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**BROOME COUNTY LEGISLATURE  
REGULAR SESSION  
WEDNESDAY, JULY 14, 2004**

The Legislature convened at 3:37 p.m. with a call to order by the Chair, Daniel A. Schofield. The Clerk, Louis P. Augustini, read the fire exit announcement and called the Attendance Roll, Present-19, Absent-0.

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

Mr. Miller made a motion, seconded by Mr. Wike, that the minutes of the June 16, 2004 Special Session and the June 16 Regular Session be approved as prepared and presented by the Clerk. **Carried.**

Mr. Schofield noted that the committee minutes for the period June 16, 2004 through July 13, 2004 had been distributed to the members of each committee for review and that they are also on file in the Clerk's Office. The Clerk indicated that a quorum of all committees were present. Mr. Schofield asked for corrections to the committee minutes. Seeing none, a motion to approve the committee minutes was made by Mr. Mather, seconded by Mr. Kolba. **Carried.**

**ANNOUNCEMENTS FROM THE CHAIR:**

Chair Schofield introduced County Executive Jeffrey P. Kraham, who then made two presentations. He presented to Kevin Roche, Deputy Commissioner of Solid Waste Management, the National Association of Counties National Achievement Award for the Broome County Electronics Recycling Program for Broome and Tioga Counties. Mr. Kraham then stated that the 2004 Greater Binghamton Air Show was a great success and recognized Carl Beardsley, Deputy Commissioner of Aviation, who was responsible for its coordination. He presented him with a framed poster of the Air Show.

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

Letters from the County Executive, Jeffrey P. Kraham:

- A. Appointment to the Broome County Environmental Management Council Board of Directors.

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

- A. Petitions: None
- B. Communications:
  - 1. Cornell Cooperative Extension Board of Directors Meeting Minutes 4/15/04
  - 2. Cornell Cooperative Extension Board of Directors Meeting Minutes 5/20/04
  - 3. EMC Natural Resources Committee Meeting Minutes 5/20/04
  - 4. Broome County Association of Municipal Clerks Meeting Minutes 5/20/04
  - 5. Joint Landfill Citizens Advisory Committee and EMC Recycling & Waste Management Committee Meeting Minutes 5/24/04
  - 6. Environmental Management Council Meeting Minutes 6/3/04
  - 7. Broome County Soil and Water Conservation District Directors Meeting Minutes 6/8/04
  - 8. Department of Health Memo-NYS Supreme Court Decision In Support of the Clean Indoor Air Act as Implemented by the Cattaraugus County Health Department
  - 9. Attorneys Office-Changes in Charter Resulting from Entertainment Authority
  - 10. Assemblyman Warner-Medicaid Restructuring Plan

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11. Employment Agreement between Broome County and Amalgamated Transit Union Local #1145
  12. Town of Chenango-Resolution in Support of Broome County Magistrates Association Regarding Funding of Court Stenographers in DWI Cases
  13. Livingston County Board of Supervisors-Resolution Opposing Legislation Seeking to Amend Public Health Law Relating to the Regulation of Residential Septic Systems
  14. Audit & Control-Audit Exit Conference
  15. Assemblyman Finch-Receipt of Resolution Renewing a Request to the New York State Legislature to Support and Adopt Legislation that Would Mandate Life-Time Parole for Convicted Sex Offenders

C. Notices:

1. Special County Administration Committee Meeting 6/16/04
2. Broome Tobacco Asset Securitization Corporation Board Meeting 7/14/04

D. Reports:

1. Audit and Control-Payroll Audit Highway 6/04
2. BCC Above Minimum Hire Report 5/04
3. BCC Budget Transfers 5/04
4. BCC Above Minimum hire Report 6/04
5. Broome County Fire Mutual Aid Plan
6. BCC Recommended Budget 2004-2005
7. Broome County Clerk 2003 Annual Report
8. Comprehensive Annual Financial Report

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

Letters from the Chair, Daniel A. Schofield:

1. Designation for M. Whalen 6/6/04

Mr. Kuzel made a motion, seconded by Mr. Howard, to receive and file the above referenced reports and to authorize and direct the Clerk to index said reports in the 2004 JOURNAL OF PROCEEDINGS and to publish pertinent portions of said reports as may be directed by the Chair.  
**Carried.**

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

**RESOLUTIONS RECALLED FROM THE PREVIOUS SESSION**

Mr. Hutchings made a motion, seconded by Ms. Hudak, to recall Resolution No. 251 entitled A Resolution Authorizing a Home Rule Request in Relation to the Greater Binghamton Entertainment Authority and to Empower the County of Broome to increase the Hotel/Motel Occupancy Tax by Three Percent which was passed at the previous session. **Motion to recall Resolution No. 251 carried**, Ayes-10 (Brunza, Howard, Hudak, Hutchings, Kuzel, Mather, Nannery, Pasquale, Reynolds, Whalen), Nays-9 (Burger, Hull, Kolba, Lindsey, Marinich, Miller, Shafer, Wike, Schofield).

**RESOLUTION NO. 251**

By Finance Committee

Seconded by Mr. Howard

**RESOLUTION AUTHORIZING A HOME RULE REQUEST IN RELATION TO THE GREATER BINGHAMTON ENTERTAINMENT AUTHORITY AND TO EMPOWER THE COUNTY OF BROOME TO INCREASE THE HOTEL/MOTEL OCCUPANCY TAX BY THREE PERCENT**

WHEREAS, Assembly Bill A10759 and Senate Bill S6827 have been introduced into the New York State Assembly and Senate in relation to creating a Greater Binghamton





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**RESOLUTIONS INTRODUCED AT THIS SESSION**

**RESOLUTION NO. 302**

By Education, Culture & Recreation and Finance Committees                      Seconded by Mr. Wike  
**RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH SPIEDIE FEST  
BALLOON RALLY EXPO, INC. FOR USE OF OTSININGO PARK FOR THE 2004 SPIEDIE  
FEST/BALLOON RALLY**

WHEREAS, this County Legislature by Resolution 276 of 2003 authorized an agreement with Spiedie Fest Balloon Rally Expo, Inc. for the use of Otsiningo Park for the 2003 Spiedie Fest/Balloon Rally (hereinafter the "Spiedie Fest") which was held from July 29, through August 4, 2003, and

WHEREAS, said Spiedie Fest is a community event that is enjoyed by many Broome County residents and enhances the quality of life in Broome County, and

WHEREAS, the promoters wish to renew their agreement with Broome County for use of Otsiningo Park for the Spiedie Fest for the period August 3, 2004 through August 9, 2004, and

WHEREAS, this County Legislature wishes to support this event, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with the Spiedie Fest Balloon Rally Expo, Inc., P.O. Box 275, Binghamton, New York 13905 on the same terms and conditions as the 2003 agreement whereby the County will provide the use of Otsiningo Park for the Spiedie Fest during the period August 3, 2004 through August 9, 2004, including in-kind support from the Parks Department consisting of assistance with set up and refuse removal (the Spiedie Fest to pay tipping fees) and providing the outdoor stage, the Security Division providing security during the festival and the Office of the Sheriff providing traffic control on County highways in and around the festival site up to a maximum value of \$25,000, and be it

FURTHER RESOLVED, that in consideration of this agreement the Spiedie Fest will provide at its own expense, insurance, transportation to the site, programs, set up of tents, traffic coordination, crowd control, on-site emergency services and temporary restroom 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. 303**

