

**BROOME COUNTY LEGISLATURE  
REGULAR SESSION  
JULY 22, 2010**

The Legislature convened at 5:02 P.M. with a call to order by the Chair, Daniel D. Reynolds. The Clerk, Eric S. Denk, read the fire exit announcement and called the Attendance Roll, Present-19, Absent-0.

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

Ms. Messina made a motion, seconded by Mr. Moran, that the Session minutes of June 3, 2010 and June 17, 2010 be approved as prepared and presented by the Clerk. **Carried**, Ayes-19, Nays-0.

Mr. Reynolds noted that the committee minutes for the period June 17, 2010 through July 21, 2010 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. Reynolds asked for corrections to the committee minutes. Seeing none, a motion to approve the committee minutes was made by Ms. Messina, seconded by Mr. Moran. **Carried**, Ayes-19, Nays-0.

**ANNOUNCEMENTS FROM THE CHAIR**

Mr. Sanfilippo presented a proclamation to Dr. Barbara Chaffee for her accomplishments and dedication in the health field and service to Broome County

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

- A. Letters from the County Executive, Barbara J. Fiala
  - 1. Appointments to the Broome Community College Board of Trustees
  - 2. Designation of Marie F. Kalka as Interim Commissioner of Finance
  - 3. Appointments to the Broome-Tioga Workforce Investment Board

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

- A. Letters from the Chair, Daniel D. Reynolds:
  - 1. Memorandum on Broome County Natural Gas Lease Voting by Legislators
  - 2. Designation for Mr. Hutchings 7/13/2010
  - 3. Designations for Mr. LaBare week of July 12, 2010
  - 4. Designation for Mr. Pasquale 7/15/2010
  - 5. Designations for Mr. LaBare 7/15/2010

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

- A. PETITIONS: None
- B. COMMUNICATIONS:
  - 1. BC Soil & Water Conservation District Meeting Minutes 6/15/ 2010
  - 2. BC Environmental Management Council Comments on Proposed 6 NYCRR Part 247 Outdoor Wood Boilers
  - 3. Cornell Cooperative Extension of Broome County Board of Directors Meeting Minutes 5/27/2010
  - 4. BCC Budget Transfers for May 2010
  - 5. BC County Clerk June 2010 Oil & Gas Revenues
  - 6. NYS Dept. of Agriculture and Markets Certification of Feasibility of Reso. 2010-86 – plan to modify Agricultural District No. 5
  - 7. NYS Dept. of Agriculture and Markets Certification of Feasibility of Reso. 2010-14 and 2010-86 – plan to modify Agricultural Districts No. 4

C. NOTICES:

1. BC Legislature Notice of Public Hearing on Proposed Natural Gas Leasing of Broome County Property on 7/19/2010
2. BC Legislature Notice of BC Agricultural and Farm Land Protection Board on 7/21/10
3. BC Legislature Notice of Committee of the Whole Meeting on 7/7/2010
4. BC Legislature Notice of Ad Hoc Intergovernmental Relations Committee 6/29/2010
5. Special Finance Meeting 7/22/2010

D. REPORTS:

1. Ninevah Public Library Annual Report for 2009
2. Four County Library System Contract Payment CA 60-3 Report
3. Fenton Free Library 2009 Annual Report and 2010 Proposed Budget
4. BCC Above Minimum Hire Report May 2010
5. Binghamton Zoo at Ross Park Annual Report on Claim Payments for 2010 to the Southern Tier Zoological Society, Inc.
6. Greater Binghamton Chamber of Commerce 2010 Marketing Plan for the Greater Binghamton Convention & Visitors Bureau
7. BCC Quarterly Income Statement Period Ending May 31, 2010
8. BC Risk/Harbridge Consulting Actuarial Valuation of Postretirement Benefits for GASB 45 as of 1/1/2009 for Broome County

**OTHER MATTERS PENDING OR REFERRED FROM PREVIOUS MEETING**

Mr. Whalen requested that the Legislature consider an appeal from Karen Keith regarding a hardship denied by the Finance Committee and the Director of Real Property. The members of the Legislature heard Ms. Keith's appeal stating a medical hardship. Mr. Howard made a motion, seconded by Ms. Messina to accept Ms. Keith's hardship appeal with the stipulation that all funds owed are received by the County by the end of business on Monday July 26, 2010. If the funds are received by the deadline the County will issue a quit claim and return the property to Ms. Keith and the parcel will be removed from the auction list (Resolution 32-326) and be added to the sell back list (Resolution 33-311). **Carried.** Ayes-15, Nays-4 (Herz, Whalen, Keibel, Materese)

**RESOLUTIONS INTRODUCED AT THIS SESSION**

Mr. Gamar and Mr. Hutchings were designated as participants with Chairman Reynolds in the 'Short Roll Call'.

**RESOLUTION NO. 282**

By Finance and Education, Culture and Recreation Committees                      Seconded by Mr. Klipsch  
**RESOLUTION ADOPTING THE BUDGET FOR BROOME COMMUNITY COLLEGE FOR 2010-2011**

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

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

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

RESOLVED, that the unrestricted operating budget for Broome Community College for the college fiscal year September 1, 2010 through August 31, 2011, in the sum of \$48,845,907 be approved, and be it

FURTHER RESOLVED, that the Sponsor Contribution for Broome Community College for the college fiscal year September 1, 2010 through August 31, 2011, in the sum of \$6,791,937 be approved, and be it

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

**Carried.** Ayes-18, Nays-0, Abstain-1 (LaBare)

**RESOLUTION NO. 283**

By Education, Culture and Recreation Committee

Seconded by Mr. Herz

**RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME COMMUNITY COLLEGE BOARD OF TRUSTEES**

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

<u>NAME</u>	<u>TERM</u>
Marc Newman PO Box 678 Vestal, New York 13850	7/01/2010-6/30/2017 Reappointment

James Orband 1635 Sylvia Drive Endicott, New York 13760	7/01/2010-6/30/2017 Reappointment
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and

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

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

**Held over** by Mr. Nirchi

**RESOLUTION NO. 284**

By Education, Culture and Recreation Committee

Seconded by Hutchings

**RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME COUNTY LIBRARY BOARD OF TRUSTEES**

WHEREAS, Barbara Fiala, Broome County Executive, pursuant to the authority vested in her by Resolution 221 of 1984, has duly designated and appointed the following named individuals to membership on the Broome County Library Board of Trustees, for the terms indicated, subject to confirmation by this County Legislature:

<u>NAME</u>	<u>TERM EXPIRES</u>
Christina Archie 8 Montour Street Binghamton, New York 13903	12/31/2012 New Appointment (Replaces Mary Jane Bolles)

John Milward Meador, Jr., 24 Dellwood Road Binghamton, New York 13903	12/31/2012 New Appointment (Replaces Karima Legette)
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and

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

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

**Carried.** Ayes-19, Nays-0

**RESOLUTION NO. 285**

By Economic Development and Planning Committee

Seconded by Mr. Hutchings

**RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME TIOGA WORKFORCE INVESTMENT BOARD**

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

<u>NAME</u>	<u>TERM</u>
David DeSantis 600 Main Street Johnson City, New York 13790	Reappointment Private 7/1/2010-6/30/2013
Robin Eccleston 86 Hawley Street Binghamton, New York 13901	Reappointment Private 7/1/2010-6/30/2013
Diane Julian 232 Antoinette Drive Endicott, New York 13760	Reappointment Private 7/1/2010-6/30/2013
Mary Hughs PO Box 549 Binghamton, New York 13902	Reappointment Private 7/1/2010-6/30/2013
Alexander Penrose 455 Court Street Binghamton, New York 13904	Reappointment Private 7/1/2010-6/30/2013
Jane Ryan 152 Willis Road Binghamton, New York 13905	Reappointment Private 7/1/2010-6/30/2013
Janet Vanek PO Box 1625 Binghamton, New York 13901	Reappointment Private 7/1/2010-6/30/2013
Paul D. West 281 Lower Stella Ireland Road Binghamton, New York 13905	Reappointment Public 7/1/2010-6/30/2013
Allison Alden AB 121 SCHED Binghamton University Binghamton, New York 13902-6000	Reappointment Public 7/1/2010-6/30/2013
Allen Buyck 435 Glenwood Road Binghamton, New York 13905	Reappointment Public 7/1/2010-6/30/2013
Ken Smith 435 Glenwood Road Binghamton, New York 13905	Reappointment Public 7/1/2010-6/30/2013

