
**BROOME COUNTY LEGISLATURE
REGULAR SESSION
WEDNESDAY, AUGUST 16, 2006**

The Legislature convened at 3:32 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-17, Absent-2 (Reynolds, Lindsey).

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

Ms. Nannery made a motion, seconded by Mr. Kuzel, that the minutes of the July 19, 2006 Regular Session and the July 25, 2006 Special Session be approved as prepared and presented by the Clerk. **Carried**, Ayes-17, Nays-0, Absent-2 (Reynolds, Lindsey).

Mr. Schofield noted that the committee minutes for the period July 19, 2006 through August 15, 2006 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. Marinich and seconded by Mr. Mather. **Carried**, Ayes-17, Nays-0, Absent-2 (Reynolds, Lindsey).

ANNOUNCEMENTS FROM THE CHAIR

Chair Schofield turned the floor over to Gerald A. Loy, Esq., of BCC's Division of Business and Business Technologies. Mr. Loy introduced the Belarus Legal Delegation currently visiting the Broome County area.

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY EXECUTIVE:

- A. Letters from the County Executive, Barbara J. Fiala:
 - 1. Appointment to the Greater Binghamton Airport Advisory Board

PRESENTATION OF PETITIONS, COMMUNICATIONS, NOTICES & REPORTS:

- A. Petitions: None
- B. Communications:
 - 1. EMC Natural Resources Committee Meeting Minutes 6/15/06
 - 2. EMC Recycling & Waste Management Committee Meeting Minutes 5/22/06
 - 3. Broome County Soil and Water Conservation District Directors Meeting Minutes 7/18/06
 - 4. NY State Board of Real Property Services 2006 Equalization Rates
 - 5. Office of the District Attorney Designation in the Event of Absence
 - 6. State of New York Department of Public Service-Receipt of Resolution 06-321 entitled "Resolution of Opposition to the New York Regional Interconnect, Inc. Power Transmission Line Project"
 - 7. Assemblyman Clifford W. Crouch-Receipt of Resolution 06-321 entitled "Resolution of Opposition to the New York Regional Interconnect, Inc. Power Transmission Line Project"
 - 8. NYSAC-Receipt of Resolution 06-321 entitled "Resolution of Opposition to the New York Regional Interconnect, Inc. Power Transmission Line Project"
 - 9. NYSAC-Receipt of Resolution 06-364 entitled "Resolution Requesting the State of New York to Amend Section 26.10 of the Local Finance Law to Provide an Alternative Method of Finance Flood-Relief Expenses"
 - 10. Department of Public Works-Certificate of Highway Closure Big Hollow Road, County Road 245, Town of Sanford

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11. Memorandum of Understanding by the County of Broome and the Village of Endicott Regarding the En-Joie Golf Course
 12. Town of Kirkwood Extending State of Emergency 7/26/06
 13. Executive Emergency Order-Ingress and Egress Restricted in Flooded Areas 7/18/06
 14. County Attorney's Office-Separation of Powers

C. **Notices:**

1. Special Finance Committee Meeting 7/24/06
2. Special Session 7/25/06

D. **Reports:**

1. Department of Finance-Second Quarterly Sales Tax Collections
2. Broome Community College 2006-2007 Public Hearing Minutes
3. Broome Community College Above Minimum Hire Report 6/06
4. Personnel Department Monthly Attrition Report 6/06
5. C&S Companies-Broome County Feasibility Study for the Reconstruction of the George R. Harvey Justice Building
6. O'Brien & Gere-Final Investigation Report for the Glycol Release at Grippen Park
7. County Executive's Office-Broome County Plan for Urban Core Police Consolidation 6/06
8. Adopted Broome Community College 2006-2007 Budget

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY LEGISLATURE

- A. Letters from the Chair, Daniel A. Schofield:
1. Designations for Mr. Reynolds, Mr. Lindsey and Mr. Miller – Week of 8/8/06

Mr. Kuzel made a motion, seconded by Mr. Brunza, to receive and file the above referenced reports and to authorize and direct the Clerk to index said reports in the 2006 JOURNAL OF PROCEEDINGS and to publish pertinent portions of said reports as may be directed by the Chair. **Carried**, Ayes-17, Nays-0, Absent-2 (Reynolds, Lindsey).

Ms. Buchta and Ms. Nannery 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 HELD OVER FROM PREVIOUS SESSION

RESOLUTION NO. 265

(Held over 'under the rules' by Mr. Marinich)

By Personnel Committee

Seconded by Mr. Materese

RESOLUTION AMENDING PERSONNEL RULES FOR ADMINISTRATIVE PERSONNEL OF BROOME COUNTY

Mr. Marinich made a motion, seconded by Mr. Shafer, to table this resolution until the September session. **Motion to table carried**, Ayes-17, Nays-0, Absent-2 (Reynolds, Lindsey).

RESOLUTIONS INTRODUCED AT THIS SESSION

RESOLUTION NO. 366

By Transportation Committee

Seconded by Mr. Howard

RESOLUTION CONFIRMING APPOINTMENT TO MEMBERSHIP ON THE GREATER BINGHAMTON AIRPORT ADVISORY BOARD

WHEREAS, Barbara J. Fiala, County Executive, pursuant to the authority vested in her by Resolution 89 of 1999 has duly designated and appointed the following named individual to membership on the Greater Binghamton Airport Advisory Board, for the term indicated, subject to confirmation by this County Legislature:

<u>NAME</u>	<u>TERM EXPIRING</u>
James H. VanHart 3151 Hickory Lane Binghamton, New York 13903	New Appointment 12/31/07

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 89 of 1999, hereby confirms the appointment of the above-named individual to membership on the Greater Binghamton Airport Advisory Board for the term indicated, in accordance with his appointment by the County Executive.

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Lindsey).