By Public Safety & Emergency Services and Finance Committees                      Seconded by Mr. Shafer  
**RESOLUTION AUTHORIZING AGREEMENT WITH AT&T CORPORATION FOR INMATE  
CALLING SERVICES AT THE PUBLIC SAFETY FACILITY FOR THE OFFICE OF THE  
SHERIFF FOR 2004-2005**

WHEREAS, this County Legislature, by Resolution 204 of 2000, authorized an agreement with AT&T Corporation for inmate calling services at the Public Safety Facility for the Office of the Sheriff for the period August 1, 2000 through July 31, 2001, with an option to renew the annual contract four times at the County's discretion, with all associated revenue of 44% of the billed revenue resulting from inmate telephone traffic directed to the Inmate Commissary Fund, and

WHEREAS, said services are necessary to provide inmate-calling services at the Public Safety Facility, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with AT&T Corporation, 1002 Hatlee Road, Ballston Spa, New York 12019, for inmate calling services at the Public Safety Facility for the Office of the Sheriff for the period August 1, 2004 through July 31, 2005, and be it

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FURTHER RESOLVED, that this County Legislature hereby authorizes four one-year renewals, at the discretion of the County, contingent on the same rate of commission and terms and conditions hereinabove authorized, and be it

FURTHER RESOLVED, that in consideration of said services, AT&T Corporation will pay monthly to the Inmate Commissary Fund, pursuant to New York State Law, 44% of the billed revenue resulting from inmate telephone traffic, 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. 304**

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

WHEREAS, this County Legislature, by Resolution 562 of 2000, as amended by Resolution 395 of 2001, Resolution 363 of 2002 and Resolution 312 of 2003, authorized the continued participation in the Hazardous Materials Emergency Preparedness Grant by the Office of Emergency Services and adopted a program budget in connection therewith in the total amount of \$6,500 for the period April 1, 2000 through March 31, 2004, and

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

WHEREAS, it is necessary at this time to revise said program to reflect an increase of \$2,000 in grant appropriations and extend the period to March 31, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Hazardous Materials Emergency Preparedness Grant to reflect an increase in grant appropriations of \$2,000 and extend the period to April 1, 2000 through March 31, 2005, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$8,500, and be it

FURTHER RESOLVED, that Resolution 562 of 2000, Resolution 395 of 2001, Resolution 363 of 2002 and Resolution 312 of 2003 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 empowered (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

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

**Carried.**



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RESOLVED, that this County Legislature hereby authorizes a revision of the PY2003 Workforce Investment Act Dislocated Worker Program Grant to reflect a decrease of \$60,000 for the period July 1, 2003 through June 30, 2005, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$656,901 and be it

FURTHER RESOLVED, that Resolution 199 of 2003, 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 empowered (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

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

**Carried.**

### **RESOLUTION NO. 307**

By Finance Committee

Seconded by Mr. Wike

#### **RESOLUTION AUTHORIZING ADJUSTMENTS TO TAX RECORDS/ BILLS WITH REGARD TO REAL PROPERTY TAXES ON PARCELS IN THE COUNTY OF BROOME**

WHEREAS, it is necessary to make adjustments to tax records and/or tax bills on certain parcels of real property in the County of Broome by virtue of the reasons stated below, now, therefore, be it

RESOLVED, that adjustments to tax records/bills will be made to the following parcels of real property:

Parcel ID: 157.06-7-5  
Town/Village: Union/Endicott  
Owner: Broome County  
Action to be Taken: Cancel \$403.33 plus Interest and Penalties  
Reason: County Owned – Tax Exempt

Parcel ID: 157.10-3-36  
Town/Village: Union/Endicott  
Owner: McKilligan Industries  
Action to be Taken: Cancel \$778.94 of original tax bill in the amount of \$2,250.47 and issue corrected tax bill in the amount of \$1,471.53  
Reason: Village did not notify County of required lawn mowing. County pays when notified of need.

**Carried.**

### **RESOLUTION NO. 308**

By Finance Committee

Seconded by Mr. Wike

#### **RESOLUTION APPROVING SALE OF COUNTY PROPERTY TO FORMER OWNER**

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



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WHEREAS, the Director of Real Property Tax Service advises that the former owner of a certain property has requested to have the property sold back to her, and the Director and the sponsoring committee recommends that such request be granted, now, therefore, be it

RESOLVED, that the sale back to the former owner of the parcel listed below for the amount as stated is hereby approved by this County Legislature based on the unusual circumstances, as determined by the sponsoring committee:

Property Location:	12 ½ Loder Avenue
Town:	Union (Village of Endicott)
Tax Map Number:	157.09-3-37
Sell Back Amount:	\$7,352.91
Lot Size:	.10 acre
Purchaser:	Marlana S. Bartow
Address:	12 ½ Loder Avenue Endicott, New York 13760

and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to execute a quit claim deed, approved as to form by the Department of Law, conveying the property listed above to the former owner, together with other such documents as may be necessary to implement the intent of this Resolution.

**Carried.**

### **RESOLUTION NO. 309**

By Health & Human Services and Finance Committees

Seconded by Mr. Wike

#### **RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH PROFESSIONAL HOME CARE FOR OXYGEN THERAPY SERVICES FOR THE WILLOW POINT NURSING HOME FOR 2004**

WHEREAS, this County Legislature, by Resolution 96 of 2004, authorized an agreement with Professional Home Care for oxygen therapy services and equipment rental for Willow Point Nursing Home at a cost not to exceed \$33,320, for the period January 1, 2004 through December 31, 2004, and

WHEREAS, said agreement provides oxygen therapy services to residents at the Willow Point Nursing Home, and

WHEREAS, it is necessary to authorize the amendment of said agreement to increase the not to exceed amount by \$30,000 for the period of the agreement due to an increased number of residents on oxygen therapy, and

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

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Professional Home Care, 4401 Vestal Parkway East, Vestal, New York 13850, increasing the not to exceed amount by \$30,000, for oxygen therapy services for Willow Point Nursing Home for the period January 1, 2004 through December 31, 2004, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor a total amount not to exceed \$63,320, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 160101.4363.204000 (Medical Lab and Clinic Supplies) and budget line 160101.4512.204000 (Outside Rentals), and be it

FURTHER RESOLVED, that Resolution 96 of 2004, to the extent consistent herewith, shall remain in full force and effect, and be it

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

**Carried.**

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**RESOLUTION NO. 310**

By Health & Human Services and Finance Committees

Seconded by Mr. Wike

**RESOLUTION AUTHORIZING REVISION OF THE TANF HEALTH WORKER TRAINING INITIATIVE PROGRAM GRANT FOR THE WILLOW POINT NURSING HOME AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2002-2005**

WHEREAS, this County Legislature, by Resolution 453 of 2003, authorized and approved acceptance of the TANF Health Worker Training Initiative Program Grant for the Willow Point Nursing Home and adopted a program budget in connection therewith in the total amount of \$800,000 for the period April 1, 2002 through March 31, 2005, and

WHEREAS, said grant program provides educational training and career ladder opportunities to Willow Point Nursing Home employees, and

WHEREAS, it is necessary at this time to revise said program to amend said Program Grant to include the Health Workforce Retraining Initiative that would allow the Willow Point Nursing Home to continue receiving reimbursement for temporary staff used to backfill lost staff time related to this program for the period January 1, 2004 through March 31, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the TANF Health Worker Training Initiative Program Grant to include the Health Workforce Retraining Initiative for the period January 1, 2004 through March 31, 2005, and be it