Darcy Fauci 60 Hawley Street Binghamton, New York 13901	Reappointment Public 7/1/2010-6/30/2013
Alan Hertel 4425 Old Vestal Road Binghamton, New York 13902	Reappointment Public 7/1/2010-6/30/2013
Richard Bohman 44 Hawley Street Binghamton, New York 13901	Reappointment Public 7/1/2010-6/30/2013
Richard D'Atillio PO Box 1766 Binghamton, New York 13902	Reappointment Public 7/1/2010-6/30/2013
Anthony Fiala 53 Front Street Binghamton, New York 13905	New Appointment Public 7/1/2010-6/30/2013
Michael Keenan 80 Fairview Avenue Binghamton, New York 13904	New Appointment Public 7/1/2010-6/30/2013
Len Basso 1006 Route 11 Kirkwood, New York 13795	New Appointment Private 7/1/2010-6/30/2013
Amy Shaw 49 Court Street Binghamton, New York 13901	New Appointment Private 7/1/2010-6/30/2013
Debra Bevans 379 Corporate Road Conklin, New York 13748	New Appointment Private 7/1/2010-6/30/2013
Barbara Kane 1 Kattleville Road Chenango Bridge, New York 13745	New Appointment Private 7/1/2010-6/30/2013
Michael Atchie 8 Brevity Court Binghamton, New York 13905	New Appointment Private 7/1/2010-6/30/2013

and

WHEREAS, it is desired at this time to confirm said appointments, now, therefore, be it  
RESOLVED, that this County Legislature, pursuant to the provisions of Resolution 499 of  
2000, confirms the appointments of the above-named individuals to membership on the Broome  
Tioga Workforce Investment Board for the terms indicated, in accordance with their appointment  
by the County Executive.

**Carried.** Ayes-19, Nays-0

**RESOLUTION NO. 286**

By Personnel, Human Services, and Finance Committees

Seconded by Ms. Messina

**RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST FOR THE BROOME COUNTY DEPARTMENT OF SOCIAL SERVICES**

RESOLVED, that in accordance with a request contained in PCR# 10-152 from the Commissioner of Broome County Social Services, this County Legislature hereby authorizes the position of Human Services Program Coordinator II, Grade 20, Union Code 04 CSEA, minimum salary \$21.60 per hour at budget line 35010006.6001000.3510253, to be abolished effective May 17, 2010, as the grant is no longer funded.

**Carried.** Ayes-19, Nays-0

**RESOLUTION NO. 287**

By Finance, Public Works and Transportation and Rural Development Committees  
Seconded by Mr. Merrill

**RESOLUTION AMENDING THE 2010 CAPITAL IMPROVEMENT PROGRAM FOR AIRPORT SNOW REMOVAL EQUIPMENT (SRE) BUILDING IMPROVEMENT PROJECT TO INCLUDE FIRE SUPPRESSION SYSTEM**

RESOLVED, that the 2010 Capital Improvement Program is hereby amended to create a new project for the Department of Aviation as follows:

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>		
			<u>State</u>	<u>Federal/Other</u>	<u>County*</u>
2830035	Snow Removal Equipment (SRE) Building Improvement Project	\$150,000	\$0	\$0	\$150,000

<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>
2010	10	14	\$0	150,000

\*County's portion funded by Passenger Facility Charge funds 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 Fund to provide sufficient cash to proceed 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 necessary to implement the intent of this Resolution.

**Carried.** Ayes-19, Nays-0

**RESOLUTION NO. 288**

By Finance, Personnel, and Public Health and Environmental Protection Committees  
Seconded by Mr. Hutchings

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

RESOLVED, that in accordance with a request from the Director of Health, in order to revise the Public Health Emergency Preparedness and Response to Bioterrorism Grant, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

FROM:	Department	Account	Project	Description	Amount
	25010004	6001000	2510343	Salaries Full-Time	\$ 6,401
	25010004	6001003	2510343	Salaries Overtime	\$ 21,850
	25010004	6004106	2510343	General Office Expense	\$ 3,500
	25010004	6004138	2510343	Other Operational Expense	\$ 31,814
	25010004	6004255	2510343	Contracted Services	\$ 56,585

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25010004	6004604	2510343	Dpw Security Chargeback	\$ 9,000
25010004	6004606	2510343	Telephone Billing Account	\$ 16,377
25010004	6004617	2510343	Duplicating Chargeback Building Service	\$ 16,000
25010004	6004619	2510343	Chargeback	\$ 4,400
25010004	6008004	2510343	Workers Compensation	\$ 301
25010004	6008011	2510343	Unemployment Insurance	\$ 1,907
25010004	6004165	2510343	Advisory Board/Trustee	\$ 500
			TOTAL	\$ 168,635

TO:	Department	Account	Project	Description	Amount
	25010004	6001001	2510343	Salaries Part-Time	\$ 1,324
	25010004	6001002	2510343	Salaries Temporary	\$ 1,402
	25010004	6004012	2510343	Office Supplies Training And Educational Supplies	\$ 18,075
	25010004	6004045	2510343	Supplies	\$ 1,475
	25010004	6004048	2510343	Misc Operational Supplies Computer Software & Supplies	\$ 7,400
	25010004	6004055	2510343	Supplies	\$ 2,481
	25010004	6004056	2510343	Computer Equipment Medical Lab & Clinical Supplies	\$ 700
	25010004	6004062	2510343	Supplies	\$ 8,950
	25010004	6004102	2510343	Telephone Equipment	\$ 25,746
	25010004	6004127	2510343	Other Institutional Subcontracted Program Expense	\$ 7,500
	25010004	6004146	2510343	Expense	\$ 50,000
	25010004	6004161	2510343	Travel Hotels And Meals Personal Services Chargeback	\$ 2,000
	25010004	6004610	2510343	Chargeback	\$ 3,964
	25010004	6004618	2510343	Office Supplies Chargeback	\$ 2,000
	25010004	6008001	2510343	State Retirement	\$ 14,842
	25010004	6008002	2510343	Social Security	\$ 2,206
	25010004	6008006	2510343	Life Insurance	\$ 18
	25010004	6008007	2510343	Health Insurance	\$ 3,637
	25010004	6008010	2510343	Disability Insurance	\$ 65
	25010004	6002503	2510343	Computer Equipment	\$ 14,850
				TOTAL	\$ 168,635

Carried. Ayes-19, Nays-0

**RESOLUTION NO. 289**

By Public Health and Environmental Protection, and Finance Committees  
Seconded by Mr. Hutchings

**RESOLUTION AUTHORIZING ACCEPTANCE OF STAP WOMENS OUTREACH SERVICES PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2010-2011**

WHEREAS, the Public Health Director requests authorization to accept a STAP Womens Outreach Services Program Grant and adopt a program budget in the amount of \$10,000 for the period June 1, 2010 through May 31, 2011, and

WHEREAS, said program grant is necessary to enable Clinic Services employees to provide outreach, education and testing services to women at risk of HIV, hepatitis and other sexually transmitted infections, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$10,000 from the Southern Tier AIDS Program, 122 Baldwin Street, Johnson City, NY 13790 for the Department of Health's STAP Womens Outreach Services Program Grant for the period June 1, 2010 through May 31, 2011, and be it

FURTHER RESOLVED, that revenue from said program grant shall be credited to line 25010004.5000912.2510367 (Health Department – Federal), 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 \$10,000, 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.** Ayes-19, Nays-0

**RESOLUTION NO. 290**

By Public Health and Environmental Protection, Personnel, and Finance Committees

Seconded by Mr. Hutchings

**RESOLUTION APPROVING THE CREDENTIALING AND REAPPOINTMENT OF MEDICAL STAFF AT THE BROOME COUNTY HEALTH DEPARTMENT**

WHEREAS, New York State's Official Compliance of Codes, Rules and Regulations requires the operator of an Article 28 Diagnostic and Treatment Center to review the assignment of clinical privileges for the medical and dental staff every two years, and

WHEREAS, the Broome County Health Department Credentialing Committee completed its review of Robin Eastman-Abaya, MD, Laboratory and Frank Biondolillo, DDS, Supervising Dentist, and recommends reappointment to the medical/director staff, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the credentialing of Robin Eastman-Abaya, MD and Frank Biondolillo, DDS and reappointment to the medical staff at the Broome County Health Department, 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-19, Nays-0

**RESOLUTION NO. 291**

By Public Health and Environmental Protection, Personnel, and Finance Committees  
Seconded by Mr. Hutchings

**RESOLUTION AUTHORIZING RENEWAL OF THE PUBLIC HEALTH EMERGENCY PREPAREDNESS AND RESPONSE TO BIOTERRORISM PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2010-2011**

WHEREAS, this County Legislature, by Resolution 339 of 2009, as amended by 614 of 2009 and 213 of 2010, authorized and approved the Public Health Emergency Preparedness and Response to Bioterrorism Program Grant for the Department of Health and adopted a program budget in the amount of \$902,569 for the period August 10, 2009 through August 9, 2010, and