RESOLUTION NO. 367

By County Administration, Economic Development and Planning, Health Services and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AN AGREEMENT WITH SOUTHERN TIER COPY PRODUCTS D/B/A CMS IMAGING SOLUTIONS FOR THE LEASE AND MAINTENANCE OF COPY MACHINES FOR THE DEPARTMENTS OF PLANNING AND ECONOMIC DEVELOPMENT AND HEALTH FOR 2006-2011

WHEREAS, the Purchasing Agent has advertised for and received bids for lease and maintenance agreements for copy machines for the Departments of Planning and Economic Development and Health, and

WHEREAS, following a review of all bids received, the Purchasing Agent requests authorization for a lease and maintenance agreement with Southern Tier Copy Products d/b/a CMS Imaging Solutions for a copy machine for the Departments of Planning and Economic Development and Health for the period August 30, 2006 through August 31, 2011, and

WHEREAS, said recommendations are based on a competitive bid, which contained terms and conditions of said leases, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Southern Tier Copy Products d/b/a CMS Imaging Solutions, One Lewis Street, Binghamton, New York 13901, for the lease and maintenance agreement as follows:

Department of Planning and Economic Development

Toshiba e-Studio 452

\$244.92 per month including options MJ1023 Finisher, KD Paper Feed Pedestal, GM Print Enabler, GM Print/Scan Enabler and a Reverse Auto Doc Feeder, total amount not to exceed \$14,695.20 plus an overage rate of .009 per copy in excess of 12,000 copies per month

Department of Health

Toshiba e-Studio 520

\$295.09 per month including options MJ1027 Finisher, MJ6003 Hole Punch, MJ4004 Large Capacity Feeder, GM2040 Print/Scan Enabler, total amount not to exceed \$17,705.40 plus an overage rate of .006 per copy in excess of 20,000

for the period August 30, 2006 through August 31, 2011, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from the Department of Planning and Economic Developments budget line 440016.4518.101000 (Copy Machine Rentals) and the Department of Health's budget line 480293.4518.101000 (Copy Machine Rentals), and be it

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

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Lindsey).

RESOLUTION NO. 368

By Health Services, Personnel and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING RENEWAL OF THE STEPS TO A HEALTHIER US INITIATIVE PROGRAM GRANT FOR DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2006-2007

WHEREAS, this County Legislature, by Resolution 377 of 2005, authorized and approved renewal of the Steps to a Healthier US Initiative Program Grant for the Department of Health and adopted a program budget in the amount of \$451,732 for the period September 22, 2005 through September 21, 2006, and

WHEREAS, said program grant 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 program grant in the amount of \$435,530 for the period September 22, 2006 through September 21, 2007, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$435,530 from Health Research, Inc., One University Place, Rensselaer, New York 12144-3455, for the Department of Health's Steps to a Healthier US Initiative Program Grant for the period September 22, 2006 through September 21, 2007, 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 \$435,530, and be it

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

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

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

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Lindsey).

RESOLUTION NO. 369

By Health Services, Personnel and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING RENEWAL OF THE PUBLIC HEALTH PREPAREDNESS AND RESPONSE TO BIOTERRORISM PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2006-2007

WHEREAS, this County Legislature, by Resolution 376 of 2005, authorized and approved renewal of the Public Health Preparedness and Response to Bioterrorism Program Grant for the Department of Health and adopted a program budget in the amount of \$200,536 for the period August 31, 2005 through August 30, 2006, and

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

WHEREAS, it is desired to renew said program grant in the amount of \$200,536 for the period August 31, 2006 through August 30, 2007, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$200,536 from the Health Research, Inc., One University Place, Rensselaer, New York 12144-3456, for the Department of Health's Public Health Preparedness and Response to Bioterrorism Program Grant for the period August 31, 2006 through August 30, 2007, and be it

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

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

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

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

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Lindsey).

RESOLUTION NO. 370

By Health Services and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AMENDMENT OF RESOLUTION 217 OF 2006 AUTHORIZING AGREEMENTS WITH VARIOUS VENDORS FOR VARIOUS SERVICES FOR THE DEPARTMENT OF HEALTH'S HEALTHY LIVING PARTNERSHIP INTEGRATED CANCER SERVICES PROGRAM GRANT FOR 2006-2007

WHEREAS, this County Legislature, by Resolution 217 of 2006, authorized an agreement with various vendors for various services as listed in Exhibit "A" for the Department of Health's Healthy Living Partnership Integrated Cancer Services Program Grant at rates according to the Upstate NYS Services Fee Schedule as listed in Exhibit "B", for the period April 1, 2006 through March 31, 2007, and

WHEREAS, said agreement is necessary to provide a regional approach to breast, cervical, colorectal and prostate cancer screening, diagnostics, education, treatment and follow up to uninsured or underinsured women and men over fifty years of age in five counties (Broome, Tioga, Chenango, Otsego and Delaware), and

WHEREAS, it is necessary to authorize an amendment to Resolution 217 of 2006 to include Dr. Marina Wasylshyn, PO Box 718, Johnson City, New York 13790 to the list of vendors listed in Exhibit "A", for various services for the Department of Health's Healthy Living Partnership Integrated Cancer Services Program Grant at the rates according to the Upstate NYS Services Fee Schedule as listed in Exhibit "B" for the period April 1, 2006 through March 31, 2007, and

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

RESOLVED, that this County Legislature hereby authorizes an amendment to Resolution 217 of 2006 to include Dr. Marina Wasylshyn, PO Box 718, Johnson City, New York 13790 to the list of vendors listed in Exhibit "A", for various services for the Department of Health's Healthy Living Partnership Integrated Cancer Services Program Grant at the rates according to the Upstate NYS Services Fee Schedule as listed in Exhibit "B" for the period April 1, 2006 through March 31, 2007, and be it

FURTHER RESOLVED, that Resolution 217 of 2006, to the extent consistent herewith, shall remain in full force and effect, and be it

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

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Lindsey).

