

**BROOME COUNTY LEGISLATURE
REGULAR SESSION
JULY 20, 2023**

The Legislature convened at 5:41 p.m. with a call to order by the Chairman, Daniel J. Reynolds. The Clerk, Aaron M. Martin called the Attendance Roll, Present-13, Absent-2 (Myers, Ryan).

The Chairman, Mr. Reynolds led the members of the Legislature in the Pledge of Allegiance to the Flag. The Clerk, Aaron M. Martin offered the invocation followed by a moment of silence.

ANNOUNCEMENTS FROM THE CHAIR

Mr. Augostini and Ms. Kaminsky were designated with Chairman Reynolds as participants in the "Short Roll Call".

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY EXECUTIVE

- A. Letters from the County Executive, Jason T. Garnar:
1. Emergency Order – Prohibition of Foreign Municipal Programs that Burden the County
 2. State of Emergency – Prohibition of Foreign Municipal Programs that Burden the County
 3. Appointment Letter – Broome County Nursing Home Advisory Board

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY LEGISLATURE

- A. Letters from the Chair, Daniel J. Reynolds:
1. Designation Letter – Whalen
 2. Designation Letter – Wildoner
 3. Notice – Committee of the Whole Legislature July 20, 2023
 4. NYSLERS Standard Work Day & Reporting Resolution for Elected & Appointed Officials Filing

PUBLIC HEARING

Mrs. Micha made a motion, seconded by Mr. Baker that the Session minutes of June 15, 2023 be approved as prepared and presented by the Clerk.

Carried. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

Mr. Reynolds noted that the committee minutes for June 15, 2023 through July 19, 2023 had been distributed to the members of each committee for review and that they are also on file in the Clerk's Office. Mr. Reynolds asked for corrections to the committee minutes. Seeing none, a motion to approve the committee minutes was made by Mrs. Kaminsky, seconded by Mr. Baldwin.

Carried. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

PRESENTATION OF PETITIONS, COMMUNICATIONS, NOTICES & REPORTS

1. Visit Binghamton – June 2023 Monthly Report
2. SUNY Broome –2023-2024 Proposed Budget
3. SUNY Broome-financial Report
4. Greater Binghamton Airport Terminal Renovations Project-Project Labor Agreement
5. Broome County District Attorney's Office-Traffic Diversion Program Report - 2nd Quarter
6. OMB- County Finances Daylight Report – 2nd Quarter

RESOLUTIONS HELD OVER OR TABLED FROM A PREVIOUS SESSION

RESOLUTION NO. 282

By Finance Committee

Seconded by Mrs. Kaminsky

RESOLUTION OF THE COUNTY LEGISLATURE CONSENTING TO THE AMOUNT AND ALLOCATION OF CERTAIN TAX PAYMENTS FOR THE APEX AT WATER STREET PROJECT

Mr. Pasquale made a motion to Table to a Date Uncertain, seconded by Mr. Whalen.

Motion to Table carried. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTIONS INTRODUCED AT THIS SESSION

RESOLUTION NO. 284

By Finance Committee

Seconded by Mrs. Kaminsky

RESOLUTION AUTHORIZING THE SALE OF COUNTY-OWNED PROPERTY IN THE VILLAGE OF JOHNSON CITY

WHEREAS, the County of Broome owns a vacant piece of land at 272 Baldwin Street N-Rear in the Village of Johnson City, and

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

WHEREAS, the Acting Director of Real Property Tax Services desires to sell 272 Baldwin Street N-Rear in the Village of Johnson City, Tax Map #127.18-1-15.1 to neighboring property owner Cassell Brooks for the purchase price of \$25 plus recording fees, now, therefore, be it

RESOLVED, that this County Legislature hereby approves the sale of 272 Baldwin Street N-Rear in the Village of Johnson City, Tax Map #127.18-1-15.1 to neighboring property owner Cassell Brooks for the purchase price of \$25 plus recording fees, and be it

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

Carried. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTION NO. 285

By Finance Committee

Seconded by Mrs. Kaminsky

RESOLUTION AUTHORIZING THE CORRECTION OF ERRORS ON 2023 SCHOOL AND TOWN AND/OR COUNTY TAX BILLS AND AUTHORIZING THE DIRECTOR OF MANAGEMENT AND BUDGET TO ISSUE A REFUND

WHEREAS, applications for Correction of Errors on Tax Rolls, pursuant to Real Property Tax Law Section 556-b have been duly filed with the Director of Real Property Tax Service for the County of Broome, and

WHEREAS, the Acting Director of Real Property Tax Service is requesting authorization for the Director of the Office of Management and Budget to execute any and all adjustments to tax bills, tax records and property records in accordance with all applicable laws and issue refunds as indicated for the properties listed on Exhibit "A", now, therefore, be it

RESOLVED, that this County Legislature hereby approves authorization for the Director of the Office of Management and Budget to execute any and all adjustments to tax bills, tax records and property records and issue refunds as indicated for the properties listed on Exhibit "A".

Carried. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTION NO. 286

By Finance Committee

Seconded by Mrs. Kaminsky

RESOLUTION AUTHORIZING THE CORRECTION OF ERRORS ON 2022 TAX BILLS

WHEREAS, the Director of Real Property Tax Service is requesting authorization for the Director of the Office of Management and Budget to execute any and all adjustments to tax bills,

tax records and property records in accordance with all applicable laws for the properties listed on Exhibit "A", now, therefore, be it

RESOLVED, that this County Legislature hereby approves authorization for the Director of the Office of Management and Budget to execute any and all adjustments to tax bills, tax records and property records on the properties attached on Exhibit "A".

Carried. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTION NO. 287

By Finance Committee

Seconded by Mrs. Kaminsky

RESOLUTION AUTHORIZING THE SALE OF IN-REM FORECLOSURE PROPERTIES TO THE FORMER OWNERS

WHEREAS, the County of Broome owns various parcels by virtue of the completion of proceedings and foreclosure in-rem, and

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

WHEREAS, the Acting Director of Real Property Tax Service advises that the former owners have requested to have said properties sold back to them, and the Acting Director recommends that such requests be granted based on the unusual circumstances of each case as reviewed and approved, now, therefore, be it

RESOLVED, that this County Legislature hereby approves the sell back of in-rem foreclosure properties to the former owners for the delinquent taxes owed plus any interest, penalties and fees, as shown on Exhibit "A", and be it

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

Carried. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTION NO. 288

By Public Safety & Emergency Services, County Administration and Finance Committees

Seconded by Mrs. Kaminsky

RESOLUTION AUTHORIZING RENEWAL OF AN AGREEMENT WITH WATCH SYSTEMS, LLC FOR A CENTRAL SEX OFFENDER REGISTRY FOR THE OFFICE OF THE SHERIFF FOR 2023-2024

WHEREAS, this County Legislature, by Resolution 268 of 2022, authorized renewal of an agreement with Watch Systems, LLC for a Central Sex Offender Registry for the Office of the Sheriff at an amount not to exceed \$26,475.68 for the period September 1, 2022 through August 31, 2023, and

WHEREAS, as indicted in the Affidavit of Sole Source, said agreement will provide for the registration, verification and community notification tool for sex offenders in Broome County, and

WHEREAS, said agreement expires by its terms on August 31, 2023, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$26,999.46 for the period September 1, 2023 through August 31, 2024, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Watch Systems, LLC, 4 Sanctuary Boulevard, Mandeville, LA 70471, for a Central Sex Offender Registry for the Office of the Sheriff for the period September 1, 2023 through August 31, 2024, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$26,999.46 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 10020001.6004192.1010 (Software Maintenance) and 23020403.6004100.1010 (Postage and Freight), 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. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTION NO. 289

By Personnel, Economic Development, Education & Culture and Finance Committees
Seconded by Mrs. Kaminsky

RESOLUTION AUTHORIZING A PERSONNEL CHANGE REQUEST FOR THE BROOME COUNTY FORUM

WHEREAS, the position of Forum Maintenance Supervisor has been vacant since 2020, and in an effort to bring the position in line with supervisory titles at the Arena and expand the pool of qualified candidates, it has been requested that the Grade for Forum Maintenance Supervisor be changed, now, therefore, be it

RESOLVED, that in accordance with a request contained in PCR# 4258 from Broome County Forum, this County Legislature hereby changes the position of Forum Maintenance Supervisor, Grade 16s, Union Code 04, CSEA, Full-time, minimum hourly salary \$20.96; 40 hours weekly, budget line 42010008.1010.6001000 to Forum Maintenance Supervisor, Grade 19s, Union Code 04, CSEA, Full-time, minimum salary \$24.41; 40 hours weekly, budget line 42010008.1010.6001000, effective July 24, 2023.

Carried. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTION NO. 290

By Personnel, Public Works & Transportation and Finance Committees
Seconded by Mrs. Kaminsky

RESOLUTION AUTHORIZING A PERSONNEL CHANGE REQUEST FOR THE DEPARTMENT OF AVIATION

WHEREAS, the Commissioner of Aviation requests authorization to restore the unfunded position of Operations Supervisor, and

WHEREAS, said position is requested due to needed additional administrative oversight in the Operations Division and the Department of Aviation, coupled with a need to increase capacity in overall airport operations and activity. A restored Operational Supervisor would be able to work directly with the employees and oversee activities in an efficient manner, now, therefore, be it

RESOLVED, that in accordance with a request contained in PCR #4231 from the Department of Aviation, this County Legislature hereby abolishes the position of Senior Airport Operations Specialist, Grade 18, Union Code 04, CSEA, minimum hourly salary of \$23.21, 40 hours weekly, Full-Time, budget line 6001000.2010.28010005, effective July 24, 2023, and be it

FURTHER RESOLVED, that in accordance with a request contained in PCR #4216 from the Department of Aviation, this County Legislature hereby creates the position of Airport Operations Supervisor, Grade 20, Union Code 07, BAPA, minimum salary of \$56,863.00, 40 hours weekly, Full-Time, budget line 6001000.2010.28010005, effective July 24, 2023.