WHEREAS, said program grant is designed to develop and assist in the implementation of response plans that address all forms of communicable disease outbreaks and terrorist threats including geological, chemical, and radiological, to include training, functional drills/exercises, refinement of redundant communication/technology infrastructure, community training, and continuity of operations among other required deliverables, and

WHEREAS, it is desired to renew said program grant in the amount of \$57,996 for the period August 10, 2010 through August 9, 2011, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$57,996 from the New York State Department of Health/Health Research, Inc., P.O. Box 22002, Albany, NY 12201-2002, for the Department of Health's Public Health and Emergency Preparedness and Response to Bioterrorism Program Grant for the period August 10, 2010 through August 9, 2011, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$57,996, and be it

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

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

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

**Carried.** Ayes-19, Nays-0

**RESOLUTION NO. 292**

By Public Health and Environmental Protection, Personnel, and Finance Committees  
Seconded by Mr. Hutchings

**RESOLUTION AUTHORIZING REVISION OF THE CANCER SERVICES PROGRAM OF BROOME, TIOGA AND CHENANGO COUNTIES GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A REVISED PROGRAM BUDGET FOR 2010-2011**

WHEREAS, this County Legislature, by Resolution 75 of 2010, authorized and approved renewal of the Broome, Tioga and Chenango Counties Cancer Services Program Grant for the Department of Health and adopted a program budget in the amount of \$262,081 for the period April 1, 2010 through March 31, 2011, and

WHEREAS, said program grant provides outreach, community education and comprehensive breast, cervical, and colorectal cancer screenings and case management services to uninsured, under-insured and under-served men and women who meet program eligibility criteria as outlined by the NYS DOH Operations Manual, and

WHEREAS, it is necessary at this time to revise said program to reflect a decrease in the amount of \$22,361 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Cancer Services Program of Broome, Tioga and Chenango Counties Grant to reflect a decrease of \$22,361 for the period April 1, 2010 through March 31, 2011, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$239,720, and be it

FURTHER RESOLVED, that Resolution 75 of 2010, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

**Carried.** Ayes-19, Nays-0

### **RESOLUTION NO. 293**

By Public Health and Environmental Protection, Personnel, and Finance Committees

Seconded by Mr. Hutchings

#### **RESOLUTION AUTHORIZING REVISION OF THE CANCER SERVICES PROGRAM OF CHEMUNG AND SCHUYLER COUNTIES GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A REVISED PROGRAM BUDGET FOR 2010-2011**

WHEREAS, this County Legislature, by Resolution 74 of 2010, authorized and approved renewal of the Chemung and Schuyler Counties Cancer Services Program Grant for the Department of Health and adopted a program budget in the amount of \$153,610 for the period April 1, 2010 through March 31, 2011, and

WHEREAS, said program grant provides outreach, community education and comprehensive breast, cervical, and colorectal cancer screenings and case management services to uninsured, under-insured and under-served men and women in Chemung and Schuyler Counties, and

WHEREAS, it is necessary at this time to revise said program to reflect a decrease in the amount of \$13,106 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Cancer Services Program of Chemung and Schuyler Counties Grant to reflect a decrease of \$13,106 for the period April 1, 2010 through March 31, 2011, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$140,504, and be it

FURTHER RESOLVED, that Resolution 74 of 2010, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

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

**Carried.** Ayes-19, Nays-0

**RESOLUTION NO. 294**

By Public Health and Environmental Protection and Public Safety and Emergency Services Committees  
Seconded by Mr. Klipsch

**RESOLUTION AUTHORIZING MEMORANDUMS OF UNDERSTANDING WITH VARIOUS BROOME COUNTY HOME HEALTH CARE AGENCIES FOR THE BROOME COUNTY DEPARTMENT OF HEALTH**

WHEREAS, the Broome County Department of Health requests authorization to enter into non-monetary Memorandums of Understanding with various Home Health Care Agencies serving Broome County Residents for a transfer of data within the Home Healthcare Patient Tracking System, and

WHEREAS, said Memorandums of Understanding between Broome County and these various Home Health Care Agencies which serve Broome County residents are necessary so that the agencies may enter and the Health Department may access patient data in the Home Healthcare Patient Tracking System during a localized or county-wide emergency, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the Department of Health to enter into non-monetary Memorandums of Understanding as indicated in Exhibit "B" with various Home Health Care Agencies as indicated in Exhibit "A", and be it

FURTHER RESOLVED, this County Legislature authorizes the County Executive and the Director of Public Health to sign the Memorandums of Understanding, 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-19, Nays-0

**RESOLUTION NO. 295**

By Economic Dev & Planning, Transportation & Rural Dev, Finance Committees  
Seconded by Mr. Herz

**RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH C & S DESIGN BUILD, INC. FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT'S INTERMODAL TRANSIT TERMINAL PROJECT 2007-2010**

WHEREAS, this County Legislature, by Resolution 395 of 2007 and amended by Resolution 586 of 2009, authorized an agreement with C & S Construction Management Services for construction management services for the Department of Planning and Economic Development's Intermodal Transit Terminal Project at a cost not to exceed \$352,328 for the period June 1, 2007 through September 30, 2010, and

WHEREAS, said agreement is necessary to oversee the construction of the Intermodal Transit Terminal Project, and

WHEREAS, it is necessary to authorize the amendment of said agreement to amend the cost for an increase of \$104,570 to the total not to exceed amount of \$456,898, to amend the period to June 1, 2007 through March 31, 2011, and to correct name of the contractor to

C & S Design Build, Inc., and

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

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with C & S Design Build, Inc., 499 Col. Eileen Collins Boulevard, Syracuse, NY 13212, to amend the amount paid to the Contractor to \$456,898 and amend the period to June 1, 2007 through March 31, 2011, for construction management services for the Intermodal Transit Terminal Project, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 31010105.6004132.3120008 (Engineering Services) Fund Code 5202, and be it

FURTHER RESOLVED, that Resolution 395 of 2007, as amended by Resolution 586 of 2009, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

### **RESOLUTION NO. 296**

By Public Safety and Emergency Services and Finance Committees Seconded by Mr. Hutchings  
**RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH TIOGA COUNTY FOR HOUSING OF BROOME COUNTY PRISONERS FOR THE OFFICE OF THE SHERIFF FOR 2010-2011**

WHEREAS, this County Legislature, by Resolution 207 of 2009, authorized renewal of the agreement with Tioga County for housing Broome County Prisoners at an amount not to exceed \$80.00 per day, per prisoner for the Office of the Sheriff for the period August 14, 2009 through August 13, 2010, and

WHEREAS, said services are necessary to relieve overcrowding at the Broome County Public Safety Facility, and

WHEREAS, said agreement expires by its terms on August 13, 2010, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$80 per day, per prisoner, for the period August 14, 2010 through August 13, 2011 now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with the Tioga County Sheriff's Office, 103 Corporate Drive, Owego, New York 13827 for housing Broome County prisoners for the Office of the Sheriff for the period August 14, 2010 through August 13, 2011, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$80 per day, per prisoner, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 23010003.6004124 (Inmate Exp. – Other Facility), 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-19, Nays-0

### **RESOLUTION NO. 297**

By Public Safety and Emergency Services and Finance Committees Seconded by Mr. Hutchings  
**RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH WATCH SYSTEMS FOR A CENTRAL SEX OFFENDERS REGISTRY FOR THE OFFICE OF THE SHERIFF FOR 2010-2011**

WHEREAS, this County Legislature, by Resolution 305 of 2009, authorized renewal of the agreement with Watch Systems for a Central Sex Offender Registry for the Office of the Sheriff at a

cost of a license fee of \$9,000 and a fee of \$9,000 for postage, total amount not to exceed \$18,000, for the period September 1, 2009 through August 31, 2010, and

WHEREAS, said services are necessary to provide for the registration, verification and community notification tool for sex offenders in Broome County, and

WHEREAS, said agreement expires by its terms on August 31, 2010, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$18,000, for the period September 1, 2010 through August 31, 2011 now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Watch Systems, 516 E. Rutland Street, Covington, LA 70433, for a Central Sex Offender Registry for the Office of the Sheriff for the period September 1, 2010 through August 31, 2011, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor the cost of a license fee of \$9,000, and a fee of \$9,000 for postage, total amount not to exceed \$18,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 23020403.6004194 (Software Rental) and 23020403.6004100 (Postage), 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-19, Nays-0

### **RESOLUTION NO. 298**

By Public Safety and Emergency Services, Personnel, and Finance Committees

Seconded by Mr. Hutchings

#### **RESOLUTION AUTHORIZING RENEWAL OF THE AID TO PROSECUTION GRANT FOR THE OFFICE OF THE DISTRICT ATTORNEY AND ADOPTING A PROGRAM BUDGET FOR 2010-2011**