RESOLUTION NO. 371

By Health Services, Personnel and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING RENEWAL OF THE WOMEN, INFANTS AND CHILDREN (WIC) PROGRAM GRANT FOR DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2006-2007

WHEREAS, this County Legislature, by Resolution 453 of 2005, authorized and approved renewal of the Women, Infants and Children Program Grant for the Department of Health and adopted a program budget in the amount of \$859,853 for the period October 1, 2005 through September 30, 2006, and

WHEREAS, said program grant is a special supplemental food program for an assigned caseload of 4,502 women, infants and children, and

WHEREAS, it is desired to renew said program grant in the amount of \$867,023 for the period October 1, 2006 through September 30, 2007, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$867,023 from the New York Department of Health, WIC Program, 217 South Salina Street, Syracuse, New York 13202, for the Department of Health's Women, Infants and Children Program Grant for the period October 1, 2006 through September 30, 2007, 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 \$867,023, and be it

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

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

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

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

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Lindsey).

RESOLUTION NO. 372

By Health Services and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING REVISION OF THE FAIRVIEW RECOVERY SERVICES PROGRAM GRANT FOR THE DEPARTMENT OF MENTAL HEALTH, ADOPTING A REVISED PROGRAM BUDGET AND AUTHORIZING AMENDMENT TO THE AGREEMENT WITH FAIRVIEW RECOVERY SERVICES, INC. TO ADMINISTER SAID PROGRAM FOR 2006

WHEREAS, this County Legislature, by Resolution 506 of 2005, authorized the continued participation in the Fairview Recovery Services Program Grant for the Department of Mental Health, adopted a program budget in the total amount of \$1,384,228 and authorized an agreement with Fairview Recovery Services, Inc. to administer said program for an amount not to exceed \$1,384,228 for the period January 1, 2006 through December 31, 2006, and

WHEREAS, said program grant provides short and long-term residential services and crisis intervention for men and women with alcohol-related problems, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$14,724 in grant appropriations and amend the agreement with Fairview Recovery Services, Inc., now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Fairview Recovery Services Program Grant to reflect an increase of \$14,724 for the period January 1, 2006 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 \$1,398,952, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Fairview Recovery Services, Inc., 5 Merrick Street, Binghamton, New York 13901, to reflect an increase of \$14,724, total amount not to exceed \$1,398,952 to administer said program for the Department of Mental Health for the period January 1, 2006 through December 31, 2006, and be it

FURTHER RESOLVED, that Resolution 506 of 2005, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Lindsey).

RESOLUTION NO. 373

By Health Services and Finance Committee

Seconded by Mr. Howard

RESOLUTION AUTHORIZING REVISION OF THE COMMUNITY RESIDENTIAL AND OUTPATIENT GRANT FOR THE DEPARTMENT OF MENTAL HEALTH AND ADOPTING A REVISED PROGRAM BUDGET FOR 2006

WHEREAS, this County Legislature, by Resolution 474 of 2005, authorized and approved renewal of the Community Residential Outpatient Grant for the Department of Mental Health, and adopted a program budget in the total amount of \$50,000, to be allocated at a rate of \$1,000 per client, the maximum amount to specific agencies as follows: Fairview Recovery Services - \$25,000, the Addiction Center of Broome County - \$12,500 and UHS-New Horizons - \$12,500, for the period January 1, 2006 through December 31, 2006, and

WHEREAS, said grant program is an extension of the Road to Recovery Program which provides non-violent felony offenders with a history of drug and alcohol abuse and treatment alternative to incarceration, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$11,000 in grant appropriations, reduce Fairview Recovery Services allocation to \$13,000, remove the Addiction Center of Broome County and UHS-New Horizons agencies and add the following agencies for the amounts shown: Samaritan Village at \$19,000, Phoenix House at \$19,000 and New Hope Manor at \$10,500, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Community Residential Outpatient Grant to reflect an increase of \$11,000, for the period January 1, 2006 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 \$61,500, to be allocated at a rate of \$1,000 per client, the maximum amount to be specific agencies to be revised as follows:

Fairview Recovery Services	-	\$13,000
Samaritan Village	-	\$19,000
Phoenix House	-	\$19,000
New Hope Manor	-	\$10,500

and be it

FURTHER RESOLVED, that Resolution 474 of 2005, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Lindsey).

RESOLUTION NO. 374

By Transportation and Finance Committees
Seconded by Mr. Howard

RESOLUTION AUTHORIZING THE BROOME COUNTY DEPARTMENT OF PUBLIC TRANSPORTATION TO DONATE TWO SMALL BUSES TO THE CITY OF ITHACA SWAT TEAM

WHEREAS, the Commissioner of Public Transportation requests authorization to donate two unused small buses to the City of Ithaca SWAT Team, and

WHEREAS, said buses are old, no longer in use by the Department of Public Transportation, have no value to Broome County, but the City of Ithaca SWAT Team has a use for them, and

WHEREAS, under the authority of County Law Section 215, Subdivision 9, the Broome County Legislature may authorize the disposal of property having no value to the County, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the Commissioner of Public Transportation to donate two small unused buses having no value to the County to the City of Ithaca SWAT Team, and be it

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

Carried, Ayes-16, Nays-1 (Kuzel), Absent-2 (Reynolds, Lindsey).

RESOLUTION NO. 375

By Finance Committee
Seconded by Mr. Howard

RESOLUTION AUTHORIZING CORRECTION OF ERRORS ON THE 2006 TAX ROLLS FOR A PARCEL IN THE VILLAGE OF JOHNSON CITY

WHEREAS, applications for Correction of Errors on the 2006 Tax Rolls for a parcel in the Village of Johnson City have been duly filed with the Director of Real Property Tax Service for the County of Broome, and

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

RESOLVED, that this County Legislature hereby approves the application for correction and orders that the tax officer having jurisdiction of the tax rolls correct said tax rolls and the tax bills in accordance with the following parcel, pursuant to Section 554 of the Real Property Tax Law.

Village:	Johnson City	Owner:	Panagiota Houmbavlis
Parcel ID:	143.63-3-20	Address:	100 Crocker Avenue
Reason:	For school purposes, enhanced STAR and 50% aged exemption was not applied; for town and county purposes, 50% aged exemption was not applied.		