Carried. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTION NO. 281

By Health & Human Services Committee
Seconded by Mrs. Kaminsky
RESOLUTION CONFIRMING APPOINTMENT TO MEMBERSHIP ON THE BROOME COUNTY NURSING HOME ADVISORY BOARD

WHEREAS, Jason T. Garnar, Broome County Executive, pursuant to the authority vested in him by Article XIV of the Broome County Charter and Administrative Code, has duly designated and appointed the following named individual to membership on the Broome County

By Health & Human Services and Finance Committees Seconded by Mrs. Kaminsky
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 FOR 2023-2024

WHEREAS, this County Legislature, by Resolution 273 of 2022, authorized and approved renewal of the DSS/BCC Credit and Non-Credit Training Program for the Department of Social Services and adopted a program budget in the amount of \$45,500 for the period August 1, 2022 through July 31, 2023, and

WHEREAS, said program grant provides employees with educational opportunities and workshops geared toward enhancing their skills on the job and in preparing them for promotional opportunities within the department, and

WHEREAS, it is desired to renew said program grant in the amount of \$38,500 for the period August 1, 2023 through July 31, 2024, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$38,500 from the New York State Office of Children and Family Services, Capital View Office Park, 52 Washington Street, Rensselaer, New York, 12144 for the DSS/BCC Credit and Non-Credit Training Program for the period August 1, 2023 through July 31, 2024 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 \$38,500 and authorizes the Commissioner of Social Services to transfer funds between Binghamton University and Broome Community College employee contracts without further legislative approval as long as the total amount does not exceed \$75,500 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. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTION NO. 294

By Health & Human Services and Finance Committees Seconded by Mrs. Kaminsky
RESOLUTION AUTHORIZING RENEWAL OF THE SUMMER YOUTH EMPLOYMENT PROGRAM GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES, ADOPTING A PROGRAM BUDGET AND AUTHORIZING AGREEMENTS WITH VARIOUS VENDORS TO ADMINISTER SAID PROGRAM FOR 2023

WHEREAS, this County Legislature, by Resolution 274 of 2022, authorized and approved renewal of the Summer Youth Employment Program Grant for the Department of Social Services, adopted a program budget in the amount of \$492,699, and authorized an agreement with BOCES, VINES and Family Enrichment Network to administer said program for the period May 1, 2022 through December 31, 2022, and

WHEREAS, said program allows TANF, Food Stamp, Foster Care and 200% poverty eligible youth ages 14-20 to participate in basic job skills and work readiness training and paid work experience, with mentors monitoring their attendance, providing intervention and support to develop appropriate work behaviors, and

WHEREAS, it is desired to renew said grant program in the amount of \$536,718, adopt a program budget and authorize the agreements with BOCES, VINES and Family Enrichment Network to administer said program for the period May 1, 2023 through September 30, 2023, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$536,718 from the New York State Office of Temporary and Disability Assistance, 40 North Pearl Street, Albany, New York 12243, for the Department of Social Services Summer Youth Employment Program for the period May 1, 2023 through September 30, 2023 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 \$536,718, and be it

FURTHER RESOLVED, the Department of Social Services is authorized to accept and allocate additional Summer Youth Employment Program funds, for the period May 1, 2023 through September 30, 2023, provided there is no increase in employee head count, the County's financial contribution is not increased and the salary rate is not changed, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with BOCES, 435 Glenwood Road, Binghamton, New York 13905, VINES-Volunteers Improving Neighborhood Environments, P.O. Box 3104, Binghamton, New York 13902 and Family Enrichment Network, 24 Cherry Street, Johnson City, New York 13790 to administer a portion of said program for the period May 1, 2023 through September 30, 2023, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay BOCES an amount not to exceed \$397,844, VINES – Volunteers Improving Neighborhood Environments an amount not to exceed \$88,203 and Family Enrichment Network an amount not to exceed \$46,671, for the term of the agreements, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 35010006.6004573.3510448 (Other Fees for Services), and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution, 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 Director of Management and Budget and/or Comptroller) 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-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTION NO. 295

By Health & Human Services and Finance Committees

Seconded by Mrs. Kaminsky

RESOLUTION AUTHORIZING AN AGREEMENT WITH VARIOUS VENDORS AND AGENCIES FOR SERVICES RELATED TO THE DEPARTMENT OF HEALTH'S OPIOID SETTLEMENT FUND INITIATIVES GRANT FOR 2023-2024

WHEREAS, the Director of Public Health requests authorization for an agreement with various vendors and agencies for services related to the Department of Health's Opioid Settlement Fund Initiatives Grant at a cost not to exceed \$854,825, for the period August 1, 2023 through July 31, 2024, and

WHEREAS, said services are necessary to reduce opioid overdoses in Broome County, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with various vendors and agencies, attached as Exhibit "A", for services related to the Department of Health's

Opioid Settlement Fund Initiatives Grant at a cost not to exceed \$845,825 for the period August 1, 2023 through July 31, 2024, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 25010004.6004146.1011.2510678 (Subcontracted Program Expense), and be it

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

Carried. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTION NO. 296

By Economic Development, Education & Culture Committee Seconded by Mrs. Kaminsky

RESOLUTION CONFIRMING APPOINTMENT TO MEMBERSHIP ON THE BROOME COUNTY VETERAN'S MEMORIAL ARENA BOARD OF DIRECTORS

WHEREAS, Jason T. Garnar, Broome County Executive, pursuant to the authority vested in him by Article XXIV, Section 2408 of the Broome County Charter and Administrative Code, has duly designated and appointed the following named individual to membership on the Broome County Veteran's Memorial Arena Board of Directors, for the term indicated, subject to confirmation by this County Legislature:

<u>NAME</u>	<u>TERM EXPIRING</u>
Paul White	New Appointment
71 Bigelow Street	12/31/2023
Binghamton, NY 13904	Filling the unexpired term of Sylvia Kerber

and

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

RESOLVED, that this County Legislature, pursuant to the provisions of Article XXIV, Section 2408 of the Broome County Charter and Administrative Code, confirms the appointment of the above-named individual to membership on the Broome County Veteran's Memorial Arena Board of Directors for the term indicated, in accordance with his appointment by the County Executive.

Carried. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTION NO. 297

By Economic Development, Education & Culture Committee Seconded by Mrs. Kaminsky

RESOLUTION AUTHORIZING VISIT BINGHAMTON (GREATER BINGHAMTON CONVENTION AND VISITORS BUREAU) TO ACT AS THE AGENCY IN BROOME COUNTY FOR TOURISM AND CONVENTION PROMOTION FOR 2024

WHEREAS, the Director of Planning and Economic Development requests authorization for an agreement with Visit Binghamton (Greater Binghamton Convention and Visitors Bureau) to act as the agency in Broome County for tourism and convention promotion for January 1, 2024 through December 31, 2024, and

WHEREAS, said agreement is necessary for tourism and convention promotion in Broome County, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Visit Binghamton (Greater Binghamton Convention and Visitors Bureau), 5 South College Drive, Suite 102, Binghamton, New York 13905, to be the tourism and convention promoter for Broome County for January 1, 2024 through December 31, 2024, and be it

FURTHER RESOLVED, that Visit Binghamton (Greater Binghamton Convention and Visitors Bureau) is hereby authorized to make applications for any grants from the State of New York for tourism and convention promotion in Broome County, and be it

FURTHER RESOLVED, that Visit Binghamton (Greater Binghamton Convention and Visitors Bureau) shall submit a quarterly written report to this Legislature as to the disposition of said grant monies.

Carried. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTION NO. 298

By Economic Development, Education & Culture Committee Seconded by Mrs. Kaminsky

RESOLUTION AUTHORIZING A GRANT APPLICATION FOR THE NEW YORK STATE CONSOLIDATED FUNDING APPLICATION (CFA) CLIMATE SMART COMMUNITIES GRANT PROGRAM

WHEREAS, Broome County's Comprehensive Plan was adopted in 2013 and since adoption, efforts to update chapters in this plan have been made that have identified new priorities and opportunities to build upon the 2013 recommendations, and

WHEREAS, the New York State Climate Smart Communities Grant Program provides opportunities to develop contributions to the Comprehensive Plan that meet the goals of the program, and

WHEREAS, Broome County hereby requests financial assistance from the New York State Climate Smart Communities Grant Program pursuant to Environmental Conservation Law Article 54, Title 15, and

WHEREAS, Broome County certifies that it has identified \$30,000 of matching funds from the general fund and in-kind contributions pursuant to the requirements of Environmental Conservation Law Article 54 Title 15, now, therefore be it

RESOLVED, that Broome County hereby authorizes Gillian Sloan, Planner, an official or employee, to act on its behalf in submittal of an application through the Consolidated Funding Application for \$30,000, to be used for the Broome County Comprehensive Plan Sustainability Element Project.

Carried. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTION NO. 299

By Economic Development, Education & Culture and Finance Committees

Seconded by Mrs. Kaminsky

RESOLUTION AUTHORIZING AMENDMENTS AND AGREEMENTS WITH VARIOUS VENDORS AND AGENCIES FOR FUNDS TO SUPPORT ECONOMIC DEVELOPMENT AND COMMUNITY PROJECTS IN BROOME COUNTY FOR 2022 AND 2023

WHEREAS, this County Legislature, by Resolution 316 of 2021, as amended by Resolution 335 of 2022 and Resolution 254 of 2022 authorized agreements with various vendors and agencies for funds through the American Rescue Plan Act and the Marketing and Economic Development and Small Community Program allocation of the Occupancy Tax to support economic development and community projects in Broome County, and

WHEREAS, the Director of Planning requests authorization for agreements with various vendors and agencies for funding to support economic development and Community projects in Broome County as attached on Exhibit "A" and Exhibit "B", and

WHEREAS, it is necessary to authorize the amendment of the agreement with various vendors and agencies to extend the term of the contract attached as Exhibit "C" for funding to support economic development and community projects in Broome County, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with various vendors and agencies, attached as Exhibit "A" for funding from the Marketing and Economic Development allocation of the occupancy tax budget line 90000099.6005026 (Marketing & Economic Development), for various community projects in Broome County, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes agreements with various vendors and agencies, attached as Exhibit "B" for funding from the Small Community Grant Program budget line 90000099.6005041 (Small Community Grant Program), for various community projects in Broome County, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with various vendors to extend the term of the contracts, attached as Exhibit "C" for various community projects in Broome County, and be it

FURTHER RESOLVED, that Resolutions 316 of 2021, 335 of 2022 and 254 of 2022, 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. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTION NO. 300