WHEREAS, this County Legislature, by Resolution 435 of 2009, authorized and approved the Aid to Prosecution Grant for the Office of the District Attorney and adopted a program budget in the amount of \$247,385 for the period April 1, 2009 through March 31, 2010, and

WHEREAS, said program grant provides funds for approximately 34.4% of the salary and fringe benefits for the Chief Assistant District Attorney and one Senior Assistant District Attorney, and

WHEREAS, it is desired to renew said grant program in the amount of \$251,367 for the period April 1, 2010 through March 31, 2011, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$86,400 from the New York State Division of Criminal Justice Services, 4 Tower Place, Albany, NY 12203 for the Office of the District Attorney's Aid to Prosecution Grant for the period April 1, 2010 through March 31, 2011, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$251,367, and be it

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

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

FURTHER RESOLVED, that the County Executive or her duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) is hereby authorized to make any transfers of funds required within this grant budget provided that

employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

**Carried.** Ayes-19, Nays-0

**RESOLUTION NO. 299**

By Education, Culture and Recreation and Finance Committees      Seconded by Mr. Hutchings  
**RESOLUTION AUTHORIZING RENEWAL OF THE BOOKS WITH SENATOR LIBOUS IN PARTNERSHIP WITH MORRISVILLE STATE COLLEGE PROGRAM GRANT FOR THE BROOME COUNTY PUBLIC LIBRARY AND ADOPTING A PROGRAM BUDGET FOR 2010-2011**

WHEREAS, this County Legislature, by Resolution 388 of 2009, authorized and approved the renewal of the Senator Libous Children's Books Program Grant for the Broome County Public Library and adopted a program budget in the amount of \$1,300 for the period June 1, 2009 through May 31, 2010, and

WHEREAS, said program grant strengthens existing programs by supplementing current library funds and develops new literacy initiatives for children, and

WHEREAS, it is desired to renew said program grant in the amount of \$750 for the period June 1, 2010 through May 31, 2011, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$750 from the 2010 BOOKS Children's Programming Grant in Partnership with Morrisville State College, P.O. Box 2127, Binghamton, NY 13902, for the Broome County Public Library's Books with Senator Libous program for the period June 1, 2010 through May 31, 2011, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$750, and be it

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

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

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

**Carried.** Ayes-19, Nays-0

**RESOLUTION NO. 300**

By Finance Committee      Seconded by Mr. Hutchings  
**RESOLUTION AUTHORIZING CANCELLATION OF REAL PROPERTY TAXES ON PARCELS IN THE VARIOUS CITY, TOWNS AND VILLAGES AS SHOWN IN EXHIBIT A**

WHEREAS, the Director of Real Property Tax Services requests this Legislature to authorize the cancellation of the tax records of these parcels of real property by virtue of the reason as shown in Exhibit A, the parcels are either owned by the County or State or because the parcel does not exist, therefore all entities are exempt, now, therefore, be it

RESOLVED, that taxes will be cancelled on the following parcels of real property as seen on Exhibit "A".

**Carried.** Ayes-19, Nays-0

**RESOLUTION NO. 301**

By Finance Committee

Seconded by Mr. Hutchings

**RESOLUTION AUTHORIZING CANCELLATION OF REAL PROPERTY TAXES ON PARCELS IN THE VARIOUS CITY, TOWNS AND VILLAGES AS SHOWN IN EXHIBIT A**

WHEREAS, the Director of Real Property Tax Services requests this Legislature to authorize the cancellation of the tax records of these parcels of real property by virtue of the reason as shown in Exhibit A, the parcels are either owned by the County or State or because the parcel does not exist, therefore all entities are exempt, now, therefore, be it

RESOLVED, that taxes will be cancelled on the following parcels of real property as seen on Exhibit "A".

**Carried.** Ayes-19, Nays-0

**RESOLUTION NO. 302**

By Public Works and Finance Committees

Seconded by Mr. Hutchings

**RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH SCS ENGINEERS, PC FOR CONSTRUCTION REVIEW SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS-DIVISION OF SOLID WASTE MANAGEMENT FOR 2003-2009**

WHEREAS, this County Legislature, by Resolution 374 of 2003, as amended by Resolution 402 of 2005, 348 and 739 of 2006, 407 of 2007, 665 of 2008 and 636 of 2009, authorized an agreement with SCS Engineers, PC for design and construction review services for the Department of Public Works-Division of Solid Waste Management at a cost not to exceed \$148,119, for the period October 6, 2003 through June 30, 2010, and

WHEREAS, said agreement is necessary for consulting services for landfill gas management and reporting, and

WHEREAS, it is necessary to authorize the amendment of said agreement to increase the not to exceed amount by \$10,000 and extend the term through June 30, 2011, and

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

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with SCS Engineers, PC, 140 Route 303, Valley Cottage, New York, 10989, to increase the not to exceed amount by \$10,000 and extend the term through June 30, 2011, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$158,119, for the term October 6, 2003 through June 30, 2011, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 38040007.6004146.2020 (Subcontracted Program), and be it

FURTHER RESOLVED, that Resolution 374 of 2003, 402 of 2005, 348 and 739 of 2006, 407 of 2007 and 665 of 2008 and 636 of 2009, to the extent consistent herewith, shall remain in full force and effect, and be it

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

**Carried.** Ayes-19, Nays-0

**RESOLUTION NO. 303**

By Public Safety and Emergency Services and Finance Committees

Seconded by Mr. Hutchings

**RESOLUTION AUTHORIZING APPLICATION FOR A JUSTICE ASSISTANCE GRANT JOINTLY WITH THE CITY OF BINGHAMTON**

WHEREAS, the City of Binghamton and the County of Broome are jointly eligible for a Justice Assistance Grant (JAG), offered through the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, and

WHEREAS, this grant is the successor to three prior Bureau of Justice Assistance programs, the Local Law Enforcement Block Grant Program and the Edward Byrne Memorial Formula Grant Program, and

WHEREAS, this Legislature by Resolution 291 of 2009 authorized the execution of an Interlocal Agreement with the City of Binghamton to apply for a Justice Assistance Grant in the amount of \$26,768, and

WHEREAS, in past years the City of Binghamton has received 100% of the grants for the purpose of funding the City Parks Program, now therefore, be it

RESOLVED, that this County Legislature hereby authorizes the execution of an Interlocal Agreement between the City of Binghamton and the County of Broome to apply for the 2010 Justice Assistance Grant offered through the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, and be it

FURTHER RESOLVED, that the Interlocal Agreement will provide that the City of Binghamton retain 100% (\$29,666) from the JAG award and that there shall be no local match requirements to the Grant, and be it

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

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

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

**Carried.** Ayes-19, Nays-0

#### **RESOLUTION NO. 304**

By Transportation and Rural Development and Finance Committees Seconded by Mr. Hutchings  
**RESOLUTION AUTHORIZING ACCEPTANCE OF A FEDERAL AVIATION IMPROVEMENT PROGRAM GRANT FOR THE DEPARTMENT OF AVIATION'S MAIN AIRCRAFT PARKING APRON REHABILITATION CAPITAL PROJECT AT THE GREATER BINGHAMTON AIRPORT**

WHEREAS, the Commissioner of Aviation requests authorization to accept a Federal Aviation Improvement Program Grant and adopt a program budget in the amount of \$3,816,350 to rehabilitate the airport's main aircraft parking apron surface, and

WHEREAS, said program grant will provide ninety-five percent of the cost associated with work that will address failing pavement surfaces, full depth reconstruction of the asphalt pavements, overhead area lighting, replacement of pavement markings, and pavement seal-coating, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$3,800,000 from the Federal Aviation Administration, New York Airports District Office, 600 Old Country Road, Suite 446, Garden City, NY 11530 for the Department of Aviation's Greater Binghamton Airport Federal Airport Improvement Program Grant, and be it

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

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

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

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

**Carried.** Ayes-19, Nays-0

#### **RESOLUTION NO. 305**

By Transportation and Rural Development and Finance Committees Seconded by Mr. Hutchings  
**RESOLUTION AUTHORIZING THE ENTERING INTO AN AGREEMENT WITH MCFARLAND-JOHNSON, INC. FOR ENGINEERING DESIGN FOR THE DEPARTMENT OF AVIATION FOR 2010-2011**

WHEREAS, the Department of Aviation requests authorization for an agreement with McFarland-Johnson, Inc. for engineering design and administrative services for the Department of Aviation at a cost not to exceed \$39,309, for the period July 23, 2010 through February 1, 2011, and

WHEREAS, said services shall provide professional engineering design and administrative services pursuant to the terms of Task Order Authorization Number 29 for the Snow Removal Equipment Building Improvements Project at the Greater Binghamton Airport, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with McFarland-Johnson, Inc., 49 Court Street, P.O. Box 1980, Binghamton, NY 13902, for engineering design and administrative services for the Snow Removal Equipment Building Improvements Project at the Greater Binghamton Airport, for the Department of Aviation for the period July 23, 2010 through February 1, 2011, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$39,309 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 28010005.6002102.2830035 (Improvements/Alterations to Buildings), 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-19, Nays-0

