

**BROOME COUNTY LEGISLATURE  
REGULAR SESSION  
THURSDAY, MARCH 19, 2009**

The Legislature convened at 5:00 p.m. with a call to order by the Chair, Daniel D. Reynolds. The Clerk, Eric S. Denk, read the fire exit announcement and called the Attendance Roll, Present-19, Absent-0.

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

Mr. Whalen made a motion, seconded by Mr. LaBare, that the minutes of February 24, 2009 be approved as prepared and presented by the Clerk. **Carried**, Ayes-19, Nays-0, Absent-0.

Mr. Reynolds noted that the committee minutes for the period February 24, 2009 through March 18, 2009 had been distributed to the members of each committee for review and that they are also on file in the Clerk's Office. The Clerk indicated that a quorum of all committees were present. Mr. Reynolds asked for corrections to the committee minutes. Seeing none, a motion to approve the committee minutes was made by Ms. Messina, seconded by Mr. Whalen. **Carried**, Ayes-19, Nays-0, Absent-0.

**ANNOUNCEMENTS FROM THE CHAIR**

Presentation of Proclamations

Ms. Messina and Ms. Buchta presented proclamations to Neelam and Sterling Naslund for their accomplishments at the 2009 Special Olympics Winter World Games.

Mr. Marincih presented a proclamation to Jesse Villella, New York State Wrestling Champion.

Mr. Sanfilippo presented a proclamation to Darlene Croston for her Navy and Marine Corps Achievements

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

Letters from the County Executive, Barbara J. Fiala

1. 2009 State of the County 2/24/2009
2. Designations - Order of Succession

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

Letters from the Chair, Daniel D. Reynolds

1. Designation for Mr. Cleary 3/10/09
2. Designation for Mr. Cleary 3/11/09
3. Designation for Mr. Sanfilippo 3/11/09

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

A. Petitions: None

B. Communications:

1. BCC – Quarterly Income Statement 2/09
2. BCC Budget Transfer 1/09
3. Coughlin & Gerhart LLP – Application for Special Use Permit re: Verizon Wireless on Stratton Rd.
4. Orrick, Herrington & Sutcliffe-Receipt of 2008 Bond Resolutions 742, 743, 744 and 753
5. Audit & Control-Employee Final Clearance Payout Audit 2/09
6. Personnel-Employee contract Between County of Broome and Broome County Sheriff's Corrections Employees Local 2012, Council 82 AFSCME, AFL-CIO

7. Coughlin & Gerhart LLP-Application for Special Use Permit re: Verizon Wireless on Stratton Road Public Hearing 3/1/0/09
  8. The West Firm-Proposed Local Law for Road Use by Natural Gas Vehicles
  9. EMC-Recycling & Waste Management Committee Minutes 2/2/09
  10. Cornell Cooperative Extension of Broome County Minutes 1/22/09
  11. Broome County Soil & Water Conservation District Minutes 2/17/09
- C. Notices:
1. Ad Hoc Committee on Mineral Rights Meeting 3/12/2009
  2. Special Meeting of the Finance & Public Works Committees – 2/24/2009
- D. Reports:
1. Binghamton Zoo at Ross Park – 2008 Annual Report

Mr. Materese and Mr. Keibel were designated as participants with Chairman Whalen in the 'Short Roll Call'.

Several resolutions were taken out of order but for the sake of clarity they are presented in numerical order.

**RESOLUTION RECALLED FROM A PREVIOUS SESSION**

Mr. Herz made a motion, seconded by Mr. Cleary to recall Resolution 102 for the purpose of amending. **Recall carried.** Ayes-19, Nays-0, Absent-0.

**RESOLUTION NO. 102**

By Transportation and Rural Development and Finance Committees  
Seconded by Mr. Whalen

**RESOLUTION AUTHORIZING AN AGREEMENT WITH ROSANNE SALL ADVERTISING FOR AIRPORT ADVERTISING CONCESSION FOR THE DEPARTMENT OF AVIATION FOR 2009-2010**

Mr. Herz made a motion, seconded by Mr. Cleary to amend the first Whereas paragraph and the first Resolved paragraph to read "... for the period April 1, 2009 through March 31, 2011, with the option for three one-year renewals by mutual consent...". **Amendment carried.** Ayes-19, Nays-0, Absent-0. **Resolution as amended carried.** Ayes-19, Nays-0, Absent-0.