By Economic Development, Education & Culture Committee Seconded by Mrs. Kaminsky

RESOLUTION AUTHORIZING AN INTERMUNCIPAL AGREEMENT WITH THE VILLAGE OF ENDICOTT FOR THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT'S ENDICOTT IDISTRICT ART PARK PROJECT

WHEREAS, the Director of Planning requests authorization for an intermunicipal agreement with the Village of Endicott for access to Village-owned property for the Endicott IDistrict Art Park project, and

WHEREAS, said intermunicipal agreement will allow the County and its contractors access to Village property to create and construct a public gathering space/art park, and

WHEREAS, Broome County will contribute grant funds awarded by the New York State Department of State from the Upstate Revitalization Initiative Transform Greater Binghamton Fund; and upon receipt of design, the Village will approve the project and issue a SEQR determinization; and the village will grant an easement/access to the property where construction is being completed; and ownership and maintenance of the improvements will be the responsibility of the Village of Endicott; and the art park shall remain in place for the estimated life of the improvements undertaken, and the Village will provide all information and documentation needed to comply with the terms of the grant agreement, now, therefore be it

RESOLVED, that this County Legislature hereby authorizes an intermunicipal agreement with the Village of Endicott, 1009 East Main Street, Endicott, New York 13760 for access to Village owned property for the Department of Planning and Economic Development's Endicott IDistrict Art Park project, and be it

FURTHER RESOLVED, that Broome County will contribute grant funds awarded by the New York State Department of State from the Upstate Revitalization Initiative Transform Greater Binghamton Fund; and upon receipt of design, the Village will approve the project and issue a SEQR determinization; and the village will grant an easement/access to the property where construction is being completed; and ownership and maintenance of the improvements will be the responsibility of the village of Endicott; and the art park shall remain in place for the estimated life of the improvements undertaken, and the Village will provide all information and documentation needed to comply with the terms of the grant 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.

Carried. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTION NO. 301

By Economic Development, Education & Culture Committee Seconded by Mrs. Kaminsky

RESOLUTION AUTHORIZING A GRANT APPLICATION FOR THE NEW YORK STATE CONSOLIDATED FUNDING APPLICATION BROWNFIELD OPPORTUNITY AREA PROGRAM

WHEREAS, the County of Broome herein called the "Applicant", after thorough consideration, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable; and

WHEREAS, §970-r of the General Municipal Law authorizes State assistance to eligible parties for Brownfield Opportunity Areas Program grants by means of a State Assistance Contract (the contract); and

WHEREAS, the County of Broome deems it to be in the public interest and benefit to enter into a contract therewith, now therefore be it

RESOLVED by the County of Broome that:

1. The Broome County Executive is the representative authorized to act in behalf of all applicants in all matters related to State assistance under §970-r of the General Municipal Law for the Project. The representative is also authorized to: sign and submit the application; execute the contract; request payment advances and reimbursements; redistribute contract reimbursements as appropriate; submit Project documentation; and otherwise act for all applicants in all matters related to the Project and to State assistance;
 2. That the Applicant intends to complete Pre-development Activities to advance development of strategic sites within the Brandywine Corridor identified and described within the Brandywine Corridor Brownfield Opportunity Area Nomination Study;
 3. That the Applicant requests funds up to an amount not to exceed \$500,000 representing no more than 90% of the total Project cost;
 4. That the Applicant agrees that it will fund the Applicant's 10% share of the Project;
 5. That this Authorization take effect immediately.
- 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. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTION NO. 302

By Public Safety & Emergency Services, Personnel and Finance Committees

Seconded by Mrs. Kaminsky

RESOLUTION AUTHORIZING ACCEPTANCE OF THE NYS EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE PROGRAM GRANT FOR THE OFFICE OF THE SHERIFF AND ADOPTING A PROGRAM BUDGET FOR 2023-2024

WHEREAS, the Sheriff requests authorization to accept a NYS Edward Byrne Memorial Justice Assistance Program Grant for the Office of the Sheriff and adopted a program budget in the amount of \$75,000 for the period August 1, 2023 through July 31, 2024, and

WHEREAS, said program grant supports officer overtime in the management and compliance of the sex offender management program, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$75,000 from the Bureau of Justice Assistance, 80 South Swan Street, Albany, New York 12210 for the Office of the Sheriff's NYS Edward Byrne Memorial Justice Assistance Program for the period August 1, 2023 through July 31, 2024, 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 \$75,000, and be it

FURTHER RESOLVED, the Office of the Sheriff is authorized to accept and allocate additional NYS Edward Byrne Memorial Justice Assistance Program funds, for the period August 1, 2023 through July 31, 2024, provided there is no increase in employee head count, the County's financial contribution is not increased and the salary rate is not changed, 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 Director of Management and Budget and/or Comptroller) 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-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTION NO. 303

By Public Safety & Emergency Services, Personnel and Finance Committees

Seconded by Mrs. Kaminsky

RESOLUTION AUTHORIZING RENEWAL OF THE PRE-TRIAL RELEASE PROGRAM GRANT FOR THE DEPARTMENT OF PROBATION AND ADOPTING A PROGRAM BUDGET FOR 2023-2024

WHEREAS, this County Legislature, by Resolution 320 of 2022, authorized and approved renewal of the Pre-Trial Release Program Grant for the Department of Probation and adopted a program budget in the amount of \$148,678.32 for the period July 1, 2022 through June 30, 2023, and

WHEREAS, said program grant services are designed to reduce the number of unsentenced inmates at the Broome County Public Safety Facility by providing the necessary information to enable the court to decide the least restrictive method necessary to secure an inmate's appearance in court without detention and/or for those inmates unable to post bail, and

WHEREAS, it is desired to renew said program grant in the amount of \$160,232.66 for the period July 1, 2023 through June 30, 2024, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$33,878 from the New York State Division of Criminal Justice Services, 80 South Swan Street, Albany, New York 12210, for the Department of Probation's Pre-Trial Release Program for the period July 1, 2023 through June 30, 2024, 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 \$160,232.66, and be it

FURTHER RESOLVED, the Department of Probation is authorized to accept and allocate additional Pre-Trial Release Program funds, for the period July 1, 2023 through June 30, 2024, provided there is no increase in employee head count, the County's financial contribution is not increased and the salary rate is not changed, 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 Director of the Office of Management and Budget and/or Comptroller) 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-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTION NO. 304

By Public Works & Transportation and Finance Committees Seconded by Mrs. Kaminsky
RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH THE TOWN OF TRIANGLE FOR THE CONTROL OF SNOW AND ICE ON COUNTY ROADS AND HIGHWAYS FOR 2023

WHEREAS, this County Legislature, by Resolution 35 of 2023, authorized an agreement with the Town of Triangle for snow and ice control on certain county roads and highways for the Department of Public Works at the rate of \$5,000 per centerline mile, total amount not to exceed \$57,900 for the period January 1, 2023 through December 31, 2023

WHEREAS, it is necessary to authorize the amendment of said agreement to increase the rate to \$5,500 per centerline mile, total amount not to exceed \$63,690 for the removal of snow and ice on certain county roads and highways, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with the Town of Triangle, 2623 Liberty Street, Triangle, New York 13862 to increase the rate to \$5,500 per centerline mile, total amount not to exceed \$63,690 for the removal of snow and ice on certain county roads and highways, and be it

FURTHER RESOLVED, that Resolution 35 of 2023, 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. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTION NO. 305

By Public Works & Transportation and Finance Committees Seconded by Mrs. Kaminsky
RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH MCFARLAND JOHNSON INC FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DEPARTMENT OF AVIATION FOR 2022-2023

WHEREAS, this County Legislature, by Resolution 189 of 2022, authorized an agreement with McFarland Johnson, Inc., for professional engineering services for the Department of Aviation at a cost not to exceed \$420,322 for the period June 16, 2022 through June 15, 2023, and

WHEREAS, said services are necessary for design and bidding services for the Customs & Border Protection General Aviation Facility project, and

WHEREAS, it is necessary to authorize the amendment of said agreement to extend the period through June 15, 2024, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with McFarland Johnson, Inc., 49 Court Street, Suite 240, Binghamton, New York 13901 to extend the period through June 15, 2024 for professional engineering services for the Department of Aviation's Customs & Border Protection General Aviation Facility project, and be it

FURTHER RESOLVED, that Resolution 189 of 2022, 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. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTION NO. 306

By Public Works & Transportation and Finance Committees Seconded by Mrs. Kaminsky

RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH MCFARLAND JOHNSON INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DEPARTMENT OF AVIATION FOR 2021-2022

WHEREAS, this County Legislature, by Resolution 514 of 2021 authorized an agreement with McFarland Johnson, Inc., for professional engineering services for the Department of Aviation at a cost not to exceed \$81,278 for the period December 12, 2023 through July 31, 2022, and

WHEREAS, said services are necessary for Construction Observation Administration and Administration Services for the Fuel Farm Rehabilitation project, and

WHEREAS, it is necessary to authorize the amendment of said agreement to extend the period through December 31, 2023, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with McFarland Johnson, Inc., 49 Court Street, Suite 240, Binghamton, New York 13901 to extend the period through December 31, 2023 for professional engineering services for the Department of Aviation's Fuel Farm Rehabilitation project, and be it

FURTHER RESOLVED, that Resolution 514 of 2021, 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. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTION NO. 307

By Public Works and Transportation Committee

Seconded by Mrs. Kaminsky

RESOLUTION AUTHORIZING THE EXECUTION OF A PROJECT LABOR AGREEMENT FOR THE CONSTRUCTION OF THE TERMINAL REHABILITATION PROJECT FOR THE DEPARTMENT OF AVIATION

WHEREAS, the Commissioner of Aviation requests authorization for the execution of a Project Labor Agreement for the construction of the Terminal Rehabilitation Project for the Department of Aviation, on file in the Clerk's Office, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the execution of a Project Labor Agreement for the construction of the Terminal Rehabilitation Project for the Department of Aviation, on file in the Clerk's Office, 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. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTION NO.308

By Public Works & Transportation and Finance Committees

Seconded by Mrs. Kaminsky

RESOLUTION AUTHORIZING AN AGREEMENT WITH THE TRANSPORTATION SECURITY ADMINISTRATION FOR LEASE OF SPACE AT THE GREATER BINGHAMTON AIRPORT FOR 2023-2028

