

Intro No. 37  
Date 7/20/2023  
Reviewed by ABW  
Co. Attorney  
Date 7/3/23

**RESOLUTION**  
**BROOME COUNTY LEGISLATURE**  
BINGHAMTON, NEW YORK

Permanent No. 2023-320  
Date Adopted 7/20/2023  
Effective Date 8/10/23

**Sponsored by:** County Administration, Public Works & Transportation and Economic Development, Education & Culture Committees

**Seconded by:** Hon. Greg W. 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.

COUNTY OF BROOME )  
STATE OF NEW YORK ) ss.:

I, the undersigned, Second Deputy Clerk of the Legislature of the County of Broome, DO HEREBY CERTIFY that the above is an original resolution of such Legislature duly adopted on the 20<sup>th</sup> day of July, 2023, by a majority of the members elected to the Legislature of said County at a regular meeting of said Legislature.

I FURTHER CERTIFY that at the time said resolution was adopted said Legislature was comprised of fifteen members.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Legislature this 21<sup>st</sup> day of July, 2023.

Date sent to County Executive: July 21, 2023

Approved [Signature]  
County Executive

Date 8/10, 2023

[Signature]  
Deputy Clerk, County Legislature  
County of Broome

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 prescribed 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 1<sup>st</sup> 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 1<sup>st</sup> 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