

RESOLUTION NO. 30 by Finance Committee regarding issuance of serial bonds for legal and engineering fees with respect to the landfill, which was held over at the January 16, 1992 session at the request of Mr. Pasquale was again presented for consideration. Resolution 92-30 was **withdrawn** by the Finance Committee.

RESOLUTION NO. 31 by Finance Committee regarding 1992 capital improvement program, which was held over at the January 16, 1992 session at the request of Mr. Pasquale was again presented for consideration. Resolution 92-31 was **withdrawn** by the Finance Committee.

RESOLUTION NO. 36 by County Administration, Economic Development and Planning and Public Safety and Emergency Services Committees adopting Local Law Intro. No. 2, 1992 adopting a countywide numbering system for enhanced 911 telephone system, which was held over at the January 16, 1992 session at the request of Mr. Moppert was again presented for consideration. **Carried** by the following: Ayes-18; Absent-1 (Coffey).

A resolution entitled "Resolution authorizing interim funding for the Broome County Resource Recovery Agency" was not presented even though it was an item on the original agenda. It did not receive support in committee but as a point of interest, interim funding was included in Permanent No. 92-29.

Mr. Pazzaglini moved, seconded by Mr. Pasquale to adjourn to the call of the Clerk. **Carried.**

**BROOME COUNTY LEGISLATURE
REGULAR SESSION
THURSDAY, FEBRUARY 20, 1992**

The Legislature convened at 4:00 p.m. Called to order by the Chairman, Arthur J. Shafer.

The Clerk, Richard R. Blythe, read the fire exit announcement and then called the attendance roll: Present: 19.

The Chairman, Mr. Shafer, led the members of the Legislature in the Pledge of Allegiance to the Flag, followed by a moment of silent meditation.

The Invocation was delivered by Rev. Judith Kessler of the Zion Episcopal Church, Windsor, New York.

Interpreters for the hearing impaired, from the Southern Tier Independence Center, were present to translate the proceedings into sign language.

Mr. Pasquale moved, seconded by Mr. Seeley that the minutes of the February 6, 1992 Special Session be approved as prepared and as presented by the Clerk.
Carried.

A Public Hearing was held on Agricultural District No. 4 which opened at 4:02 p.m. The Clerk read the legal notices of the hearing. David Bradstreet of Cornell Cooperative Extension was the only speaker. He gave the Legislature an overview of the Agricultural District and made recommendations to add an additional seven parcels to the District. The hearing closed at 4:10 p.m.

A presentation was made by New York State Assembly Majority Leader James R. Tallon, Jr. regarding Medicaid Reform.

The following written or oral presentations from the County Executive were presented to the County Legislature.

The County Executive delivered the State of the County Message.
The County Executive's veto message regarding Resolution 92-29 was received.

The following communications were presented to the County Legislature:
Minutes from: Airport Advisory Board; Willow Point Nursing Facility; Resource Recovery Agency; Ambulance Advisory Board.
Copy of letter to Timothy M. Grippen from Floyd J. Lawson regarding accrual of financial liabilities for Resource Recovery Agency beginning February 10.
State Equalization Rates for 1990 Assessment Rolls.

The following reports were presented to the County Legislature:
1991 Annual Report from the Board of Elections
Audit findings for: Department of Parks and Recreation; Department of Health (Clinics and Disease Control).

Mr. Moppert moved, seconded by Mrs. Greenmun that the reports be received and filed and any pertinent portions thereof be placed in the Journal of Proceedings.

Written or oral presentations of the County Legislature:
Appointing Roger Brown as voting representative for David L. Lindsey, Health Services Committee, February 10, 1992.
Appointing Kathleen M. Greenmun as voting representative for David Lindsey, Public Safety and Emergency Services Committee, February 12, 1992.
Appointing Louis Augustini as voting representative for Roger Brown, Education, Culture and Recreation Committee, February 13, 1992.

While several resolutions were taken out of order, they are presented here in numerical order as much as possible.

The Legislature took up the veto override of Permanent Resolution 92-29 following the presentation of several resolutions. For the sake of clarity this vote is recorded prior to the record of resolution votes. Mr. Bielecki moved, seconded by Mr. Howard to override the County Executive's veto of 92-29. Following several hours of debate the Legislature voted: Ayes-11 (Augustini, Bielecki, Brown, Howard,

Hudak, Moppert, Pazzaglini, Seeley, Warner, Yeager, Shafer); Nays-8 (Coffey, Greenmun, Kavulich, Lindsey, Malley, Pasquale, Schofield, Wagstaff), to override the veto. Chairman Shafer ruled that under the County Charter 12 aye votes were required to override the veto. The veto was **sustained**.

RESOLUTION NO. 92-24 was moved by Mr. Seeley, seconded by Mrs. Wagstaff to be called back for reconsideration. **Carried.** Mr. Seeley moved, seconded by Mr. Pasquale to amend the resolution to replace "Chenango Fire Company, Incorporated" with "Joseph D. Gaetani" throughout the body of the resolution. **Carried.** Resolution as amended **carried**.

RESOLUTION NO. 91-577 by County Administration, Economic Development and Planning and Finance Committees authorizing lease agreement with Xerox Corporation, which was held over at the February 6, 1992 session at the request of Mr. Pazzaglini was again presented for consideration. Mr. Pazzaglini moved, seconded by Mr. Moppert to **table** resolution 91-577. **Carried.**

RESOLUTION NO. 25 by the Hon. Arthur Shafer adopting Local Law Intro. No. 3, 1992 (moving expenses for new employees), which was held over at the February 6, 1992 session at the request of Mr. Shafer was again presented for consideration. Mr. Shafer moved, seconded by Mrs. Greenmun to amend the resolution by inserting the phrase "for household goods only" in Section 1 after the words "...of new employees". **Carried.** Mr. Schofield moved, seconded by Mrs. Coffey to amend the resolution to an a phrase "not to exceed \$2,000". **Failed** by the following roll call: Ayes-8 (Augustini, Coffey, Howard, Pasquale, Pazzaglini, Schofield, Wagstaff, Yeager); Nays-11 (Bielecki, Brown, Greenmun, Hudak, Kavulich, Lindsey, Malley, Moppert, Seeley, Warner, Shafer). Resolution as amended **carried**.

RESOLUTION NO. 26 by the Hon. Arthur Shafer opposing further legalization of OTB, which was held over at the February 6, 1992 session at the request of Mr. Shafer was again presented for consideration. Carried by the following roll call: Ayes-18; Nays-1 (Warner).

The preferred agenda was introduced at this time (Resolutions No. 37-79), seconded by Mr. Pasquale. The Preferred Agenda carried as follows: Ayes-17; Nays-0; Absent-2 (Schofield, Bielecki).

RESOLUTION NO. 37

By Community and Social Services and Finance Committees.
Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING REVISION OF CERTAIN 1992 YOUTH BUREAU PROGRAMS.

WHEREAS, this County Legislature, by Resolution 483 of 1991, authorized and approved Youth Bureau State Aid Applications and established appropriations for 1992 Youth Bureau Service Programs, and

WHEREAS, it is necessary to revise certain programs for 1992 due to increase in appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby adopts and approves the revised program amounts for certain Youth Bureau Programs annexed hereto as Exhibit "A" in the total amount of \$34,067 for the period January 1, 1992 through December 31, 1992, and be it

FURTHER RESOLVED, that Resolution 483 of 1991, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby 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 his duly authorized representative is hereby authorized to extend the terms of the grant agreement for the purpose of expending any unexpected grant funds, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to execute any budget transfers within the budgetary limits as set out in Exhibit "A" as attached hereto provided that said budget transfers do not affect a personnel line.

Carried.

RESOLUTION NO. 38

By Community and Social Services and Finance Committees.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH FAMILY AND CHILDREN'S SOCIETY OF BROOME COUNTY, INCORPORATED, FOR ADULT FOSTER FAMILY PERSONAL CARE SERVICES FOR DEPARTMENT OF SOCIAL SERVICES FOR 1991 THROUGH 1992.

WHEREAS, this County Legislature, by Resolution 587 of 1989, authorized an agreement with Family and Children's Society of Broome County, Incorporated, for various services in connection with the Department of Social Services' Adult Foster Family Care Program, for the period January 1, 1990 through December 31, 1990 at a cost of \$906.66 per month per client, and

WHEREAS, New York State must authorize and approve the medicaid

reimbursement and it has now established the 1990 rates, and

WHEREAS, said agreement expired by its terms on December 31, 1991, and Resolution 587 of 1989 approved continuation of the program subject to State approval of rates and it is desired at this time to renew said agreement, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Family and Children's Society of Broome County, Incorporated, 257 Main Street, Binghamton, New York, 13905, for personal care services in connection with the Department of Social Services' Adult Foster Care Program for the period January 1, 1991 through December 31, 1992, subject to New York State approval and Broome County Legislative approval of the revised 1991 or 1992 rate, should said rates be revised, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the contractor \$906.66 per month per client, or \$30.22 per day for fractions of a month per client subject to revision and approval of New York State, and be it

FURTHER RESOLVED, that the requested rates and services may continue through 1992 until such a time as a new rate is approved by New York State, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 670083.4568.103000 (MMIS Medical Assistance), and be it

FURTHER RESOLVED, that the Commissioner of Broome County Department of Social Services shall have the discretion to authorize CASA or other agencies or individuals to act as the designee or representative for the Broome County Department of Social Services for any or all of the local department's functions in this program, and be it

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

Carried.

RESOLUTION NO. 39

By Community and Social Services and Finance Committees.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING REVISION OF CHILD ABUSE PREVENTION AND EDUCATION ONGOING GRANT AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH.

WHEREAS, this County Legislature, by Resolution 105 of 1989, as amended by Resolutions 240 and 504 of 1990 and 202 of 1991, authorized the continued participation by the Youth Bureau in the Child Abuse Prevention and Education

Program and adopted a program budget in connection therewith in the total amount of \$43,560.64, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Youth Bureau's Child Abuse Prevention and Education Program in the total amount of \$51,149.89, and be it

FURTHER RESOLVED, that this County Legislature hereby adopts and approves the revised program budget annexed hereto as Exhibit "A" in the total amount of \$51,149.89, and be it

FURTHER RESOLVED, that Resolution Nos. 105 of 1989, 240 and 504 of 1990, and 202 of 1991, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby 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 his duly authorized representative is hereby authorized to extend the terms of the grant agreement for the purpose of expending any unexpected grant funds, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to execute any budget transfers within the budgetary limits as set out in Exhibit "A" as attached hereto provided that said budget transfers do not affect a personnel line.

Carried.

RESOLUTION NO. 40

By Community and Social Services, Education, Culture and Recreation and Finance Committees.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING WAIVER OF GRIPPEN PARK RENTAL FOR OFFICE FOR AGING SENIOR PICNIC FOR 1992.

WHEREAS, the Office for Aging has an annual picnic for Broome County Senior Citizens at no cost to the Seniors, and

WHEREAS, the picnic provides an opportunity for senior citizens to enjoy a day of socialization and recreation in an outdoor setting, and

WHEREAS, the Office for Aging desires to have the Broome County Senior Picnic on July 17, 1991 at Grippen Park in Endicott, New York, and requests that the rental fee for Grippen Park be waived, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the waiver of rental fees at Grippen Park in Endicott, New York for Office for Aging Senior Picnic to be held on July 17, 1992, it being understood that the rental fee for set up and picnic, if not waived, would be \$620.00, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized

representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

Carried.

RESOLUTION NO. 41

By Community and Social Services, Personnel and Finance Committees.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING RENEWAL OF DEPARTMENT OF SOCIAL SERVICES COMPREHENSIVE EMPLOYMENT OPPORTUNITY SUPPORT CENTER (CEOSC) PROGRAM AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1992 THROUGH 1993.

WHEREAS, this County Legislature, by Resolution 78 of 1991, authorized the continued participation by the Department of Social Services in the Comprehensive Employment Opportunity Support Center (CEOSC) Program for the period April 1, 1991 through March 31, 1992 and adopted a program budget in the amount of \$210,000, and

WHEREAS, it is desired to renew said grant program for the period April 1, 1992 through March 31, 1993 in the amount of \$238,630 and to authorize the program to continue through 1994, subject to approval of the 1993-1994 program budget, not to exceed \$238,630, now therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the Department of Social Services Comprehensive Employment Opportunity Support Center Program for the period April 1, 1992 through March 31, 1993, and be it

FURTHER RESOLVED, that this County Legislature hereby adopts and approves the program budget annexed hereto as Exhibit "A" in the total amount of \$238,630 for the period April 1, 1992 through March 31, 1993, and be it

FURTHER RESOLVED, that this County Legislature further authorizes the continuation of the Comprehensive Employment Opportunity Support Center Program for the period April 1, 1993 through March 31, 1994, subject to approval of the program budget prior to April 1, 1993, and be it

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

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to 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 his duly authorized representative is hereby authorized to execute any budget transfers within the

budgetary limits as set out in Exhibit "A" as attached hereto provided that said budget transfers do not affect a personnel line.

Carried.

RESOLUTION NO. 42

By County Administration, Economic Development and Planning Committee.

Seconded by Mr. Pasquale.

RESOLUTION CONFIRMING APPOINTMENT OF CAROL DANOSKI TO MEMBERSHIP OF THE BROOME-TIOGA-TOMPKINS PRIVATE INDUSTRY COUNCIL

WHEREAS, Timothy M. Grippen, Broome County Executive, pursuant to the powers vested in him by Resolution No. 337 adopted September 13, 1983, has duly designated and appointed, pending confirmation by this Legislature, Carol Danoski to membership on the Broome-Tioga-Tompkins Private Industry Council, for a term expiring December 31, 1994, and

WHEREAS, it is desired at this point in time, in accordance with the provisions of Resolution No. 337 adopted September 13, 1983, to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Resolution No. 337 adopted September 13, 1983, does hereby confirm the appointment of Carol Danoski, 6 Clarendon Drive, Binghamton, New York, 13901, to membership on the Broome-Tioga-Tompkins Private Industry Council in accordance with her appointment by the County Executive.

Carried.

RESOLUTION NO. 43

By County Administration, Economic Development and Planning and Finance Committees.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING REVISION OF THE OFFICE OF EMPLOYMENT AND TRAINING JOB TRAINING PARTNERSHIP ACT TITLE IIA 6% PROGRAM AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1991 THROUGH 1992.

WHEREAS, this County Legislature, by Resolution 245 of 1991, authorized and approved, through the Office of Employment and Training, the 6% Incentive Award, for the period July 1, 1991 through June 30, 1992, in the amount of \$114,051, and

WHEREAS, it is necessary at this time to revise said program to reflect a decrease in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Office of Employment and Training Job Training Partnership Act 6% Incentive Award for the period July 1, 1991 through June 30, 1992, and be it

FURTHER RESOLVED, that this County Legislature hereby adopts and approves the revised program budget annexed hereto as Exhibit "A" in the total amount of \$58,788 for the period July 1, 1991 through June 30, 1992, and be it

FURTHER RESOLVED, that Resolution 245 of 1991, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby 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 his duly authorized representative is hereby authorized to extend the terms of the grant agreement for the purpose of expending any unexpected grant funds, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to execute any budget transfers within the budgetary limits as set out in Exhibit "A" as attached hereto provided that said budget transfers do not affect a personnel line.

Carried.

RESOLUTION NO. 44

By County Administration, Economic Development and Planning and Finance Committees.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING REVISION OF THE OFFICE OF EMPLOYMENT AND TRAINING JOB TRAINING PARTNERSHIP ACT TITLE IIA 78% PROGRAM AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1991 THROUGH 1992.