FURTHER RESOLVED, that Resolution 453 of 2003, 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 empowered (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

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

**Carried.**

**RESOLUTION NO. 311**

By Transportation and Finance Committees

Seconded by Mr. Wike

**RESOLUTION AUTHORIZING REVISION OF A FEDERAL AVIATION ADMINISTRATION GRANT FOR THE RUNWAY SAFETY AREA IMPROVEMENT PROJECT FOR THE DEPARTMENT OF AVIATION**

WHEREAS, this County Legislature, by Resolution 471 of 2001, authorized and approved acceptance of a Federal Aviation Administration (FAA) Grant in the amount of \$7,324,900 for the Runway Safety Area Improvement Project, and

WHEREAS, it is necessary at this time to revise the description of said project to include Runway 16-34 Rehabilitation (Design Only) – Phase I, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Federal Aviation Administration Grant for the Runway Safety Area Improvement Project to include Runway 16-34 Rehabilitation (Design Only) – Phase I, and be it

FURTHER RESOLVED, that Resolution 471 of 2001, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

**Carried.**

### **RESOLUTION NO. 312**

By Public Safety & Emergency Services Committee

Seconded by Mr. Wike

#### **RESOLUTION AUTHORIZING AMENDMENTS TO THE BROOME COUNTY FIRE MUTUAL AID PLAN FOR THE DEPARTMENT OF EMERGENCY SERVICES**

WHEREAS, the New York State General Municipal Law, Section 209, permits Fire Departments, Fire Companies and Airport Crash/Fire/Rescue Units in New York State to answer calls for assistance and to engage in fire training programs outside the area regularly served and protected by said Fire Departments, Fire Companies and Airport Crash/Fire/Rescue Units, unless restricted from doing so by the appropriate legislative body, and

WHEREAS, said Section 209 further authorizes mutual aid plans for the coordination of said reciprocal assistance, and

WHEREAS, the General Municipal Law further authorizes the New York State Fire Administrator to prepare and implement a State Fire Mobilization and Mutual Aid Plan to provide for the mobilization of manpower and equipment of Fire Departments throughout New York State whenever the Governor determines that the public interest is required, or whenever a municipality shall determine that assistance is required, or whenever a County Fire Coordinator determines that assistance, in addition to that established under the County Mutual Aid Plan, is required, and

WHEREAS, the State Plan is an aggregate of the County Mutual Aid Plans, and

WHEREAS, the Broome County Legislature, by Resolution 47 of 1982, adopted the Broome County Fire Mutual Aid Plan, as amended, which is on file with the Clerk of the Legislature, and

WHEREAS, it is necessary at this time to amend said Broome County Fire Mutual Aid Plan, said amendments having been approved and endorsed by the Broome County Fire Advisory Board as well as all Broome County Fire Service organizations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes amendments to the Broome County Fire Mutual Aid Plan, said amended Plan being on file with the Clerk of the Legislature, 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.**

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**RESOLUTION NO. 313**

By Economic Development & Planning and Finance Committees                      Seconded by Mr. Wike  
**RESOLUTION AUTHORIZING ACCEPTANCE OF A PY2004 TANF SUMMER YOUTH PROGRAM GRANT FOR THE OFFICE OF EMPLOYMENT AND TRAINING, ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH AND AUTHORIZING AN AGREEMENT WITH TIOGA COUNTY FOR 2004**

WHEREAS, the Director of Employment and Training requests authorization to accept a PY2004 TANF Summer Youth Program Grant, to adopt a program budget in the amount of \$184,485 and to enter into an agreement with Tioga County for the period May 1, 2004 through September 30, 2004, and

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

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$184,485 from the State of New York Department of Labor, Workforce Development and Training Division, Building 12, Room 450, Governor W. Haverell Harriman State Office Building Campus, Albany, New York 12240 for the Office of Employment and Training PY2004 TANF Summer Youth Program Grant for the period May 1, 2004 through September 30, 2004, 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 \$184,485, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with Tioga County to administer their portion of said program for the period May 1, 2004 through September 30, 2004, and be it

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

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 720730.4538.104XXX (Tioga County), 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 (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

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

**Carried.**

**RESOLUTION NO. 314**

By Public Works and Finance Committees                      Seconded by Mr. Wike  
**RESOLUTION AUTHORIZING THE IMPLEMENTATION AND FUNDING OF THE FEDERAL AID AND STATE "MARCHISELLI" PROGRAM AID-ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS THEREFOR**

WHEREAS, a Project for Broome County Road 156 over the Tioughnioga River, BIN 3349400, Town of Lisle, Broome County, P.I.N. 9752.44 (the " Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

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

WHEREAS, the County of Broome has previously executed Supplemental Agreement No. 1 to Federal and Marchiselli Aid Project Agreement (D017325) for the Construction and Construction Supervision and Inspection work and has appropriated \$991,000 (as per Resolution 102 of 2002), and

WHEREAS, this County Legislature has included the Project in the 2000 Capital Improvement Program (C.I.P.) as Project 502332 (Highways/Engineering/Bridges), now, therefore, be it

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

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

FURTHER RESOLVED, that the sum of \$271,748 as previously appropriated pursuant to the 2000 C.I.P., Project 502332 (Highways/Engineering/Bridges), is made available to cover the cost of participation in the above phase of the Project, and be it

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

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

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

FURTHER RESOLVED, that this Resolution shall take effect immediately.

**Carried.**

### **RESOLUTION NO. 315**

By Finance and Education, Culture & Recreation Committees                      Seconded by Mr. Howard  
**RESOLUTION ADOPTING THE BUDGET FOR BROOME COMMUNITY COLLEGE FOR 2004-2005**

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

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

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

RESOLVED, that the unrestricted operating budget for Broome Community College for the college fiscal year September 1, 2004 through August 31, 2005, in the sum of \$38,888,684 be approved, and be it

FURTHER RESOLVED, that the Sponsor Contribution for Broome Community College for the college fiscal year September 1, 2004 through August 31, 2005, in the sum of \$5,985,376 be approved, and be it

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

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Mr. Brunza made a motion, seconded by Ms. Hudak, to change the County Executive's BCC Budget Recommendations to the following:

Tuition	\$13,756,153
Broome County Contribution	\$5,985,376
Fund Balance Applied	\$1,153,609

**Amendment failed**, Ayes-9 (Brunza, Hudak, Hutchings, Kolba, Kuzel, Mather, Pasquale, Reynolds, Whalen), Nays-10 (Burger, Howard, Hull, Lindsey, Marinich, Miller, Nannery, Shafer, Wike, Schofield).

Mr. Pasquale made a motion, seconded by Mr. Shafer, to change the County Executive's BCC Budget Recommendations to the following:

Tuition	\$13,456,153
Broome County Contribution	\$6,438,985
Fund Balance Applied	\$1,000,000

Mr. Hull made a motion to call the question on the amendment. **Motion to call the question carried**, Ayes 14, Nays-5 (Brunza, Burger, Kolba, Kuzel, Schofield). **Amendment failed**, Ayes-4 (Brunza, Pasquale, Reynolds, Whalen), Nays-15. **Resolution as presented carried**.