WHEREAS, the Commissioner of Aviation requests authorization for an agreement with the Transportation Security Administration for the lease of approximately 936 square feet of space in the terminal building at the Greater Binghamton Airport at an annual rate of \$37,533.60, for the period February 1, 2023 through January 31, 2024, with each subsequent year increasing by a yearly Consumer Price Index (CPI) increase to the operating cost per the General Services Administration Contract for the years 2024-2025, 2025-2026, 2026-2027 and 2027-2028, and

WHEREAS, said agreement is necessary for office space for the Transportation Security Administration, which has responsibility for administering aviation security at U.S. Airports, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with U.S. General Services Administration-PBS, One World Trade Center, 55th Floor, Room 55W09, New York, New York 10007 for lease of approximately 936 square feet of space in the terminal building of the Greater Binghamton Airport for the period February 1, 2023 through January 31, 2028, and be it

FURTHER RESOLVED, that in consideration of said services, the Contractor shall pay the County an amount not to exceed \$37,533.60 for the period February 1, 2023 through January 31, 2024, with each subsequent year increasing by a yearly Consumer Price Index (CPI) increase to the operating cost per the General Services Administration Contract for the years 2024-2025, 2025-2026, 2026-2027 and 2027-2028, and be it

FURTHER RESOLVED, that the revenue hereinabove authorized shall be credited to budget line 28150005.5000137.2010 (TSA Space Rental), and be it

FURTHER RESOLVED, that this Resolution supersedes Resolution 216 of 2023 in its entirety, 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. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTION NO. 309

By Public Works & Transportation and Finance Committees Seconded by Mrs. Kaminsky
RESOLUTION AUTHORIZING PERMANENT EASEMENTS BY FEE TAKING AND/OR EMINENT DOMAIN FOR THE DEPARTMENT OF PUBLIC WORKS' TRACY CREEK ROAD CULVERT RECONSTRUCTION, OLD ROUTE 17 CULVERT RECONSTRUCTION AND GLENWOOD ROAD BRIDGE RECONSTRUCTION PROJECTS

WHEREAS, the County is advancing the Tracy Creek Road Culvert Reconstruction, Old Route 17 Culvert Reconstruction and Glenwood Road Bridge Reconstruction Projects, and

WHEREAS, it is necessary to obtain nine permanent easements by fee taking and/or eminent domain on seven parcels to support the reconstruction and maintenance of said structures, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes nine permanent easements by fee taking and/or eminent domain on seven parcels as described in Exhibit "A" at an amount not to exceed \$2,900 for the Department of Public Works' Tracy Creek Road Culvert Reconstruction, Old Route 17 Culvert Reconstruction and Glenwood Road Bridge Reconstruction Projects, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 15030001.6002102.5202.1520085 (Original Acquisition), 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. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTION NO. 310

By Finance and Public Works & Transportation Committees Seconded by Mr. Pasquale
RESOLUTION AMENDING THE 2023 CAPITAL IMPROVEMENT PROGRAM

RESOLVED, that the 2023 Capital Improvement Program is hereby amended as follows:

FROM:

Estimated Construction Cost:

2023 Journal of Proceedings

<u>Project Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Federal</u>	<u>State</u>	<u>County</u>
2920122	Highway Reconstruction / Rehabilitation	\$2,500,000	\$0	\$0	\$2,500,000

Local Finance Law Section 11			How Financed:		
<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>	
2023	15	20 (c)	\$2,500,000	\$0	

TO:

Estimated Construction Cost:

<u>Project Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Federal</u>	<u>State</u>	<u>County</u>
2920122	Highway Reconstruction / Rehabilitation	\$6,064,043	\$0	\$3,564,043	\$2,500,000

Local Finance Law Section 11			How Financed:		
<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>	
2023	15	20 (c)	\$6,064,043	\$0	

and be it

FURTHER RESOLVED, that the Director of the Office of Management and Budget is hereby authorized to make a short term, non-interest bearing loan from the General Fund and/or the Enterprise Fund to provide sufficient cash to proceed, and be it

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

Carried. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTION NO. 311

By Health & Human Services and Finance Committees Seconded by Mrs. Kaminsky
RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH UNITED MEDICAL ASSOCIATES - RANA Z. AHMAD FOR MEDICAL DIRECTOR SERVICES FOR THE WILLOW POINT REHABILITATION AND NURSING CENTER FOR 2022

WHEREAS, this County Legislature, by Resolution 433 of 2021, authorized an agreement with Rana Z. Amad for Medical Director services for the Willow Point Rehabilitation and Nursing Center at an amount not to exceed \$65,000 for the period January 1, 2022 through December 31, 2022, and

WHEREAS, said agreement necessary to have a Medical Director on staff at the Willow Point Nursing Home as required by New York State, and

WHEREAS, it is necessary to authorize the amendment of said agreement to increase the not to exceed amount by \$65,937.47 and extend the period through September 30, 2023 for Medical Director services for the Willow Point Rehabilitation and Nursing Center to allow time for an RFP to be issued, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Dr. Rana Z. Amad, c/o United Medical Associates, 20 Mitchell Avenue, 4th Floor, Binghamton, New York 13903 to increase the not to exceed amount by \$65,937.47 and extend the period through September 30, 2023 for Medical Director services for the Willow Point Rehabilitation and Nursing Center, and be it

WHEREAS, it is necessary to authorize the amendment of said agreement to extend the period through December 31, 2023 for lab services for the Department of Health, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Our Lady of Lourdes Hospital, 169 Riverside Drive, Binghamton, New York 13905 to extend the period through December 31, 2023 for lab services for the Department of Health, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$20,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 25020004.6004402.1010 (Lab Services), and be it

FURTHER RESOLVED, that Resolution 482 of 2019, 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. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTION NO. 315

By Public Safety & Emergency Services and Finance Committees Seconded by Mrs. Kaminsky
RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH TRINITY SERVICES GROUP INC. FOR FOOD SERVICES FOR THE OFFICE OF THE SHERIFF FOR 2018-2023

WHEREAS, this County Legislature, by Resolution 252 of 2018, as amended by Resolution 244 of 2020, authorized an agreement with Trinity Services Group Inc. for food services for the Office of the Sheriff at the rates set forth in the sliding scale for the period September 1, 2018 through December 31, 2023, with the option for two five-year renewals, and

WHEREAS, said agreement is necessary for the Office of the Sheriff to appropriately meet Central Food operations requirements on a daily basis, and

WHEREAS, due to the increase in labor rates and menu revisions it is necessary to authorize the amendment of said Resolution to accept the new price per meal rates for food services for the Office of the Sheriff for the period January 1, 2023 through December 31, 2023, and

WHEREAS, the Sheriff 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 Trinity Services Group Inc., 62836 Collection Center Drive, Chicago, IL 60693, to accept the new price per meal rates for food services for the Office of the Sheriff for the period January 1, 2023 through December 31, 2023, and be it

RESOLVED that in consideration of said services, the County shall pay the Contractors the amounts set forth on Exhibit "A" for the term of the agreement, and be it

FURTHER RESOLVED, that Resolution 252 of 2018. As amended by Resolution 244 of 2020, 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. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTION NO. 316

By Public Works & Transportation and Finance Committees Seconded by Mrs. Kaminsky

RESOLUTION AUTHORIZING ACCEPTANCE OF NEW YORK STATE DEPARTMENT OF TRANSPORTATION ACCELERATED TRANSIT CAPITAL FUNDS FOR THE DEPARTMENT OF PUBLIC TRANSPORTATION FOR 2023-2026

WHEREAS, the Commissioner of Transit requests authorization to accept New York State Department of Transportation Accelerated Transit Capital Funds in the amount of \$345,285 for the period September 1, 2023 through August 31, 2026, and

WHEREAS, said funds will be used to displace local share on existing bus purchases and for a future capital bus purchase in 2024/2025, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$345,285 from the New York State Department of Transportation, 50 Wolf Road, POD 54, Albany, NY 12232 for the Department of Public Transportation's Accelerated Transit Capital Funds for the period September 1, 2023 through August 31, 2026, and be it

FURTHER RESOLVED, that this County Legislature hereby approves acceptance of New York State Department of Transportation Accelerated Transit Capital Funds in the total amount of \$345,285, 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. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTION NO. 317

By Public Works & Transportation and Finance Committees Seconded by Mrs. Kaminsky
RESOLUTION AUTHORIZING ACCEPTANCE OF NEW YORK STATE DEPARTMENT OF TRANSPORTATION MODERNIZATION AND ENHANCEMENTS FUNDS FOR THE DEPARTMENT OF PUBLIC TRANSPORTATION FOR 2023-2026

WHEREAS, the Commissioner of Transit requests authorization to accept New York State Department of Transportation Modernization and Enhancements Funds in the amount of \$949,869 for the period September 1, 2023 through August 31, 2026, and

WHEREAS, said funds will be used for the next purchase of buses for Broome County Transit in 2024/2025, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$949,869 from the New York State Department of Transportation, 50 Wolf Road, POD 54, Albany, NY 12232 for the Department of Public Transportation's Modernization and Enhancements Funds for the period September 1, 2023 through August 31, 2026, and be it

FURTHER RESOLVED, that this County Legislature hereby approves acceptance of New York State Department of Transportation Modernization and Enhancements Funds in the total amount of \$949,869, 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

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with Volaire Aviation Consulting Inc., 8500 E. 116th Street, Suite 728, Fishers, IN 46038 for air service consultant services for the period July 20, 2023 through July 19, 2024, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$72,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from the Marketing and Economic Development allocation of the Occupancy Tax budget line 90000099.1010 6005026 (Marketing/Economic Development), 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. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTION NO. 320

By County Administration, Public Works & Transportation and Economic Development, Education & Culture Committees

Seconded by Mr. Baldwin

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 3 OF 2023, ENTITLED: "A LOCAL LAW AMENDING THE BROOME COUNTY CHARTER AND CODE TO CREATE THE DEPARTMENT OF PARKS, RECREATION AND YOUTH SERVICES AND THE DEPARTMENT OF PUBLIC WORKS"

WHEREAS, the County Executive desires to restructure the Department of Public Works, Parks, Recreation and Youth Services the remove Parks, Recreation and Youth Services from the Department and create a separate Department of Parks, Recreation and Youth Services, now, therefore, be it

RESOLVED, that Local Law Intro. No. 3 of 2023, entitled: " A Local Law Amending the Broome County Charter and Code to Create the Department of Parks, Recreation and Youth Services and the Department of Public Works" be and the same hereby is adopted and approved in accordance with the Broome County Charter and Administrative Code and all the applicable statutes and laws pertaining thereto.