WHEREAS, this County Legislature, by Resolution 245 of 1991, authorized

and approved the Office of Employment and Training, the Job Training Partnership Act 78% Program and adopted a program budget in connection therewith in the amount of \$1,120,381, for the period July 1, 1991 through June 30, 1992, and

WHEREAS, it is necessary at this time to revise said program to reflect rollover funds from the 1990-1991 program year, for the period July 1, 1991 through June 30, 1992, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Office of Employment and Training Job Training Partnership Act Title IIA 78% Program for the period July 1, 1991 through June 30, 1992, and be it

FURTHER RESOLVED, that this County Legislature hereby adopts and approves the revised program budget annexed hereto as Exhibit "A" in the total amount of \$1,227,912 for the period July 1, 1991 through June 30, 1992, and be it

FURTHER RESOLVED, that Resolution 245 of 1991, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby 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 his duly authorized representative is hereby authorized to extend the terms of the grant agreement for the purpose of expending any unexpected grant funds, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to execute any budget transfers within the budgetary limits as set out in Exhibit "A" as attached hereto provided that said budget transfers do not affect a personnel line.

Carried.

RESOLUTION NO. 45

By Education, Culture and Recreation Committee.

Seconded by Mr. Pasquale.

RESOLUTION CONFIRMING APPOINTMENT OF GAIL ARMADING TO MEMBERSHIP OF THE CENTRAL LIBRARY BOARD OF TRUSTEES.

WHEREAS, Timothy M. Grippen, Broome County Executive, pursuant to the powers vested in him by Resolution No. 221, adopted June 12, 1984 (subject to approval by the New York State Board of Regents), has duly designated and appointed, pending confirmation by this Legislature, Gail Armading to membership on the Central Library Board of Trustees, for a term expiring December 31, 1996, and

WHEREAS, it is desired at this point in time, in accordance with the provisions of Resolution No. 221, adopted June 12, 1984 (subject to approval by the New York

State Board of Regents), to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Resolution No. 221, adopted June 12, 1984 (subject to approval by the New York State Board of Regents), does hereby confirm the appointment of Gail Armading, RD 1, Box 204J, Moottown Road, Port Crane, NY, 13833 to membership on the Central Library Board of Trustees in accordance with her appointment by the County Executive.

Carried.

RESOLUTION NO. 46

By Education, Culture and Recreation Committee.

Seconded by Mr. Pasquale.

RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE ARENA BOARD OF DIRECTORS.

WHEREAS, Timothy M. Grippen, Broome County Executive, pursuant to the powers vested in him by Article XXIV, Section 2408 of the Broome County Charter, and Resolution No. 129, adopted May 17, 1972, as amended by Resolution No. 364, adopted December 19, 1972, and as amended by Resolution No. 446, adopted December 30, 1974, has duly designated and appointed, pending confirmation by this Legislature, the following named individuals to membership on the Arena Board of Directors for the terms indicated:

<u>NAME</u>	<u>TERM EXPIRING</u>
John Kuzma 8 West End Avenue Binghamton, NY 13905	New appointment Term Expires 12/31/94
John M. Humphrey, Jr. 1402 Reynolds Court Hawleyton Binghamton, NY 13903	New appointment Term Expires 12/31/94

and

WHEREAS, it is desired at this point in time, in accordance with the provisions of Article XXIV, Section 2408 of the Broome County Charter, and Resolution No. 129, adopted May 17, 1972, as amended by Resolution No. 364, adopted December 19, 1972, and as amended by Resolution No. 446, adopted December 30, 1974, to confirm said appointments, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Article XXIV, Section 2408 of the Broome County Charter, and Resolution No. 129, adopted May 17, 1972, as amended by Resolution No. 364, adopted December 19, 1972, and as amended by Resolution No. 446, adopted December 30, 1974, does

hereby confirm the appointments of the above-named individuals to membership on the Arena Board of Directors in accordance with their appointment by the County Executive.

Carried.

RESOLUTION NO. 47

By Education, Culture and Recreation and Finance Committees.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING ACCEPTANCE OF ADDITIONAL STATE AID FOR BROOME COMMUNITY COLLEGE FOR FISCAL YEAR 1990-1991.

WHEREAS, the formula for New York State financial assistance for Community Colleges in the 1990-1991 fiscal year allows colleges to receive aid based upon actual figures for the combination of basic, disadvantaged, public service, physical space rental, technical bonus and business bonus State aid, and

WHEREAS, Broome Community College will receive an additional \$125,400.30 in State aid revenue because the application of actual figures is in excess of estimated budget amounts, and

WHEREAS, the Broome Community College Board of Trustees recommended amending the 1990-1991 operating budget on January 23, 1992 to receive this additional State aid revenue, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the amendment to the Broome Community College operating budget for the 1990-1991 fiscal year to increase estimated revenue of State aid from \$8,852,733.00 to \$8,978,133.30, and be it

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

Carried.

RESOLUTION NO. 48

By Environment Committee.

Seconded by Mr. Pasquale.

RESOLUTION CONFIRMING APPOINTMENT OF MOLLY INGRAHAM TO MEMBERSHIP OF THE ENVIRONMENTAL MANAGEMENT COUNCIL BOARD OF DIRECTORS.

WHEREAS, Timothy M. Grippen, Broome County Executive, pursuant to the powers vested in him by Resolution No. 277, adopted September 21, 1971, Resolution No. 64, 1973, Resolution No. 366, adopted December 21, 1976 and

Resolution No. 341, adopted October 1, 1980, has duly designated and appointed, pending confirmation by this Legislature, Molly Ingraham to membership on the Environmental Management Council Board of Directors, for a term expiring December 31, 1992, and

WHEREAS, it is desired at this point in time, in accordance with the provisions of Resolution No. 277, adopted September 21, 1971, Resolution No. 64, 1973, Resolution No. 366, adopted December 21, 1976 and Resolution No. 341, adopted October 1, 1980, to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Resolution No. 277, adopted September 21, 1971, Resolution No. 64, 1973, Resolution No. 366, adopted December 21, 1976 and Resolution No. 341, adopted October 1, 1980, does hereby confirm the appointment of Molly Ingraham, 45 Laurel Avenue, Binghamton, New York, 13905 to membership on the Environmental Management Council Board of Directors in accordance with her appointment by the County Executive.

Carried.

RESOLUTION NO. 49

By Environment Committee.

Seconded by Mr. Pasquale.

RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME COUNTY FOREST PRACTICE BOARD.

WHEREAS, Timothy M. Grippen, Broome County Executive, pursuant to the powers vested in him by Section 9-0705 of the Environmental Conservation Law, has duly designated and appointed, pending confirmation by this Legislature, the following named individuals to membership on the Broome County Forest Practice Board for the terms indicated:

<u>NAME</u>	<u>TERM EXPIRING</u>
Richard DoBell 3612 Wildwood Drive Endwell, NY 13760	Re-appointment Term Expires 12/31/94
R. Dean Frost Bull Creek Road Whitney Point, NY 13862	Re-appointment Term Expires 12/31/94
Frederick S. Marsi Box 1B, Powderhouse Road Vestal, NY 13850	Re-appointment Term Expires 12/31/94

and

WHEREAS, it is desired at this point in time, in accordance with the provisions of Section 9-0705 of the Environmental Conservation Law, to confirm said appointments, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Section 9-0705 of the Environmental Conservation Law, does hereby confirm the appointments of the above-named individuals to membership on the Broome County Forest Practice Board in accordance with their appointment by the County Executive.

Carried.

RESOLUTION NO. 50

By Environment Committee.

Seconded by Mr. Pasquale.

RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE FISH AND WILDLIFE MANAGEMENT BOARD, REGION NO. 7.

WHEREAS, Timothy M. Grippen, Broome County Executive, pursuant to the powers vested in him by Section 11-0501 of the New York State Environmental Conservation Law, has duly designated and appointed, pending confirmation by this Legislature, the following named individuals to membership on the Fish and Wildlife Management Board, Region No. 7 for the terms indicated:

<u>NAME</u>	<u>TERM EXPIRING</u>
H. C. Woodfield RD #5, Box 146 Stella Ireland Road Binghamton, NY 13905	Re-appointment Term Expires 12/31/93
Otto Henningsen Dunham Hill Road Castle Creek, NY 13744	Re-appointment Term Expires 12/31/93
James Malley 17 Third Street Deposit, NY 13754	New appointment Term Expires 12/31/93

and

WHEREAS, it is desired at this point in time, in accordance with the provisions of Section 11-0501 of the New York State Environmental Conservation Law, to confirm said appointments, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Section 11-0501 of the New York State Environmental Conservation Law, does hereby confirm the appointments of the above-named individuals to membership on the Fish and Wildlife Management Board, Region No. 7, in accordance with their

appointment by the County Executive.

Carried.

RESOLUTION NO. 51

By Environment Committee.

Seconded by Mr. Pasquale.

RESOLUTION ADOPTING AND APPROVING A LANDFILL SITING PROCESS FOR THE BROOME COUNTY LANDFILL SITING STUDY.

WHEREAS, the Division of Solid Waste Management, in conjunction with Clark Engineers & Associates, has developed a landfill siting process for the Broome County Landfill Siting Study, and

WHEREAS, the landfill siting process will serve as an outline of the procedures and criteria necessary to site a new Broome County landfill, and

WHEREAS, it is desired that this Legislature adopt and approve the Landfill Siting Study attached hereto as Exhibit "A," now, therefore, be it

RESOLVED, that this County Legislature hereby adopts and approves the landfill siting process for the Broome County Landfill Siting Study as attached hereto as Exhibit "A."

Carried.

RESOLUTION NO. 52

By Environment and Finance Committees.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING AGREEMENT WITH SOUTHERN TIER DISPOSAL FOR THE DIVISION OF SOLID WASTE MANAGEMENT FOR RECYCLING EQUIPMENT FOR 1992 THROUGH 2002.

WHEREAS, the Division of Solid Waste Management requests authorization for a no cost agreement with Southern Tier Disposal for recycling equipment for the period March 1, 1992 through March 1, 2002, and

WHEREAS, said agreement is necessary to provide recycling equipment to the Town of Colesville, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a no cost agreement with Southern Tier Disposal, Box 205, RD #6, Binghamton, New York, 13904, for recycling equipment for the period March 1, 1992 through March 1, 2002, and be it

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

Carried.

RESOLUTION NO. 53

By Environment and Finance Committees.
 Seconded by Mr. Pasquale.

RESOLUTION AMENDING THE 1990 CAPITAL IMPROVEMENT PROGRAM.

RESOLVED, that the 1990 Capital Improvement Program is hereby amended as follows:

FROM:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	Estimated Construction Cost		
			<u>State</u>	<u>Federal</u>	<u>County</u>
M-24A	Nanticoke Landfill Remediation	\$11,000,000	\$0	\$0	\$11,000,000

How Financed

<u>Year</u>	<u>Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current Revenue</u>
1990	20		\$10,265,000	\$735,000

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	Estimated Construction Cost		
			<u>State</u>	<u>Federal</u>	<u>County</u>
M-24A	Nanticoke Landfill Remediation	\$11,800,000	\$0	\$0	\$11,800,000

How Financed

<u>Year</u>	<u>Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current Revenue</u>
1990	20		\$11,065,000	\$735,000

Carried.

RESOLUTION NO. 54

By Finance Committees.
 Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING CORRECTION OF ERRORS ON TAX ROLLS FOR 1992.

WHEREAS, applications for Correction of Errors on Tax Rolls for 1992 have been duly filed with the Director of Real Property Tax Service for the County of

Broome, and

WHEREAS, the Director of Real Property Tax Service has filed a report pursuant to Section 554 and certain claimed errors have been determined to exist which should be corrected, now, therefore, be it

RESOLVED, that this County Legislature hereby approves the applications for correction and orders that the tax officer having jurisdiction of the tax rolls correct said tax rolls and the tax bills in accordance with the list attached hereto as Exhibit "A" and Exhibit "B", pursuant to Section 554 of the Real Property Tax Law, and be it

FURTHER RESOLVED, that the Clerk of this Legislature is hereby directed to transmit a copy of this resolution and a copy of the approved applications to each tax officer having jurisdiction of the respective tax rolls.

Carried.

RESOLUTION NO. 55

By Finance Committees.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR THE SHERIFF'S DEPARTMENT AND REAL PROPERTY TAX SERVICE

RESOLVED, that in accordance with a request from the Sheriff's Department, in order to provide funds for temporary help, as requested by BT# 3418, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index</u>	<u>Sub-Project</u>	<u>Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	450023	4333	101000	Household, Laundry & Cleaning Sup.	\$ 4,000
TO :	450072	1600	101000	Salaries, Temp.	\$ 4,000

and be it

FURTHER RESOLVED, that in accordance with a request from Real Property Tax Service, in order to provide funds for temporary help, as requested by BT #3900, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index</u>	<u>Sub-</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
	<u>Code</u>	<u>object</u>	<u>Code</u>		
FROM:	630004	1000	101000	Salaries, FT	\$1,500
TO:	630004	1600	101000	Temp. Help	\$1,500

Carried.

RESOLUTION NO. 56

By Finance Committee.
 Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR THE PROBATION DEPARTMENT.

RESOLVED, that in accordance with a request from the Probation Department, in order to provide funds for salary and fringes required because the State has extended the period of the COMBAT Grant through March 31, 1992, as requested by BT# 3771, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index</u>	<u>Sub- Code</u>	<u>Project object</u>	<u>Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	280008	4458	102577	102577	Other Program Exp	\$27,065
TO :	280008	1000	102577	102577	Salary - FT	\$25,000
	280008	8030	102577	102577	FICA	2,000
	280008	8063	102577	102577	Disability Ins.	65

Carried.

RESOLUTION NO. 57

By Finance Committee.
 Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR PARKS AND RECREATION DEPARTMENT AND AMENDING THE 1988 CAPITAL IMPROVEMENT PROGRAM.

RESOLVED, that in accordance with a request from the Department of Parks and Recreation, in order to provide funds for completion of the Arena roof replacement project, as requested by BT# 1815, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index</u>	<u>Sub- Code</u>	<u>Project object</u>	<u>Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	655027	4427	306000	306000	Electric Current	\$ 1,769
TO :	655027	9004	360000	360000	Transfer to	

and be it

FURTHER RESOLVED, that the 1988 Capital Improvement Program is hereby amended as follows:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost</u>		
			<u>State</u>	<u>Federal</u>	<u>County</u>
A-14	Arena Emergency	\$26,000	\$0	\$0	\$26,000

Lights

How Financed

<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current Revenue</u>
1988	N/A	\$0	\$26,000

Description: Additional emergency lights on concourse and third floor.

TO:

Estimated

Construction Cost

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>State</u>	<u>Federal</u>	<u>County</u>
A-14	Arena Emergency Lights	\$27,769	\$0	\$0	\$27,769

How Financed

<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Revenue</u>
1988	N/A	\$0	\$27,769

Description: Additional emergency lights on concourse and third floor and completion of the Arena roof replacement.
Carried.