### RESOLUTION NO. 316

By Economic Development & Planning and Finance Committees Seconded by Mr. Wike  
**RESOLUTION AUTHORIZING ACCEPTANCE OF A STATEWIDE RAPID RESPONSE - TAA PROGRAM GRANT FOR THE OFFICE OF EMPLOYMENT AND TRAINING AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2004-2005**

WHEREAS, the Director of Employment and Training requests authorization to accept a Statewide Rapid Response - TAA Program Grant and adopt a program budget in the amount of \$50,000 for the period April 20, 2004 through June 30, 2005, and

WHEREAS, said grant program provides funding to assist in the integration of Trade Act services into the local service delivery system, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$50,000 from the New York State Department of Labor, State Office Building, Albany, New York 12240 for the Office of Employment and Training's Statewide Rapid Response - TAA Program Grant for the period April 20, 2004 through June 30, 2005, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$50,000, and be it

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

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

**Carried.**

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### **RESOLUTION NO. 317**

By Health & Human Services and Finance Committees

Seconded by Mr. Wike

#### **RESOLUTION AUTHORIZING REVISION OF THE AMY WATKINS CASEWORKER EDUCATION PROGRAM GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 74 of 2004, as amended by Resolution 280 of 2004, authorized and approved renewal of the Amy Watkins Caseworker Education Program Grant for the Department of Social Services and adopted a program budget in connection therewith in the total amount of \$11,274 for the period April 1, 2003 through August 15, 2004, and

WHEREAS, said grant program provides funding for caseworkers who are enrolled in a Master of Social Work Program, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$13,195 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Amy Watkins Caseworker Education Program Grant to reflect an increase of \$13,195 for the period April 1, 2003 through August 15, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$24,469, and be it

FURTHER RESOLVED, that Resolution 74 and 280 of 2004, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

**Carried.**

### **RESOLUTION NO. 318**

By Health & Human Services and Finance Committees

Seconded by Mr. Wike

#### **RESOLUTION AUTHORIZING RENEWAL OF THE DSS/BCC CREDIT AND NON-CREDIT TRAINING PROGRAM GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2004-2005**

WHEREAS, this County Legislature, by Resolution 300 of 2003, authorized and approved the DSS/BCC Credit and Non-Credit Training Program Grant for the Department of Social Services and adopted a program budget in the amount of \$21,595 for the period August 1, 2003 through July 31, 2004, and

WHEREAS, said grant program provides Department of Social Services employees with educational opportunities to enhance their skills on the job and prepare them for promotional opportunities within the department, and

WHEREAS, it is desired to renew said grant program in the amount of \$13,500 for the period August 1, 2004 through July 31, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$13,500 from the New York State Office of Children and Family Services, 40 N. Pearl Street, 11-

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B, Albany, New York 12243, for the Department of Social Services' DSS/BCC Credit and Non-Credit Training Program Grant for the period August 1, 2004 through July 31, 2005, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$13,500, 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 (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

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

**Carried.**

### **RESOLUTION NO. 319**

By Health & Human Services and Finance Committees

Seconded by Mr. Wike

#### **RESOLUTION AUTHORIZING RENEWAL OF THE DSS/BU CREDIT AND NON-CREDIT TRAINING PROGRAM GRANT FOR DEPARTMENT OF SOCIAL SERVICES AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2004-2005**

WHEREAS, this County Legislature, by Resolution 311 of 2003, authorized and approved the DSS/BU Credit and Non-Credit Training Program Grant for the Department of Social Services and adopted a program budget in the amount of \$120,039 for the period August 1, 2003 through July 31, 2004, and

WHEREAS, said grant program provides for selected Department of Social Services employees with education opportunities and workshops geared toward enhancing their skills on the job and preparing them for promotional opportunities, and

WHEREAS, it is desired to renew said grant program in the amount of \$109,719 for the period August 1, 2004 through July 31, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$109,719 from the New York State Office of Children and Family Services, 40 N. Pearl Street, 11-B, Albany, New York 12243, for the Department of Social Services' DSS/BU Credit and Non-Credit Training Program Grant for the period August 1, 2004 through July 31, 2005, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$109,719, 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 (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

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

**Carried.**



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### **RESOLUTION NO. 320**

By Health & Human Services, Personnel and Finance Committees                      Seconded by Mr. Wike  
**RESOLUTION AUTHORIZING RENEWAL OF THE DAY CARE REGISTRATION PROGRAM GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2004-2005**

WHEREAS, this County Legislature, by Resolution 299 of 2003, authorized and approved the Day Care Registration Program Grant for the Department of Social Services and adopted a program budget in the amount of \$269,695 for the period August 1, 2003 through July 31, 2004, and

WHEREAS, said grant program provides registration and inspection, including investigations and enforcement referrals, of family day care homes and school-age child care programs on the local level, and

WHEREAS, it is desired to renew said grant program in the amount of \$289,341 for the period August 1, 2004 through July 31, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$289,341 from the New York State Office of Children and Family Services, Bureau of Early Childhood Services, 52 Washington Street, Riverview Center, 6<sup>th</sup> Floor, Rensselaer, New York 12144, for the Department of Social Services Day Care Registration Program Grant for the period August 1, 2004 through July 31, 2005, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$289,341, 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 (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

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

**Carried.**

### **RESOLUTION NO. 321**

By Health & Human Services, Personnel and Finance Committees                      Seconded by Mr. Wike  
**RESOLUTION AUTHORIZING REVISION OF TANF SERVICES BLOCK GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 245 of 2003, as amended by Resolution 61 of 2004, authorized and approved renewal of the TANF Services Block Grant for the Department of Social Services and adopted a program budget in connection therewith in the total amount of \$1,345,553 for the period January 1, 2003 through June 30, 2004, and

WHEREAS, said grant program is designed to assist TANF recipients to achieve self-sufficiency and transition from welfare to work and focuses on families, youth, domestic violence, and drug and alcohol screening rehabilitation, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$208,989 in grant appropriations, authorize agreements with various vendors to provide services as listed on Exhibit "B" and extend the period through December 31, 2004, now, therefore, be it

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RESOLVED, that this County Legislature hereby authorizes a revision of the TANF Services Block Grant to reflect an increase of \$208,989 in grant appropriations, authorize agreements with various vendors to provide services as listed on Exhibit "B" for the period July 1, 2004 through December 31, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$1,554,542, and be it

FURTHER RESOLVED, that Resolution 245 of 2003 and Resolution 61 of 2004, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

**Carried.**

### **RESOLUTION NO. 322**

By Health & Human Services, Personnel and Finance Committees                      Seconded by Mr. Wike  
**RESOLUTION AUTHORIZING REVISION OF FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 395 of 2003, authorized and approved renewal of the Food Stamp Employment and Training Program Grant for the Department of Social Services and adopted a program budget in connection therewith in the total amount of \$62,628 for the period October 1, 2003 through September 30, 2004, and

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

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$58,312 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Food Stamp Employment and Training Program Grant to reflect an increase of \$58,312 for the period October 1, 2003 through September 30, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$120,940, and be it

FURTHER RESOLVED, that Resolution 395 of 2003, 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 empowered (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) is hereby

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authorized to make any transfers of funds within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

**Carried.**

### **RESOLUTION NO. 323**

By Education, Culture & Recreation and Finance Committees

Seconded by Mr. Wike

#### **RESOLUTION TO AUTHORIZE CLOSING THE CHILDREN'S PROGRAMMING TRUST FUND AND TO TRANSFER REMAINING FUNDS TO THE FOUR COUNTY LIBRARY SYSTEM**

WHEREAS, this County Legislature, by Resolution 528 of 1987, established a trust account for funds raised in connection with the children's programs of the Broome County Public Library, and

WHEREAS, said trust fund has been dormant for the last two years and the monies currently in the fund belong to libraries other than the Broome County Public Library, and

WHEREAS, all program planning, implementation and payments are handled by the Four County Library System, now, therefore, be it

RESOLVED, this County Legislature hereby authorizes and approves the dissolution of the Children's Programming Trust Fund, and be it

FURTHER RESOLVED, that the funds remaining in said trust fund be transferred to the Four County Library System.