#### **RESOLUTION NO. 306**

By Transportation and Rural Development and Finance Committees Seconded by Mr. Hutchings  
**RESOLUTION AUTHORIZING THE ENTERING INTO AN AGREEMENT WITH MCFARLAND-JOHNSON, INC. FOR CONSTRUCTION OBSERVATION FOR THE DEPARTMENT OF AVIATION FOR 2010-2011**

WHEREAS, the Department of Aviation requests authorization for an agreement with McFarland-Johnson, Inc. for the Department of Aviation at a cost not to exceed \$379,395, for the period July 1, 2010 through November 15, 2011, and

WHEREAS, said services will provide administrative and full-time resident inspection services pursuant to the terms of Task Order Authorization Number 28 during the construction of the Main Apron Rehabilitation Project at the Greater Binghamton Airport, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with McFarland-Johnson, Inc., 49 Court Street, P.O. Box 1980, Binghamton, NY 13902, for construction observation and administration services for the Main Apron Rehabilitation Project at the Greater Binghamton Airport, for the Department of Aviation for the period July 1, 2010 through November 15, 2011, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$379,395 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 28010005.6002204.2820033 (Other Improvements), 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-19, Nays-0

### **RESOLUTION NO. 307**

By Public Works and Finance Committees

Seconded by Mr. Hutchings

#### **RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH MCFARLAND-JOHNSON, INC. FOR DESIGN SERVICES FOR THE DEPARTMENT OF AVIATION FOR 2010**

WHEREAS, this County Legislature, by Resolution 80 of 2010, authorized an agreement with McFarland-Johnson, Inc. for design service for the Department of Aviation at a cost not to exceed \$33,300, for the period February 18, 2010 through October 1, 2010, and

WHEREAS, said agreement is necessary for design phase services for the airport security upgrades project, and

WHEREAS, it is necessary to authorize the amendment of said agreement to reflect changes in the scope of work and to increase the not to exceed amount by \$12,700, and

WHEREAS, the Commissioner of Aviation has requested authorization for said amendments 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 Street, P.O. Box 1980, Binghamton, NY 13902, for changes to design phase services for the airport security upgrades project for the Department of Aviation for the period February 18, 2010 through October 1, 2010 to increase the scope of work and increase the not to exceed amount by \$12,700, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$46,000, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 28010005.6002102.2830034 (Improvements/Alterations to Buildings), and be it

FURTHER RESOLVED, that Resolution 80 of 2010, to the extent consistent herewith, shall remain in full force and effect, and be it

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

**Carried.** Ayes-19, Nays-0

### **RESOLUTION NO. 308**

By Education, Culture and Recreation and Finance Committees

Seconded by Ms. Buchta

#### **RESOLUTION AUTHORIZING THE ESTABLISHMENT OF THE BROOME COUNTY VETERANS DISPLAY CASE FUND**

WHEREAS, this County Legislature, by Resolution 267 of 2010, authorized and supported the creation of a Veterans Display Case on the concourse of the Broome County Veterans Memorial Arena, and

WHEREAS, Broome County expects to receive various gifts and donations to fund the creation of the display case, and

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

RESOLVED, that this County Legislature hereby authorizes the establishment of the "Broome County Veterans Display Case Trust Account", and be it

FURTHER RESOLVED, that the Manager of the Arena, is hereby authorized to expend said funds in accordance with the provisions of state and local laws and the consensus of the Deputy Commissioner of Parks and Recreation and the Arena Board, and that use of these funds shall be solely restricted to the establishment of a Veterans Display Case at the Broome County Veterans Memorial Arena, and be it

FURTHER RESOLVED, that the Commissioner of Finance, Director of Budget, and the Manager of the Arena are hereby authorized and directed to take any and all necessary steps required to effectuate the intent and purpose of this resolution.

Ms. Buchta made a motion, seconded by Mr. Herz to amend the Resolved paragraph to read "Broome County Veterans Display Case Trust Account Fund 4660045..." and include a paragraph to read "Further Resolved that funds for the Broome County Veterans Display Case Trust Account shall be credited to trust account fund 4660045, and be it"

**Amendment carried.** Ayes-19, Nays-0. **Resolution as amended carried.** Ayes-19, Nays-0.

### RESOLUTION NO. 309

By Personnel and Finance Committees

Seconded by Mr. Hutchings

#### **RESOLUTION AUTHORIZING A LABOR AGREEMENT WITH THE AMALGAMATED TRANSIT UNION FOR 2010-2013**

WHEREAS, the County of Broome, under the provisions of the Civil Service Law (Taylor Law), has heretofore recognized the Amalgamated Transit Union Local 1145 as an employee organization for those certain Broome County employees represented by said Union, and

WHEREAS, this County Legislature, by Resolution No. 532 of 2006, authorized a written agreement with the Amalgamated Transit Union Local 1145 setting forth the terms and conditions of employment for those employees represented by said Union for the period January 1, 2006 through December 31, 2009, and

WHEREAS, a tentative agreement has been reached with the Amalgamated Transit Union for the period January 1, 2010 through December 31, 2013, and

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

RESOLVED, that this County Legislature hereby authorizes an agreement with the Amalgamated Transit Union Local 1145, setting forth the terms and conditions of employment for those employees represented by said Union, for the period January 1, 2010 through December 31, 2013, and be it

FURTHER RESOLVED, that said agreement shall be upon substantially similar terms and conditions as the 2006-2009 written labor agreement with the exception of those changes listed on Exhibit "A" attached hereto, and be it

FURTHER RESOLVED, that the County Executive or 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.

**Carried.** Ayes-19, Nays-0

### RESOLUTION NO. 310

By Economic Development and Planning and Finance Committees

Seconded by Mr. Hutchings

#### **RESOLUTION AUTHORIZING AN INTERMUNICIPAL AGREEMENT WITH THE TOWN OF UNION FOR DEMOLITION AND SITE REMEDIATION OF A FORMER INDUSTRIAL PROPERTY LOCATED AT 46 CORLISS AVENUE IN THE VILLAGE OF JOHNSON CITY**

**AND AUTHORIZING A TRANSFER OF FUNDS AND PAYMENT TO THE TOWN OF UNION FOR SAID ACTIVITY**

WHEREAS, the Department of Planning and Economic Development requests authorization for an intermunicipal agreement with the Town of Union for services for demolition and site remediation of a former industrial property located at 46 Corliss Avenue in the Village of Johnson City, with payment to the Town of Union in an amount not to exceed \$90,000, for the period July 1, 2010 through December 31, 2010, and

WHEREAS, said intermunicipal agreement is necessary to supplement the Restore NY funds expended for the purpose of the demolition and site remediation of 46 Corliss Avenue, and

WHEREAS, following the demolition and site remediation of 46 Corliss Avenue, the site will be shovel ready and marketed to potential developers, now, therefore, be it

RESOLVED, that the Broome County Legislature hereby authorizes an intermunicipal agreement with the Town of Union, 3111 East Main Street, Endwell NY 13760, for the demolition and site remediation of 46 Corliss Avenue in the Village of Johnson City, for the Department of Planning and Economic Development, for the period July 1, 2010 through December 31, 2010, and be it

FURTHER RESOLVED, that this County Legislature hereby authorized the amendment of the 2010 County budget to allow for the increase of expenditures and revenues by \$90,000, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Town of Union an amount not to exceed \$90,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 90000099.6005035 (Brownfield Remediation), 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-19, Nays-0

**RESOLUTION NO. 311**

By Finance Committee

Seconded by Mr. Sanfilippo

**RESOLUTION APPROVING SALE OF 2010 IN REM FORECLOSURE PROPERTIES TO FORMER OWNERS**

WHEREAS, the County of Broome now owns certain parcels of real property by virtue of the completion of proceedings and foreclosure in rem for year 2010, and

WHEREAS, this County Legislature has heretofore authorized the Director of Real Property Tax Service to sell such properties in conformity with procedures established by this Legislature and in accordance with all applicable laws, and

WHEREAS, the Director of Real Property Tax Service advises that the former owners of certain properties have requested to have the properties sold back to them, and the Director and the Legislature's sponsoring committee recommend that such requests be granted based on the unusual circumstances of each such case as reviewed and approved by the sponsoring committee, now, therefore, be it

RESOLVED, that the sale back to former owners of the parcels listed in Exhibit "A" for the amounts as stated is hereby approved by this County Legislature based on the unusual circumstances of each such case, as determined by the sponsoring committee as well as the undue hardship to the former owners that the failure to approve such sales would cause, and be it