RESOLUTION NO. 58

By Finance Committee.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH FISCAL ADVISORS, INCORPORATED FOR CONSULTING SERVICES FOR THE DEPARTMENT OF FINANCE FOR 1992

WHEREAS, this County Legislature, by Resolution No. 185 of 1989, authorized an agreement with Fiscal Advisors, Inc., for consulting services with regard to planning, preparing and marketing of County bond anticipation notes for the period April 18, 1992, and

WHEREAS, said services are necessary to provide professional services to the County of Broome in connection with the various County Capital Projects Bond Sales, and

WHEREAS, said agreement expired by its terms on December 31, 1991 and it is desired at this time to renew said agreement for calendar year 1992 on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Fiscal Advisors, Inc., 85 North Broadway, Hicksville, New York 11801, for professional services in connection with the marketing of municipal bonds and capital notes of the County of Broome, for the period January 1, 1992 through December 31, 1992, and be it

FURTHER RESOLVED, that the Commissioner of Finance be and hereby is authorized to pay for said professional services at the time such bonds or notes are sold, a fee or sum of money not to exceed one-quarter of one percent for the initial three million dollars par value of bonds sold, plus one-tenth of one percent for the balance of par value in excess of three million dollars, and be it

FURTHER RESOLVED, that the Commissioner of Finance be and hereby is authorized to pay for the professional services in preparation, printing and distribution of a Notice Official Statement and Notice of Sale/Bid Form in an amount not to exceed \$4,500 or one-tenth of one percent for each one million dollars par value of notes sold up to and including the first ten million dollars par value plus one-twentieth of one percent for each one million dollars par value sold in excess of ten million dollars par value, whichever is greater, and be it

FURTHER RESOLVED, that the Commissioner of Finance be and hereby is authorized to pay for the professional services in the distribution of a Notice of Sale/Bid Form issued through negotiations or via the distribution of just a legal Notice of Sale/Bid Form, a fee of \$1,500 plus one-tenth of one percent or \$3,000, whichever is less, and be it

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

Carried.

RESOLUTION NO. 59

By Finance Committee.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING AGREEMENT WITH PRICE WATERHOUSE FOR AUDITING SERVICES OF FINANCIAL ACCOUNTS FOR YEAR END 1991

WHEREAS, this County Legislature, by Resolution 49 of 1991, authorized an agreement with Price Waterhouse for auditing services of financial accounts for 1990 at a cost not to exceed \$126,500.00

WHEREAS, said auditing services are necessary for the Single Audit Act of 1984 which requires an annual audit of Federal Grant Programs, and

WHEREAS, New York State requires certification of financial reports of the Department of Health, the Department of Transportation, and the Office of Employment and Training, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes agreement with Price Waterhouse, One MONY Plaza, Syracuse, New York 13202 for auditing services of financial accounts for the year ending December 31, 1991, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$124,000.00 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from Audit and Control, budget line 360008.4722.101000 (Audit fees) and charged back in part to the following Departments based upon Price Waterhouse records of time spent, but within the limits of the budget:

<u>BUDGET LINE</u>	<u>DEPARTMENT</u>
210195.4627.207000	Aviation
160010.4627.204000	WPNH
220004.4627.203000	Transit
230060.4627.206000	Solid Waste Management
480061.4627.101000	Health
720722.4627.308002	Employment & Training

and be it

FURTHER RESOLVED, that the County Executive or his 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.

RESOLUTION NO. 60

By Health Services and Finance Committees.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH R.M.M.H., INCORPORATED, FOR TEMPORARY NURSING SERVICES AT WILLOW POINT NURSING HOME FOR 1992.

WHEREAS, this County Legislature, by Resolution 590 of 1991, authorized an agreement with R.M.M.H., Incorporated for temporary nursing services for calendar year 1992 at a cost of \$200,000, and

WHEREAS, it is necessary to authorize the amendment of said agreement to reflect a decrease in hourly rates for Registered Nurses, and

WHEREAS, the Willow Point Nursing Home 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 R.M.M.H., Inc., 66 Front Street, Binghamton, New York, 13905, for temporary nursing services at Willow Point Nursing Home for the period January 1, 1992 through December 31, 1992, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall

pay the contractor the following rates: Registered Nurse, weekdays, \$23.00 per hour; Registered Nurse, weekends, \$24.00 per hour; and Licensed Practical Nurse, weekdays, \$20.00 per hour; Licensed Practical Nurse, weekends, \$21.00 per hour, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 160085.5070.204000 (Nursing Services, Registered Nurses), and 160085.5071.204000 (Nursing Services, L.P.N.), and be it

FURTHER RESOLVED, that Resolution 590 of 1991, to the extent consistent herewith, shall remain in full force and effect, and be it

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

Carried.

RESOLUTION NO. 61

By Health Services and Finance Committees.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING AGREEMENT WITH GRAPHIC IMPRESSIONS FOR PRODUCTION OF WILLOW POINT NURSING HOME FACILITY NEWSLETTER FOR 1992.

WHEREAS, Willow Point Nursing Home requests authorization for an agreement with Graphic Impressions for production of the Willow Point Nursing Home facility newsletter for calendar year 1992, at a cost not to exceed \$1,500, and

WHEREAS, said services are necessary for preparation of facility newsletter, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Graphic Impressions, RR#2, Box 432, Wellsboro, Pennsylvania, 16901, for preparation of facility newsletters for the calendar year 1992, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$1,500 (\$598.00 for an 8 page newspaper, \$406.00 for a 4 page newspaper) for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 160184.4419.204000 (General Office Expense), and be it

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

Carried.

RESOLUTION NO. 62

By Health Services and Finance Committees.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING AGREEMENT WITH PROFESSIONAL PRACTICE GROUP FOR PSYCHIATRIC SERVICES FOR THE DEPARTMENT OF MENTAL HEALTH FOR 1992.

WHEREAS, the Department of Mental Health requests authorization for an agreement with Professional Practice Group for psychiatric services for calendar year 1992, at a cost not to exceed \$100,170, and

WHEREAS, said services are necessary to provide psychiatric services for Department of Mental Health patients, court referrals and other county agency referrals, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Professional Practice Group, Forensic Fellowship Program, Department of Psychiatry, SUNY Health Science Center, 750 E. Adams Street, Syracuse, New York, 13210, for psychiatric services, for the period January 1, 1992 through December 31, 1992, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$53.00 per hour, total cost \$100,170 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 470013.4702.101000 (Mental Exams), and be it

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

Carried.

RESOLUTION NO. 63

By Health Services and Finance Committees.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING REVISION OF AGREEMENT WITH HOME EMERGENCY ALARM RESPONSE AND AMERICAN MEDIC ALERT SYSTEMS FOR THE HEALTH DEPARTMENT'S LONG TERM HOME HEALTH CARE PATIENTS FOR 1991.

WHEREAS, this County Legislature, by Resolution 587 of 1990, authorized agreements with Home Emergency Alarm Response and American Medic Alert Systems for Home Emergency Alarm Response Systems for calendar year 1991 at a cost not to exceed \$31,525, and

WHEREAS, it is necessary to authorize a revision to said agreements to reflect

an increase in cost, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision to the agreement with Home Emergency Alarm Response, c/o Twin Tier Home Health, 184 State Street, Binghamton, New York, 13901 for Emergency Response System Services for Long Term Home Health Care Patients for the period January 1, 1991 through December 31, 1991, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay Home Emergency Alarm Response \$31.00 per month for monitoring patients and \$75.00 for installation and removal of equipment, said fees to be paid by Medicaid in eligible cases, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes a revision to the agreement with American Medic Alert Systems, 3265 Lawson Boulevard, Oceanside, New York, 11572, for Emergency Response System Services for Long Term Home Health Care Patients for the period January 1, 1991 through December 31, 1991, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay American Medic Alert Systems \$35.00 per month for monitoring patients and \$90.00 for installation of equipment, \$16.00 for second button (if applicable) pending Medicaid approval, and be it

FURTHER RESOLVED, that the total cost shall not exceed \$41,525 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480061.4715.101207 (Other Health and Medical Services), and be it

FURTHER RESOLVED, that Resolution 587 of 1990, to the extent consistent herewith, shall remain in full force and effect, and be it

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

Carried.

RESOLUTION NO. 64

By Health Services and Finance Committees.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH BROOME COUNTY SOIL AND WATER CONSERVATION DISTRICT FOR TELEPHONE LINE LEASE FOR THE HEALTH DEPARTMENT FOR 1992.

WHEREAS, this County Legislature, by Resolution 372 of 1990, authorized an

agreement with the Broome County Soil and Water Conservation District for access through telephone lines to transmit Health Department Mobile radio calls, for the period May 13, 1988 through December 31, 1991 at a cost not to exceed \$1,000, and

WHEREAS, said agreement expired by its terms on December 31, 1991, and it is desired at this time to renew said agreement for calendar year 1992 on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Broome County Soil and Water Conservation District, 840 Front Street, Binghamton, New York, 13905, for a telephone line lease for the Health Department mobile radio use for the period January 1, 1992 through December 31, 1992, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Broome County Soil and Water Conservation District a sum not to exceed \$288 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480137.4412.101000 (Telephone Expense), and be it

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

Carried.

RESOLUTION NO. 65

By Public Safety and Emergency Services Committee.

Seconded by Mr. Pasquale.

RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME COUNTY TRAFFIC SAFETY BOARD.

WHEREAS, Arthur J. Shafer, Chairman of the Broome County Legislature, pursuant to the powers vested in him by Local Law No. 4 of 1967, and amended by Local Law No. 1 of 1970, has duly designated and appointed, pending confirmation by this Legislature, the following named individuals to membership on the Broome County Traffic Safety Board for the terms indicated:

<u>NAME</u>	<u>TERM EXPIRING</u>
Gary Crandell 20 Edwards Street Johnson City, NY 13790	December 31, 1994
Kenneth Finch 719 Glendale Drive	

Endicott, NY 13760	December 31, 1994
Thomas D. Foulke RD #2, Box 351 Conklin, NY 13748	December 31, 1994
Arthur L. Jacobs 11 Brookside Road Binghamton, NY 13903	December 31, 1994
Lisa Leber RD #1, Box 323 Binghamton, NY 13903	December 31, 1994
Norman J. Sweeney 101 Sunrise Drive Binghamton, NY 13905	December 31, 1994

and

WHEREAS, it is desired at this point in time, in accordance with the provisions of Local Law No. 4 of 1967, and amended by Local Law No. 1 of 1970, to confirm said appointments, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Local Law No. 4 of 1967, and amended by Local Law No. 1 of 1970, does hereby confirm the appointments of the above-named individuals to membership on the Broome County Traffic Safety Board in accordance with their appointment by the County Legislative Chairman, Arthur J. Shafer.

Carried.

RESOLUTION NO. 66

By Public Safety and Emergency Services Committee.

Seconded by Mr. Pasquale.

RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME COUNTY FIRE ADVISORY BOARD.

WHEREAS, Timothy M. Grippen, Broome County Executive, pursuant to the powers vested in him by Article XIX of the Broome County Charter, as amended by Local Law No. 6, 1991, adopted April 4, 1991, has duly designated and appointed, pending confirmation by this Legislature, the following named individuals to membership on the Broome County Fire Advisory Board for the terms indicated:

<u>NAME</u>	<u>TERM EXPIRING</u>
George Seltzer	Re-appointment

RD #1, Box 381 Whitney Point, NY 13862	Term Expires 12/31/92
Elwyn Eaton P. O. Box 68 Castle Creek, NY 13744	Re-appointment Term Expires 12/31/92
John Rice Tionna Road Maine, NY 13802	Re-appointment Term Expires 12/31/92
Earl Drury RD #2, 14 Anna Blvd. Chenango Forks, NY 13746	Re-appointment Term Expires 12/31/92
George Maney 270 Floral Avenue Johnson City, NY 13790	Re-appointment Term Expires 12/31/92
Fred Canniff HC 78, Box 1019 Castle Creek, NY 13744	Re-appointment Term Expires 12/31/92
David Rickard RD #2, Box 2061 Riverview Road Kirkwood, NY 13795	Re-appointment Term Expires 12/31/92
Brett Chellis 3636 Leonard Drive Endwell, NY 13760	New appointment Term Expires 12/31/92
James Mitrowitz Dorman Road Binghamton, NY 13901	Re-appointment Term Expires 12/31/92
Robert Brady 2720 William Street Endwell, NY 13760	Re-appointment Term Expires 12/31/92

George Ruck 2728 Country Club Road Endwell, NY 13760	Re-appointment Term Expires 12/31/92
Peter Scarantino RD #2, Box 303A Binghamton, NY 13903	Re-appointment Term Expires 12/31/92
Wes Tyler RD #2, Box 148 Endicott, NY 13760	Re-appointment Term Expires 12/31/92
Ellwyn Van Vorce RD #2, Park Avenue Binghamton, NY 13903	Re-appointment Term Expires 12/31/92

Jerry Moat RD #1, Trim Street Kirkwood, NY 13795	New appointment Term Expires 12/31/92
Robert Kocan Box 665, Bevier Street Binghamton, NY 13903	New appointment Term Expires 12/31/92
Edward Mulligan 613 River Road Binghamton, NY 13901	New appointment Term Expires 12/31/92
Joan Bennett P. O. Box 1131 Binghamton, NY 13901	New appointment Term Expires 12/31/92

and

WHEREAS, it is desired at this point in time, in accordance with the provisions of Article XIX of the Broome County Charter, as amended by Local Law No. 6, 1991, adopted April 4, 1991, to confirm said appointments, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Article XIX of the Broome County Charter, as amended by Local Law No. 6, 1991, adopted April 4, 1991, does hereby confirm the appointments of the above-named individuals to membership on the Broome County Fire Advisory Board in accordance with their appointment by the County Executive.

Carried.

RESOLUTION NO. 67

By Public Safety and Emergency Services.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH RESEARCH FOUNDATION OF STATE UNIVERSITY OF NEW YORK FOR PSYCHOLOGICAL SERVICES IN CONNECTION WITH THE PROBATION DEPARTMENT'S PERSONS IN NEED OF SUPERVISION PROGRAM FOR 1992.

WHEREAS, this County Legislature, by Resolution 41 of 1991, authorized an agreement with Research Foundation of the State University of New York for Psychological Services in connection with the Probation Department's Persons in Need of Supervision Program at a cost of \$8,000 for calendar year 1991, and

WHEREAS, said agreement expired by its terms on December 31, 1991, and it is desired at this time to renew said agreement for calendar year 1992 on substantially

similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of an agreement with Research Foundation of State University of New York, P. O. Box 9, Albany, New York, 12201, for Psychological Services in connection with the Probation Department's Persons in Need of Supervision Program for the period January 1, 1992 through December 31, 1992, and be it

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

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 280024.4715.101000 (Other Health and Medical Services), and be it

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

Carried.

RESOLUTION NO. 68

By Public Safety and Emergency Services and Finance Committees.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING REVISION OF PRE-TRIAL RELEASE PROGRAM GRANT FOR THE PROBATION DEPARTMENT AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1992.

WHEREAS, this County Legislature, by Resolution 259 of 1991, authorized the continued participation by the Probation Department in the Pre-trial Release Program for the period July 1, 1991 through June 30, 1992 and adopted a program budget in connection therewith in the total amount of \$67,798, and

WHEREAS, it is necessary at this time to revise said program to access money for personnel reclassification changes and to reflect an increase in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Probation Department Pre-trial Release Program Grant for the period July 1, 1991 through June 30, 1992 in the total amount of \$69,858, and be it

FURTHER RESOLVED, that this County Legislature hereby adopts and approves the revised program budget annexed hereto as Exhibit "A" in the total amount of \$69,858 for the period July 1, 1991 through June 30, 1992, and be it

FURTHER RESOLVED, that Resolution 259 of 1991, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby 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 his duly authorized representative is hereby authorized to extend the terms of the grant agreement for the purpose of expending any unexpected grant funds, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to execute any budget transfers within the budgetary limits as set out in Exhibit "A" as attached hereto provided that said budget transfers do not affect a personnel line.