**Carried.**

### **RESOLUTION NO. 324**

By County Administration and Health & Human Services Committees

Seconded by Mr. Wike

#### **RESOLUTION IN SUPPORT OF LEGISLATION TO AMEND THE SOCIAL SERVICES LAW, IN RELATION TO STATE REIMBURSEMENT FOR CARE, TREATMENT, MAINTENANCE AND NURSING SERVICES IN NURSING HOMES**

WHEREAS, New York State Senate Bill S5854 and New York State Assembly Bill A10124, propose amendments to the Social Services Law in relation to state reimbursement for care, treatment, maintenance and nursing services in nursing homes, and

WHEREAS, public nursing homes have been disproportionately impacted by Medicaid cuts due to their relatively high dependence upon Medicaid, resulting from their mission to care for people who might otherwise not be able to find placement in a skilled nursing facility, and

WHEREAS, New York State Senate Bill S5854 and New York State Assembly Bill A10124 would provide relief from the Medicaid burden that all counties within New York have been experiencing, and

WHEREAS, counties are "paying twice" through subsidizing the operating losses of public nursing homes and their ten percent (10%) share of long-term Medicaid, and

WHEREAS, this bill will allow each county that sponsors a public nursing home to deduct their operating loss from the ten percent (10%) Medicaid obligation, and

WHEREAS, the "double-tax" elimination proposed in S5854 and A10124 will have an immediate positive effect on the public nursing homes and legislature's ability to continue to offer the level of care that public nursing homes provide to New York State residents, now therefore be it

RESOLVED, that the Broome County Legislature hereby urges the New York State Senate and the New York State Assembly to approve Senate Bill S5854 and Assembly Bill A10124, and be it

FURTHER RESOLVED, that the Clerk of this Legislature is directed to send a copy of this resolution to the Honorable George Pataki, Governor; Honorable Joseph Bruno, Majority Leader of the Senate; Honorable Sheldon Silver, Speaker of the Assembly; Honorable Thomas Libous,

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State Senator; Honorable Robert Warner, Member of the Assembly; Honorable Clifford Crouch, Member of the Assembly; Honorable Gary Finch, Member of the Assembly and the New York State Association of Counties.

**Carried.**

### **RESOLUTION NO. 325**

By Health & Human Services, Personnel and Finance Committees                      Seconded by Mr. Wike  
**RESOLUTION AUTHORIZING REVISION OF THE YOUTH TOBACCO ENFORCEMENT AND PREVENTION GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 458 of 2003, authorized and approved renewal of the Youth tobacco Enforcement and Prevention Grant for the Department of Health and adopted a program budget in connection therewith in the total amount of \$41,009 for the period October 1, 2004 through September 30, 2004, and

WHEREAS, said grant program supports the Department of Health's activities in youth tobacco use enforcement and prevention, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$711 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Youth Tobacco Enforcement Grant to reflect an increase of \$711 for the period October 1, 2003 through September 30, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$41,720, and be it

FURTHER RESOLVED, that Resolution 458 of 2003, 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 empowered (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

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

**Carried.**

### **RESOLUTION NO. 326**

By Health & Human Services, Personnel and Finance Committees                      Seconded by Mr. Wike  
**RESOLUTION AUTHORIZING REVISION OF THE WOMEN, INFANTS AND CHILDREN (WIC) PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 370 of 2003, authorized and approved renewal of the Women, Infants and Children (WIC) Program Grant for the Department of Health and adopted a program budget in connection therewith in the total amount of \$808,353 for the period October 1, 2003 through September 30, 2004, and

WHEREAS, said grant program is a special supplemental food program for an assigned caseload of 4,750 women, infants and children, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$473 in grant appropriations, now, therefore, be it

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RESOLVED, that this County Legislature hereby authorizes a revision of the Women, Infants and Children (WIC) Program Grant to reflect an increase of \$473 for the period October 1, 2003 through September 30, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$808,826, and be it

FURTHER RESOLVED, that Resolution 370 of 2003, 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 empowered (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

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

**Carried.**

### **RESOLUTION NO. 327**

By Health & Human Services, Personnel and Finance Committees                      Seconded by Mr. Wike  
**RESOLUTION AUTHORIZING RENEWAL OF THE STEPS TO A HEALTHIER US INITIATIVE PROGRAM GRANT FOR DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2004-2005**

WHEREAS, this County Legislature, by Resolution 565 of 2003, as amended by Resolution 169 of 2004, authorized and approved the Steps to a Healthier US Initiative Program Grant for the Department of Health and adopted a program budget in the amount of \$295,500 for the period September 22, 2003 through September 21, 2004, and

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

WHEREAS, it is desired to renew said grant program in the amount of \$546,047 for the period September 22, 2004 through September 21, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$546,047 from Health Research, Inc., One University Place, Rensselaer, New York 12144-3455, on behalf of the New York State Department of Health, for the Department of Health's Steps to a Healthier US Initiative Program Grant for the period September 22, 2004 through September 21, 2005, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$546,047, 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 (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

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

**Carried.**

### **RESOLUTION NO. 328**

By Transportation and Finance Committees

Seconded by Mr. Miller

#### **RESOLUTION AUTHORIZING RENEWAL OF AN AGREEMENT WITH ROSEANNE SALL ADVERTISING, INC. FOR TRANSIT MARKETING SERVICES FOR 2004-2005**

WHEREAS, this County Legislature, by Resolution 565 of 1999, as amended by Resolution 286 of 2000, authorized an agreement with Roseanne Sall Advertising, Inc. for Transit Marketing Services with the County receiving 70% of net billings through December 31, 2001 and 60% of net billings for the years 2002 and 2003, and

WHEREAS, said agreement is necessary for advertising on all buses, bus shelters, map system guides and paper schedules owned and/or operated by the County, and

WHEREAS, said agreement expired by its terms on December 31, 2003, and it is desired at this time to renew said agreement on substantially similar terms and conditions, with the County receiving 60% of net billings and Roseanne Sall Advertising, Inc. receiving 40% of net billings, for the period January 1, 2004 through December 31, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with Roseanne Sall Advertising, Inc., 88 Main Street, Binghamton, New York 13905 for Transit Marketing Services for the period January 1, 2004 through December 31, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall receive 60% of net billings and Roseanne Sall Advertising, Inc. shall receive 40% of net billings for the term of the agreement, 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.  
**Failed.** Ayes-6 (Howard, Hull, Marinich, Miller, Shafer, Schofield), Nays-13.