	<u>Incorrect Tax</u>	<u>Correct Tax</u>
County Services	\$553.83	\$276.91
Town In & Out	69.75	34.87
School Re-Levy	1,978.43	-0-
Library	45.10	45.10
Ambulance	8.55	8.55
Total	\$2,655.66	\$365.43
	(plus penalty and interest)	(plus penalty and interest)

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Lindsey).

RESOLUTION NO. 376

By Health Services and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH TIME WARNER CABLE, INC. FOR AN EASEMENT AT WILLOW POINT NURSING HOME FOR 2006-2007

WHEREAS, this County Legislature, by Resolution 290 of 2003, authorized an agreement with Time Warner Cable, Inc. for an easement running through land owned by Broome County at the Willow Point Nursing Home in the Town of Vestal for the period October 1, 2003 through September 30, 2006, and

WHEREAS, said agreement is necessary to allow Time Warner Cable, Inc. access to its systems, lines and equipment on the grounds of the Willow Point Nursing Home, and

WHEREAS, said agreement expires by its terms on September 30, 2006 and it is desired at this time to renew said agreement on substantially similar terms and conditions at no cost to Time Warner Cable, Inc. or the County for the period October 1, 2006 through December 31, 2007, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Time Warner Cable, Inc., 483 Plaza Drive, Vestal, New York 13850 for an easement running through land owned by Broome County at the Willow Point Nursing Home in the Town of Vestal for the period October 1, 2006 through December 31, 2007, and be it

FURTHER RESOLVED, that said easement shall be granted, without consideration, and be it

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

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Lindsey).

RESOLUTION NO. 377

By Human Services, County Administration and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING ACCEPTANCE OF A DIGITAL IMAGING PROJECT PROGRAM GRANT FROM THE HOYT FOUNDATION FOR THE DEPARTMENT OF LAWS' DSS LEGAL UNIT, ADOPTING A PROGRAM BUDGET AND AUTHORIZING AN AGREEMENT WITH TECHNOLOGY SOLUTIONS, INC. TO IMPLEMENT SAID PROGRAM FOR 2006-2007

WHEREAS, the County Attorney requests authorization to accept a Digital Imaging Project Program Grant from the Hoyt Foundation for the Department of Laws' DSS Legal Unit, to adopt a program budget in the amount of \$39,105 and to enter into an agreement with the Technology Solutions, Inc. to implement said program for the period September 1, 2006 through December 31, 2007, and

WHEREAS, said program grant provides the funding for on-site consulting services and purchase of hardware and software for implementation of a digital imaging project for the DSS Legal Unit, providing said Unit with the ability to protect children within the County from child abuse, child neglect and intergenerational poverty, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$39,105 from the Hoyt Foundation, Inc., 70 Front Street, Binghamton, New York 13905 for the Department of Laws' DSS Legal Unit Digital Imaging Project Program Grant for the period September 1, 2006 through December 31, 2007, 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 \$39,105, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with Technology Solutions, Inc., 5820 Main Street, Suite 102, Williamsville, New York 14221 to

implement said program grant, for the period September 1, 2006 through December 31, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$39,105 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 390021.4359.101000 (Computer Software and Supplies), 390021.4513.101000 (Software Maintenance) and 390021.4747.101000 (Other Fees for Services), and be it

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

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

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

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Lindsey).

RESOLUTION NO. 378

By Economic Development and Planning and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING REVISION OF THE PY2005 WORKFORCE INVESTMENT ACT ADULT PROGRAM GRANT FOR THE OFFICE OF EMPLOYMENT AND TRAINING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2005-2007

WHEREAS, this County Legislature, by Resolution 292 of 2005, authorized and approved renewal of the PY2005 Workforce Investment Act Adult Program Grant for the Office of Employment and Training and adopted a program budget in the total amount of \$581,067 for the period July 1, 2005 through June 30, 2007, and

WHEREAS, said program grant provides customers with core employment services including job search assistance and labor market information as well as more intensive services including career training programs, and

WHEREAS, it is necessary at this time to revise said program to reflect a decrease in the amount of \$4,614 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the PY2005 Workforce Investment Act Adult Program Grant for the Office of Employment and Training to reflect a decrease of \$4,614 for the period July 1, 2005 through June 30, 2007, 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 \$576,453, and be it

FURTHER RESOLVED, that Resolution 292 of 2005, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Lindsey).

RESOLUTION NO. 379

By Economic Development and Planning and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING REVISION OF THE PY2005 WORKFORCE INVESTMENT ACT DISLOCATED WORKER PROGRAM GRANT FOR THE OFFICE OF EMPLOYMENT AND TRAINING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2005-2007

WHEREAS, this County Legislature, by Resolution 293 of 2005, authorized and approved renewal of the PY2005 Workforce Investment Act Dislocated Worker Program Grant for the Office of Employment and Training and adopted a program budget in the total amount of \$795,894 for the period July 1, 2005 through June 30, 2007, and

WHEREAS, said program grant provides customers with core employment services including job search assistance and labor market information as well as more intensive services including career training programs, and

WHEREAS, it is necessary at this time to revise said program to reflect a decrease in the amount of \$5,656 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the PY2005 Workforce Investment Act Dislocated Worker Program Grant for the Office of Employment and Training to reflect a decrease of \$5,656 for the period July 1, 2005 through June 30, 2007, 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 \$790,238, and be it

FURTHER RESOLVED, that Resolution 293 of 2005, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Lindsey).

RESOLUTION NO. 380

By Economic Development and Planning and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING REVISION OF THE PY2005 WORKFORCE INVESTMENT ACT ADMINISTRATION PROGRAM GRANT FOR THE OFFICE OF EMPLOYMENT AND TRAINING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2005-2007

WHEREAS, this County Legislature, by Resolution 290 of 2005, authorized and approved renewal of the PY2005 Workforce Investment Act Administration Program Grant for the Office of Employment and Training and adopted a program budget in the total amount of \$225,955 for the period July 1, 2005 through June 30, 2007, and

WHEREAS, said program grant covers the administrative costs associated with the grant programs that provide customers with core employment services by providing job search assistance and labor market information as well as more intensive services including career training programs, and

WHEREAS, it is necessary at this time to revise said program to reflect a decrease in the amount of \$1,141 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the PY2005 Workforce Investment Act Administration Program Grant for the Office of Employment and Training to reflect a decrease of \$1,141 for the period July 1, 2005 through June 30, 2007, 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 \$224,814, and be it

FURTHER RESOLVED, that Resolution 290 of 2005, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Lindsey).