Carried.

RESOLUTION NO. 69

By Public Safety and Emergency Services and Finance Committees.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH THE BROOME COUNTY COUNCIL OF CHURCHES FOR RELIGIOUS SERVICES FOR INMATES OF BROOME COUNTY JAILS FOR 1992.

WHEREAS, this County Legislature, by Resolution 144 of 1991, authorized an agreement with Broome County Council of Churches for religious services for inmates housed at Broome County jail facilities for calendar year 1991 at a cost not to exceed \$6,975, and

WHEREAS, said services are mandated by New York State regulations and the Council provides religious counseling for all inmates of all denominations, and

WHEREAS, said agreement expired by its terms on December 31, 1991, and it is desired at this time to renew said agreement for calendar year 1992 on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Broome County Council of Churches, 81 Main Street, Binghamton, New York, 13902, for the provisions of religious services to County jail inmates, including full-time (40 hours per week) religious services to all inmates housed in the County's jail facilities to be provided by a duly ordained minister of a recognized religious sect, religious counseling for all inmates whose denominations are affiliated with the Council of Churches, arrangement of religious counseling of all inmates who denominations are not affiliated with the Council, provision of 24 hour on-call emergency services available seven days a week, visitation of inmates and the coordination of all religious services, for the period January 1, 1992 through December 31, 1992, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$6,975 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 450023.4437.101000 (Religious Expenses), and be it

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

Carried.

RESOLUTION NO. 70

By Public Safety and Emergency Services and Finance Committees.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING AGREEMENT WITH WESTCHESTER COUNTY COMMISSIONER OF FINANCE, DEPARTMENT OF CORRECTION, FOR ROOM AND BOARD FOR BROOME COUNTY PRISONERS FOR THE SHERIFF'S DEPARTMENT FOR 1991.

WHEREAS, the Sheriff's Department requests authorization for an agreement with the Westchester County Commissioner of Finance, Department of Correction, for room and board for Broome County prisoners for calendar year 1991, at a cost not to exceed \$17,750, and

WHEREAS, said services are necessary due to overcrowded conditions at the Broome County Jail and to conform with the New York Department of Corrections requirements, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Westchester County Commissioner of Finance, Department of Correction, P. O. Box 389, Valhalla, New York, 10595, for room and board for Broome County prisoners for the calendar year 1991, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$17,750 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 450023.4435.101000 (Inmate Expense -Other Facilities), and be it

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

Carried.

RESOLUTION NO. 71

By Public Safety and Emergency Services and Finance Committees.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING ACCEPTANCE OF INTENSIVE DRUG ENFORCEMENT SURVEILLANCE PROGRAM GRANT FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR THE SHERIFF'S DEPARTMENT FOR 1992.

WHEREAS, The Sheriff's Department requests authorization to accept an Intensive Drug Enforcement Surveillance Program Grant from the New York State Division of Criminal Justice Services for calendar year 1992 in the amount of \$10,177, and

WHEREAS, said grant program will provide 75% funding for the purchase of surveillance equipment for narcotics work, with Broome County providing 25% matching funds in the amount of \$3,392, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes acceptance of the Intensive Drug Enforcement Surveillance Program Grant from the New York State Division of Criminal Justice Services in the amount of \$10,177 for the Sheriff's Department for the period January 1, 1992 through December 31, 1992, 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 \$ 13,569.00, \$10,177.00 from New York State and \$3,392.00 in matching funds, for the period January 1, 1992 through December 31, 1992, and be it

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

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to 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 his duly authorized representative is hereby authorized to execute any budget transfers within the budgetary limits as set out in Exhibit "A" as attached hereto provided that said budget transfers do not affect a personnel line.

Carried.

RESOLUTION NO. 72

By Public Safety and Emergency Services and Finance Committees.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING INCREASE IN COST PER DAY PER INMATE FOR HOUSING BROOME COUNTY JAIL INMATES IN VARIOUS OUT-OF-COUNTY JAIL FACILITIES DUE TO OVERCROWDED PRISONER POPULATION.

WHEREAS, this County Legislature, by Resolution 100 of 1990, authorized the

Broome County Sheriff to transport and house Broome County jail inmates from the Collier Street Facility to various out-of-county jail facilities when overcrowding conditions exist, to the extent necessary to bring the Broome County jail into compliance with the minimum standards promulgated by the Commissioner of Corrections as to maximum prisoner capacity and prisoner classification, at a rate of \$80 per inmate per day, and

WHEREAS, the facilities that the Sheriff can access currently charge fees averaging \$90 per inmate per day, and

WHEREAS, it is necessary at this time to authorize the Sheriff to pay up to \$90 per day per inmate, when overcrowding conditions exist, to the extent necessary to bring the Broome County jail into compliance with the minimum standards promulgated by the Commissioner of Corrections as to maximum prisoner capacity and prisoner classification, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the Broome County Sheriff to pay up to \$90 per inmate per day to the various counties when they house prisoners in out-of-county jail facilities with the directive that the Sheriff is to access those facilities charging the lowest rates whenever possible, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 450023.4435.101000 (Inmate Expense-Other Facilities), and be it

FURTHER RESOLVED, that Resolution 100 of 1990, to the extent consistent herewith, shall remain in full force and effect, and be it

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

FURTHER RESOLVED, that this Resolution shall take effect immediately.

Carried.

RESOLUTION NO. 73

By Public Works Committee.

Seconded by Mr. Pasquale.

RESOLUTION ENDORSING AND SUPPORTING DEDICATED HIGHWAY AND BRIDGE FUNDING.

WHEREAS, during the 1991 Legislative Session, the New York State Legislature passed, and the Governor approved, legislation creating a Dedicated Highway and Bridge Trust Fund, and

WHEREAS, this dedicated fund becomes "live" April 1, 1993 providing dedicated revenues desperately needed for the future operation, maintenance, and improvements to the local infrastructure, and

WHEREAS, the New York State County Highway Superintendents' Association has consistently supported the concept of a Dedicated Highway and Bridge Fund since its inception in 1917, and applaud this responsible action of the legislature, and

WHEREAS, this dedicated fund also contains a "locked box" consisting of non mass transit Petroleum Business Taxes (totaling approximately \$700 million) to be apportioned between mass transit, highways and bridges, and

WHEREAS, the New York State County Highway Superintendents in conjunction with the New York State Association of Town Superintendents of Highways has identified and presented to the Governor, New York State Legislature and the New York State Department of Transportation local road and bridge dollar shortfalls, and

WHEREAS, the Governor has proposed, in his 1992-1993 Executive Budget, a reduction in the Consolidated Highway Improvement Program (CHIPs) of \$20 million in operating and maintenance funds, and

WHEREAS this reduction represents a step backwards in the commitment made in 1991 when the Dedicated Highway and Bridge Fund was established, and

WHEREAS, the preservation of the \$20 million CHIPs maintenance funds is essential towards improving the safety, efficiency, and structural quality of streets, highways, and bridges at the local level, now, therefore, be it

RESOLVED, Broome County supports the efforts of the New York State County Highway Superintendents' Association and the New York State Association of Town Superintendents of Highways, urging the Governor and New York State Legislature to provide an equitable distribution of the Petroleum Business Taxes within the "locked box" to the local highway and bridge system, and be it

FURTHER RESOLVED, that an equitable distribution of existing state transportation funds, existing and increased highway related revenues, and existing and increased motor fuel taxes, within the dedicated highway and bridge trust fund, be allocated to meet local road and bridge needs, and be it

FURTHER RESOLVED, that Broome County urges New York State Legislature to restore the \$20 million in CHIPs maintenance funds and continue existing funding levels until such time that a Dedicated Fund is established to address local infrastructure responsibilities, and be it

FURTHER RESOLVED, that copies of this resolution be submitted to Governor Mario M. Cuomo and all the members of the New York State Legislature, as well as others deemed necessary and proper.

Carried.

RESOLUTION NO. 74

By Public Works and Environment Committees.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY BY PURCHASE OR CONDEMNATION FOR CERTAIN REPLACEMENT/REHABILITATION PROJECTS AND DETERMINING SUCH PROJECTS TO BE "DE MINIMIS" IN NATURE AND EXEMPT FROM THE REQUIREMENTS OF THE STATE ENVIRONMENTAL QUALITY REVIEW ACT.

WHEREAS, the following projects have been identified as TYPE II actions under the New York State Environmental Quality Review Act in that they are replacements of existing facilities having no substantial effect on the environment:

- 1)Ballyhack Road Bridge, B.I.N. 350090 in the Town of Fenton, involving minor rehabilitation of an existing bridge including 50 linear feet of roadway reconstruction. Two parcels will be acquired from property owners;
- 2)Big Hollow Road Bridge, B.I.N. 3349650 in the Town of Sanford, involving the rehabilitation of an existing bridge including 50 linear feet of roadway reconstruction. Two parcels will be acquired from property owners;
- 3)Upper Lisle Bridge Rehabilitation, B.I.N. 3349680 in the Town of Triangle, involving the rehabilitation of an existing bridge including 50 linear feet of roadway reconstruction. No acquisitions of property are anticipated;
- 4)Windsor Bridge Rehabilitation, B.I.N. 3349960 in the Town of Windsor, involving rehabilitation of an existing bridge including 50-100 linear feet of roadway reconstruction. No acquisitions of property anticipated;

and

WHEREAS, the Department of Public Works desires to acquire the property rights necessary to commence the aforesaid projects and has therefore requested authorization from this Legislature to acquire said lands by purchase or condemnation, and

WHEREAS, the Public Works Committee of this Legislature has reviewed the scope of these projects and has recommended that they be found to be exempt from the public hearing requirements of the Eminent Domain Procedure Law because they are "de minimis" in nature, said determination being based on the fact that there will be no adverse effect upon the residents of the locality or the environment and that small and relatively few parcels of land will have to be acquired, and

WHEREAS, the Public Works Committee also recommends that these projects be found to be exempt from the requirements of the New York State Environmental Quality Review Act because they involve rehabilitation/reconstruction of existing facilities involving no substantial change to the area, now, therefore be it

RESOLVED, that this County Legislature hereby finds and determines that the

projects hereinabove listed are "de minimis" in nature and therefore exempt from the public hearing requirements of the Eminent Domain Procedure Law, and be it

FURTHER RESOLVED, that this County Legislature hereby finds and determines that the projects hereinabove listed are exempt from the requirements of the New York State Environmental Quality Review Act for the reason that they involve rehabilitation/reconstruction of existing facilities involving no substantial change to the area, and be it

FURTHER RESOLVED, that this County Legislature further authorizes the acquisition by purchase or condemnation of the real property rights necessary to undertake and perform said project in accordance with the designs and specifications, the cost of said land acquisitions to be paid from the appropriate Capital Project accounts.

Carried.

RESOLUTION NO. 75

By Public Works and Finance Committees.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING AGREEMENT WITH EMJ/McFARLAND-JOHNSON ENGINEERS, INCORPORATED, FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE WINDSOR BRIDGE REHABILITATION PROJECT FOR THE DEPARTMENT OF PUBLIC WORKS.

WHEREAS, the Department of Public Works requests authorization for an agreement with EMJ/McFarland-Johnson Engineers, Incorporated, for professional engineering services for the Windsor Bridge Rehabilitation Project at a cost not to exceed \$132,400, and

WHEREAS, said services are necessary to provide for professional engineering services, including design and construction phases, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with EMJ/McFarland-Johnson Engineers, Incorporated, P.O. Box 1980, Binghamton, New York, 13902, for professional engineering services for the Department of Public Works Windsor Bridge Rehabilitation Project, including design and construction phases, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$132,400 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 035014.4746.501254 (Engineering & Architectural Services), and be it

FURTHER RESOLVED, that the County Executive or his duly authorized

representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

Carried.

RESOLUTION NO. 76

By Public Works and Finance Committees.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING A PERMANENT EASEMENT AGREEMENT WITH NEW YORK STATE ELECTRIC & GAS COMPANY FOR AN EASEMENT LOCATED IN THE TOWN OF MAINE AT THE BINGHAMTON REGIONAL AIRPORT.

WHEREAS, New York State Electric & Gas Company has requested an overhead electric easement through land owned by Broome County located at the Binghamton Regional Airport in the Town of Maine, and

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

RESOLVED, that this County Legislature hereby grants the New York State Electric & Gas Company a permanent easement running over land owned by Broome County at the Binghamton Regional Airport in the Town of Maine, 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 aforesaid easement, New York State Electric & Gas Company will pay Broome County the sum of \$1.00, said amount to be credited to revenue line 030106.0537.301000 (Roadway Use Fees), and be it

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

Carried.

RESOLUTION NO. 77

By Transportation Committee.

Seconded by Mr. Pasquale.

RESOLUTION ADOPTING AN ACCESSIBLE TRANSPORTATION PLAN FOR BROOME COUNTY.

WHEREAS, Federal and State laws require that publicly funded public transit systems such as Broome County become fully accessible to persons with disabilities by requiring that all new buses purchased be equipped with wheelchair/person lifts; and by the adoption of system policies and standards governing the operation of the accessible transit system, and

WHEREAS, Broome County has, through the Departments of Public Transportation and Binghamton Metropolitan Transportation Study, drafted the Accessible Transportation Plan for Broome County in accordance with Federal and State Laws, and

WHEREAS, your sponsoring committee recommends accepting this plan, now, therefore, be it

RESOLVED, that this County Legislature hereby adopts the Accessible Transportation Plan for Broome County on file with the Clerk of this Legislature, and be it

FURTHER RESOLVED, that this resolution shall take effect immediately.

Carried.

RESOLUTION NO. 78

By Transportation and Finance Committees.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING AGREEMENT WITH NATIONAL CAPITAL AIRWAYS FOR OPERATING RIGHTS, COUNTER SPACE AND RELATED SERVICES AT BINGHAMTON REGIONAL AIRPORT FOR THE DEPARTMENT OF AVIATION FOR 1992.

WHEREAS, the Department of Aviation requests authorization for an agreement

with National Capital Airways for operating rights, counter space and related services for calendar year 1992, with revenue to Broome County, and

WHEREAS, Broome County has space and capacity to lease space and operating rights, and said lease will provide revenue to Broome County, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with National Capital Airways, 8561 Sudley Road, P. O. Box 1650, Manassas, Virginia, 22110, for operating rights, counter space and related services for the calendar year 1992, and be it

FURTHER RESOLVED, that in consideration of said space and services, National Capital Airways shall pay Broome County \$192.11 per month, total revenue anticipated for the term of this agreement is \$2,305.32, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made to budget lines 210088.0111.207000 (Landing Fees Signatory and 210070.0107.207000 (Space Rental Airlines), and be it

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

Carried.

RESOLUTION NO. 79

By Transportation and Finance Committees.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING RENEWAL OF BINGHAMTON METROPOLITAN TRANSPORTATION STUDY GRANT AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1992 THROUGH 1993.