### **RESOLUTION NO. 329**

By Transportation and Finance Committees

Seconded by Mr. Wike

#### **RESOLUTION AUTHORIZING AGREEMENT WITH BRIDGESTONE/FIRESTONE NORTH AMERICAN TIRE, LLC, DIVISION OF MILEAGE SALES DEPARTMENT, FOR LEASE OF BUS TIRES FOR THE DEPARTMENT OF TRANSPORTATION FOR 2004-2007**

WHEREAS, the Commissioner of Public Transportation requests authorization for an agreement with Bridgestone/Firestone North American Tire, LLC, Division of Mileage Sales Department, for lease of bus tires at a rate of \$.004850 per tire mile, for the period August 1, 2004 through July 31, 2007, and

WHEREAS, the Director of Purchasing requested bids for lease of city/Suburban 55 mph tires for Broome County Transit buses based on term lease and mileage rates, and

WHEREAS, Bridgestone/Firestone North American Tire, LLC, Division of Mileage Sales Department, was determined the low bidder, and

WHEREAS, said services provided with a lease agreement are more cost effective than purchase, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Bridgestone/Firestone North American Tire, LLC, Division of Mileage Sales Department, 1200 Firestone Parkway, Akron, Ohio 44317, for lease of bus tires for the period August 1, 2004 through July 31, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at a rate of \$.004850 per tire mile for the term of this agreement, and be it

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FURTHER RESOLVED, that this Legislature hereby authorizes two one-year renewals, at the discretion of the County, contingent on the following: a rate of \$.004736 per tire mile, with all other terms and conditions of the agreement remaining the same; and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 220004.4348.203115 (Tires and Tubes), 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. 330**

By Transportation and Finance Committees

Seconded by Mr. Mather

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

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

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

RESOLVED, that this County Legislature hereby authorizes an agreement with the Sixth Judicial District of the New York State Unified Court System, State Office Building, Suite 1501, 44 Hawley Street Binghamton, New York 13901 for monthly bus passes and tokens for the period October 1, 2003 through September 30, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the Contractor shall pay the County \$22 per monthly pass and \$.91 per token, total amount not to exceed \$16,692.90 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 220004.0093.203110 (Fares and 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. 331**

By Public Works and Finance Committees

Seconded by Mr. Wike

#### **RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH STEARNS & WHEELER, LLC FOR ENGINEERING SERVICES FOR THE DIVISION OF SOLID WASTE MANAGEMENT FOR 2001-2004**

WHEREAS, this County Legislature, by Resolution 675 of 2001, as amended by Resolutions 348 of 2002, 281 of 2003 and 622 of 2003, authorized an agreement with Stearns & Wheeler, LLC, for engineering services for the Division of Solid Waste Management, at a cost not to exceed \$894,700, for the period December 1, 2001 through December 31, 2003, and

WHEREAS, said services are necessary to oversee the construction of the Nanticoke Landfill Expansion Project and to provide frost protection for the landfill liner and the redesign of the electrical system to adjust for NYSEG's decision to run three-phase lines instead of the original single-phase, and,

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WHEREAS, it is desired at this time to amend said agreement to reflect an increase of \$10,000 and extend the term through December 31, 2004 due to the late arrival of the NYSEG 3-phase power lines, and

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

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Stearns & Wheler, LLC, One Remington Park Drive, Cazenovia, New York 13035, to increase the amount not to exceed by \$10,000 and extend the term of said agreement to December 1, 2001 through December 31, 2004, and be it

FURTHER RESOLVED, that in consideration of additional services, the County shall pay the Contractor an additional \$10,000, total amount of agreement not to exceed \$904,700, for the term of the agreement, and be it

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

FURTHER RESOLVED, that Resolutions 675 of 2001, 348 of 2002, 281 of 2003 and 622 of 2003 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. 332**

Economic Development and Planning Committee

Seconded by Mr. Wike

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

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

<u>NAME</u>	<u>TERM EXPIRING</u>
Hermann Roberson 33 Winding Lane Vestal, New York 13850	New Appointment Term 1/1/04-12/31/05

and

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

**Carried.**



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**RESOLUTION NO. 333**

By Health & Human Services and Finance Committees

Seconded by Mr. Wike

**RESOLUTION AUTHORIZING RENEWAL OF GRANT-IN-AID PROGRAM GRANT FOR VETERANS SERVICES AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2004-2005**

WHEREAS, this County Legislature, by Resolution 649 of 2002, authorized and approved the Grant-in-Aid Program Grant for the Office of Veterans Services and adopted a program budget in the amount of \$2,800 for the period April 1, 2002 through March 31, 2003, and

WHEREAS, said grant program provides funding for veterans' counseling services, and

WHEREAS, it is desired to renew said grant program in the amount of \$2,800 for the period April 1, 2003 through March 31, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$2,800 from the State of New York Executive Department, Division of Veterans' Affairs, 5 Empire State Plaza, Suite 2836, Albany, New York 12223-1551, for the Veterans' Services Grant-In-Aid Program Grant for the period April 1, 2003 through March 31, 2004, 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 \$2,800, 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 (with the approval of the grantor agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

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

**Carried.**

**RESOLUTION NO. 334**

County Administration, Public Safety & Emergency Services and Finance Committees

Seconded by Mr. Wike

**RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 14, 2004 ENTITLED "A LOCAL LAW INCREASING DOG ADOPTION FEES"**

RESOLVED, that Local Law Intro. No. 14, 2004 entitled "A Local Law Increasing Dog Adoption Fees," be and the same hereby is adopted and approved in accordance with the Broome County Charter and all the applicable statutes and laws pertaining thereto.

**LOCAL LAW INTRO. NO. 14, 2004**

**A Local Law Increasing Dog Adoption Fees**

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

**SECTION 115-1. Boarding and Disposition**

The County of Broome does hereby establish the following charges and fees in connection with the boarding and disposition of seized dogs at the Broome County Dog Shelter.

- A. Adoption of dog from Shelter [thirty-seven dollars (\$37)], sixty-seven dollars and fifty cents (\$67.50) effective August 1, 2004, and eighty-two dollars and fifty cents (\$82.50) effective August 1, 2005, plus any cost incurred by the Shelter for the spay/neuter of the dog and the purchase of dog license.

[bracketed] material is deleted  
underlined material is added

**Carried**, Ayes-13 (Burger, Howard, Hull, Kolba, Kuzel, Lindsey, Marinich, Mather, Miller, Nannery, Shafer, Wike, Schofield), Nays-6 (Brunza, Hudak, Hutchings, Pasquale, Reynolds, Whalen).

**RESOLUTION NO. 335**

By County Administration and Finance Committees Seconded by Mr. Wike  
**RESOLUTION AMENDING RESOLUTION 634 OF 2003 AWARDING A CONTRACT FOR LEASING OF DIGITAL COPY MACHINES AND AUTHORIZING AGREEMENTS WITH VARIOUS VENDORS FOR THE LEASE AND RELATED SERVICE AGREEMENTS FOR DIGITAL COPY MACHINES FOR SEVERAL BROOME COUNTY DEPARTMENTS AND LOCAL MUNICIPALITIES FOR 2004-2009**

WHEREAS, this County Legislature, by Resolution 634 of 2003, authorized and approved leases and related services agreements with IKON Office Solutions, with Southern Tier Copy Products, Inc. d/b/a CMS Imaging Solutions, and with General Electric Capital Corporation & Eastern Copy Products, Inc., for digital copy machines for 2004 to 2009, to expire on June 30, 2009, and

WHEREAS, the Director of Purchasing is requesting a correction to Exhibit "A" of said resolution, changing Bid Item #12 (Central Foods) bid extension to accurately reflect the total bid price of \$8,809.29 resulting from a monthly rate of \$149.31 over 59 months, and