LOCAL LAW INTRO. NO. 3 of 2023

A Local Law Amending the Broome County Charter and Code to Create

the Department of Parks Recreation and Youth Services and the Department of Public Works
BE IT ENACTED by the Legislature of the County of Broome as follows:

SECTION 1 Article IX of the Charter is amended as follows:

ARTICLE IX

Department of Public Works[, **Parks, Recreation and Youth Services**]

§ C901. Department of Public Works[, **Parks, Recreation and Youth Services;**] Commissioner; appointment; qualifications.

There shall be a Department of Public Works[, **Parks, Recreation and Youth Services**] headed by a Commissioner who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive.

§ C902. Powers and duties.

The Commissioner of Public Works[, **Parks, Recreation and Youth Services**] shall:

- A. Have all the powers and duties of a County engineer and a County superintendent of highways pursuant to the Highway Law or other applicable law.
- B. Except as otherwise provided in Articles XI and XIV of this Charter, have charge and supervision of the design, specifications, construction, alterations, maintenance and repair of all County buildings and grounds, parking fields, drives and walks, together with all structures, roads, parking areas equipment and appurtenances, but not including custodial care and such grounds work as provided for in the Administrative Code.
- C. Furnish engineering and other related services to the County Legislature, the County Executive, the Department of Planning and other County departments.

- D. Have charge of and have the duty of performing such other functions concerning County property, public works and other matters as the County Legislature or the County Executive may from time to time direct.
- E. Any professional engineering work required to be practiced by said Commissioner in the exercise of the powers and duties of his office shall be delegated to one or more licensed professional engineers unless said Commissioner shall be a licensed professional engineer.
- [F. Have charge and supervision and control of the design, construction, operation, maintenance and repair of all grounds, parking fields, drives and walks, together with all structures, roads, parking areas, equipment and appurtenances relating to parks and recreational facilities.**
- G. Have charge and supervision and control of the operation, maintenance and use of the Broome County Veterans Memorial Arena and the Broome County Performing Arts Theater (The Forum).**
- H. Have charge and supervision of programs for the aid and betterment of County youth and shall have the duties of Executive Director of the Youth Bureau.]**
- [I] E.** Perform such other and related duties as shall be required of or delegated to the Commissioner by the County Executive or the County Legislature.

§ C903. Divisions of Department.

There shall be within the Department of Public Works[, **Parks, Recreation and Youth Services**] the following divisions: the Division of Highways, the Division of Buildings and Grounds, the Division of Engineering, the Division of Security, the Division of Solid Waste Management, the Division of Drainage, Sanitation and Water Supply, **[The Division of Parks, Recreation and Youth Services]** and such other divisions as may be created within the Department by local law or resolution of the County Legislature. The Commissioner shall assign a deputy to each division who shall act for and on behalf of the Commissioner with respect to such division, as provided by the Administrative Code, local law or by directives of the Commissioner. Such division heads shall be subject to reassignment or transfer by the Commissioner to other duties within the Department, including the responsibility of being the head of more than one division. The Commissioner may, when authorized by the County Executive, act as the head of any division in the Department. There shall be within the Division of Buildings and Grounds an Animal Control Branch which shall consist of the County Dog Warden and any personnel, equipment and facilities employed in connection with the County's animal control function. The Animal Control Branch shall be administered by the Dog Warden under the direction, jurisdiction and supervision of the Deputy Commissioner of Public Works, **[Parks, Recreation and Youth Services]** for Buildings and Grounds, subject to the overall supervision of the Commissioner of Public Works[, **Parks, Recreation and Youth Services**]. The Dog Warden shall be appointed by the County Executive pursuant to § C2405 of this Charter.

§ C904. Deputies.

The Commissioner of Public Works[, **Parks, Recreation and Youth Services**] shall appoint such deputies as may be authorized by the County Legislature. All Deputy Commissioners shall serve at the pleasure of the Commissioner of Public Works[, **Parks, Recreation and Youth Services**].

§ C905. Rules and regulations.

The County Legislature shall have the power, by local legislation, to establish such rules and regulations as may be necessary to provide for use by the public of facilities under the jurisdiction of the Department of Public Works[, **Parks, Recreation and Youth Services**] and to provide for the enforcement thereof.

SECTION 2. Article XI of the Charter is hereby **[repealed.] added as follows:**

Article XI

Department of Parks, Recreation and Youth Services

§C1101 Department of Parks Recreation and Youth Services: Commissioner: appointment.

There shall be a Department of Parks, Recreation and Youth Services, headed by a Commissioner who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive.

§C1102 Powers and Duties

Except as otherwise provided in this Charter, the Commissioner shall

- A. Have charge and supervision and control of the design, construction, operation, maintenance and repair of all grounds, parking fields, drives and walks, together with all structures, roads, parking areas, equipment and appurtenances relating to parks and recreational facilities.
- B. Have charge and supervision and control of the operation, maintenance and use of the Broome County Veterans Memorial Arena and the Broome County Performing Arts Theater (The Forum).
- C. Have charge and supervision of programs for the aid and betterment of County youth and shall have the duties of Executive Director of the Youth Bureau.
- D. Have charge and supervision and control of the operation, maintenance and use of any County operated golf course.
- E. Perform such additional and related duties as the County Executive may prescribe or as may be prescribed by local law, ordinance or resolution of the County Legislature.

§C1103. Divisions of Department

There shall be within the Department of Parks, Recreation and Youth Services the following Divisions: the Division of Parks and Recreation, the Division of Youth Services, the Division of Veterans Memorial Arena, the Division of the Forum Theater and the Division of Golf.

§C1104 Deputies.

The Commissioner of Parks, Recreation and Youth Services shall appoint such deputies as may be authorized by the County Legislature. All Deputy Commissioners shall serve at the pleasure of the Commissioner of Parks, Recreation and Youth Services.

§ C1105. Rules and regulations.

The County Legislature shall have the power, by local legislation, to establish such rules and regulations as may be necessary to provide for use by the public of facilities and grounds under the jurisdiction of the Department of Parks, Recreation and Youth Services and to provide for the enforcement thereof.

§C1106. Reports

On or before March 1st in each year, the Commissioner of Parks and Recreation shall make an annual report for the immediately preceding calendar year covering generally the work of the department. The Commissioner shall make such other reports at such times as may be required by the County Legislature, County Executive or any other applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

SECTION 3. Article XII Section C1201 of the Charter shall be amended to read as follows:

§ C1201. Board created; powers and duties.

There shall be a Board of Acquisition and Contract which shall consist of the County Executive, the Commissioner of Public Works[, Parks, Recreation and Youth Services] and the Chairman of the County Legislature.

The Board of Acquisition and Contract shall contract for and acquire by purchase or condemnation all lands, buildings and other real property the acquisition of which has been authorized by the County Legislature and shall award all contracts for the construction, reconstruction, repair or alteration of all public works or improvements involving an expenditure of more than \$7,000.

SECTION 4. Article VI §602 (B) of the Administrative Code is hereby amended as follows:

(B) Capital Program Advisory Committee. To assist in the consideration of capital projects and capital program, there shall be a Capital Program Advisory Committee consisting of the County Executive, the Director of Management and Budget, the Commissioner of Planning, the

Commissioner of Public Works[, **Parks, Recreation and Youth Services**] and such other administrative heads as the County Executive may designate, and the following members of the County Legislature: the Chairman, the Chairman of the Finance Committee and the Chairman of the Public Works Committee. The County Executive shall be responsible for the capital program as submitted to the County Legislature, and no member of the County Legislature shall be obliged to support any capital project by reason of membership on the Capital Program Advisory Committee. The County Executive shall be the Chairman, and the Director of Management and Budget shall be the Vice Chairman of the Committee

SECTION 5. Article IX of the Administrative Code is hereby amended to read as follows:

ARTICLE IX

Department of Public Works[, **Parks, Recreation and Youth Services**]

§ A901. Department of Public Works[, **Parks, Recreation and Youth Services**]; Commissioner; appointment; qualifications.

There shall be a Department of Public Works[, **Parks, Recreation and Youth Services**] headed by a Commissioner. The method of choosing the Commissioner as well as his qualifications shall be as provided for in § C901 of Article IX of the Charter.

§ A902. Powers and duties.

The Commissioner of Public Works[, **Parks, Recreation and Youth Services**] shall:

- (A) Have sole charge of the administration of his Department, subject to any applicable rules and regulations that may be adopted by the County Legislature.
- (B) Have all the powers and duties and be subject to all obligations and liabilities heretofore or hereafter lawfully granted or imposed by this Code, the Charter, local law, ordinance or resolution of the County Legislature or any applicable provision of any act of the State Legislature. Such powers, duties, obligations and liabilities shall include but shall not be limited to any power, duty, obligation or liability now or hereafter required to be performed by or imposed upon a County Engineer or a County Superintendent of Highways.
- (C) Within the appropriations provided therefore, and when authorized by the County Legislature, employ such special engineering, architectural or other technical assistance and incur such expenses as may be necessary for the performance of any of his duties. Professional fees or other compensation shall not exceed rates approved by the County Legislature.
- (D) Have the authority, as will any consultant, deputy, assistant or employee of the Department of Public Works[, **Parks, Recreation and Youth Services**] when authorized by the Commissioner, to enter upon any public or private property within the County for the purpose of making any surveys, examinations or investigations necessary or desirable for the exercise of the powers or the performance of the duties of the Department of Public Works[, **Parks, Recreation and Youth Services.**]
- (E) Arrange, subject to the approval of the County Legislature, with any public corporation or public authority, or any combination of the same, for public works services as provided by law. The charge for such joint services shall be in each case determined by the allocation of such costs as certified by the Commissioner of Public Works[, **Parks, Recreation and Youth Services.**]
- (F) Have charge of and have the duty of performing such other functions concerning County property, public works and other matters as the County Legislature or the County Executive may from time to time direct.
- [(G) Have charge, supervision and control of the design, construction, operation, maintenance and repair of all grounds, parking fields, drives and walks, together with all structures, roads, parking areas, equipment and appurtenances relating to parks and recreation facilities.**
- (H) Have charge, supervision and control of all parks and recreation programs.**
- (I) Have charge, [and] supervision and control of the operation, maintenance and use of the Broome County Veterans Memorial Arena and the Broome County Performing Arts Theater (The Forum).**

(J) Have charge and supervision of establishing programs for the aid and betterment for youth including but not limited to programs authorized under Article 19-A of the Executive Law.]