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

**Held over by Mr. Nirchi**

**RESOLUTION NO. 312**

By Finance Committee

Seconded by Mr. Hutchings

**RESOLUTION AUTHORIZING AN AGREEMENT WITH THE SUSQUEHANNA VALLEY SCHOOL DISTRICT FOR THE COLLECTION AND ENFORCEMENT OF SCHOOL DISTRICT TAXES**

WHEREAS, the school district taxes for the Susquehanna Valley School District are currently collected by the Business Manager for the School District, and

WHEREAS, the Susquehanna Valley School District has indicated that there are savings and economies to be gained by having the tax collection be performed by Broome County rather than internally by the School District, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the Susquehanna Valley School District authorizing the Broome County Real Property Tax Service to perform those functions necessary to collect School District Taxes within the Susquehanna Valley School District, and be it

FURTHER RESOLVED, that the agreement for the collection of school district taxes for the Susquehanna Valley School District shall follow the outline as indicated on the attached Exhibit "A", and be it,

FURTHER RESOLVED, that in consideration of said agreement \$3,900 will be credited to budget line 1700001.5000803 (Property Tax Administration) and \$6,400 will be credited to budget line 1700001.5000185, and be it

FURTHER RESOLVED, that this agreement shall renew automatically unless the parties agree to terminate 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.** Ayes-19, Nays-0

**RESOLUTION NO. 313**

By Finance Committee

Seconded by Mr. Hutchings

**RESOLUTION AUTHORIZING THE COUNTY TO ENTER INTO AN AGREEMENT WITH THE BINGHAMTON CITY SCHOOL DISTRICT FOR BROOME COUNTY TO PROVIDE COLLECTION SERVICES FOR SCHOOL TAXES FOR A PORTION OF THE DISTRICT WHICH IS IN TOWN OF DICKINSON FOR THE 2010-2011 SCHOOL YEAR**

WHEREAS, the Director of Real Property Tax Service requests authorization for an agreement with the Binghamton City School District to provide collection services for school taxes for the part of the Binghamton City School District that is in the Town of Dickinson, with revenue to the County for the 2010-2011 school year, and

WHEREAS, said agreement is necessary for Broome County to provide school tax collection services at the request of the school district, now, therefore, be it

RESOLVED, that the Broome County Legislature hereby authorizes an agreement with the Binghamton City School District, 164 Hawley Street, Binghamton, New York 13901 authorizing tax collection services by the Office of Real Property Tax Service for a portion of the District within the Town of Dickinson, and be it

FURTHER RESOLVED, that the fees for the collection of school district taxes under this agreement shall follow the outline as indicated on the attached Exhibit "A", and be it

FURTHER RESOLVED, that in consideration of said agreement \$600 will be credited to budget line 1700001.5000803 (Property Tax Administration) and \$364 will be credited to budget line 1700001.5000185, and be it

FURTHER RESOLVED, that this agreement shall renew automatically unless the parties agree to terminate 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.** Ayes-19, Nays-0

**RESOLUTION NO. 314**

By Public Works and Finance Committees

Seconded by Mr. Hutchings

**RESOLUTION AUTHORIZING AN EASEMENT AGREEMENT WITH NYSEG IN CONNECTION WITH RELOCATING TRANSMISSION LINES IN THE VICINITY OF THE HIGHWAY GARAGE**

WHEREAS, NYSEG has requested an easement on lands of Broome County located in the vicinity of the highway garage in order to re-locate an overhead electric transmission line, and

WHEREAS, the Deputy Commissioner of Public Works Highway Division has reviewed the proposed easement and has no objection, and

WHEREAS, the Commissioner of Public Works has no objection; now, therefore, be it

RESOLVED, that this County Legislature hereby grants an easement to New York State Electric and Gas Corporation (NYSEG), 18 Link Drive, Kirkwood, NY, running through land owned by Broome County in the vicinity of the highway garage in the Town of Chenango as more fully described in a map and property description referred to as Exhibit "A," and be it

FURTHER RESOLVED, that in consideration of the relocation of said transmission lines NYSEG will pay Broome County the sum of one dollar, 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-19, Nays-0

**RESOLUTION NO. 315**

By Personnel and Finance Committees

Seconded by Mr. Hutchings

**RESOLUTION AUTHORIZING AGREEMENT WITH UNITED HEALTH SERVICES HOSPITALS, INC. FOR DRUG AND ALCOHOL TESTING SERVICES FOR THE PERSONNEL DEPARTMENT FOR 2010 THROUGH 2012**

WHEREAS, the Personnel Department requests authorization for an agreement with United Health Services for drug and alcohol testing services with payment according to the fee schedule attached as Exhibit "A", total amount not to exceed budgeted appropriations for the period March 31, 2010 through December 31, 2012, and

WHEREAS, said agreement is necessary to conduct drug and alcohol testing for Broome County employee commercial driver license holders and safety sensitive positions, as required by the United States Department of Transportation, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with United Health Services, for drug and alcohol testing services, for the Personnel Department for the period March 31, 2010 through December 31, 2012, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor according the fee schedule attached as Exhibit "A" at an amount not to exceed the budgeted appropriations for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 18020001.6004402 (Lab Services), and be it

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

**Carried.** Ayes-19, Nays-0

**RESOLUTION NO. 316**

By Public Works and Finance Committees

Seconded by Mr. Hutchings

**RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH THE TOWN OF CHENANGO FOR TREATMENT OF LEACHATE FROM THE NANTICOKE LANDFILL FOR THE DEPARTMENT OF PUBLIC WORKS DIVISION OF SOLID WASTE MANAGEMENT FOR 2010-2012**

WHEREAS, this County Legislature, by Resolution 267 of 2008, authorized renewal of the agreement with the Town of Chenango for treatment of effluent from the County leachate treatment facility at the Nanticoke Landfill at the rate of \$13 per 1,000 gallons of leachate, total annual cost not to exceed \$90,000 for the Department of Public Works Division of Solid Waste Management for the period July 5, 2008 through July 4, 2010, and

WHEREAS, said agreement is necessary to dispose of effluent from the County leachate treatment facility at an approved wastewater treatment plant, and

WHEREAS, said agreement expired by its terms on July 4, 2010, and it is desired at this time to renew said agreement on substantially similar terms and conditions, at the rate of \$13 per 1,000 gallons of leachate, total annual cost not to exceed \$90,000 for the period July 5, 2010 through July 4, 2012, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with the Town of Chenango, 1529 NYS Route 12, Binghamton, New York 13901, for treatment of effluent from the County leachate treatment facility at the Nanticoke Landfill for the Department of Public Works Division of Solid Waste Management for the period July 5, 2010 through July 4, 2012, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at the rate of \$13 per 1,000 gallons of leachate, total annual cost not to exceed \$90,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 38040007.2020.6004146 (Subcontracted programs), 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-19, Nays-0

**RESOLUTION NO. 317**

By Personnel and Finance Committees

Seconded by Mr. Hutchings

**RESOLUTION AUTHORIZING A LABOR AGREEMENT WITH THE BROOME COUNTY ADMINISTRATIVE AND PROFESSIONAL ASSOCIATION FOR 2010-2014**

WHEREAS, the County of Broome, under the provisions of the Civil Service Law (Taylor Law), has heretofore recognized the Broome County Administrative and Professional Association as an employee organization for those certain Broome County employees represented by said Union, and

WHEREAS, this County Legislature, by Resolution No. 546 of 2006, authorized a written agreement with the Broome County Administrative and Professional Association setting forth the terms and conditions of employment for those employees represented by said Union for the period January 1, 2006 through December 31, 2009, and

WHEREAS, a tentative agreement has been reached with the Broome County Administrative and Professional Association for the period January 1, 2010 through December 31, 2014, and

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

RESOLVED, that this County Legislature hereby authorizes an agreement with the Broome County Administrative and Professional Association, setting forth the terms and conditions of

employment for those employees represented by said Union, for the period January 1, 2010 through December 31, 2014, and be it

FURTHER RESOLVED, that said agreement shall be upon substantially similar terms and conditions as the 2006-2009 written labor agreement with the exception of those changes listed on Exhibit "A" attached hereto, and be it

FURTHER RESOLVED, that the County Executive or 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.  
**Carried.** Ayes-19, Nays-0

### **RESOLUTION NO. 318**

By Personnel and Finance Committees

Seconded by Mr. Hutchings

#### **RESOLUTION AUTHORIZING A LABOR AGREEMENT WITH CIVIL SERVICE EMPLOYEES ASSOCIATION (CSEA) FOR 2010-2014**

WHEREAS, the County of Broome, under the provisions of the Civil Service Law (Taylor Law), has heretofore recognized Civil Service Employees Association as an employee organization for those certain Broome County employees represented by said Union, and