WHEREAS, the Director of Purchasing is requesting to amend said resolution, upgrading the copier to be leased by Willow Point Nursing Home in Bid Item #23 to a machine that is rated for 80,000 per month, total bid price of \$41,224.48, resulting from a monthly rate of \$698.72 for 59 months, now be it

RESOLVED, this County Legislature hereby authorizes and approves the correction and amendment to Resolution 634 of 2003, to reflect the following changes:

Department And Machine Model (Base Model plus attachments)	Vendor and Lease/Service Period	Copies Per Month	Monthly Rate	X 59 Months Plus Lump Sum Pricing between 6/20/09 –6/30/09
Bid Item # 12 Central Foods Konica 7145	EASTERN July 20, 2004 thru June 19, 2009	7,000	\$149.31	\$6,702.99 <u>+00.00</u> Total: \$6,702.99 Overage of: .0051
<b>Correction</b> Bid Item #12 Central Foods Konica 7145	EASTERN July 20, 2004 thru June 19, 2009	7,000	\$149.31	<b>\$8,809.29</b> <u>+00.00</u> Total: \$8,809.29 Overage of: .0051

Department And Machine Model (Base Model plus attachments)	Vendor and Lease/Service Period	Copies Per Month	Monthly Rate	X 59 Months Plus Lump Sum Pricing between 6/20/09-6/30/09
Bid Item # 23 WILLOW POINT NURSING HOME Konica 7145	EASTERN July 20, 2004 thru June 19, 2009	8,500	\$156.96	\$9,260.64 +00.00 Total: \$9,260.64 Overage of: .0051
<b>Upgrade</b> Bid Item #23 WILLOW POINT NURSING HOME Konica 7085	EASTERN July 20, 2004 thru June 19, 2009	<b>80,000</b>	<b>\$675.00</b>	<b>\$39,825.00</b> +00.00 Total: <b>\$39,825.00</b> Overage of: <b>.0044</b>

and be it

FURTHER RESOLVED, that Resolution 634 of 2003, 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. 336

By Health & Human Services and Finance Committees

Seconded by Mr. Wike

#### **RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH VARIOUS VENDORS FOR INSTITUTIONAL CHILD CARE FOR THE DEPARTMENT OF SOCIAL SERVICES FOR 2004-2005**

WHEREAS, this County Legislature, by Resolution 467 of 2003, approved and authorized contracts with various vendors for institutional child care for the Department of Social Services for a total amount not to exceed \$9,319,600 for the period July 1, 2003 through June 30, 2004, and

WHEREAS, said services are necessary to provide room and board and various services to children who require placement outside their homes, and

WHEREAS, said agreement expires by its terms on June 30, 2004, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for various amounts, total of all agreements not to exceed \$10,300,000, for the period July 1, 2004 through June 30, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with various vendors included on Exhibit "A" for institutional child care for the Department of Social Services for the period July 1, 2004 through June 30, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay each Contractor an amount not to exceed the amount that appears on Exhibit "A", total amount of all contracts not to exceed \$10,300,000 for the terms of the agreements, and be it

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

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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. 337**

By County Administration Committee

Seconded by Mr. Kuzel

#### **RESOLUTION AMENDING THE 2003-2004 RULES OF ORDER**

WHEREAS, this County Legislature, by Resolution 2 of 2003, adopted the Rules of Order for the County Legislature for the present Legislative term (2003-2004), and

WHEREAS, it is the desire of this County Legislature to amend the Rules of Order to require a minimum period of three (3) business days before a held-over resolution may be again brought before the Legislature, now, therefore, be it

RESOLVED, that the Rules of Order is hereby amended to read as follows:

#### **RULE 19 – RESOLUTIONS**

- Every Resolution appearing on the agenda for the first time shall lie over until the next regular meeting if so requested by any Legislator or to a special meeting called to consider said Resolution. This shall not apply to the last regular meeting held by the Legislative Body or to Resolutions confirming appointments by the County Executive pursuant to Sections C311 and C312 of the Broome County Charter and Code. Before any Resolution that has been "held over" may be considered, a minimum of three business days shall have passed between the meeting of the Legislature during which the Resolution was held over and the meeting during which the held over Resolution will be considered. This "three day" requirement may be waived upon the affirmative vote of three-fifths 3/5's of the total members of this body.

and be it

FURTHER RESOLVED, that this Resolution shall become effective immediately.

Notes: Material contained in [brackets] is deleted.

Material underlined is added.

**Automatically held over 'under the rules'.**

### **RESOLUTION NO. 338**

By Public Works and Finance Committees

Seconded by Mr. Wike

#### **RESOLUTION AUTHORIZING AMENDMENT TO THE VOLUNTARY CLEANUP PROGRAM AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR PROPERTY KNOWN AS THE FORMER SHERIFF'S FIRING RANGE**

WHEREAS, this County Legislature, by Resolution 347 of 1999, as amended by Resolution 36 of 2002, authorized a voluntary cleanup agreement (VCA) with the New York State Department of Conservation (NYSDEC) for environmental cleanup of the former Sheriff's firing range site on the BCC Campus, and

WHEREAS, said Resolution authorized the County to pay the administrative costs incurred by NYSDEC in connection with the cleanup not to exceed \$10,000, and

WHEREAS, NYSDEC has now billed us for the first installment of administrative expenses in the amount of \$11,795.42 and there will be a final bill as yet undetermined but estimated to be at least \$8,000, and

WHEREAS, the County is contractually obligated to make these payments pursuant to the VCA, now, therefore be it

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RESOLVED, that County Legislature hereby amends Resolution 347 of 1999, as amended by Resolution 36 of 2002, to provide for the payment by the County to NYSDEC an amount not to exceed \$19,000 for administrative fees pursuant to the VCA, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 035121.4746.501234 (Engineering and Architectural Services), and be it

FURTHER RESOLVED, that Resolution 347 of 1999 and Resolution 36 of 2002 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. 339**

By Health & Human Services and Finance Committees

Seconded by Mr. Wike

#### **RESOLUTION AUTHORIZING AN AGREEMENT WITH AVENTIS PASTEUR MERIEUX FOR THE PURCHASE OF 4,200 PRE-FILLED SYRINGES OF SPLIT CELL FLU VACCINE FOR THE DEPARTMENT OF HEALTH'S IMMUNIZATION CLINICS FOR 2004-2005**

WHEREAS, the Director of Public Health requests authorization for an agreement with Aventis Pasteur Merieux for the purchase of 4,200 pre-filled syringes of split-cell flu vaccine for the Department of Health's Immunization Clinics for the period of September 1, 2004 through August 31, 2005, at a cost not to exceed \$46,788, with an option for two one-year renewals at the sole discretion of the County, and

WHEREAS, said services are necessary to supply the immunization clinics with an adequate supply of split-cell flu vaccine, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Aventis Pasteur Merieux, Discovery Drive, Swiftwater, Pennsylvania 18370, for the purchase of 4,200 pre-filled syringes of split-cell flu vaccine for the Department of Health's Immunization Clinics for the period of September 1, 2004 through August 31, 2005, with an option for two one-year renewals, at the same cost and on the same terms and conditions, at the sole discretion of the County, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$11.14 for each pre-filled syringe, or dose, for an amount not to exceed \$46,788 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480228.4363.101000 (Medical, Lab and Clinic Supplies), 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. 340**