§ A903. Reports.

On or before March 1 in each year, the Commissioner of Public Works[**Parks, Recreation and Youth Services**] shall make an annual report for the immediately preceding calendar year, covering generally the work of his Department. The Commissioner shall make such other reports at such times as may be required by the County Legislature, County Executive or other applicable law and the New York State Department of Transportation. All reports shall be filed with the Clerk of the County Legislature and County Executive.

§ A904. Organization of Department.

There shall be within the Department of Public Works[**Parks, Recreation and Youth Services**] the following Divisions: the Division of Highways, the Division of Buildings and Grounds, the Division of Engineering, the Division of Security, the Division of Solid Waste Management, the Division of Drainage, Sanitation and Water Supply, [**Division of Parks, Recreation and Youth Services**] and such other divisions as may be created within the Department by the County Legislature. The Commissioner shall assign a Deputy to each Division who shall act generally for and in place of the Commissioner. Such division heads shall be subject to reassignment, including the responsibility of being the head of more than one Division. The Commissioner may, when authorized by the County Executive, act as the head of any Division in the Department.

(A) Division of Highways. The Division of Highways shall be headed by a Deputy Commissioner, who shall possess the administrative and highway engineering experience and qualifications for the duties of his office. Said Deputy shall, to the extent that the Commissioner of Public Works[**Parks, Recreation and Youth Services**] shall designate the same in writing, have all the powers and duties vested in and imposed upon a County Superintendent of Highways by the Highway Law. He shall have such other duties as may be prescribed by local law, ordinance or resolution of the County Legislature or by direction of the Commissioner of Public Works[**Parks, Recreation and Youth Services**]

The provisions of the Highway Law shall apply to and define the powers, duties, obligations and liabilities of the Commissioner of Public Works[**Parks, Recreation and Youth Services**] or of his designated Deputy when exercising any of the powers or performing any of the duties of a County Superintendent of Highways.

The Commissioner of Public Works[**Parks, Recreation and Youth Services**] may permit the rental, with or without an operator, of County highway machinery, tools, equipment and implements under the jurisdiction of the Commissioner of Public Works[**Parks, Recreation and Youth Services**] by any public corporation or public authority, or any combination of the same, as provided by law, upon such terms as may be agreed upon, but with the payment to the County of not less than the hourly rate as fixed by the New York State Commissioner of Transportation for the rental or hiring of such machinery, tools, equipment or implements by the County. All sums obtained from the rental of County highway machinery shall be deposited in the County Road Machinery Fund.

The Commissioner of Public Works[**Parks, Recreation and Youth Services**] may permit the rental of machinery, with or without an operator, from any person, company or corporation or any public corporation or public authority, or any combination of the same, in accordance with the applicable statutes appertaining thereto; such rental shall be payable from the proper fund.

(B) Division of Buildings and Grounds. The Division of Buildings and Grounds shall be headed by a Deputy Commissioner, who shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office.

The Deputy Commissioner shall have charge of the preservation and maintenance of all buildings and grounds owned or leased by the County which are held, used and/or operated by the County for County purposes, except:

- (1) The lands and buildings under the jurisdiction of the Division of Highways, the Division of Engineering and the Division of Solid Waste Management.
- (2) The custodial care of jails, jail barracks, airports, community colleges, Broome County nursing homes, social service office buildings and mental health clinics.
- (3) The maintenance, repair and alterations of runways and other airport facilities.
- (4) The buildings and grounds under the jurisdiction of the Division of Parks Recreation and Youth Services

The Deputy Commissioner shall have charge and control of all janitors, caretakers, custodians and other employees connected with the care and maintenance of County buildings and grounds, except as provided herein. He may make such rules and regulations governing such employees as he shall deem proper, subject to the approval of the Commissioner of Public Works[, **Parks, Recreation and Youth Services**].

The Deputy Commissioner shall have the power to maintain and operate any County central garage that may be hereafter established by the County Legislature.

- (C) Division of Engineering. The Division of Engineering shall be headed by a Deputy Commissioner, who shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office. He shall be licensed by the State of New York to practice professional engineering. The Deputy Commissioner shall:

- (1) Have charge and supervision of all officers and employees of the Department of Public Works[, **Parks, Recreation and Youth Services**] performing professional engineering, surveying and related engineering services for the County, except division heads of said Department.

- (2) Upon the request of the Commissioner of Public Works[, **Parks, Recreation and Youth Services**] assign such officers and employees from the Division of Engineering as may be needed by other Divisions of the Department of Public Works[, **Parks, Recreation and Youth Services**] to work on projects designated by such Commissioner.

- (3) Upon the request of the County Legislature, perform such professional engineering, surveying and related engineering services as may be required by other County administrative units.

- (4) Oversee and supervise the design and construction of all capital projects.

The Deputy Commissioner shall, to the extent that the Commissioner of Public Works[, **Parks, Recreation and Youth Services**] shall designate the same in writing, have all the powers and duties invested in and imposed upon a County Engineer by the Highway Law.

The Deputy Commissioner shall perform such other related duties and make such reports as are required by the Commissioner of Public Works[, **Parks, Recreation and Youth Services**].

- (D) Division of Security. The Division of Security shall be headed by the Director of Security, who shall be appointed by the Commissioner on the basis of administrative experience and qualifications for the office. The Director shall be in charge of all security as designated by the Commissioner, subject to appropriation by the Legislature.

- (E) Division of Solid Waste Management. The Division of Solid Waste Management shall be headed by a Deputy Commissioner, who shall be appointed on the basis of his or her administrative experience and qualifications for the office. The Deputy Commissioner shall:

- (1) Have charge and supervision of all of the County's materials-recovery programs, including reuse, recycling and reduction programs.

- (2) Have charge and supervision of the operation and maintenance of the County's sanitary landfills and solid waste disposal facilities.

- (3) Have charge of and supervise the implementation of all charges or user fees imposed or fixed by the County Legislature for solid waste disposal or handling.

- (4) Coordinate all engineering studies for the County's solid waste management operations.
 - (5) Perform such other and further duties in connection with the administration of the County's solid waste management program as may be required by the Commissioner of Public Works[, **Parks, Recreation and Youth Services**].
- (F) Division of Drainage, Sanitation and Water Supply. The Division of Drainage, Sanitation and Water Supply shall be headed by a Deputy Commissioner, who shall be appointed on the basis of his or her administrative experience and qualifications for the office. The Deputy Commissioner shall:
- (1) Have charge of facilities for County drainage, sewage and water supply.
 - (2) Have the management and control of certain County special districts, including, but not limited to, County water, water quality treatment, water supply, sewer, wastewater disposal and drainage districts.
 - (3) Be responsible for and coordinate maintenance of completed structures and other duties in connection with small watershed flood protection projects in Broome County.
- [(G) Division of Parks, Recreation and Youth Services. The Division of Parks, Recreation and Youth Services shall be headed by a Director of Parks, Recreation and Youth Services who shall be appointed on the basis of his or her administrative experience or qualifications for the office. The Director shall:**
- (1) Have charge, supervision and control of the design, construction, operation, maintenance and repair of all grounds, parking fields, drives and walks, together with all structures, roads, parking areas, equipment and appurtenances relating to parks and recreation facilities.**
 - (2) Have charge, supervision and control of all parks and recreation programs.**
 - (3) Have charge and supervision of establishing programs for the aid and betterment for youth including but not limited to programs authorized under Article 19-A of the Executive Law.**
 - (4) Shall perform the duties of Executive Director of the Youth Bureau.]**

§ A905. Rules and regulations.

The County Legislature shall have the power by resolution, local law, or ordinance to establish such rules, regulations and charges relating to the Department of Public Works[, **Parks, Recreation and Youth Services**] as it may deem necessary. Any such rules, regulations or charges so established shall become valid upon their being filed with the County Executive, the Commissioner of Public Works[, **Parks, Recreation and Youth Services**] and the Department of Records.

§ A906. Deputies.

The Commissioner of Public Works[, **Parks, Recreation and Youth Services**] shall appoint Deputies as authorized by the County Legislature. All Deputy Commissioners and the Director of Parks, Recreation and Youth Services shall serve at the pleasure of the Commissioner of Public Works[, **Parks, Recreation and Youth Services**]. The Deputy Commissioners shall perform all duties and make all reports as are required by the Commissioner of Public Works[, **Parks, Recreation and Youth Services**] and shall have the authority to act generally for and in place of said Commissioner. The designation or designations shall be in writing and filed with the Department of Records, and copies thereof shall be filed with the County Executive and with the Clerk of the County Legislature.

The Commissioner of Public Works[, **Parks, Recreation and Youth Services**] may delegate to one or more of his Deputies specific powers and duties, including those which he has as County Engineer or as County Superintendent of Highways, and may revoke such delegations. If the powers or duties so delegated or revoked are those which the Commissioner of Public Work[s, **Parks, Recreation and Youth Services**] has as County Engineer or County Superintendent of Highways, a duplicate of such written delegation or revocation shall be filed with the New York

State Commissioner of Transportation, if required by law. Any act performed by a Deputy pursuant to such delegation shall have the same effect, in law, as if performed by the Commissioner of Public Works[, Parks, Recreation and Youth Services].

Section 6 Article XI of the Administrative Code is hereby added as follows:

Article XI

Department of Parks, Recreation and Youth Services

§A1101 Department of Parks, Recreation and Youth Services, Commissioner: appointment

There shall be a Department of Parks, Recreation and Youth Services, headed by a Commissioner who shall be appointed by the County Executive, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive.