WHEREAS, this County Legislature, by Resolution 113 of 1989, authorized and approved the Binghamton Metropolitan Transportation Study Grant and adopted a program budget in the amount of \$215,00 for April 1, 1989 through March 31, 1990, and

WHEREAS, it is desired to renew said grant program for the period April 1, 1992 through March 3, 1993 in the amount of \$225,239, now therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the Binghamton Metropolitan Transportation Study Grant for the period April 1, 1992 through March 3, 1993, and be it

FURTHER RESOLVED, that this County Legislature hereby accepts grant funds and adopts a BMTS program budget in the total amount of \$225,239 as more particularly set out in Exhibit "A" attached hereto for the period April 1, 1992

through March 31, 1993, and be it

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

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to 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 his duly authorized representative is hereby authorized to execute any budget transfers within the budgetary limits as set out in Exhibit "A" as attached hereto provided that said budget transfers do not affect a personnel line.

Carried.

The regular agenda was presented at this time.

RESOLUTION NO. 80

By the Hon. Vincent Pasquale, Jamie Malley, Daniel Schofield, Arthur Shafer.

Seconded by Mr. Brown.

RESOLUTION AUTHORIZING THE RETENTION OF INDEPENDENT COUNSEL TO REVIEW ALL CONTRACTS, LOCAL LAWS AND RESOLUTIONS RELATING TO THE PROPOSED RESOURCE RECOVERY FACILITY IN VIEW OF COMMISSIONER JORLING'S DETERMINATION ON THE PROPOSED PERMITS AND TO PROVIDE THE BROOME COUNTY LEGISLATURE AND THE BROOME COUNTY EXECUTIVE WITH AN INDEPENDENT ASSESSMENT OF ALL OPTIONS, RIGHTS, AND OBLIGATIONS AVAILABLE TO THE COUNTY OF BROOME.

WHEREAS, in 1988, the Broome County Government entered into an agreement with the Resource Recovery Agency of Broome County whereby the agency was contracted to construct and operate a 571 ton per day resource recovery facility in Kirkwood, New York, and

WHEREAS, said facility was intended by the County of Broome for the ultimate disposal of only Broome County's garbage, and

WHEREAS, in January of 1991, the current Legislature appropriated additional funding to the Broome County Resource Recovery Agency for purposes of assisting the agency in the completion of the DEC permit application process, and

WHEREAS, this Legislature, by Resolution 46 of 1991, indicated that it wanted to preserve Broome County's rights to hold the Resource Recovery Agency and Foster Wheeler accountable to the County under the agreements between the County and the Resource Recovery Agency and the agreements between the Resource

Recovery Agency and Foster Wheeler of Broome County, Inc., and

WHEREAS, the agreement between the Resource Recovery Agency of Broome County and Foster Wheeler of Broome County, Inc., provides that the agency may terminate the contract with Foster Wheeler of Broome County, Inc., without liability if permits for the proposed 571 ton per day facility were not received by October of 1990, and

WHEREAS, the Broome County Executive, Timothy M. Grippen, did assist in preserving the non-taxable nature of the financing for the proposed facility upon the specific representation of both counsel for the Resource Recovery Agency and Foster Wheeler of Broome County, Inc., that the Agency retained the power to cancel the contract with Foster Wheeler of Broome County, Inc., without any liability to Broome County or the Resource Recovery Agency at any time prior to permits being received for the construction and operation of a 571 ton facility in Kirkwood, New York, and

WHEREAS, Commissioner Thomas Jorling of the New York State Department of Environmental Conservation has issued a ruling on the permit applications to construct and operate said resource recovery facility in December of 1991, and

WHEREAS, the commissioner has denied said permit application to construct and operate a 571 ton per day facility to handle exclusively Broome County's solid waste stream, and

WHEREAS, Commissioner Jorling's decision did indicate that he would reconsider providing the Resource Recovery Agency and Foster Wheeler of Broome County, Inc., a permit to construct and operate a resource recovery facility in Kirkwood, New York, if they could down-size the facility or, in the alternative, to provide the Commissioner written binding agreements within 30 days of the date of his decision for the importation of a minimum of 35,000 to 40,000 tons of garbage to be disposed of at the proposed resource recovery facility, and

WHEREAS, the Broome County Resource Recovery Agency and Foster Wheeler of Broome County, Inc., must secure Broome County Legislative approval for importation of garbage for the proposed facility and for a determination as to who will decide what garbage would be imported and under what terms and conditions said garbage would be imported, and

WHEREAS, it is deemed advisable to understand fully all of the options that are available to Broome County Government and the consequences of these options before committing to major amendments to existing agreements between Broome County Resource Recovery Agency, Foster Wheeler of Broome County, Inc., and Broome County Government; including, but not limited to the possibility of canceling the contract without liability to the County, down-sizing the facility, importing garbage into the County for disposal, etc., and

WHEREAS, it is recognized that the power of the Resource Recovery Agency

and/or the County to cancel the existing agreement with Foster Wheeler of Broome County, Inc., without liability has been questioned, now, therefore, be it

RESOLVED, that the County Attorney, in conjunction with the Chairman of the Broome County Legislature, the County Executive of Broome County, the Chairman of the Finance Committee of the Broome County Legislature, the Chairman of the Environmental Committee of the Broome County Legislature, the Majority Leader and the Minority Leader of the Broome County Legislature are herein authorized to seek

outside legal counsel to provide Broome County with an independent legal counsel in conformity with the scope of services attached to this resolution as Exhibit "A," and be it

FURTHER RESOLVED, that this Legislature, as the policy-making body for the County, does hereby request, by a certified copy of this resolution, that the Commissioner of the New York State Department of Environmental Conservation, Thomas Jorling, provide the co-applicants and the County of Broome until the _____ day of _____, 1992, to respond to his decision of December 16, 1991 in order to provide the County Government with an adequate amount of time to review and assess their rights and obligations under the aforementioned agreements and the cost advantages or disadvantages to each alternative with the assistance of independent counsel in order to make a determination in the best interests of the County of Broome, and be it

FURTHER RESOLVED, that funding for this Resolution shall be provided from Capital Project No. ___ in an amount not to exceed \$_____, and it is

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

EXHIBIT "A"
SCOPE OF SERVICES

- 1) Review all written agreements between Broome County Resource Recovery Agency, Foster Wheeler of Broome County, Inc., the Kirkwood Intermunicipal Agreement and the Electrical Agreement between the Resource Recovery Agency and New York State Electric & Gas.
- 2) Review the original requests for proposal and Foster Wheeler's ultimate proposal as approved by the Agency and the County to construct the proposed resource recovery facility.
- 3) Review all Legislative resolutions and local laws relating to the resource recovery project and related resolutions on recycling, importation, etc.
- 4) Review Commissioner Jorling's decision of September 19, 1990, and December 16, 1991.
- 5) Review the financing agreements for the proposed facility with all updates as to the current status of the funding for the proposed resource recovery facility.
- 6) Review statements of interpretation, opinion and perspective on the history of this project, the county's good faith actions or inactions, assess the ability of the county and/or the agency to terminate the contract with Foster Wheeler of Broome County, Inc. without liability generated from anyone representing the

Broome County Legislature, the Broome County Executive, or the Resource Recovery Agency.

Following the review of this material, independent counsel will provide advice to the County Legislature and the County Executive, including, but not limited to:

1) Can the agency or Broome County Government exercise an option to cancel their agreements with Foster Wheeler of Broome County, Inc. under the existing contractual arrangements without liability?

2) What are Broome County's contractual rights and obligations under the various contracts in light of Commissioner Jorling's decisions of September 19, 1990 and December 16, 1991?

3) If Broome County decides to import or down-size, does it affect the procurement process by which Foster Wheeler was selected as vendor for the proposed project?

4) If the County decides to import or down-size, what portions of the various agreements need to be amended or modified, along with any recommendations that you maybe have that would serve the environmental or economic advantages of the County?

5) Evaluate the present status of the financing, and how it would be affected by the various options of canceling the contract, down-sizing the project, or some variation of importation of waste, etc.

At the request of Mr. Brown, Resolution No. 92-80 was **held over** under the rule.

RESOLUTION NO. 81

By the Hon. Arthur J. Shafer.

Seconded by Mr. Brown.

RESOLUTION AUTHORIZING THE WAIVING OF CIVIL SERVICE EXAMINATION FEES FOR ELIGIBLE APPLICANTS

WHEREAS, Section 50 of the New York State Civil Service Law requires that every applicant for examination for a position in a competitive or non-competitive class, or in the labor class when a civil service examination for appointment is required shall pay a fee to the appropriate municipal commission, and

WHEREAS, Section 50 of the aforementioned law allows local municipal corporations, such as Broome County, to waive application fees for specific classes of candidates, and

WHEREAS, this County Legislature desires to waive application fees for civil service examinations for those applicants who are recipients of any Broome County Department of Social Services assistance programs at time of civil service examinations application, and all claims are subject to later verification; claims not supported by appropriate documentation are grounds for barring or rescinding an appointment, and

WHEREAS, to waive the aforementioned application fees will permit eligible persons to take civil service examinations in order to qualify for civil service positions and which will help them to become self-sufficient, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the waiving of application fees for civil service examinations for those candidates who are financially eligible as determined by the Broome county Department of Personnel, pursuant to Section 50 of the New York State Civil Service Law.

At the request of Mr. Augostini, Resolution No. 92-81 was **held over** under the rule.

RESOLUTION NO. 82

By the Hon. Margaret Coffey and Jamie Malley.

Seconded by Mr. Brown.

RESOLUTION COMMITTING TO NEW YORK STATE DEC BROOME COUNTY'S COMMITMENT TO RECYCLING IN CONFORMITY WITH COMMISSIONER THOMAS JORLING'S DECISION OF DECEMBER 18, 1991 WITH RESPECT TO THE PROPOSED RESOURCE RECOVERY FACILITY.

WHEREAS, this County Legislature, established by Resolution 617 of 1988, the Solid Waste Management Division to develop and implement a County-wide solid waste program, including but not limited to recycling, and

WHEREAS, this County Legislature, by Resolution 134 of 1989, authorized the filing of an application for the purpose of seeking funds for Solid Waste Management planning activities and did designate Broome County as the planning unit for the County of Broome Solid Waste Management, and

WHEREAS, this County Legislature, by Resolutions 263 and 489 of 1989, authorized agreements with Vernon O. Shumaker/Calocerinos & Spina, Joint Venture, for consulting services for the Broome County Solid Waste Management Plan and Generic Environmental Impact Statement, and

WHEREAS, this County Legislature, by Resolution 16 of 1991, declared its intention to be lead agency with respect to the environmental review of the proposed Broome County Solid Waste Management Plan, and

WHEREAS, the Division of Solid Waste Management of Broome County has previously filed with this Legislature the draft of the proposed Broome County Solid Waste Management Plan and Generic Environmental Impact Statement which was prepared by Vernon O. Shumaker/Calocerinos & Spina, Joint Venture, and

WHEREAS, the Environmental Committee of this Legislature has previously reviewed this draft plan and proposed to amend said plan, and

WHEREAS, this Legislature adopted the Draft Solid Waste Management Plan as amended by the Environment Committee by Resolution 179 of 1991, and

WHEREAS, this County Legislature did amend said Draft Solid Waste Management Plan and did forward said plan to the New York State Department of Environmental Conservation for their lawful review and comment, and

WHEREAS, on September 27, 1991, DEC staff engineer, David S. Wazenkewitz, did communicate with both the Division of Solid Waste and this Legislature finding said Solid Waste Management Plan deficient and unacceptable in the recycling goals of the County in light of Commissioner Jorling's interim decision of September 19, 1990, and

WHEREAS, said letter specifically criticized the Solid Waste Management Plan as not providing for fifty percent reduction and recycling goal consistent with New York State goals, and

WHEREAS, various other DEC staff comments were received from Ben A.

Pierson, dated October 2, 1991; Garrett Dolan, dated August 17, 1991; Sharon Rehder, dated August 21, 1991, all of which essentially indicated that the Solid Waste Management Plan approved by this Legislature was not consistent with the Solid Waste Management Acts requirement of targeting for 40-42% recycling and 8-10% waste reduction by the year 1997, and

WHEREAS, Commissioner Thomas A. Jorling, of the New York State Department of Environmental Conservation, issued a Decision dated December 18, 1991 regarding the proposed resource recovery facility, and

WHEREAS, in said Decision by Commissioner Jorling, the Commissioner stated, "As part of the conditions for any permit for the proposed facility and any other solid waste management facility in Broome County, I will require that plans for the development of these programs be added to the CRA and SWMP and that they be implemented to the extent practicable;" "Accordingly, any permit that is issued to the agency or the County will have to reflect an enforceable commitment to achieve higher levels of recycling for these programs;" "As part of any approval for this facility or any other solid waste project in Broome County, I will require that a more comprehensive survey of recycling in the private sector be undertaken so that future decision making can benefit from those results;" "In the case of municipal applicants, the local solid waste management plan ('SWMP'), these documents must thoroughly discuss the programs that the applicant will undertake as well as how they will be conducted and funded. Additionally, a cost avoidance analysis must be included for any component of the waste stream that an applicant contends is too expensive to recycle;" "My interim decision made it clear that these remaining waste streams must be subject to aggressive recycling programs. While the law requires that recycling be maximized to the extent practical, the department has concluded that the recycling of an average of at least 40% of a combination of waste streams is achievable by communities in the state;" and "Therefore, in order to make an acceptable showing, an applicant must demonstrate, at a minimum, that it is taking all reasonable steps to promote recycling to the maximum extent practicable, and that there is a reasonable likelihood that its proposed recycling programs would result in the removal of at least 40% of the processable waste stream or, alternatively, the applicant must demonstrate the specific circumstances that make achieving this goal unachievable as a practical matter;" and "On its face, the CRA does not adequately demonstrate enough recycling of the processable portion of the waste stream, nor does it establish why a greater amount of recycling is impractical;" and "I find that these programs do have a greater potential for removing waste from the processable waste stream than was ascribed to them by the agency;" and "The co-applicants will be required to do a much more thorough evaluation of the management needs for the entire C&D waste stream," and

WHEREAS, the Commissioner directed that Broome County commence a pilot

food composting program, now, therefore, be it

RESOLVED, that this County Legislature, as lead agency on the Broome County Solid Waste Management Plan, will commit to resubmitting an amended Broome County Solid Waste Management Plan to the Department of Environmental Conservation within forty-five (45) days of the date of this Resolution, showing a program of reduction and recycling in an amount of fifty percent (50%) of the processable waste stream by 1997 and identify the specific programs and measures that the County will perform to enhance recycling and reduction to these levels and otherwise to the maximum extent practicable, and be it

FURTHER RESOLVED, that this County Legislature does hereby commit to conduct a survey of commercial and industrial recycling within Broome County to be submitted no later than twelve (12) months from the date of this Resolution and to provide immediately the appropriate funding necessary to the Division of Solid Waste of the County of Broome to conduct said survey, and be it

FURTHER RESOLVED, that this County Legislature does commit to provide appropriate funding to set up a pilot food waste composting program in accordance with Commissioner Jorling's Decision of December 18, 1991, said funding and program to commence within eight (8) months of the effective date of this Resolution, and be it

FURTHER RESOLVED, that this County Legislature does hereby commit the County of Broome, through its Nanticoke Landfill permits, to negotiate in good faith with the department all permit conditions outlined by the Department staff for the proposed resource recovery facility, once they are established, with the exception of the department's request that it have unilateral authority to remove the recycling responsibility in Broome County from the County Government and to refer it through the Resource Recovery Agency of Broome County, and be it

FURTHER RESOLVED, that this County Legislature does respectfully request that Commissioner Jorling understand that this policy making body has repeatedly determined that recycling will be conducted by the County and not by the Agency and that in the event the County fails in any respect to live up to its recycling responsibilities pursuant to the Nanticoke landfill permit or any other DEC permitted facilities operated by the County of Broome, that said concern be directed specifically at the County of Broome for review, assessment and response, and be it

FURTHER RESOLVED, that this County Legislature hereby requests that Commissioner Jorling of the New York State Department of Environmental Conservation consider this Resolution as a statement by the policy making body of the County of Broome to be in full compliance with the Commissioner's concerns about the County's recycling responsibilities and commitments as otherwise outlined in his Decision of December 18, 1991 with respect to the proposed resource recovery facility, and be it

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

At the request of Mr. Brown, Resolution No. 92-82 was **held over** under the rule.