By Health & Human Services and Finance Committees

Seconded by Mr. Wike

#### **RESOLUTION AUTHORIZING AN INCREASE OF THE PETTY CASH FUND FOR THE DIVISION OF VETERANS' SERVICES**

WHEREAS, the Division of Veterans' Services currently has a petty cash fund established by Resolution 386 of 1988 in the amount of \$25, which is inadequate for its current needs, and

WHEREAS, the Director of Veterans' Services has requested an increase of \$50 of said petty cash fund in order to have funds sufficient to meet its daily needs, and

WHEREAS, the Commissioner of Finance has determined that the petty cash fund should be increased by \$50, now, therefore, be it

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RESOLVED, that this County Legislature hereby approves and increases the petty cash fund for the Division of Veterans' Services by \$50 to the total amount of \$75, and further authorizes the Commissioner of Finance to transfer \$50 to the petty cash fund previously established, and be it

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

**Carried.**

#### **RESOLUTION NO. 341**

By Education, Culture, and Recreation Committee

Seconded by Mr. Hutchings

#### **RESOLUTION AUTHORIZING BROOME COUNTY TO REQUEST PROPOSALS FOR THE PRIVATE MANAGEMENT OF THE BROOME COUNTY VETERANS' MEMORIAL ARENA AND THE PERFORMING ARTS THEATER (FORUM)**

WHEREAS, the Broome County Veterans' Memorial Arena and the Performing Arts Theater (Forum) are taxpayer-supported County facilities, and

WHEREAS, the Broome County Legislature is considering relinquishing the control and funding of these two facilities to the Greater Binghamton Entertainment Authority, and

WHEREAS, private management of the facilities should be given full evaluation prior to a final decision to lease or deed the Arena and Forum to the Authority, and

WHEREAS, the private arena management industry may have changed since the Broome County Legislature last reviewed this option in 1996, and

WHEREAS, the Legislature believes management of the Broome County Veterans' Memorial Arena and the Performing Arts Theater (Forum) by the private sector could increase revenues and thereby reduce the current annual expenditure of net County support for funding these two facilities, now, therefore, be it

RESOLVED, that the Broome County Legislature requests that Requests for Proposals (RFPs) be prepared and advertised to obtain proposals for the private management of the Broome County Veterans' Memorial Arena and the Performing Arts Theater (Forum), and be it

FURTHER RESOLVED, that upon receipt of proposals pursuant to the RFP process, the members of the Education, Culture and Recreation Committee evaluate them in accordance with criteria set forth in the RFP, and be it

FURTHER RESOLVED, that if, upon review of said proposals, it is determined to be in the best interest of the County to select one of the proposals for the private management of the Arena and Forum, that this Legislature take appropriate action, and be it

FURTHER RESOLVED, that the Clerk of the Broome County Legislature be and hereby is authorized to forward copies of this Resolution to the appropriate County officials.

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

#### **RESOLUTION NO. 342**

By Finance, Health & Human Services and Public Safety & Emergency Services Committees

Seconded by Mr. Wike

#### **RESOLUTION AUTHORIZING THE BUDGET TRANSFER FOR THE DEPARTMENT OF HEALTH AND THE OFFICE OF THE PUBLIC DEFENDER**

RESOLVED, that in accordance with a request from the Director of Public Health to modify the appropriations to maximize the Emergency Preparedness/Bio-terrorism Grant, as requested in BF#004871, #004872, #004873 and #004874, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

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	<u>Index code</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
FROM:	480301	1000	104806	Salaries – Full Time	3,256
	480301	1500	104806	Salaries – Part Time	2,407
	480301	1600	104806	Salaries – Temporary	2,050
	480301	4311	104806	Books & Subscriptions	659
	480301	4411	104806	Postage & Freight	300
	480301	4463	104806	Education and Training	990
	480301	4605	104806	County Attorney Chargeback	1,000
	480301	4606	104806	Telephone Billing	150
	480301	4609	104806	Data Processing Chargeback	4,151
	480301	4615	104806	Gasoline Chargeback	200
	480301	4617	104806	Dup/Printing Chargeback	2,488
	480301	4618	104806	Office Supplies Chargeback	1,200
	480301	4627	104806	Single Audit Chargeback	838
	480301	8010	104806	State Retirement	2,152
	480301	8030	104806	Social Security	103
	480301	8040	104806	Workers' Compensation	477
	480301	8050	104806	Life Insurance	22
	480301	8063	104806	Disability Insurance	1,008
	480301	8070	104806	Unemployment Insurance	593
	480301	8060	104806	Health Insurance	2,354
TO:	480301	1900	104806	Salaries – Shift Differential	2
	480301	4319	104806	Office Supplies	8,756
	480301	4359	104806	Computer Software	6,612
	480301	4413	104806	Telephone Equipment	920
	480301	4449	104806	Other Operational Exp.	360
	480301	4457	104806	Subcontracted Program Exp	2,000
	480301	4459	104806	Reserve for Program	1,419
	480301	4462	104806	Travel, Hotel & Meals	3,110
	480301	4516	104806	Hardware Rental	2,640
	480301	4614	104806	Other Chargeback Expenses	17
	480301	4616	104806	Fleet Service Chargeback	350
	480301	4619	104806	Building Services Chargeback	212

and be it

FURTHER RESOLVED, that in accordance with a request from the Public Defender to modify the appropriations to cover the hiring of a Temporary Clerk to input prior client records into the Case Management System, as requested in BF#0001477, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index code</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
FROM:	530006	4427	101000	Electric Current	2,305
TO:	480301	1600	101000	Salaries – Temporary	2,305

and be it

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

**Carried.**

### **RESOLUTION NO. 343**

By Public Safety & Emergency Services, County Administration and Finance Committees  
Seconded by Mr. Wike

#### **RESOLUTION AUTHORIZING REVISION OF THE WIRELESS 911 EXPEDITED DEPLOYMENT PLAN AND FUNDING GRANT FOR THE DEPARTMENT OF EMERGENCY SERVICES AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2004-2005**

WHEREAS, this County Legislature, by Resolution 162 of 2004, authorized and approved the Wireless 911 Expedited Deployment Plan and Funding Grant for the Department of Emergency Services and adopted a program budget in connection therewith in the total amount of \$263,012 for the period June 1, 2004 through December 31, 2006, and

WHEREAS, said grant program provides the equipment, installation and maintenance costs necessary to provide enhanced wireless 911 services, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$119,340 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Wireless 911 Expedited Deployment Plan and Funding Grant to reflect an increase of \$119,340 for the period June 1, 2004 through December 31, 2006, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$382,352, and be it

FURTHER RESOLVED, that Resolution 162 of 2004, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

**Carried.**

### **RESOLUTION NO. 344**

By Finance and Health & Human Services Committees  
Seconded by Mr. Wike

#### **RESOLUTION AUTHORIZING A BUDGET TRANSFER FOR DEPARTMENT OF HEALTH**

RESOLVED, that in accordance with a request from the Director of Health, to fund the Free Clinic for the latter half of fiscal year 2004, as requested in BF#004692, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index code</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
FROM:	900084	4752	101000	Contingency	60,000
TO:	480228	4747	101000	Subcontract Program Expense	60,000



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and be it

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

**Carried.**

Mr. Wike made a motion to adjourn, seconded by Mr. Pasquale. **Motion to adjourn carried.** The meeting was adjourned at 5:30 p.m.

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