RESOLUTION NO. 381

Economic Development and Planning and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING REVISION OF THE DISABILITY PROGRAM NAVIGATOR PROGRAM GRANT FOR THE OFFICE OF EMPLOYMENT AND TRAINING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2005-2006

WHEREAS, this County Legislature, by Resolution 381 of 2005, authorized and approved the Disability Program Navigator Program Grant for the Office of Employment and Training and adopted a program budget in the total amount of \$62,155 for the period July 1, 2005 through June 30, 2006, and

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

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$31,078 in grant appropriations, and extend the period of the grant to July 1, 2005 through December 31, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Disability Program Navigator Program Grant for the Office of Employment and Training to reflect an increase of \$31,078 and to extend the period of the Grant 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 \$93,233, and be it

FURTHER RESOLVED, that Resolution 381 of 2005, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Lindsey).

RESOLUTION NO. 382

By Economic Development and Planning and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING REVISION OF THE PY06 WORKFORCE INVESTMENT ACT (WIA) SHARED COST POOL PROGRAM GRANT FOR THE OFFICE OF EMPLOYMENT AND TRAINING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2006-2007

WHEREAS, this County Legislature, by Resolution 274 of 2006, authorized and approved the PY06 Workforce Investment Act (WIA) Shared Cost Pool Program Grant for the Office of Employment and Training and adopted a program budget in the total amount of \$789,296 for the period July 1, 2006 through June 30, 2007, and

WHEREAS, said program grant is a project to report salary and fringe information for monthly distribution to the appropriate Workforce Investment Act grant, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$47,572 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the PY06 Workforce Investment Act (WIA) Shared Cost Pool Program Grant for the Office of Employment and Training to reflect an increase of \$47,572 for the period July 1, 2006 through June 30, 2007, 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 \$836,868, and be it

FURTHER RESOLVED, that Resolution 274 of 2006, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Lindsey).

RESOLUTION NO. 383

By Finance Committee
Seconded by Mr. Howard

RESOLUTION FOR APPROVAL TO ALLOCATE \$50,000 TO OPPOSE CONSTRUCTION OF THE PROPOSED POWER LINE BY NEW YORK REGIONAL INTERCONNECT, INC.

WHEREAS, in furtherance of supporting a bi-partisan appeal against construction of a proposed Power Line through Broome County by New York Regional Interconnect, County Executive Barbara J. Fiala is requesting an allocation of \$50,000, from FY2006 funds, to facilitate the County's intervention in the regulatory process and subsidize filings with the New York State Public Service Commission and U.S. Department of Energy, and

WHEREAS, said allocation must be approved by the Broome County Legislature, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves an allocation of \$50,000, from FY 2006 funds, to support Broome County's opposition to construction of a proposed Power Line by New York Regional Interconnect in an endeavor to protect the citizens of Broome County, its communities, and environment from the potential adversities such Project would inflict thereon, and it is

FURTHER RESOLVED, that a transfer in the amount of \$50,000, from 2006 funds, is hereby authorized and approved, as follows:

	<u>Index Code</u>	<u>Subject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	90084	4752	101000	Contingency Fund	50,000
TO:	230037	4747	101000	Other Fees for Services	50,000

Carried, Ayes-12 (Keibel, Schafer, Hull, Miller, Shafer, Whalen, Nannery, Sanfilippo, Brunza, Marinich, Buchta, Schofield), Nays-5 (Materese, Hutchings, Howard, Kuzel, Mather), Absent-2 (Reynolds, Lindsey).

RESOLUTION NO. 384

By Transportation and Finance Committees
Seconded by Mr. Howard

RESOLUTION AUTHORIZING AN AGREEMENT WITH CAMBRIDGE SYSTEMATICS, INC. FOR THE BINGHAMTON REGIONAL FREIGHT STUDY FOR THE BINGHAMTON METROPOLITAN TRANSPORTATION STUDY (BMTS) FOR 2006-2007

WHEREAS, the Director of the Binghamton Metropolitan Transportation Study (BMTS) requests authorization for an agreement with Cambridge Systematics, Inc. to conduct the Binghamton Regional Freight Study for BMTS at a cost not to exceed \$400,000, for the period September 1, 2006 through December 31, 2007, and

WHEREAS, said services are necessary to conduct a study to help transportation agencies in the Binghamton region better understand current and future freight movements to and through the Greater Binghamton area and how best to serve the needs of local businesses and encourage future economic development by examining all modes of surface freight transportation, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Cambridge Systematics, Inc., 405 Lexington Avenue, 26th Floor, New York, New York 10174, to conduct the Binghamton Regional Freight Study, for BMTS for the period September 1, 2006 through December 31, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$400,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 440131.4747.105174 (Other Fees for Services), and be it

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

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Lindsey).

RESOLUTION NO. 385

By Transportation and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO ACCEPT FUNDING FOR THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION COMMUNITY SOLUTIONS FOR TRANSPORTATION PROGRAM ON BEHALF OF THE DEPARTMENT OF PUBLIC TRANSPORTATION

WHEREAS, this County Legislature, by Resolution No. 699 of 2005 authorized the County Executive to act on behalf of the Broome County Legislature to sign a grant agreement for a program of projects designed to increase access for TANF-eligible persons to employment, as identified through a joint planning process, and consistent with the services described in the Community Solutions for Transportation Application approved by the New York State Department of Transportation and the New York State Department of Labor for the period January 1, 2006 through December 31, 2006, and

WHEREAS, it is necessary to accept funding for the service period October 2005 through June 2006, now, therefore, be it

RESOLVED, that the County Executive is hereby authorized to act on behalf of the Broome County Legislature to accept funding from the New York State Department of Transportation for the Community Solutions for Transportation Program for the service period October 2005 through June 2006 for the purpose of progression and completion the above-named project.