RESOLUTION NO. 83

By County Administration, Economic Development and Planning Committee.

Seconded by Mr. Kavulich.

RESOLUTION CONFIRMING APPOINTMENT OF PETER N. HANKIN TO THE BOARD OF DIRECTORS OF THE BROOME INDUSTRIAL DEVELOPMENT AGENCY.

WHEREAS, Arthur J. Shafer, Chairman of the Broome County Legislature, pursuant to the powers vested in him by Resolution No. 78 adopted March 24, 1970, Resolution No. 285 adopted February 6, 1979, and Article 18-A of the New York State General Municipal Law, has duly designated and appointed, pending confirmation by this Legislature, Peter N. Hankin to membership on the Board of Directors of the Broome Industrial Development Agency, and

WHEREAS, it is desired at this point in time, in accordance with the provisions of Resolution No. 78 adopted March 24, 1970, Resolution No. 285 adopted February 6, 1979, and Article 18-A of the New York State General Municipal Law, to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Resolution No. 78 adopted March 24, 1970, Resolution No. 285 adopted February 6, 1979, and Article 18-A of the New York State General Municipal Law, does hereby confirm the appointment of Peter N. Hankin to membership on the Board of Directors of the Broome Industrial Development Agency in accordance with his appointment by the County Legislative Chairman, Arthur J. Shafer.

Carried.

RESOLUTION NO. 84

By Education, Culture and Recreation Committee.

Seconded by Mr. Malley and Mrs. Wagstaff.

RESOLUTION AUTHORIZING AGREEMENT WITH THE DISCOVERY CENTER OF THE SOUTHERN TIER TO PROVIDE FUNDING FOR THEIR GENERAL OPERATING BUDGET FOR 1992.

WHEREAS, the Discovery Center of the Southern Tier requests this County Legislature to provide funding for their general operating budget for the calendar year 1992, and

WHEREAS, the Discovery Center creates programs and exhibits for Broome County children to develop their intellectual, physical and emotional well-being using the humanities, arts and sciences, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the Discovery Center of the Southern Tier, 60 Morgan Road, Binghamton, New York, 13903, to provide funding for the Center's general operating budget for the period January 1, 1992 through December 31, 1992, and be it

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

FURTHER RESOLVED, that in order to provide the funds for this agreement, as requested by BT# 3393, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index</u>	<u>Sub-</u>	<u>Project</u>		<u>Amount</u>
	<u>Code</u>	<u>object</u>	<u>Code</u>	<u>Title</u>	
FROM:	900084	4752	101000	Contingent Acct.	\$ 5,000
TO :	910133	5011	101000	Discovery Center	5,000

and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 910133.5011.101000 (Discovery Center), and be it

FURTHER RESOLVED, that said contract shall be in a form similar to those used for other contract agencies and to be subject to any necessary approvals required by the State or Federal Governments for any other valid reasons which may require the approval of said State or Federal Governments and to be conditioned upon the submission and filing with the Clerk of this Legislature and County Executive written quarterly reports detailing the agency's use of funds received during the previous calendar year as well as future goals and related expenses, and be it

FURTHER RESOLVED, that if the contract provides for payment on a single lump sum basis, said annual report shall be filed before the lump sum payment is released and if the contract provides for two or more periodic payments during the contract term, said report referred to above shall be filed prior to the release of the second payment provided for by said contract and such payments are further subject to the provisions of Resolution 262 of 1978 as amended by Resolution 243 of 1979, and be it

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

Carried by the following: Ayes-12 (Augostini, Greenmun, Howard, Kavulich,

Lindsey, Malley, Moppert, Pasquale, Pazzaglini, Seeley, Wagstaff, Shafer); Nays-5 (Brown, Coffey, Hudak, Schofield, Warner); Absent-1 (Bielecki); Abstention-1 (Yeager).

RESOLUTION NO. 85

By Environment Committee.

Seconded by Mr. Warner.

RESOLUTION AUTHORIZING AN EASEMENT AGREEMENT WITH MICHAEL P. MALARKEY, JR. FOR AN EASEMENT LOCATED ON BROOME COUNTY WATERSHED PROPERTY ON COLUMBUS AVENUE IN THE TOWN OF UNION.

WHEREAS, Michael P. Malarkey, Jr. has requested an access easement through land owned by Broome County located on Watershed Property on Columbus Avenue in the Town of Union, and

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

RESOLVED, that this County Legislature hereby grants Michael P. Malarkey, Jr. a permanent easement running through land owned by Broome County on Watershed Property on Columbus Avenue in the Town of Union, 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 aforesaid easement, Michael P. Malarkey, Jr. will pay Broome County the sum of \$1.00, and be it

FURTHER RESOLVED, that said \$1.00 shall be credited to budget line 541003.0147.101020 (Miscellaneous), and be it

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

At the request of Mr. Warner, Resolution No. 92-85 was **held over** under the rule.

RESOLUTION NO. 86

By Environment Committee.

Seconded by Mrs. Greenmun.

RENDERING "NEGATIVE DECLARATION" WITH RESPECT TO THE ENVIRONMENTAL REVIEW OF AGRICULTURAL DISTRICT NO. 4 UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT.

WHEREAS, pursuant to the Agricultural and Markets Law, this County Legislature heretofore established Agricultural District No. 4, and

WHEREAS, the State Environmental Quality Review Act (SEQRA) requires an Agricultural District be reviewed every eight (8) years for a determination of environmental impact, and

WHEREAS, Broome County Agricultural District No. 4 is scheduled for an eight (8) year review, and

WHEREAS, this County Legislature has responsibility for SEQRA compliance when Agricultural Districts undergo an eight (8) year review, and

WHEREAS, this County Legislature, by Resolution Permanent No. 91-404, designated itself lead agency with respect to the Environmental Review of Broome County Agricultural District No. 4, now, therefore, be it

FURTHER RESOLVED, that this County Legislature, based on the environmental assessment form annexed hereto as Exhibit "A" hereby determines and declares the continuation of Agricultural District No. 4 will not have significant effect on the environment, and be it

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

Carried.

RESOLUTION NO. 87

By Environment Committee.

Seconded by Mrs. Greenmun.

RESOLUTION ADOPTING A PLAN OR PROPOSAL FOR THE CONTINUATION AND MODIFICATION OF BROOME COUNTY AGRICULTURAL DISTRICT NO. 4, LOCATED WITHIN THE TOWNS OF BARKER, BINGHAMTON, CHENANGO, COLESVILLE, CONKLIN, FENTON, KIRKWOOD, MAINE, SANFORD, UNION AND WINDSOR, FOR AN ADDITIONAL EIGHT (8) YEAR PERIOD PURSUANT TO SECTION 303 OF THE AGRICULTURE AND MARKETS LAW

WHEREAS, this County Legislature, by Resolution 353 of 1975, created Broome County Agricultural District No. 4 within the Towns of Colesville, Fenton, Kirkwood, Sanford and Windsor, and

WHEREAS, pursuant to the provisions of the New York State Agriculture and

Markets Law, this County Legislature conducted an eight-year review of Agricultural District No. 4, and by Resolution 142 of 1984, this County Legislature adopted a plan to continue and to modify Broome County Agricultural District No. 4 located in the Towns of Chenango, Colesville, Fenton, Kirkwood, Sanford and Windsor; for an additional eight years, and

WHEREAS, pursuant to the provisions of the New York State Agriculture and Markets Law, this County Legislature has conducted an eight year review of Agricultural District No. 4, and

WHEREAS, it is desired to modify said district No. 4 to add parcels from the Towns of Barker, Binghamton, Chenango, Colesville, Conklin, Fenton, Kirkwood, Maine, Union and Windsor and delete all parcels located in the Town of Sanford, and

WHEREAS, during the statutory 30-day period for public review commencing October 21, 1991, following the publication on October 11, 1991 of the Notice of said period for public review, as provided for and permitted by Section 303, paragraph 8 of Article 25AA of the New York State Agriculture and Markets Law, and no modifications to Broome County Agricultural District No. 4 were filed, and

WHEREAS, the Broome County Planning Department and the Broome County Agricultural Districting Advisory Committee by reports duly filed, have recommended that said Broome County Agricultural District No. 4 be continued for an addition eight-year period, EXCEPT that both the Planning Department and the Advisory Committee have recommended modifications to Agricultural District No. 4 as follows:

PARCELS TO BE DELETED:

TOWN OF SANFORD PARCEL DELETIONS

TAX MAP

<u>SECTION</u>	<u>TAX MAP</u>	<u>PARCEL NO.</u>	<u>LAND USE</u>	<u>ACREAGE</u>
2	2-1		Residential	33.00
		2-1-A12X (DP)	Vacant	9.05
		2-1-A13X (DP)	Vacant	9.07
		2-1-A20 (DP)	Vacant	9.24
		2-1-A21 (DP)	Vacant	7.30
		2-1-A22 (DP)	Vacant	7.27
		2-1-A23 (DP)	Vacant	6.19
		2-1-A24 (DP)	Vacant	5.27
		2-1-A25 (DP)	Residential	5.05
		2-1-A26 (DP)	Vacant	5.20
		2-2-A14X (DP)	Residential	10.02

3-11S1	Residential	.46
3-11S2	Vacant	32.00
3-11S4	Residential	.54

TAX MAP

SECTION TAX MAP PARCEL NO. LAND USE ACREAGE

3-16	Agricultural	143.00
3-17	Agricultural	55.00
3-22	Agricultural	106.00
3-23S4	Vacant	33.38
3-45	Agricultural	54.60
3-8-23 (DP)	Residential	.25

4

4-21S1	Agricultural	52.50
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5

5-1	Residential	13.36
5-3	Vacant	92.00
5-1-12 (DP)	Residential	1.90
5-13-14S4 (DP)	Agricultural	25.00
5-13-16 (DP)	Agricultural	3.50
5-13-18 (DP)	Agricultural	12.51

6

6-5S2	Agricultural	12.00
6-6	Agricultural	70.99
6-32	Agricultural	5.15
6-33	Agricultural	29.73
6-1-8S6 (DP)	Vacant	6.50

TOTAL

5 Sections 46 Parcels 3 Land Uses 1890.15 Acres

TOWN OF COLESVILLE PARCEL ADDITIONS

TAX MAP

SECTION TAX MAP PARCEL NO. LAND USE ACREAGE

2	2-33S4	Agricultural	94.70
	2-34S1	Agricultural	105.62
4	4-31	Vacant	24.73
	4-47S1	Residential	.75
5	5-10	Residential	114.79
	5-10S1	Residential	5.85
	5-17	Residential	27.80
6	6-1S5	Residential	2.75
	6-5S1	Residential	1.40
	6-5S3X	Vacant	.07
	6-5S7	Residential	1.28
	6-19	Residential	107.00
	6-20S1	Vacant	10.00
	6-55S1	Residential	76.25
9	9-19S8	Residential	68.95
	9-57S3	Residential	26.40
12	12-9S3	Residential	20.00
	12-32S6	Residential	10.00
13	13-9S2X	Agricultural	23.30
	13-9S4	Vacant	54.86
	13-3-2S1 (DP)	Agricultural	36.49
	13-3-2S3 (DP)	Agricultural	26.66
TOTAL			
7 Sections	22 Parcels	3 Land Uses	839.65 Acres

TOWN OF CONKLIN PARCEL ADDITIONS

TAX MAP

<u>SECTION</u>	<u>TAX MAP PARCEL NO.</u>	<u>LAND USE</u>	<u>ACREAGE</u>
2	2-3	Residential	47.55
3	3-5	Agricultural	50.00
	3-6	Agricultural	102.50
	3-15	Residential	90.86
	3-25S8X	Agricultural	149.26
	3-27	Vacant	36.75
	3-27S1	Vacant	5.00
	3-28S1	Residential	188.00
	3-28S2	Residential	2.30
	3-29S1	Agricultural	135.03
	3-31	Agricultural	95.03
	3-32S1	Residential	35.85
	3-34S2	Agricultural	47.60
4	4-23X	Agricultural	36.47
	4-33S2	Vacant	204.08

5

TAX MAP

<u>SECTION</u>	<u>TAX MAP PARCEL NO.</u>	<u>LAND USE</u>	<u>ACREAGE</u>
	5-4	Agricultural	137.44
	5-5	Vacant	.65
	5-5S3X	Agricultural	32.61
	5-6	Agricultural	17.65
	5-10	Agricultural	103.38
	5-26	Vacant	103.00
	5-27	Vacant	107.75
	5-28S2	Residential	88.73

	5-30S3	Vacant	25.55	
	5-33S1	Residential	57.35	
	5-49	Residential	99.90	
	5-49S1	Residential	6.10	
6				
	6-7	Agricultural	379.47	
	6-8	Vacant	74.40	
	6-8S1	Residential	2.65	
	6-11	Vacant	22.75	
	6-12	Agricultural	31.00	
	6-15	Residential	.25	
	6-16	Residential	89.71	
	6-31S4	Agricultural	138.00	
	6-34	Agricultural	115.83	
	6-34S2	Residential	.52	
	6-1-13 (DP)	Vacant	1.08	
TOTAL				
	5 Sections	38 Parcels	3 Land Uses	2862.05 Acres

TOWN OF FENTON PARCEL ADDITIONS

TAX MAP

	<u>SECTION</u>	<u>TAX MAP PARCEL NO.</u>	<u>LAND USE</u>	<u>ACREAGE</u>
1		1-40S2	Agricultural	142.48
2		2-28	Vacant	67.32
		2-28S6X	Residential	143.08
		2-28S23X	Vacant	14.19
		2-28S25	Vacant	5.55
3		3-18S13	Residential	90.00

TOTAL
 3 Sections 6 Parcels 3 Land Uses 462.62 Acres
 TOWN OF KIRKWOOD PARCEL ADDITIONS

TAX MAP

<u>SECTION</u>	<u>TAX MAP PARCEL NO.</u>	<u>LAND USE</u>	<u>ACREAGE</u>
1	1-2	Vacant	26.00
	1-11S2X	Agricultural	142.04
	1-12	Residential	62.41
9	9-4S3	Vacant	10.15
	9-1-4A (DP)	Vacant	7.31

TOTAL
 2 Sections 5 Parcels 3 Land Uses 247.91 Acres

TOWN OF MAINE PARCEL ADDITIONS

TAX MAP

<u>SECTION</u>	<u>TAX MAP PARCEL NO.</u>	<u>LAND USE</u>	<u>ACREAGE</u>
5	5-59	Residential	112.00
6	6-13	Residential	64.56
	6-14	Residential	64.00
	6-41S1	Residential	97.24
	6-42	Residential	61.84
	6-45	Residential	51.43
	6-48	Residential	89.79
7	7-12	Residential	38.00

7-12S1	Residential	78.00
7-22	Vacant	92.79
7-24	Vacant	65.00
7-25S2	Vacant	93.00
7-27S1	Vacant	61.70
7-31	Residential	83.94