§A1102 Powers and Duties

Except as otherwise provided in this Charter, the Commissioner shall:

- A. Have charge, supervision and control of the design, construction, operation, maintenance and repair of all grounds, parking fields, drives and walks, together with all structures, roads, parking areas, equipment and appurtenances relating to parks and recreation facilities.**
- B. Have charge, supervision and control of the operation, maintenance and use of the Broome County Veterans Memorial Arena and the Broome County Performing Arts Theater (The Forum).**
- C. Have charge and supervision of establishing programs for the aid and betterment for youth including but not limited to programs authorized under Article 19-A of the Executive Law.**
- D. Have charge, supervision and control of all parks and recreation programs and county operated golf courses.**
- E. Perform such additional and related duties as the County Executive may prescribe or as may be prescribed by local law, ordinance or resolution of the County Legislature.**

§A1103. Divisions of Department

There shall be within the Department of Parks, Recreation and Youth Services the following Divisions: the Division of Parks and Recreation, the Division of Youth Services, the Division of Veterans Memorial Arena, the Division of the Forum Theater and the Division of Golf.

§A1104 Deputies.

The Commissioner of Parks, Recreation and Youth Services shall appoint such deputies as may be authorized by the County Legislature. All Deputy Commissioners shall serve at the pleasure of the Commissioner of Parks, Recreation and Youth Services.

§A1105. Rules and regulations.

The County Legislature shall have the power, by local legislation, to establish such rules and regulations as may be necessary to provide for use by the public of facilities and grounds under the jurisdiction of the Department of Parks, Recreation and Youth Services and to provide for the enforcement thereof.

§A1106. Reports

On or before March 1st in each year, the Commissioner of Parks and Recreation shall make an annual report for the immediately preceding calendar year covering generally the work of the department. The Commissioner shall make such other reports at such times as may be required by the County Legislature, County Executive or any other applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

Section 7. Article XII Section A1201 of the Charter and Administrative Code is hereby amended as follows:

§ A1201. Board created; organization and procedures.

There shall be a Board of Acquisition and Contract which shall consist of the County Executive, the Commissioner of Public Works[, **Parks, Recreation and Youth Services**] and the Chairman of the County Legislature or their designees. The Board of Acquisition and Contract shall have all the powers and duties in relation to the acquisition of real property and the approval and execution of contracts as are set forth in §§ A1202, A1203, A1204, A1205 and A1206 of this Article.

The Board of Acquisition and Contract shall meet at the call of the County Executive, who shall serve as Chairman of such Board. All meetings of the Board of Acquisition and Contract shall be open to the public, and the Board shall be required to keep written minutes of its proceedings, which shall be available to public inspection at all reasonable times.

The Board of Acquisition and Contract shall adopt rules of procedure for the conduct of its meetings and shall establish its regular meeting dates.

The Board of Acquisition and Contract shall have and exercise all powers and duties conferred or imposed upon it by the Charter and this Code. The members of such Board shall receive no additional salary or compensation for their services, but shall, within the appropriations provided therefore, be entitled to actual and necessary disbursements and expenses in performing the duties of their office.

The Board of Acquisition and Contract may make recommendations to the County Legislature relative to the operations of the Board and County contracts.

Section 8. Article XXIII-A Section A2303-A(3)(a) of the Charter and Code is hereby amended as follows:

- (a) Annually the Board of Trustees shall furnish to the Director of Management and Budget a description, justification and estimate for each project in the capital program which it proposes to develop during one or more of the ensuing six fiscal years of the County. Such capital project requests and their consideration, approval and budgeting of said projects shall be made pursuant to the County Administrative Code and Charter. All capital projects approved for Broome Community College shall be a part of the County's six-year capital program and County budget.

All projects within the capital program shall be developed in accordance with a Facilities Master Plan for the college. The Trustees shall consult with the Commissioner of Public Works[, **Parks, Recreation and Youth Services**] in developing the capital program for the college.

Section 9. Article XXIII-A Section A2307-A(3)(b) of the Charter and Code is hereby amended to read as follows:

- (b) The college shall contract with the County Department of Public Works[, **Parks, Recreation and Youth Services**] for contract administration services for all public works projects of the college.

Section 10. Chapter 12-2A of the Charter and Code is hereby amended as follows:

§12-2 Requirements for architectural and consulting engineering services

- A. The Commissioner of Public Works [, **Parks, Recreation and Youth Services**] (hereinafter "the Commissioner") shall assess and make public, on at least an annual basis, present and future construction programs and establish anticipated requirements for architectural and engineering services.

Section 11. Chapter 15-4 of the Charter and Code is hereby amended as follows:

§17-5 Membership and Terms; Chairman.

The membership of the Broome County Environmental Management Council shall be comprised of one member of each conservation commission within the County of Broome, 15 at-large members who are residents of Broome County, one representative each from designated agencies as established in the EMC bylaws (e.g., United States Department of Agriculture Natural Resources Conservation Service, the Cooperative Extension Service, the Soil and Water Conservation District located within Broome county) and, as ex officio members, the Commissioners or designees of the Broome County Departments of Health, of Parks, [and] Recreation and Youth Services, of Planning and Economic Development and of Public Works,

and two Broome County Legislators, all of whom shall be appointed by and serve at the pleasure of the County Executive for terms not to exceed two years, and any such appointments shall be subject to confirmation by the County Legislature. The County Executive shall appoint a Chairman of the Council from among the members of the Council.

Section 12. Chapter 53-5B(2) of the Charter and Code is hereby amended to read as follows:

(2) The following heads of agencies, department, divisions, councils, boards, commissions or bureaus and their deputies and assistants:

- Aging, Office for
 - Director of Office for Aging
 - Deputy Director of Office for Aging
- Audit and Control
 - Comptroller
 - Deputy Comptroller
 - Director of Weights and Measures
- Aviation
 - Commissioner of Aviation
 - Deputy Commissioner of Aviation
- Broome Community College
 - President of Broome Community College
 - Vice President of Academic Affairs
 - Vice President for Administration and Financial Affairs
 - Vice President for Student Affairs
- Central Foods
 - Director of Central Food and Nutrition Services
- Community Alternative Systems Agency
 - CASA Director
- County Clerk
 - Executive Deputy County Clerk
 - Deputy County Clerk
 - Records Management Officer
 - Deputy Clerk — DMV
- County Executive
 - Deputy County Executive
 - Administrative Assistant to County Executive
 - Executive Assistant to County Executive (2)
 - Communications Director
 - Director of Greater Binghamton Coalition
- District Attorney
 - Chief Assistant District Attorney
- Elections
 - Commissioners of Elections
 - Deputy Commissioners of Elections
- Emergency Services
 - Director of Emergency Services/Fire Coordinator
 - Deputy Director of Emergency Services
- Employment and Training
 - Employment and Training Director
 - Deputy Employment and Training Director
- Office of Management and Budget
 - Director of the Office of Management and Budget
 - Deputy Director of OMB — Treasury
 - Deputy Director of OMB — Budget
 - Deputy Director of OMB — Accounting
- Health

Public Health Director
Deputy Public Health Director
Historian
County Historian
Information Technology
Director of Information Technology
Assistant Director of Information Technology
Law
County Attorney
Chief Assistant County Attorney
Deputy County Attorney (DSS)
Legislature
Clerk of County Legislature
Deputy Clerk of County Legislature
2nd Deputy Clerk of County Legislature
Legislative Assistant
Library
Library Director
Mental Health
Commissioner of Community Mental Health Services
Deputy Commissioner of Community Mental Health Services
Nursing Home
Willow Point Nursing Home Administrator
Deputy Nursing Home Administrator — Fiscal Services
Deputy Nursing Home Administrator — Health Services
Parks and Recreation
Commissioner of Parks and Recreation
Arena Manager
Director of Parks and Recreation
Executive Director of the Youth Bureau
Personnel
Personnel Officer
Director of Employee Relations
Equal Employment Opportunity Compliance Officer
Planning and Economic Development
Commissioner of Planning and Economic Development
Probation
Probation Director
Deputy Probation Director
Public Defender
Public Defender
Chief Assistant Public Defender
Public Transportation
Commissioner of Public Transportation
Deputy Commissioner of Public Transportation
Public Works[, **Parks, Recreation and Youth Services**]
Commissioner of Public Works[, **Parks, Recreation and Youth Services**]
Deputy Commissioner of Public Works/Buildings and Grounds
Deputy Commissioner of Public Works/Engineering
Deputy Commissioner of Public Works/Highways
Director of Security
Director of Solid Waste Management
[Director of Parks, Recreation and Youth Services

Arena Manager]
Purchasing
Purchasing Agent
Real Property Tax Service
Director of Real Property Tax Services
Assistant Director of Real Property Tax Services
Risk and Insurance
Manager of Risk and Insurance
Sheriff
Undersheriff
Corrections Major
Social Services
Commissioner of Social Services
Deputy Commissioner of Social Services
Deputy Commissioner of Social Services — Temporary Assistance
Deputy Commissioner of Social Services — Administrative Services
Stop-DWI
STOP DWI Coordinator

Section 13. Chapter 210-1A of the Charter and Code is hereby amended as follows:

§ 210-1. Code enforcement officer; Board of Review.

A. Administration. The Commissioner of Public Works[, **Parks, Recreation and Youth Services**] is hereby designated as code enforcement official to administer and enforce the Uniform Fire Prevention and Building Code with respect to:

(1) Buildings, premises and equipment in the custody of or activities relating thereto undertaken by:

- (a) The county.
- (b) Any special purpose unit of government created by or for the benefit of the county.
- (c) The Off-Track Betting Corporation whenever such buildings, premises, equipment or activities are located or occur within the county.

(2) Any other buildings, premises, activities or equipment for which the county is accountable for enforcing the Uniform Fire Prevention and Building

Code by reason of state law or regulation.

Section 14 Chapter 210-7G of the Charter and Code is amended as follows:

Waiver of fees. The Commissioner of Public Works[, **Parks, Recreation and Youth Services**] may waive any fee or a portion thereof if it is established that the payment of such fee will cause unnecessary hardship or that the waiver of the fee would be in the best interests of the County.

Section 15 Chapters 274 -1 and 274-2 of the Charter and Code are hereby amended as follows:

§ 274-1. Written notice required.