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Lindsey).

RESOLUTION NO. 386

By Transportation and Finance Committees

Seconded by Mr. Sanfilippo

RESOLUTION AUTHORIZING ACCEPTANCE OF A FEDERAL AVIATION ADMINISTRATION GRANT FOR THE GREATER BINGHAMTON AIRPORT

WHEREAS, the Commissioner of Aviation requests authorization to accept a Federal Aviation Administration Grant in the amount of \$4,477,458 for the Greater Binghamton Airport, and

WHEREAS, said funds are for two capital projects contained in the 2006 Capital Improvement Program, Runway 10-28 Safety Area Improvements and Airport Entrance Road Improvements, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$4,477,458 from the Federal Aviation Administration for the (#501436) Runway 10-28 Safety Area Improvements and (#501433) Airport Entrance Road Improvements, and be it

FURTHER RESOLVED, that the revenue amounts hereinabove authorized shall be credited to revenue lines as follows: 211012.0384.501436 in the amount of \$2,716,981 and 211012.0384.501433 in the amount of \$1,760,477, and be it

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

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

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

Mr. Miller made a motion, seconded by Mr. Schafer, to make the following amendments to the second WHEREAS, the RESOLVED and first FURTHER RESOLVED paragraphs:

"WHEREAS, said funds are for ~~three~~ two capital projects contained in the 2006 Capital Improvement Program, Runway 10-28 Safety Area Improvements and Airport Entrance Road Improvements ~~and Airport Obstruction Removal Project~~, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of ~~\$4,001,400~~ \$4,477,458 from the Federal Aviation Administration for the (#501436) Runway 10-28 Safety Area Improvements and (#501433) Airport Entrance Road Improvements ~~and (#501435) Airport Obstruction Removal Project~~, and be it

FURTHER RESOLVED, that the revenue amounts hereinabove authorized shall be credited to revenue lines as follows: 211012.0384.501436 in the amount of ~~\$2,725,534~~ \$2,716,981 ~~and 211012.0384.501433 in the amount of \$1,180,869~~ \$1,760,477, and ~~211012.0384.501435 in the amount of \$95,000 (Federal Aid/Airport Capital)~~, and be it"

Amendment carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Lindsey).

Resolution as amended carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Lindsey).

RESOLUTION NO. 387

By Transportation and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AN AGREEMENT WITH MCFARLAND-JOHNSON, INC. FOR CONSTRUCTION OBSERVATION AND ADMINISTRATION SERVICES FOR THE DEPARTMENT OF AVIATION FOR 2006-2007

WHEREAS, the Commissioner of Aviation requests authorization for an agreement with McFarland-Johnson, Inc. for construction observation and administration services for the Department of Aviation at a cost not to exceed \$276,779 for the period September 1, 2006 through June 1, 2007, and

WHEREAS, said services are necessary to provide construction observation and administration services for the Runway 10-28 Safety Area Improvement Project, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with McFarland-Johnson, Inc., 49 Court Street, P.O. Box 1980, Binghamton, New York 13902, for construction observation and administration services, for the Department of Aviation for the period September 1, 2006 through June 1, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$276,779 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 211037.2015.501436 (Runways), and be it

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

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Lindsey).

RESOLUTION NO. 388

By Public Works and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH C & S ENGINEERS, INC. FOR PROFESSIONAL ENGINEERING DESIGN SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS FOR 2004-2006

WHEREAS, this County Legislature, by Resolution 36 of 2004, authorized an agreement with C & S Engineers, Inc. for professional engineering design services for the Department of Public Works at a cost not to exceed \$227,021 for the period February 15, 2004 through October 15, 2006, and

WHEREAS, said agreement is necessary for professional engineering services for the replacement of County Bridge 3349530 (PIN 9752.67) on CR69 (Airport Road) over Little Choconut Creek, Town of Maine, and

WHEREAS, it is necessary to authorize amendments to said agreement to include construction inspection services at a cost not to exceed \$177,335, provide additional engineering design services to relocate the County's water line that serves the Landfill and the Airport at a cost not to exceed \$4,493 and to extend the term of the agreement to January 31, 2008, 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 amendments to the agreement with C & S Engineers, Inc., 499 Colonel Eileen Collins Boulevard, Syracuse, New York 13212, to include construction inspection services, provide additional engineering design services and extend the term of the agreement to February 15, 2004 through January 31, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an additional amount of \$4,493 for engineering design services and \$177,335 for construction inspection services, total amount not to exceed \$408,849 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized for design services shall be made from budget line 035023.4746.502358 (Tobacco Funds—Engineering and Architectural Services), and for construction inspection services shall be made from budget line 035030.4746.501408 (2005 CIP, Airport Road Bridge Reconstruction – Engineering and Architectural Services, and be it

FURTHER RESOLVED, that Resolution 36 of 2004, to the extent consistent herewith, shall remain in full force and effect, and be it

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

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Lindsey).

RESOLUTION NO. 389

By Finance Committee

Seconded by Mr. Howard

RESOLUTION AUTHORIZING CANCELLATION OF REAL PROPERTY TAXES, INTEREST AND PENALTIES ON A PARCEL IN THE TOWN OF COLESVILLE

WHEREAS, it is necessary to clear the tax record of this parcel of real property by virtue of the reason stated below, now, therefore, be it

RESOLVED, that taxes, interest and penalties will be cancelled on the following parcel of real property:

Parcel ID: 102-04-1-2.2
 Town/Village: Town of Colesville
 Owner: Village of Afton
 Amount to be Cancelled: 561.72 plus penalties and interest to date
 Reason: Wholly Exempt

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Lindsey).