WHEREAS, this County Legislature, by Resolution No. 197 of 2006, authorized a written agreement with Civil Service Employees Association setting forth the terms and conditions of employment for those employees represented by said Union for the period January 1, 2006 through December 31, 2009, and

WHEREAS, a tentative agreement has been reached with Civil Service Employees Association for the period January 1, 2010 through December 31, 2014, and

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

RESOLVED, that this County Legislature hereby authorizes an agreement with Civil Service Employees Association Local 804 Broome County Unit 6150, setting forth the terms and conditions of employment for those employees represented by said Union, for the period January 1, 2010 through December 31, 2014, and be it

FURTHER RESOLVED, that said agreement shall be upon substantially similar terms and conditions as the 2006-2009 written labor agreement with the exception of those changes listed on Exhibit "A" attached hereto, and be it

FURTHER RESOLVED, that the County Executive or 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.  
**Carried.** Ayes-19, Nays-0

### **RESOLUTION NO. 319**

By Personnel, Public Health and Environmental Protection, and Finance Committees

Seconded by Mr. Hutchings

#### **RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST FOR THE BROOME COUNTY DEPARTMENT OF HEALTH**

RESOLVED, that in accordance with a request contained in PCR# 10-172 from the Director of the Public Health, this County Legislature hereby authorizes the creation of Public Health Nurse, Grade 17, Union Code 70 CSEA, minimum salary \$18.55/hr, at budget line 25060004.6001001.1010000101080, effective August 9, 2010, and be it

FURTHER RESOLVED, that in accordance with a request contained in PCR# 10-171 from the Director of the Public Health, this County Legislature hereby authorizes the creation of Secretary, Grade 13, Union Code 04 CSEA, minimum salary \$15.17/hr, at budget line 25060004.6001000.1010000, effective August 9, 2010, and be it

FURTHER RESOLVED, that in accordance with a request contained in PCR# 10-170 from the Director of the Public Health, this County Legislature hereby authorizes the abolishing of

Senior Registered Professional Nurse, Grade 16, Union Code 04 CSEA, minimum salary \$17.63/hr, at budget line 25060004.6001000.1010000101080, effective July 31, 2010, and be it

FURTHER RESOLVED, that in accordance with a request contained in PCR# 10-171 from the Director of the Public Health, this County Legislature hereby authorizes the abolishing of Medical Assistant, Grade 11, Union Code 04 CSEA, minimum salary \$13.73/hr, at budget line 25020004.6001000.1010000, effective July 31, 2010.

**Carried.** Ayes-19, Nays-0

### RESOLUTION NO. 320

By Personnel, Public Health and Environmental Protection, and Finance Committees

Seconded by Mr. Hutchings

#### RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST FOR THE BROOME COUNTY DEPARTMENT OF HEALTH

RESOLVED, that in accordance with a request contained in PCR# 10-175 from the Director of the Public Health, this County Legislature hereby authorizes the creation of Health Program Director, Grade 20, Union Code 07 BAPA, minimum salary \$47,831, at budget line 25010004.6001001.2510366, effective August 10, 2010 and be it

FURTHER RESOLVED, that in accordance with a request contained in PCR# 10-165 from the Director of the Public Health, this County Legislature hereby authorizes an account code change and position data update of Principal Account Clerk, Grade 13, Union Code 08 CSEA, minimum salary \$15.17/hr, from budget line 25010004.6001001.2510315 to budget line 25010004.6001001.2510349 and to reduce weekly hours from 18.75 to 9.38/week, effective July 1, 2010 to September 30, 2010.

**Carried.** Ayes-19, Nays-0

### RESOLUTION NO. 321

By Finance and Public Works Committees

Seconded by Mr. Sanfilippo

#### RESOLUTION AMENDING BOND RESOLUTION 05-742 DATED DECEMBER 28, 2005 HERETOFORE ADOPTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF BROOME, AS AMENDED BY BOND RESOLUTION 2010-37 DATED FEBRUARY 18, 2010, WITH RESPECT TO THE MAXIMUM ESTIMATED COST AND PLAN OF FINANCING THEREFORE

WHEREAS, Bond Resolution 05-742 adopted by this County Legislature on December 28, 2005, as amended by Resolution 2010-37 dated February 18, 2010 set forth an Intermodal Center project at \$12,406,000 and

WHEREAS, the costs for the Intermodal Center project are now estimated to be \$14,106,000 as set forth in Resolution 2010-279 dated June 17, 2010 and

WHEREAS, it is the intent of this County Legislature to revise the maximum estimated cost for this resolution, as well as the plan of financing therefore, in light thereof, now, therefore be it

RESOLVED, by the County Legislature of the County of Broome, as follows

Section 1. Section 1 of the Bond Resolution referenced in the preamble hereto is hereby amended to read:

<u>Project Name</u>	<u>PPU/LFL</u>	<u>Section 11:00</u>	<u>Maximum Estimated Cost</u>
Intermodal Center Project		30/11	\$14,106,000

Section 2. Section 3 of said Bond Resolution is also amended so that the aggregate maximum cost so set forth therein is increased by \$1,700,000 for the Intermodal Center project with amount of serial bonds to be issued increased by \$1,700,000 to \$76,351,993 and the amount of Federal monies received increased by \$40,000 in the following monies and allocated in their entirety to the following project: \$40,000 for the Intermodal Center project.

Section 3. This Resolution to the extent inconsistent with Resolution 742 of 2005 supersedes and amends said prior bond resolution.

Section 4. The validity of such bond 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 said 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 5. This Resolution, which takes effect upon its approval by the County Executive, shall be published in full in the Press and Sun Bulletin, which is the only newspaper having a general circulation in the County, together with the notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

**Carried.** Ayes-19, Nays-0

**RESOLUTION NO. 322**

By Finance and Public Works Committees

Seconded by Ms. Messina

**BOND RESOLUTION DATED**

**RESOLUTION AUTHORIZING THE ISSUANCE OF \$2,000,000 BONDS OF THE COUNTY OF BROOME, NEW YORK TO PAY THE COST OF VARIOUS CAPITAL PROJECTS**

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

Section 1. The following are the classes of objects or purposes or specific objects or purposes to be financed by the County of Broome, New York, pursuant to this resolution, the maximum estimated costs thereof, and the subdivisions of Section 11.00(a) of the Local Finance Law of the State of New York and periods of probable usefulness applicable thereto:

<u>Project Name PPU/L.F.L. Sect 11</u>	<u>Estimated</u>	
	<u>Maximum Cost</u>	
Runway Safety Area Improvements Design	10/14	\$1,000,000
Design/construction Review for Section IV Cell II & Cell III	20/6-a	\$1,000,000
Total		\$2,000,000

Section 2. SEQR DETERMINATION. It is hereby declared to be the intent of this County Legislature that the projects 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 projects are 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 classes of objects or purposes is \$2,000,000 and the plan for the financing thereof is by the issuance of \$2,000,000 bonds of said County, hereby authorized to be issued therefor pursuant to the Local Finance Law and by the application of \$950,000 from the Federal government in the following monies and allocated in their entirety to the following project: \$950,000 for Runway Safety Area Improvements Design and there being anticipated \$25,000 received from State government in the following amounts and allocated entirely to the following project: \$25,000 for Runway Safety Area Improvements Design, provided however, that the amounts of bonds to be issued shall be reduced to the extent of Federal and/or State grants received in connection therewith.

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 Broome 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 provision 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.** Ayes-19, Nays-0

### **RESOLUTION NO. 323**

By Public Health and Environmental Protection Committee

#### **RESOLUTION DESIGNATING THE BROOME COUNTY LEGISLATURE AS LEAD AGENCY WITH RESPECT TO THE LEASE OF OIL AND NATURAL GAS MINERAL RIGHTS ON BROOME COUNTY REAL PROPERTY AND RENDERING A "NEGATIVE DECLARATION"**

WHEREAS, the County of Broome owns substantial acreage in the County which is suitable for oil and natural gas exploration, and

WHEREAS, the County of Broome has received an offer from Inflection Energy, LLC to lease more than 100 acres of County property for oil and natural gas exploration, and

WHEREAS, it has been determined that a potential lease of more than 100 acres of mineral rights is a Type 1 action subject to the requirements of the New York State Environmental Quality Review Act (SEQRA), and it is therefore necessary to initiate procedures with respect thereto, and

WHEREAS, under Article 23 of the Environmental Conservation Law, of the State of New York, the laws and regulations of the state supersede all local laws and ordinances relating to the regulation of the oil, gas and solution mining industries, except jurisdiction over local roads and the rights of local governments under the Real Property Law, and