A. No civil action shall be maintained against the County or officers and officials of the County for damages or injuries to a person or property or for wrongful death sustained by reason of any highway, sidewalk, bridge or culvert being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, sidewalk, bridge or culvert was actually given to the County Clerk or County Commissioner of Public Works[, **Parks, Recreation and Youth Services**] and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of; but no such action shall be maintained for damages or injuries to a person or property or for wrongful death sustained solely in consequence of the existence of snow or ice upon any highway, sidewalk, bridge or culvert unless written notice thereof, specifying the particular place, was actually given to the County Clerk or County Commissioner of Public Work[s, **Parks, Recreation and Youth Services**] and there was a failure or neglect to cause such ice or snow to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

- B. No civil action shall be maintained against the County or officers and officials of the County for damages or injuries to a person or property or for wrongful death sustained by reason of any other property owned, operated or maintained by the County being defective, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such property was actually given to the County Clerk or County Commissioner of Public Works[, **Parks, Recreation and Youth Services**] and there was failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction.

§ 274-2. Transmittal of notices.

The County Commissioner of Public Works[, **Parks, Recreation and Youth Services**] shall transmit, in writing, to the County Clerk within 10 days after the receipt thereof all written notices received by him or her pursuant to this chapter. The County Clerk shall cause all written notices received by him or her pursuant to this chapter to be presented to the County Legislature within five days of the receipt thereof or at the next succeeding County Legislature meeting, whichever shall be sooner.

Section 16. Chapter 281 of the Charter and Code is hereby amended in part as follows:

§ 281-1. Purpose.

Broome County has established various parks and leisure facilities to be administered by the Broome County Department of **Parks, Recreation and Youth Services** [**Public Works, Parks, Recreation and Youth Services**]. For the better management of these facilities, it is necessary to establish certain rules and regulations for all persons entering, using or visiting or who are otherwise within the boundaries of said facilities.

§ 281-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMMISSIONER — The Commissioner of the Broome County Department of **Parks, Recreation and Youth Services** [**Public Works, Parks, Recreation and Youth Services**] and/or his duly authorized personnel.

COMMITTEE — The [**Parks and Recreation**] **Economic Development, Education & Culture** Committee of the Broome County Legislature.

COUNTY — The County of Broome.

COUNTY EXECUTIVE — The County Executive of Broome County.

DEPARTMENT — The Broome County Department of **Parks, Recreation and Youth Services** [**Public Works, Parks, Recreation and Youth Services**].

LEGISLATURE — The Broome County Legislature.

LEISURE FACILITY — The Broome County Veterans Memorial Arena and Broome County Forum.

PARK — Any and all land and/or physical structures owned or controlled by the County of Broome and administered by its Department of **Parks and Recreation** [**Public Works, Parks, Recreation and Youth Services**]. These shall include areas designated as parks, campgrounds, picnic areas, ice rinks, nature reserves, the Arena, Forum and other special use areas as designated by the Department of **Parks, Recreation and Youth Services** [**Public Works, Parks, Recreation and Youth Services**].

PERSON — Includes persons and corporations and other groups.

§281-3

P. Dogs and other animals

- (3) Horseback riding, farm animals and petting zoos are not allowed on park property unless deemed appropriate by the Commissioner of **Parks, Recreation and Youth Services** [**Public Works, Parks, Recreation and Youth Services**] in extenuating circumstances

§281-4

I. Balloon launch permit: annual

Note No. 1: Any person or group wishing to sponsor or engage in any special activity is required to obtain written permission for such activity from the Commissioner, who may charge the

person or group so engaged a percentage of any cash receipts or for any extra expenses incurred by the Department as a result of such activity.

Note No. 2: Prices charged at snack bars administered by the Department are set by the Commissioner and are comparable to those being charged for similar products by established retail outlets in the proximity of the park.

Note No. 3: The Department will follow a strict policy of no refunds, except as outlined in specific contracts or as deemed appropriate by the Commissioner of **Parks, Recreation and Youth Services [Public Works, Parks, Recreation and Youth Services]** in extenuating circumstances.

Note No. 4: Lost equipment or equipment damaged beyond repair will be billed at 1/3 the replacement cost.

Note No. 5: The Commissioner of **Parks, Recreation and Youth Services [Public Works, Parks, Recreation and Youth Services]** has the right to require additional security and emergency medical services coverage from a promoter or registered group for an event and appropriately charge said group or promoter for said services.

Note No. 6: Seasonal uniform. Broome County **Parks, Recreation and Youth Services [Public Works, Parks, Recreation and Youth Services]** Department is authorized to allocate a minimum number of uniforms to those seasonal employees who are required to wear them in order to adequately perform their job duties in a safe and professional manner.

Section 17 Article I Chapter 317 of the Charter and Code is hereby amended as follows:

§ 317-1. Definitions

A. As used in this chapter, the following terms shall have the meanings indicated:

CHARGEABLE TONNAGE — All material transported over Broome County facility scales for which a payment is assessed by Broome County to the transporting user of the facility.

COMMERCIAL USER — One generating or transporting solid waste in the course of business, earning a livelihood or other regularly income-producing service or activity. This includes but is not limited to the following commercial waste haulers and processors, contractors, small businesses, corporations, and institutions.

DEPUTY COMMISSIONER — The Deputy Commissioner of Public Works[, **Parks, Recreation and Youth Services**] for the Division of Solid Waste Management.

RESIDENTIAL USER — One generating waste in the course of daily living and improvement of their own residence. This specifically excludes those hauling commercial waste, or waste from commercial building and other contracting projects.

§ 317-13. Definitions.

As used or referred to in this article, unless the context otherwise requires, the following terms shall have the meanings indicated:

COMMERCIAL USER — One generating or transporting recyclable waste in the course of business, earning a livelihood or other regularly income-producing service or activity. This includes but is not limited to the following: commercial waste haulers and processors, contractors, small businesses, corporations and institutions.

COUNTY OF BROOME — The entire County of Broome as constituted and existing under the laws of the State of New York.

DEPUTY COMMISSIONER — The Deputy Commissioner of Public Works[, **Parks, Recreation and Youth Services**] for the Division of Solid Waste Management.

DISPOSAL OF SOLID WASTE — The transporting or delivery of solid waste to a solid waste management - resource recovery facility.

DROPOFF AREA — Any area designated from time to time by the County Executive or his designee (as hereinafter provided) where persons can bring recyclables for aggregation and further transport to a materials recovery facility.

MATERIALS RECOVERY FACILITY — A type of solid waste management – resource recovery facility, duly designated pursuant to this article, at which recyclables are aggregated and processed for eventual transportation to markets, where said materials can be beneficially reused or distributed for beneficial reuse.

MUNICIPALITY — Any county, city, town, village, improvement district (or a county, city, town or village acting on behalf of an improvement district), public corporation, municipal corporation, political subdivision, government agency or department or bureau of the state or federal government.

PERSON — Any natural person, individual, partnership, co partnership, association, joint venture, corporation, trust, estate or any other legal entity, inclusive of a municipality.

RECYCLABLES — That component of solid waste which may be reclaimed for further use, specifically those materials designated as recyclable in Article IV of this chapter.

RESIDENTIAL USER — One generating recyclable waste in the course of daily living and improvement of his own residence. This specifically excludes those hauling commercial recyclable waste.

SOLID WASTE — All solid materials or substances which are useless, unused, unwanted or discarded and which have no market or other value at their place of location, including garbage, refuse and other discarded solid materials, including solid waste materials resulting from industrial, commercial and agricultural operations and from community activities, but not including solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants or special nuclear or by-product material within the meaning of the Atomic Energy Act of 1954, as amended, and waste which appears on the list of hazardous waste promulgated by the Commissioner of Environmental Conservation pursuant to § 27-0903 of the Environmental Conservation Law of the State of New York.

SOLID WASTE MANAGEMENT - RESOURCE RECOVERY FACILITY or FACILITY —

Any facility, plant, works, system, building, structure, improvement, machinery, equipment, fixture or other real or personal property which is to be used, occupied or employed for the collecting, receiving, transporting, storing, processing or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom, including but not limited to recycling centers, transfer stations, baling facilities, rail haul or maritim facilities, collection vehicles, processing systems, resource recovery facilities, steam and electric generating and transmission facilities, including auxiliary facilities to supplement or temporarily replace such generating facilities, steam distribution facilities, sanitary landfills, plants and facilities for compacting, composting or pyrolization of solid waste, incinerators and other solid waste disposal, reduction or conversion facilities and resource recovery equipment and disposal equipment as defined in Subdivisions 4 and 5 of § 51-0903 of the Environmental Conservation Law of the State of New York.

Section 18 Chapter 336 Article II 11(G) of the Charter and Code is hereby amended as follows:

G. Appeal of suspension or revocation. Any suspension of a license may be appealed by submitting a written appeal to the Broome County Commissioner of Public Works[, **Parks, Recreation and Youth Services**] with 10 days of the suspension or revocation by the Director. The Commissioner of Public Works[, **Parks, Recreation and Youth Services**] may uphold or overturn the decision of the Director based on the documentation provided.

Section 19. This Local Law shall take effect upon filing with the Secretary of State

Carried. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

RESOLUTION NO. 321

By County Administration and Personnel Committees

Seconded by Mr. Pasquale

RESOLUTION APPOINTING JOHNATHON T. SCOTT AS LEGISLATIVE ASSISTANT

WHEREAS, the Broome County Legislature, by Resolution 318 of 1977, created the position of Legislative Assistant, and

WHEREAS, it is the opinion of this County Legislature that Johnathon T. Scott will satisfactorily fulfill the duties of the position and it is appropriate to appoint him to the position of Legislative Assistant effective July 24, 2023, now, therefore, be it

RESOLVED, that Johnathon T. Scott, 16 Emma Street, #316, Binghamton, New York 13905, be and he hereby is appointed to the position of Legislative Assistant effective July 24, 2023 to serve at the pleasure of the Chair.

Carried. Ayes-13, Nays-0, Absent-2 (Myers, Ryan)

LEGISLATORS COMMENTS

Mr. Shaw commented that the new Nursing Home Administrator and Deputy are going a great job at the Nursing Home but expressed concerns with the amount of agency staffing that is being used.

Mr. Augustini announced a few events taking place in his district, including J.C. Carousel Days this weekend and Spiedie Fest & Balloon Rally the first weekend in August and he encouraged everyone to attend. He also commented on a new food and clothing pantry for those in need that recently opened at Johnson City High School.

Mr. Pasquale made a motion to adjourn, seconded by Mr. Whalen. **Motion to adjourn carried.** Ayes-13, Nays-0, Absent-2 (Myers, Ryan). The meeting was adjourned at 5:56 p.m.