RESOLUTION NO. 390

By Finance and Health Services Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR THE DEPARTMENT OF HEALTH

RESOLVED, that in accordance with a request from the Public Health Director, in order to appropriate sufficient funds to various accounts for the Comprehensive Tobacco Control Grant, as requested by BF#005786 and 005687, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Subobject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	480376	1500	105061	Salaries – Part Time	1,035
	480376	4465	105061	Non-Employee Travel	182
	480376	4466	105061	Advisory Board	111
	480376	4606	105061	Telephone Chgbk	300
	480376	4617	105061	Duplicating & Printing	444
	480373	4618	105061	Office Supply Chgbk	40
	480376	8010	105061	State Retirement	782
	480376	8030	105061	Social Security	70
	480376	8040	105061	Worker's Compensation	123
	480376	8050	105061	Life Insurance	1
	480376	8060	105061	Health Insurance	447
	480376	8063	105061	Disability Insurance	6
TO:	480376	4319	105061	Office Supplies	1,524
	480376	4346	105061	Training/Edu Supplies	1,380
	480376	4359	105061	Computer Software	62
	480376	4411	105061	Postage & Freight	200
	480376	4448	105061	Advertising & Promotion	125
	480376	4616	105061	Fleet Chargeback	250

and be it

FURTHER RESOLVED, that in accordance with a request from the Public Health Director, in order to appropriate sufficient funds to various accounts for the Public Health Emergency Preparedness 05-06 Grant as requested by BF#005766, 005767 and 005768, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Subobject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	480376	1000	105073	Salaries – Full Time	10,237
	480376	1500	105073	Salaries – Part Time	7,293
	480376	4346	105073	Training & Education Supp.	2,750
	480376	4349	105073	Misc. Operational Supplies	500
	480376	4461	105073	Mileage & Parking	100
	480376	4462	105073	Travel, Hotel & Meals	1,715
	480376	4463	105073	Education & Training	1,031
	480376	4615	105073	Gasoline Chgbk	22
	480376	4616	105073	Fleet Services Chgbk	410

	<u>Index Code</u>	<u>Subobject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
	480376	8010	105073	State Retirement	6,830
	480376	8030	105073	Social Security	1,324
	480376	8040	105073	Worker's Compensation	1,362
	480376	8050	105073	Life Insurance	16
	480376	8063	105073	Disability Insurance	69
	480376	8070	105073	Unemployment Insurance	1,103
TO:	480376	1600	105073	Salaries – Temporary	15,449
	480376	4319	105073	Office Supplies	2,323
	480376	4359	105073	Computer Software & Supp	4,547
	480376	4363	105073	Medical Lab & Clinical Supp	5,250
	480376	4411	105073	Postage & Freight	20
	480376	4413	105073	Telephone Equipment	400
	480376	4466	105073	Advisory Board/Trustees	131
	480376	4606	105073	Telephone Bills	400
	480376	4609	105073	Data Processing Chgbk	6,016
	480376	4617	105073	Duplicating/Printing Chgbk	100
	480376	4618	105073	Office Supplies Chgbk	20
	480376	4626	105073	Transportation Svcs Chgbk	102
	480376	8060	105073	Health Insurance	4

Carried, Ayes-17, Nays-0, Absent-2 (Reynolds, Lindsey).

RESOLUTION NO. 391

By Education, Culture and Recreation, Economic Development and Planning and Finance Committees

Seconded by Mr. Kuzel

RESOLUTION AUTHORIZING TERMINATION OF THE INTERMUNICIPAL AGREEMENT BETWEEN BROOME COUNTY AND THE VILLAGE OF ENDICOTT FOR COUNTY MANAGEMENT OF THE EN-JOIE GOLF COURSE AND RELATED FACILITIES

WHEREAS, the Broome County Legislature believes that the annual Professional Golfer's Association BC Open held at En-Joie Golf Course in Endicott, New York contributes to the economic health and economic development of Broome County and desired to maintain the presence of the BC Open in Endicott, New York to facilitate the objectives of the County's economic development initiative, and

WHEREAS, this County Legislature, by Resolution 354 of 2005, authorized a management agreement with the Village of Endicott for the County's Parks Department, directly or by independent contract, to manage the En-Joie Golf Course, its restaurant, pro shop, concessions, driving range and related facilities as a public golf facility with the County responsible for all leases, licenses and independent contracts with third parties who provide services at En-Joie, and

WHEREAS, said agreement commenced January 1, 2006 and expires on December 31, 2010 with an option to renew for four years, provided, however, that the County may cancel the agreement as of January 1 of any year if for any reason the BC Open terminates or changes its association with En-Joie, and

WHEREAS, any decision to cancel said agreement must be made by October 1 preceding the termination date, and

WHEREAS, the Professional Golf Association (PGA) on or about January 13, 2006, notified Broome County Charities, sponsor of the BC Open, that the BC Open would no longer be on the PGA Tour Schedule, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes termination of the Intermunicipal Agreement between Broome County and the Village of Endicott for County management of the En-Joie Golf Course and related facilities, effective January 1, 2007, based

on the elimination of the BC Open on the PGA Tour Schedule and in accordance with the terms and conditions set forth in Resolution 354 of 2005, and be it

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

Held over 'under the rules' by Mr. Schafer.