8

8-3S2X	Residential	88.25
8-6	Residential	106.35
8-10	Residential	81.98
8-13X	Agricultural	186.00
8-33	Residential	130.13
8-36X	Residential	64.06
8-37	Residential	35.00

TAX MAP

SECTION TAX MAP PARCEL NO. LAND USE ACREAGE

8-37S1	Vacant	35.00
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9

9-35	Agricultural	58.44
9-38	Vacant	34.12
9-45	Vacant	34.70
9-45S3	Residential	100.00
9-56S1	Residential	21.12
9-58	Agricultural	76.00
9-60	Agricultural	123.80
9-61	Vacant	26.56
9-61S1X	Public Services	34.82

10

10-7	Vacant	16.13
10-10	Residential	71.00
10-2-1S2 (DP)	Vacant	13.23
10-2-6 (DP)	Vacant	14.25
10-3-3 (DP)	Commercial	29.60
10-10-24 (DP)	Vacant	11.08

and modification by the Broome County Legislature of Broome County Agricultural District No. 4 located within the Towns of Barker, Binghamton, Chenango, Colesville, Conklin, Fenton, Kirkwood, Maine, Sanford, Union and Windsor, County of Broome, New York for an additional eight-year period, and

WHEREAS, in order to further the continuation of said plan for Broome County Agricultural District No. 4, as modified, in the Towns of Barker, Binghamton, Chenango, Colesville, Conklin, Fenton, Kirkwood, Maine, Union and Windsor, it is necessary that this County Legislature, pursuant to Section 303 of the New York State Agriculture and Markets Law adopt such plan or proposal and submit the same for approval and certification to the Commissioner of Agriculture and Markets of the State of New York for that department's review and recommendation, now, therefore, be it

RESOLVED, that this County Legislature hereby adopts a plan or proposal for the continuation of an additional eight years and modifications to Broome County Agricultural District No. 4 located within the Towns of Barker, Binghamton, Chenango, Colesville, Conklin, Fenton, Kirkwood, Maine, Sanford, Union and Windsor, within the County of Broome, New York except that this County Legislature approves, adopts and accepts the modifications to said districts in accordance with the recommended modification of the Broome County Planning Department and the Broome County Agricultural Districting Advisory Committee as aforesaid which shall result in the modifications as follows:

- Deletion of twenty-two parcels, and
- Addition of one hundred, seventy-nine parcels

PARCELS TO BE DELETED:

TOWN OF SANFORD PARCEL DELETIONS

TAX MAP

<u>SECTION</u>	<u>TAX MAP PARCEL NO.</u>	<u>LAND USE</u>	<u>ACREAGE</u>
2			
	2-1	Residential	33.00
	2-1-A12X (DP)	Vacant	9.05
	2-1-A13X (DP)	Vacant	9.07
	2-1-A20 (DP)	Vacant	9.24
	2-1-A21 (DP)	Vacant	7.30
	2-1-A22 (DP)	Vacant	7.27

TAX MAP

<u>SECTION</u>	<u>TAX MAP PARCEL NO.</u>	<u>LAND USE</u>	<u>ACREAGE</u>
4	4-58	Residential	55.75
	4-59	Agricultural	76.35

TOTAL	1 Section	2 Parcels	2 Land Uses	132.10 Acres
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TOWN OF BINGHAMTON PARCEL ADDITIONS

TAX MAP

<u>SECTION</u>	<u>TAX MAP PARCEL NO.</u>	<u>LAND USE</u>	<u>ACREAGE</u>
5	5-20X	Residential	152.11
8	8-18X	Vacant	70.65
	8-22	Residential	45.77

TOTAL	2 Sections	3 Parcels	2 Land Uses	268.53 Acres
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TOWN OF CHENANGO PARCEL ADDITIONS

TAX MAP

<u>SECTION</u>	<u>TAX MAP PARCEL NO.</u>	<u>LAND USE</u>	<u>ACREAGE</u>
1	1-1	Vacant	18.06
	1-1S2	Residential	5.50
	1-21	Residential	7.23
	1-21S1	Residential	57.61
	1-22	Residential	93.20
	1-25	Vacant	100.07
	1-26	Residential	24.60
	1-27	Residential	11.50

1-30S11	Vacant	11.76
1-31	Vacant	9.87
1-33	Agricultural	99.03
1-34S3	Residential	2.08
1-34S13	Agricultural	38.00
1-36	Residential	45.00
1-52	Residential	7.14
1-54	Vacant	89.24
1-56	Agricultural	66.05
1-10-48X (DP)	Residential	16.13
1-20-52S6X (DP)	Residential	33.49

TAX MAP

<u>SECTION</u>	<u>TAX MAP PARCEL NO.</u>	<u>LAND USE</u>	<u>ACREAGE</u>
3			
	3-1	Residential	59.00
	3-5	Agricultural	152.00
	3-6	Agricultural	67.00
	3-8X	Agricultural	62.00
	3-10S1	Vacant	39.72
	3-11	Vacant	24.50
	3-11S1	Residential	.46
	3-11S2	Vacant	32.00
	3-11S4	Residential	.54
	3-16	Agricultural	143.00
	3-17	Agricultural	55.00
	3-22	Agricultural	106.00
	3-23S4	Vacant	33.38
	3-45	Agricultural	54.60
	3-8-23 (DP)	Residential	.25
4			
	4-21S1	Agricultural	52.50
5			
	5-1	Residential	13.36
	5-3	Vacant	92.00
	5-1-12 (DP)	Residential	1.90
	5-13-14S4 (DP)	Agricultural	25.00

	5-13-16 (DP)	Agricultural	3.50	
	5-13-18 (DP)	Agricultural	12.51	
6	6-5S2	Agricultural	12.00	
	6-6	Agricultural	70.99	
	6-32	Agricultural	5.15	
	6-33	Agricultural	29.73	
	6-1-8S6 (DP)	Vacant	6.50	
TOTAL	5 Sections	46 Parcels	3 Land Uses	1890.15 Acres

TOWN OF COLESVILLE PARCEL ADDITIONS

TAX MAP

SECTION TAX MAP PARCEL NO. LAND USE ACREAGE

2	2-33S4	Agricultural	94.70
	2-34S1	Agricultural	105.62
4	4-31	Vacant	24.73
	4-47S1	Residential	.75

TAX MAP

SECTION TAX MAP PARCEL NO. LAND USE ACREAGE

5	5-10	Residential	114.79
	5-10S1	Residential	5.85
	5-17	Residential	27.80
6	6-1S5	Residential	2.75
	6-5S1	Residential	1.40
	6-5S3X	Vacant	.07
	6-5S7	Residential	1.28
	6-19	Residential	107.00

	6-20S1	Vacant	10.00	
	6-55S1	Residential	76.25	
9				
	9-19S8	Residential	68.95	
	9-57S3	Residential	26.40	
12				
	12-9S3	Residential	20.00	
	12-32S6	Residential	10.00	
13				
	13-9S2X	Agricultural	23.30	
	13-9S4	Vacant	54.86	
	13-3-2S1 (DP)	Agricultural	36.49	
	13-3-2S3 (DP)	Agricultural	26.66	
TOTAL				
	7 Sections	22 Parcels	3 Land Uses	839.65 Acres

TOWN OF CONKLIN PARCEL ADDITIONS

TAX MAP

	<u>SECTION</u>	<u>TAX MAP PARCEL NO.</u>	<u>LAND USE</u>	<u>ACREAGE</u>
2				
		2-3	Residential	47.55
3				
		3-5	Agricultural	50.00
		3-6	Agricultural	102.50
		3-15	Residential	90.86
		3-25S8X	Agricultural	149.26
		3-27	Vacant	36.75
		3-27S1	Vacant	5.00
		3-28S1	Residential	188.00
		3-28S2	Residential	2.30
		3-29S1	Agricultural	135.03

TAX MAP

	<u>SECTION</u>	<u>TAX MAP PARCEL NO.</u>	<u>LAND USE</u>	<u>ACREAGE</u>
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	3-31	Agricultural	95.03	
	3-32S1	Residential	35.85	
	3-34S2	Agricultural	47.60	
4				
	4-23X	Agricultural	36.47	
	4-33S2	Vacant	204.08	
5				
	5-4	Agricultural	137.44	
	5-5	Vacant	.65	
	5-5S3X	Agricultural	32.61	
	5-6	Agricultural	17.65	
	5-10	Agricultural	103.38	
	5-26	Vacant	103.00	
	5-27	Vacant	107.75	
	5-28S2	Residential	88.73	
	5-30S3	Vacant	25.55	
	5-33S1	Residential	57.35	
	5-49	Residential	99.90	
	5-49S1	Residential	6.10	
6				
	6-7	Agricultural	379.47	
	6-8	Vacant	74.40	
	6-8S1	Residential	2.65	
	6-11	Vacant	22.75	
	6-12	Agricultural	31.00	
	6-15	Residential	.25	
	6-16	Residential	89.71	
	6-31S4	Agricultural	138.00	
	6-34	Agricultural	115.83	
	6-34S2	Residential	.52	
	6-1-13 (DP)	Vacant	1.08	
TOTAL				
5 Sections	38 Parcels	3 Land Uses	2862.05 Acres	

TOWN OF FENTON PARCEL ADDITIONS

TAX MAP

<u>SECTION</u>	<u>TAX MAP PARCEL NO.</u>	<u>LAND USE</u>	<u>ACREAGE</u>
1	1-40S2	Agricultural	142.48
2	2-28	Vacant	67.32
	2-28S6X	Residential	143.08
	2-28S23X	Vacant	14.19
	2-28S25	Vacant	5.55
3	3-18S13	Residential	90.00
TOTAL			
3 Sections	6 Parcels	3 Land Uses	462.62 Acres

TOWN OF KIRKWOOD PARCEL ADDITIONS

TAX MAP

<u>SECTION</u>	<u>TAX MAP PARCEL NO.</u>	<u>LAND USE</u>	<u>ACREAGE</u>
1	1-2	Vacant	26.00
	1-11S2X	Agricultural	142.04
	1-12	Residential	62.41
9	9-4S3	Vacant	10.15
	9-1-4A (DP)	Vacant	7.31
TOTAL			
2 Sections	5 Parcels	3 Land Uses	247.91 Acres

TOWN OF MAINE PARCEL ADDITIONS

TAX MAP

<u>SECTION</u>	<u>TAX MAP PARCEL NO.</u>	<u>LAND USE</u>	<u>ACREAGE</u>
5	5-59	Residential	112.00
6	6-13	Residential	64.56
	6-14	Residential	64.00
	6-41S1	Residential	97.24
	6-42	Residential	61.84
	6-45	Residential	51.43
	6-48	Residential	89.79
7	7-12	Residential	38.00
	7-12S1	Residential	78.00
	7-22	Vacant	92.79
	7-24	Vacant	65.00
	7-25S2	Vacant	93.00
	7-27S1	Vacant	61.70
	7-31	Residential	83.94

8			
<u>TAX MAP</u>			
<u>SECTION</u>	<u>TAX MAP PARCEL NO.</u>	<u>LAND USE</u>	<u>ACREAGE</u>
	8-3S2X	Residential	88.25
	8-6	Residential	106.35
	8-10	Residential	81.98
	8-13X	Agricultural	186.00
	8-33	Residential	130.13
	8-36X	Residential	64.06
	8-37	Residential	35.00
	8-37S1	Vacant	35.00
9	9-35	Agricultural	58.44
	9-38	Vacant	34.12
	9-45	Vacant	34.70
	9-45S3	Residential	100.00

1	1-1-1 (DP)	Agricultural	56.20	
7	7-25S3	Agricultural	167.83	
8	8-13S1	Residential	4.07	
13	13-23S9	Vacant	21.75	
	13-29S9	Residential	40.00	
14	14-16S1	Vacant	18.00	
	14-17	Vacant	122.69	
	14-26	Wild, Forested, and Conservation Lands and Public Parks	206.20	
	14-27	Wild, Forested, and Conservation Lands and Public Parks	163.20	
15	15-32	Residential	119.08	
TOTAL				
	6 Sections	10 Parcels	4 Land Uses	919.02 Acres

and said Agricultural District located within the Towns of Barker, Binghamton, Chenango, Colesville, Conklin, Fenton, Kirkwood, Maine, Union and Windsor as herein approved and modified is hereby continued to an additional eight (8) year period in accordance with the provisions of Section 303 of the New York State Agriculture and Markets Law, and be it

FURTHER RESOLVED, that the Clerk of this County Legislature, pursuant to Section 303 of the Agriculture and Markets Law, is hereby directed on behalf of this County Legislature to submit to the Commissioner of Agriculture and Markets a certified copy of this Resolution and a copy of the plan or proposal for the

continuation of Broome County Agricultural District No. 4 located within the Towns of Barker, Binghamton, Chenango, Colesville, Conklin, Fenton, Kirkwood, Maine, Union and Windsor, which proposal heretofore has been filed with the Clerk of this Legislature, the Broome County Clerk, the Broome County Planning Department, and the Broome County Agricultural Districting Advisory Committee, it being noted herein that less than 180 days have passed from the date said proposal was submitted to this body to the date of adoption of this Resolution.

Mr. Howard moved, seconded by Mr. Malley to amend Resolution No. 92-87 to add the following seven parcels:

TAX MAP

<u>SECTION</u>	<u>TAX MAP PARCEL NO.</u>	<u>LAND USE</u>	<u>ACREAGE</u>
Conklin:			
3	3-33S9	Vacant	5.35
	3-4S4X	Residential	1.08
Total:			
1 section	2 parcels	2 land uses	6.43 acres
Maine:			
8	8-41S1	Vacant	58.81
Total:			
1 section	1 parcel	1 land use	58.81 acres
Union:			
3	3-B10-01S4	Vacant	4.36
	3-C10-01	Agricultural	75.00
	3-C10-02S1	Vacant	55.41
	3-D9-03S3	Vacant	47.46
Total:			
1 section	4 parcels	2 land uses	182.23 acres
Requests Total:			
3 sections	7 parcels	3 land uses	247.47 acres

Amendment **carried**. Resolution as amended **carried**.

RESOLUTION NO. 88

By Finance Committee.

Seconded by Mr. Howard.

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH CORPORATE CARE MANAGEMENT FOR CASE MANAGEMENT MONITORING OF BROOME COUNTY'S WORKERS COMPENSATION PROGRAM FOR 1992 TO 1993.

WHEREAS, this County Legislature, by Resolutions 107 and 164 of 1991, authorized an agreement with Corporate Care Management for case management of the County's Workers Compensation claims at a cost of \$0.76 per plan participant, total cost not to exceed \$54,583.20 for the term March 1, 1991 through February 28, 1992, and

WHEREAS, said agreement expires by its terms on February 28, 1992 and it is desired at this time to renew said agreement for 1992 through 1993 on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Corporate Care Management, 70 Corporate Drive, Binghamton, New York for case management, monitoring of the Workers Compensation Program, including identification of cases amenable to case management, monitoring costs of services and rehabilitation, therapists and vocational counselors, and submission of written progress reports filed on a monthly basis with recommendations to achieve rehabilitation goals, for the period March 1, 1992 through February 28, 1993, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$0.74 per plan participant, total payment not to exceed \$52,732.00 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 050013.4747.602000 (Other Fees for Services), and be it

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

Carried.

RESOLUTION NO. 89

By Finance Committee.

Seconded by Mr. Warner and Mr. Malley.

RESOLUTION AUTHORIZING AGREEMENT WITH FINNEGAN ASSOCIATES, INCORPORATED, FOR PROFESSIONAL SERVICES IN

CONNECTION WITH PART COUNTY REASSESSMENT PROGRAM.

