance is hereby authorized to make a short term, non-interest bearing loan from the General Fund and /or the Enterprise Funds to provide sufficient cash to proceed with the projects until Federal and State Aid or bond proceeds are received, and be it

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

**Carried.**

**RESOLUTION NO. 467**

Introduced by: County Administration, Economic Development and Planning and Finance Committees

Seconded by: Mr. Cleary

**RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 9 of 2007, ENTITLED: "A LOCAL LAW AMENDING CHAPTER 185 OF THE BROOME COUNTY CHARTER AND CODE IMPOSING A TAX ON THE OCCUPANCY OF HOTEL OR MOTEL ROOMS."**

RESOLVED, that Local Law Intro. No. 9 of 2007, entitled: "A Local Law Amending Chapter 185 of the Broome County Charter and Code Imposing a Tax on the Occupancy of Hotel or Motel Rooms," be and the same hereby is adopted and approved in accordance with the Broome County Charter and Code and all the applicable statutes and laws pertaining thereto.

**LOCAL LAW INTRO. NO. 9 of 2007**

**"A LOCAL LAW AMENDING CHAPTER 185 OF THE BROOME COUNTY CHARTER AND CODE IMPOSING A TAX ON THE OCCUPANCY OF HOTEL OR MOTEL ROOMS."**

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

Section 1. Section 185-8 of the Broome County Charter and Code is hereby amended to read as follows:

Section 185-8 Intent

The intent of this article shall be to promote Broome County and its cities, towns and villages in order to increase convention, trade shows, [and] tourist business and economic development in the county.

Section 2. Section 185-10 of the Broome County Charter and Code is hereby amended to read as follows:

Section 185-10 Imposition of Tax

On and after the first day of [January 1978] October 2007, there is hereby imposed and there shall be paid a tax of [3%] 5% upon the rent for every occupancy of a room or rooms in a hotel or motel in this county, except that the tax shall not be imposed upon a permanent resident or exempt organizations as hereinafter set forth.

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Section 3 Section 185-11 of the Broome County Charter and Code is hereby amended to read as follows;

Section 185-11 Transitional provisions

The tax imposed by this article shall be paid upon any occupancy on and after the first day of [January 1978] October 2007, although such occupancy is pursuant to a prior contract, lease or other arrangement. Where rent is paid on a weekly, monthly or other term basis, the rent shall be subject to the tax imposed by this article to the extent that it covers any period on and after the first day of [January 1978] October 2007.

Section 4 Section 185-15(E) of the Broome County Charter and Code is hereby amended to read as follows:

Section 185-15(E)

- E. The tax imposed by this article shall be paid upon any occupancy on and after [January 1, 1978] October 1, 2007 although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date. Where rent is paid or charged or billed, or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after [January 1, 1978] October 1, 2007. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Commissioner of Finance may by regulation provide for credit and/or refund of the amount of such tax upon application therefore as provided in Chapter 185-21 of this article.

Section 5. Section 185-20 of the Broome County Charter and Code is hereby amended to read as follows:

Section 185-20 Disposition of revenue

[All] Three fifths of revenues resulting from the imposition of the tax under this article shall be paid into the treasury of the county and shall be credited to and deposited in the general fund of the county and shall thereafter be allocated at the discretion of the Broome County Legislature for any county purpose in order to increase conventions, trade shows and tourist business [to further the intent of this legislation as contained in Section 185-8 herein.] Two fifths of revenues resulting from the imposition of the tax under this article shall be deposited in a special account to be known as the "county economic development initiative fund" and to be marked separate and apart from any other funds and accounts of the county. The Broome County Legislature shall designate the specific purpose for which these funds may be used.

Section 6. Section 185-30 of the Broome County Charter and Code is hereby amended to read as follows:

Section 185-30 When effective, expiration.

The tax herein imposed shall be effective for the period of three years and shall expire on December 31, [2007] 2010, unless further extended by subsequent action of the Broome County Legislature.

Section 7 Except as herein amended, modified and changed Article III of Chapter 185 shall remain in full force and effect. Nothing contained in this Local Law shall be deemed to exempt from tax at the rate in effect prior to October 1, 2007, any transaction which may not be subject to the tax imposed effective on that date.

Section 8. This Local Law shall be effective on October 1, 2007.

Material underlined is added

Material in [brackets] is deleted

**Carried.** Ayes-11, Nays-8 (Materese, Hull, Shafer, Black, Howard, Kuzel, Marinich, Mather)

## RESOLUTION NO. 468

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Introduced by: Transportation and Rural Development Committee  
Seconded by: Mr. Cleary

**RESOLUTION OPPOSING THE PROPOSED CLOSURE OF THE BROOME COUNTY FARM SERVICE AGENCY OFFICE BY THE USDA**

WHEREAS, Legislator Herz requests a resolution in opposition to the proposed closure of the Broome County Farm Service Agency Office by the USDA, and

WHEREAS, the Farm Service Agency (FSA) administers and manages farm commodity, credit, conservation, disaster and loan programs as established by Congress through a network of federal, state and county offices, and

WHEREAS, these programs are designed to improve the economic stability of the agricultural industry and to help farmers adjust production to meet demand, and

WHEREAS, the desired result of these programs is a steady price range for agricultural commodities for both farmers and consumers, and