RESOLUTION NO. 392

By Public Works and Finance Committees

Seconded by Mr. Shafer

RESOLUTION AUTHORIZING ACCEPTANCE AND APPROVAL OF THE GEORGE HARVEY JUSTICE BUILDING FEASIBILITY STUDY AND AUTHORIZING C & S ENGINEERS, INC. TO PROCEED WITH THE SCOPE OF SERVICES FOR CONSTRUCTION

WHEREAS, this County Legislature, by Resolution 192 of 2006, authorized and approved an agreement with C & S Engineers, Inc. for the renovation and/or reconstruction of the George Harvey Justice Building, to conduct a feasibility study for the period April 21, 2006 through August 31, 2006 at a cost not to exceed \$163,870, and to perform the necessary scope of services for construction for the period September 1, 2006 through May 29, 2008 at a cost not to exceed \$1,964,824, and

WHEREAS, C & S Engineers, Inc. has completed said feasibility study and has submitted its report to this County Legislature, and

WHEREAS, the Commissioner of Public Works requests that this Legislature accept and approve said study as complete, authorize C & S Engineers to proceed with the scope of services for construction for the George Harvey Justice Building and extend the term of the agreement to May 29, 2009, now, therefore, be it

RESOLVED, that this County Legislature hereby accepts and approves the feasibility study for the renovation and/or reconstruction of the George Harvey Justice Building as complete, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes C & S Engineers, Inc. to proceed with the necessary scope of services for construction of the George Harvey Justice Building and extend the term of the agreement to September 1, 2006 through May 29, 2009, and be it

FURTHER RESOLVED, that this County Legislature shall review and approve the design for the renovation and/or reconstruction of the George Harvey Justice Building prior to the start of the renovation and/or reconstruction of the project, and be it

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

Held over 'under the rules' by Mr. Keibel.

RESOLUTION NO. 393

By Finance and Public Works Committees

Seconded by Mr. Howard

RESOLUTION TO CREATE NEW 2006 CAPITAL IMPROVEMENT PROJECTS

RESOLVED, that the 2006 Capital Improvement Program is hereby revised to create new projects as follows:

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>			<u>County</u>
			<u>State</u>	<u>Federal/Other</u>		
501478	Equipment Replacement	1,580,074	395,019	1,185,055		0
			<u>Local Finance Law Section 11</u>			<u>How Financed:</u>
		<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
		2006	5	32	1,580,074	0

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>			<u>County</u>
			<u>State</u>	<u>Federal/Other</u>		
501479	Bridge Reconstruction	751,819	187,955	563,864		0
			<u>Local Finance Law Section 11</u>			<u>How Financed:</u>
		<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
		2006	20	10	751,819	0

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>			<u>County</u>
			<u>State</u>	<u>Federal/Other</u>		
501480	Building Reconstruction	100,000	25,000	75,000		0
			<u>Local Finance Law Section 11</u>			<u>How Financed:</u>
		<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
		2006	5	35	100,000	0

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>			<u>County</u>
			<u>State</u>	<u>Federal/Other</u>		
501481	Park Equipment	62,573	15,643	46,930		0
			<u>Local Finance Law Section 11</u>			<u>How Financed:</u>
		<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
		2006	5	32	62,573	0

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>			<u>County</u>
			<u>State</u>	<u>Federal/Other</u>		
501482	Golf Course Reconstruction	500,000	125,000	375,000		0
			<u>Local Finance Law Section 11</u>			<u>How Financed:</u>
		<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
		2006	15	54	500,000	0

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>			<u>County</u>
			<u>State</u>	<u>Federal/Other</u>		
501483	Road Reconstruction	2,315,779	578,945	1,736,834		0
			<u>Local Finance Law Section 11</u>			<u>How Financed:</u>
		<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
		2006	10	20(b)	2,315,779	0

TO:

<u>Code</u>	<u>Project Name</u>	<u>Estimated Construction Cost:</u>				<u>County</u>
		<u>Total</u>	<u>State</u>	<u>Federal/Other</u>		
502385	Other Contractual Exp	313,364	78,341	235,023	0	
		<u>Local Finance Law Section 11</u>		<u>How Financed:</u>		
		<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
		2006				313,364

Description: To remediate the June 2006 flood damages.

NOTE: Up to 75% of costs are to be reimbursed by the Federal Emergency Management Agency, and up to 25% by the State Emergency Management Office.

and be it

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

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

Held over 'under the rules' by Mr. Shafer.

RESOLUTION NO. 394

By Finance Committee

Seconded by Mr. Sanfilippo

BOND RESOLUTION DATED

RESOLUTION AUTHORIZING THE ISSUANCE OF \$5,310,245 BONDS OF THE COUNTY OF BROOME, NEW YORK, TO PAY THE COST OF VARIOUS CAPITAL PROJECTS

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

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

<u>Project Name</u>	<u>PPU/L.F.L. Section 11.00</u>	<u>Maximum Estimated Cost</u>
Equipment Replacement	5/32	\$1,580,074
Bridge Reconstruction	20/10	\$751,819
Building Reconstruction	5/35	\$100,000
Park Equipment	5/32	\$62,573
Golf Course Reconstruction	15/54	\$500,000
Road Reconstruction	10/20(b)	\$2,315,779
Total		\$5,310,245

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

Section 3 a) The aggregate maximum estimated cost of the aforesaid classes of objects or purposes or specific objects or purposes is \$5,310,245 and the plan for financing thereof is by the issuance of \$5,310,245 serial bonds of said County.

b) The amount of serial bonds herein authorized to be issued shall be reduced to the extent State and Federal grants in aid are received in connection with each of the projects herein described. The estimated amount of said revenues as well as the allocation of serial bonds herein authorized is set forth below:

<u>Project Name</u>	<u>Serial Bonds</u>	<u>Estimated State Money</u>	<u>Estimated Federal Money</u>
Equipment Replacement	\$1,580,074	\$395,015	\$1,185,055
Bridge Reconstruction	\$751,819	\$187,955	\$563,864
Building Reconstruction	\$100,000	\$25,000	\$75,000
Park Equipment	\$62,573	\$15,643	\$46,930
Golf Course Reconstruction	\$500,000	\$125,000	\$375,000
Road Reconstruction	\$2,315,779	\$578,945	\$1,736,834

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

Section 5. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Commissioner of Finance, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Commissioner of Finance shall determine consistent with the provisions of the Local Finance Law.

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

sufficient to pay the principal of and interest on such bonds as the same become due and payable.

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

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

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

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

Held over 'under the rules' by Mr. Shafer.

Mr. Howard made a motion to adjourn, seconded by Mr. Brunza. **Motion to adjourn carried,** Ayes-17, Nays-0, Absent-2 (Reynolds, Lindsey). The meeting was adjourned at 3:59 p.m.

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