WHEREAS, the NYS Department of Environmental Conservation (DEC) has already prepared a [Generic Environmental Impact Statement](#) (GEIS) under SEQRA to provide a comprehensive review of the potential environmental impacts of oil and natural gas drilling and production and how they are mitigated; and the DEC is currently preparing a supplemental GEIS to assess issues unique to horizontal drilling and high-volume hydraulic fracturing of the Marcellus and other low permeability reservoirs, and

WHEREAS, the commencement of the lease term between the County of Broome and Inflection Energy, LLC would not begin until DEC completes the supplemental GEIS pursuant to SEQRA, and

WHEREAS, this County Legislature recently adopted permanent resolution 2010-200 Local Law 5 of 2010 entitled "A LOCAL LAW CREATING CHAPTER 100 OF THE BROOME COUNTY CHARTER AND CODE PROVIDING THAT A SPECIAL HAULING PERMIT SHALL BE REQUIRED FOR USE OF COUNTY ROADS BY CERTAIN VEHICLES THAT EXCEED THE WEIGHT OR DIMENSIONAL LIMITS IN SECTION 385 OF THE VEHICLE AND TRAFFIC LAW OF THE STATE OF NEW YORK", AND

WHEREAS, this County Legislature recently adopted permanent resolution 2010-281 entitled RESOLUTION DESIGNATING THE BROOME COUNTY LEGISLATURE AS LEAD AGENCY WITH RESPECT TO THE CREATION OF CHAPTER 100 OF THE BROOME COUNTY CHARTER AND CODE PROVIDING THAT A SPECIAL HAULING PERMIT BE REQUIRED FOR USE OF COUNTY ROADS BY CERTAIN VEHICLES THAT EXCEED THE WEIGHT OR DIMENSIONAL LIMITS IN SECTION 385 OF THE VEHICLE AND TRAFFIC LAW OF THE STATE OF NEW YORK, 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, Broome County is the only involved agency with respect to the action, and

WHEREAS, said action 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 a lease between Inflection Energy, LLC and Broome County for oil and natural gas rights on Broome County property, and be it

FURTHER RESOLVED, that this County Legislature hereby declares its intention to incorporate by reference the environmental assessment and negative declaration set forth in permanent resolution 2010-281, 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 said action of entering into a lease with Inflection Energy, LLC 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".

At the request of the County executive no action was taken.

### **RESOLUTION NO. 324**

By Finance, Public Health and Environmental Protection Committees

**RESOLUTION AUTHORIZING LEASE AGREEMENTS WITH INFLECTION ENERGY LLC FOR OIL AND NATURAL GAS RIGHTS ON COUNTY PROPERTY**

WHEREAS, the County of Broome owns substantial acreage in the County which is suitable for oil and natural gas exploration, and

WHEREAS, the County of Broome solicited oil and natural gas lease offers by request for proposal, direct mail and trade show solicitation from interested parties, and

WHEREAS, the County of Broome has received an offer from Inflection Energy, LLC to lease County property for oil and natural gas exploration, and

WHEREAS, the County Legislature finds that the offer is commercially reasonable and wishes to execute a lease agreement with Inflection Energy, LLC, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes agreements with Inflection Energy, LLC, 1125 Seventeenth Street, Suite 2540, Denver, CO 80202, hereinafter referred to as lessee, for the lease to lessee of the right to develop and extract oil and natural gas in all depths and formations on certain County owned real property set forth in Exhibit A and attached to the resolution; the final acreage of each parcel may or may not be adjusted following title searches before any payment herein, and be it

FURTHER RESOLVED, that the term of the lease shall be five years commencing on the date that New York State Department of Environmental Conservation (DEC) has issued a final supplemental generic impact statement pursuant to the State Environmental Quality Review Act for horizontal drilling and completion of wells into shale formations using hydraulic fracturing techniques, and DEC is then able to issue permits for drilling and completion of wells in such manner, provided, however, that lessee shall have the right as set forth below to extend the term for an additional three years, and be it

FURTHER RESOLVED, that in consideration of the lease, lessee shall pay the County \$3,000.00 per mineral acre owned by the County which payment shall be due and payable within 90 days of execution of the lease; and be it

FURTHER RESOLVED, that in consideration of the lease, lessee shall have the right to extend the lease term for an additional three years upon payment to the County of an additional \$3,000 per mineral acre owned by the County, and be it further

FURTHER RESOLVED, that in consideration of the lease, lessee shall pay the County a 20 per cent royalty subject to the County's share of post production costs, provided, however, that the County's share of post production costs shall never exceed \$0.30 per mcf deduct, and be it

FURTHER RESOLVED, that in consideration of the lease, if in the year following commencement of the lease term, the lessee executes any third party oil and gas leases on real property located in Broome County in which the royalty is greater than 20 per cent or the deduct is less than \$0.30, then the lessee shall grant to the County from the commencement date of the lease term the increased royalty or lessened deduct, and be it

FURTHER RESOLVED, that in consideration of the lease, the County shall grant to lessee all rights of ingress and egress to install gathering line pipelines and all rights to conduct operations necessary to explore, drill, produce and market natural gas and oil; all such locations shall be approved in advance by the Commissioner of Public Works pursuant to department guidelines, which consent shall not be unreasonably withheld; any natural gas pipelines will be constructed of steel and according to the best practices of the industry; the lessee shall pay the County \$1.00 per foot for pipeline installed and \$2,000.00 per acre for other surface operations; the \$1.00 per foot and \$2,000 per acre limits shall be subject to a Consumer Price Index adjustment after five years and every three years thereafter, and be it

FURTHER RESOLVED, that in consideration of the lease, lessee agrees to drill at least two wells, vertical or horizontal, on real property subject to this lease or on lands pooled therewith targeting a depth to at least the geological formation known as the Marcellus Shale or deeper formations; and be it

FURTHER RESOLVED, that notwithstanding the above, the lessee shall have no rights of egress or ingress on any leased property used as a watershed impoundment area in connection with County flood control projects or County owned dedicated parkland, and the lessee shall

conduct no surface operations on any County owned real property used as a watershed impoundment area or parkland, and be it

FURTHER RESOLVED, that on any wells on real property subject to this lease or on lands pooled therewith the lessee shall provide the funds for the County to hire an independent consultant to function as an environmental monitor for drilling, well construction, fracturing, plugging and related activities; said environmental monitor will report directly to Broome County on NYS DEC regulatory compliance and contractual lease compliance; said lessee and the County shall use their best efforts to create an environmental monitoring pilot program that may be used by third parties, 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.

At the request of the County executive no action was taken.

### **RESOLUTION NO. 325**

By Public Safety and Emergency Services, Personnel, and Finance Committees

Seconded by Mr. Hutchings

#### **RESOLUTION AUTHORIZING ACCEPTANCE OF THE OPERATION IMPACT VII PROGRAM GRANT FOR THE OFFICE OF THE DISTRICT ATTORNEY AND ADOPTING A PROGRAM BUDGET FOR 2010-2011**

WHEREAS, the Office of the District Attorney requests authorization to accept an Operation Impact VII Program Grant, and adopt a program budget in the amount of \$129,724 for the period July 1, 2010 through June 30, 2011, and

WHEREAS, said program grant funds 100% salary and fringe benefits for one Assistant District Attorney II position to be part of a collaborative law enforcement effort to reduce narcotics and violent crime in Broome County; and one Crime Analyst position in the Broome County Department of Planning, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$129,724 from the New York State Division of Criminal Justice Services, 4 Tower Place, Albany, New York, 12203, for the Office of the District Attorney's Operation Impact VII Program Grant, for the period July 1, 2010 through June 30, 2011, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$129,724, and be it

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

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

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

**Carried.** Ayes-19, Nays-0

### **RESOLUTION NO. 326**

By Finance Committee

Seconded by Mr. Moran

#### **RESOLUTION APPROVING SALE OF COUNTY-OWNED PROPERTY IN VARIOUS TOWNS AND VILLAGES IN BROOME COUNTY**

WHEREAS, the County of Broome now owns certain parcels of real property as listed on Exhibit "A", and

WHEREAS, in conformity with the procedures established by this County Legislature and in accordance with all applicable laws, the Director of Real Property Tax Services requests authorization to sell said properties to the individuals listed on Exhibit "A", now, therefore, be it,

RESOLVED, that this County Legislature hereby authorizes the sale of County property as indicated on Exhibit "A" attached herewith, and be it

FURTHER RESOLVED, that the payments hereinabove referenced shall be credited to budget line 17000001.5000002 (Gain From Tax Acquired Property), and be it

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

**Held over by Mr. Nirchi**

Mr. LaBare thanked Mr. Sluzar for all his work on the gas lease agreement.

Mr. Klipsch announced that there was a ceremony at the Health Department for the thirty year anniversary of the WIC Program.

Ms. Messina made a motion to adjourn, seconded by Mr. Whalen . **Motion to adjourn Carried**, Ayes-19, Nays-0. The meeting was adjourned at 6:17 PM



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