WHEREAS, the United States Department of Agriculture has announced a consolidation plan that could close the Broome County Office of the Farm Service Agency resulting in farmers being forced to take time off from their jobs to travel greater distances to receive vital support from the government, and

WHEREAS, Farm Service Agency programs are showing ever increasing participation with recent Extension records indicating 314 active producers within Broome County as well as crop certification numbers showing 470 farms with a total of 28,015 acres in use in 2007, and

WHEREAS, a consolidation program combining the offices of Broome, Cortland and Tompkins County would reduce Broome County's representation on the County Committee in which issues such as crop yields, contract approvals, emergency assistance requests, and emergency and disaster programs are addressed, now, therefore, be it

RESOLVED, that this Legislature opposes any closures that will severely limit the availability of local resources to the municipalities and farmers of Broome County that need them ultimately adding to the cost of doing business, and be it

FURTHER RESOLVED, that this Legislature supports the legislation introduced by U.S. Senator Hillary Rodham Clinton aimed at blocking the closure of Farm Service Agency, Natural Resource Conservation Service and Rural Development field offices across New York and the nation.

Motion by Mr. Cleary, seconded by Mr. Hutchings, to amend the resolution to include the USDA Rural Development Office and rural constituents. **Carried.**

Motion by Mr. Cleary, seconded by Mr. Herz, to amend the resolution, replacing " Legislator Herz" with " the Broome County Legislature" in the first whereas paragraph. **Carried.**  
**Carried as amended.**

**RESOLUTION NO. 469**

Introduced by: Education, Culture and Recreation and County Administration Committees

Seconded by: Mr. Cleary

**RESOLUTION AUTHORIZING THE LEASE OF THE FORMER GRIPPEN PARK ICE RINK TO USABMX DURING THE PERIOD SEPTEMBER 1, 2007 THROUGH AUGUST 31, 2012**

WHEREAS, USA BMX is a not-for-profit organization that operates Bicycle Motocross Tracks, and

WHEREAS, USA BMX wishes to lease the former Grippen Park Ice Rink for use as a BMX track, and

WHEREAS, a local group is in the process of incorporation as a not-for-profit corporation to be known as Grippen Park BMX, Inc. after which USA BMX would assign said lease of the former Grippen Park Ice Rink, and

WHEREAS the Commissioner of Parks and Recreation has requested authorization to enter into a lease agreement with USA BMX whereby USA BMX would lease the former

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Grippen Park Ice Rink for use as a BMX track during the period September 1, 2007 through August 31, 2012 with options to renew for two additional five year terms, now, therefore, be it

RESOLVED that this County Legislature hereby authorizes the lease of the former Grippen Park Ice Rink to USA BMX, P.O. Box 718, Chandler, AZ 85244 for the period September 1, 2007 through August 31, 2012 with options to renew said lease for two additional five year terms on the follows terms and conditions:

Broome County Will:

- restore utilities to the facility
- repair the enclosure fence.
- provide bleachers
- remove the refrigeration equipment associated with the former ice rink.
- repair and maintain the restrooms and the building exterior.

USA BMX Will:

- install a BMX track inside the facility
- pay all utility cost associated with the operation of the facility.
- repair and maintain the interior of the building with the exception of the restrooms
- provide insurance naming Broome County as an additional insured.

FURTHER RESOLVED, that in consideration of said lease USA BMX will, beginning September 1, 2008 pay Broome County annual rental in the amount of \$4,000 or ten (10%) percent of gross revenues received by USA BMX which ever is greater, and, be it

FURTHER RESOLVED, that said rental payments shall be credited to budget line 543017.0147.101005 (miscellaneous revenue), and, be it

FURTHER RESOLVED, that upon the incorporation and obtaining of an IRS 501(c)(3) determination by Grippen Park BMX, Inc. the County will consent to the assignment of said lease by USA BMX to Grippen Park BMX, 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.

**Held over by Mr. Kuzel.**

### **RESOLUTION NO. 470**

Introduced by: Public Works and Finance Committees

#### **RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH JENNINGS ENVIRONMENTAL MANAGEMENT, INC. FOR AIR QUALITY MONITORING SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS FOR 2006-2008**

WHEREAS, this County Legislature, by Resolution 95 of 2006 authorized an agreement with Jennings Environmental Management, Inc. for air quality monitoring services for the Department of Public Works for a total amount not to exceed \$300,000 for the period January 1, 2006 through December 31, 2008, and

WHEREAS, said agreement provides air quality monitoring on an "as needed" basis for projects by various Broome County departments, and

WHEREAS, it is necessary to authorize an amendment to said agreement to increase the spending limit to \$450,000 over the remaining life of the contract due to unanticipated events, such as the 2006 flooding, 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., 73 Carroll Street, Binghamton, New York 13901, to increase the not to exceed amount to \$450,000 for air quality monitoring services for the Department of Public Works for the period January 1, 2006 through December 31, 2008, and be it

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FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor a total amount not to exceed \$450,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line various.4746.various (Engineering and Architectural Services), and be it

FURTHER RESOLVED, that Resolution 95 of 2006, 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.**

Mr. Schofield made a motion to adjourn, seconded by Mr. Cleary. **Motion to adjourn carried.**  
The meeting was adjourned at 7:00 p.m.

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