WHEREAS, this County Legislature did approve as part of the 1992 County Budget a Capital Project monies for a part County Property Reassessment Program which will be paid back to the County by the participating municipalities, and

WHEREAS, a request for proposal was properly distributed to appropriate companies, and

WHEREAS, Finnegan Associates, Inc. has submitted the preferable bid for such services, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Finnegan Associates, Inc., 97 Lowell Road, Concord, MA, 01742, for professional services relevant to the assessment of real property, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$950,000, said cost to be charged back to the various municipalities involved, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 630020.4747.501258 (Other Professional Services), and be it

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

Carried by the following: Ayes-18; Nays-1 (Augostini).

RESOLUTION NO. 90

By Health Services and Finance Committees.

Seconded by Mr. Pasquale.

AUTHORIZING RENEWAL OF AGREEMENT WITH VIETNAM VETERANS OF AMERICA, CHAPTER 480, INCORPORATED TO PROVIDE OUTREACH SERVICES TO VETERANS SUFFERING FROM POST TRAUMATIC STRESS DISORDER FOR 1992

WHEREAS, this County Legislature, by Resolution 235 of 1991, authorized an agreement with Vietnam Veterans of America, Chapter 480, Incorporated, to provide outreach, counseling, vocational, information and referral services, substance abuse and family programs to all veterans and their families suffering from Post Traumatic Stress Disorder (PTSD) for the period April 1, 1991 through December 31, 1991, and

WHEREAS, said services are necessary to help local veterans and their families recover from Post Traumatic Stress Disorder (PTSD), and

WHEREAS, said agreement expired by its terms on December 31, 1991, and it is desired at this time to renew said agreement for calendar year 1992 on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Vietnam Veterans of America, Chapter 480, Incorporated, 3 Commercial Alley, Binghamton, New York, 13901, for outreach, counseling, vocational, information and referral services to all veterans and their families suffering from Post Traumatic Stress Disorder (PTSD) for the period January 1, 1992 through December 31, 1992, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay Vietnam Veterans of America, Chapter 480, Inc. an amount not to exceed \$35,000 for the term of this agreement, and be it

FURTHER RESOLVED, that in order to provide the funds for this agreement, as requested by BT# 3394, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index</u>	<u>Sub-</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
	<u>Code</u>	<u>object</u>	<u>Code</u>		
FROM:	900084	4752	101000	Contingency Acct.	\$35,000
TO :	910133	5010	101000	Vietnam Veterans	\$35,000

and be it

FURTHER RESOLVED, that payments hereinabove authorized shall be made from budget line 910133.5010.101000 (Vietnam Veterans), and be it

FURTHER RESOLVED, that said contract shall be in a form similar to those used for other contract agencies and to be subject to any necessary approvals required by the State or Federal Governments for any other valid reasons which may require the approval of said State or Federal Governments and to be conditioned upon the submission and filing with the Clerk of this Legislature and County Executive written quarterly reports detailing the agency's use of funds received during the previous calendar year as well as future goals and related expenses, and be it

FURTHER RESOLVED, that if the contract provides for payment on a single lump sum basis, said annual report shall be filed before the lump sum payment is released and if the contract provides for two or more periodic payments during the contract term, said report referred to above shall be filed prior to the release of the second payment provided for by said contract and such payments are further subject to the provisions of Resolutions 262 of 1978 as amended by Resolution 243 of 1979, and be it

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

implement the intent and purpose of this Resolution.

Mr. Pazzaglini moved, seconded by Mr. Yeager to amend the resolution to reduce the appropriation to \$20,000. Amendment **lost** by the following: Ayes-4 (Pazzaglini, Wagstaff, Warner, Yeager); Nays-15 (Augostini, Bielecki, Brown, Coffey, Greenmun, Howard, Hudak, Kavulich, Lindsey, Malley, Moppert, Pasquale, Schofield, Seeley, Shafer). Resolution as presented **carried** by the following roll call: Ayes-17; Nays-2 (Coffey, Schofield).

Following adoption of this legislation, the County Executive and over one dozen veterans and staff of the Veterans Outreach Center gathered in the office of the Clerk where Mr. Grippen signed the legislation and the Clerk affixed the seal.

RESOLUTION NO. 91

By Health Services and Finance Committees.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH THE YWCA FOR CROSSROADS SERVICES FOR THE HEALTH DEPARTMENT ADOLESCENT COMMUNITY SERVICES PROJECT FOR 1992 THROUGH 1993.

WHEREAS, this County Legislature, by Resolution 136 of 1991, authorized an agreement with the Binghamton YWCA for services associated with the YWCA Crossroads Program, a residency program for women 16-21 years of age for the health Department Adolescent Community Services Project for the period April 1, 1991 through March 31, 1992, and

WHEREAS, said services are necessary to provide housing for thirty young women, eight of whom will be from Johnson City, and implement an outreach program in Johnson City according to the goals and objectives of the Adolescent Community Services Project, and

WHEREAS, said agreement expires by its terms on March 31, 1992, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for the period April 1, 1992 through March 31, 1993 in the amount of \$17,500, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with the YWCA, 80 Hawley Street, Binghamton, New York, 13901, for YWCA Crossroads Program Services for the period April 1, 1992 through March 31, 1993, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$17,500 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480251.4457, and be it

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

Carried.

RESOLUTION NO. 92

By Health Services and Finance Committees.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH BINGHAMTON CITY SCHOOL DISTRICT FOR DAYCARE SERVICES THROUGH THE HEALTH DEPARTMENT ADOLESCENT COMMUNITY SERVICES PROJECT AT "THE CENTER" FOR 1992.

WHEREAS, this County Legislature, by Resolution 371 of 1991, authorized an

agreement with the Binghamton City School District for daycare services to be provided by the health Department Adolescent Community Services Project at "The Center" for the period October 3, 1991 through March 31, 1992, and

WHEREAS, the agreement provides for the Health Department, through "The Center", to render day care services for 4 Binghamton City School District teen parents who are enrolled in education programs for the 1991-1992 school year, and

WHEREAS, said agreement expires by its terms on March 31, 1992 and it is desired at this time to renew said agreement for the period April 1, 1992 through June 30, 1992 on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with the Binghamton City School District for day care services for 4 Binghamton Central School District teen parents who are enrolled in educational programs for the 1991-1992 school year, for the period April 1, 1992 through June 30, 1992, and be it

FURTHER RESOLVED, that in consideration of said services, the Binghamton City School District shall pay Broome County an amount not to exceed \$4,915 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 480251.0464, and be it

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

Carried by the following: Ayes-15; Nays-4 (Augostini, Hudak, Seeley, Warner).

RESOLUTION NO. 93

By Health Services and Finance Committees.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH TRINITY MEMORIAL CHURCH FOR LEASE OF SPACE FOR DEPARTMENT OF HEALTH FOR 1992 THROUGH 1993.

WHEREAS, this County Legislature, by Resolutions 142 of 1989, 125 of 1990, 97 of 1990 and 199 of 1991, authorized an agreements with Trinity Memorial Church for the lease of 3,800 square feet of space for the Adolescent Community Service Project for the period April 1, 1989 through March 31, 1992, and

WHEREAS, the lease of such space is necessary for the effective administration of the Department of Health's Adolescent Community Services Project which is designed to best reach our community's adolescents, and

WHEREAS, it is desired at this time to renew said agreements for the period April 1, 1992 through March 31, 1993 on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreements with Trinity Memorial Church, 44 Main Street, Binghamton, New York, 13905, for the lease of space for the period April 1, 1992 through March 31, 1993 in the amount of \$3,800 for rent, \$6,500 for utilities, and \$300 security, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$3,800 for rent, \$6,500 for utilities, and \$300 security, total cost not to exceed \$10,600 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 480251.4422.102000 (Rent), 480251.4425.102000 (Water/Sewer), 480251.4426.102000 (Heat), 480251.4427.102000 (Electric), and 480251.4458.102000 (Security), and be it

FURTHER RESOLVED, that the County Executive or his duly authorized

representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

Carried by the following: Ayes-16; Nays-3 (Augostini, Hudak, Seeley).

RESOLUTION NO. 94

By Health Services, Personnel and Finance Committees.

Seconded by Mr. Pasquale.

RESOLUTION AUTHORIZING RENEWAL OF DEPARTMENT OF HEALTH'S ADOLESCENT COMMUNITY SERVICES PROJECT AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1992 THROUGH 1993

WHEREAS, this County Legislature, by Resolution 54 of 1991, authorized and approved the Health Department's Adolescent Community Services Project and adopted a program budget in the amount of \$335,678 for the period April 1, 1991 through March 31, 1992, and

WHEREAS, said grant program provides direct child care services to infants and toddlers of adolescents enrolled in the Teen Center Day Care Program and direct health and counseling services for teenagers and provides a contract for housing for teens at the YWCA Crossroads Program, and

WHEREAS, it is anticipated that this program will no longer be county affiliated after this renewal, and

WHEREAS, it is desired to renew said grant program for the period April 1, 1992 through March 31, 1993 in the amount of \$347,816, now therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves the continued participation of the Department of Health in the Adolescent Community Services Project for the period April 1, 1992 through March 31, 1993, 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 \$347,816 for the period April 1, 1992 through March 31, 1993, and be it

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

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to 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 his duly authorized representative is hereby authorized to execute any budget transfers within the budgetary limits as set out in Exhibit "A" as attached hereto provided that said

budget transfers do not affect a personnel line.

Carried by the following: Ayes-16; Nays-3 (Augostini, Hudak, Seeley).

RESOLUTION NO. 95

By Health Services, Personnel and Finance Committees.

Seconded by Mr. Malley.

RESOLUTION AUTHORIZING ACCEPTANCE OF A COMPREHENSIVE PREVENTION SERVICES PROGRAM GRANT FROM DEPOSIT CENTRAL SCHOOL DISTRICT FOR THE DRUG AWARENESS CENTER FOR 1992 THROUGH 1993.

WHEREAS, the Drug Awareness Center requests authorization to accept a grant from the Deposit Central School District for a Comprehensive Prevention Services Program in the amount of \$110,000 for the period February 1, 1992 through March 31, 1993, and

WHEREAS, the Drug Awareness Center will provide a program to establish a comprehensive prevention services program for the Deposit Central School District, including a student assistance program for grades K-12 and school and community based prevention activities, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and accepts the Comprehensive Prevention Services Program Grant from the Deposit Central School District for the period February 1, 1992 through March 31, 1993, 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 \$ 110,000 for the period February 1, 1992 through March 31, 1993, and be it

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

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to 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 his duly authorized representative is hereby authorized to execute any budget transfers within the budgetary limits as set out in Exhibit "A" as attached hereto provided that said budget transfers do not affect a personnel line.

Carried by the following: Ayes-18; Nays-1 (Coffey).

RESOLUTION NO. 96

By Personnel Committee.

Seconded by Mr. Pazzaglini.

RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUESTS FOR THE DEPARTMENTS OF HEALTH, MENTAL HEALTH, SOLID WASTE MANAGEMENT, YOUTH BUREAU, WILLOW POINT NURSING HOME, AND THE LIBRARY.

RESOLVED, that in accordance with a request from the Department of Health, as contained in PCR# 92-106, this County Legislature hereby authorizes the elimination of a one (1) full-time Commissioner of Health position, at budget line 480012.1000, minimum salary \$78,632, Grade P, and the creation of (1) full-time Director of Public Health Position, at budget line 480012.1000, minimum salary \$52,285, Grade M, effective January 13, 1992, and be it

FURTHER RESOLVED, that in accordance with a request from the Department of Mental Health, as contained in PCR# 92-123, this County Legislature hereby authorizes the elimination of one (1) full-time Staff Psychiatrist position at budget line 470013.1000, minimum salary \$N/A, Grade N/A, and be it

FURTHER RESOLVED, that in accordance with a request from the Division of Solid Waste Management, as contained in PCR# 92-115, this County Legislature hereby authorizes the correction of union, salary, grade and hours for Senior Account Clerk position from AFSCME 1912 union, \$9.66 per hour minimum salary, Grade N/A, and 80 hours biweekly, to Administration I union, \$15,743 per year, Grade 10, and 75 hours biweekly, effective January 1, 1992, and be it

FURTHER RESOLVED, that in accordance with a request from the Youth Bureau, as contained in PCR# 92-41, this County Legislature hereby authorizes the conversion of one (1) part-time Youth Services Specialist position at budget line 640011.1500, minimum salary \$10.7929 per hour, Grade 15, to one (1) full-time Youth Services Specialist position at budget line 640011.1000, minimum salary \$21,208, Grade 15, effective January 1, 1992, and be it

FURTHER RESOLVED, that in accordance with a request from the Youth Bureau, as contained in PCR# 92-105, this County Legislature hereby authorizes the conversion of one (1) full-time Senior Account Clerk Typist position at budget line 640011.1000, minimum salary \$15,382, Grade 9, to one (1) part-time Senior Account Clerk Typist position at budget line 640011.1500, minimum salary \$7.8280 per hour, Grade 9, effective January 1, 1992, and be it

FURTHER RESOLVED, that in accordance with a request from the Willow Point Nursing Home, as contained in PCR# 92-125, this County Legislature hereby authorizes the elimination of one (1) full-time Senior Social Work Assistant position at budget line 160184. 1000, minimum salary \$22,374, Grade 16, and to create one (1) full-time Director of Nursing Home Social Services position at budget line 160184.1000, minimum salary \$29,660, Grade 21, effective June 1, 1992, and be it

FURTHER RESOLVED, that in accordance with a request from the Library, as contained in PCR# 92-95, this County Legislature hereby authorizes the elimination

of one (1) part-time Senior Library Clerk position at budget line 842005.1500, minimum salary \$7.4407 per hour, Grade 8, and to create one (1) part-time Library Clerk position at budget line 842005.1500, minimum salary \$6.6855 per hour, Grade 6, effective January 31, 1992.

At the request of Mr. Moppert PCR#92-115 in the second FURTHER RESOLVED **paragraph was held over** under the rule. The balance of the resolution **carried**.

RESOLUTION NO. 97

By Transportation and Finance Committees.

Seconded by Mrs. Wagstaff.

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH CREATIVE FOOD SYSTEMS, INCORPORATED, FOR OPERATION OF RESTAURANT, LOUNGE, GIFT SHOP AND VENDING CONCESSION AT THE BINGHAMTON REGIONAL AIRPORT FOR 1991 THROUGH 1996.

WHEREAS, this County Legislature, by Resolution 270 of 1986, authorized an agreement with Creative Foods Systems, Incorporated, for operation of restaurant, lounge, gift shop and vending concession at the Binghamton Regional Airport with revenue to Broome County based on total percentage of gross receipts, and

WHEREAS, said services are necessary for the continued operation of the restaurant, lounge, gift shop and vending concession at the Binghamton Regional Airport, and

WHEREAS, said agreement expired by its terms on July 31, 1991, and it is desired at this time to renew said agreement for the period August 1, 1991 through July 31, 1996 on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Creative Food Systems, Inc., P. O. Box 1177, Binghamton, New York, 13902, for operation of the restaurant, lounge, gift shop and vending concession at the Binghamton Regional Airport for the period August 1, 1991 through July 31, 1996, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall receive revenue based on total gross receipts for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 210070.0100.207000 (Restaurant/ Lounge Concession Fees), and be it

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

Carried.

Mr. Pasquale moved, seconded by Mr. Greenmun to adjourn to the call of the Clerk at 8:05 p.m. Carried.