**RESOLUTIONS HELD OVER FROM PREVIOUS SESSION**

**RESOLUTION NO. 121**

(Held over by Ms. Buchta)

By Education, Culture and Recreation and Finance Committees  
Seconded by Ms. Buchta  
**RESOLUTION AUTHORIZING THE CREATION OF A MANDATORY FACILITY USER FEE FOR ALL EVENTS AT THE BROOME COUNTY VETERANS MEMORIAL ARENA AND THE BROOME CENTER FOR THE PERFORMING ARTS, THE FORUM**

WHEREAS, the Veterans Memorial Arena Board of Directors has determined that the creation of a facility user fee at the Broome County Veterans Memorial Arena and the Forum would help lessen and stabilize the burden to the taxpayers of Broome County, and

WHEREAS, the increase in the cost of electric and natural gas as well as the increase in the number of events and games that are held at both the Arena and Forum have caused an increase in expenditures over the last few years, and

WHEREAS, additional funds are needed for repairs, improvements, and general operations of the Arena and Forum, and

WHEREAS, currently, there is no user fee associated with the sale of a ticket for an Arena or Forum event although facility user fees added to ticket purchases is a widely held industry

practice, which many facility operators utilize to fund repairs, improvements, or general operations, and

WHEREAS, the current contract agreement with the Binghamton Senators does not provide for a facility user fee for Binghamton Senators hockey games at this time, now therefore be it

RESOLVED, that this County Legislature hereby authorizes the creation of a mandatory facility user fee of \$2.00 for every ticket sold costing more than \$10.00 and \$.50 added to every ticket costing up to and including \$10.00 at the Broome County Veterans Memorial Arena and the Broome Center for the Performing Arts the Forum, in order to lessen and stabilize the burden to the taxpayers of Broome County, and be it further

RESOLVED, that this Resolution shall become effective on enactment for all events at both the Arena and the Forum except for those events for which a contract is already in place as of date of enactment, and be it further

RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of law, as may be necessary to implement the intent and purpose of this Resolution. Mr. Garnar made a motion, seconded by Mr. Hutchings to amend the resolution to add a paragraph to read "Further Resolved, that the facility user fee shall be appropriated solely to fund the Capital Program budget for the Arena and Forum. Mr. Howard made a motion, seconded by Mr. Whalen to call the question. **Motion to call the question carried.** Ayes-16, Nays-2 (Materese, Garnar), Absent-1 (Sanfilippo). **Amendment failed.** Ayes-9, Nays-9 (Materese, Moran, Messina, Whalen, Nirchi, LaBare, Howard, Herz, Buchta), Absent-1 (Sanfilippo). Mr. Howard made a motion, seconded by Mr. Materese to amend the resolution to add a Further Resolved paragraph assigning a dedicated revenue line for the user fee. **Motion carried.** Ayes-18, Nays-0, Absent-1 (Sanfilippo). Mr. Diffendorf made a motion, seconded by Mr. Herz to amend the first Resolved paragraph to read "... a mandatory facility user fee of \$.50 for tickets costing \$0 through \$10, fee of \$1.00 for tickets costing \$10.01 through \$20.00 and fee of \$2.00 for tickets costing more than \$20.00...". **Motion failed.** Ayes-9, Nays-9 (Materese, Moran, Messina, Whalen, Nirchi, LaBare, Pasquale, Cleary, Buchta), Absent-1 Sanfilippo. Mr. Marinich made a motion, seconded by Mr. Pasquale to table the resolution to a date uncertain. **Motion failed.** Ayes-5, Nays-14 (Materese, Sanfilippo, Moran, Messina, Whalen, Nirchi, LaBare, Howard, Cleary, Hutchings, Herz, Buchta, Klipsch, Reynolds), Absent-0. **Resolution Carried,** Ayes-13, Nays-6 (Keibel, Pasquale, Garnar, Hutchings, Marinich, Klipsch), Absent-0.

#### RESOLUTIONS INTRODUCED AT THIS SESSION

##### RESOLUTION NO. 121

By Finance Committee

Seconded by Mr. Whalen

#### **RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH TIM SHEEHAN ADJUSTER/APPRaiser FOR INSURANCE ADJUSTER SERVICES FOR THE OFFICE OF RISK AND INSURANCE FOR 2009-2010**

WHEREAS, this County Legislature, by Resolution 227 of 2008, authorized renewal of the agreement with Tim Sheehan Adjuster/Appraiser for insurance adjuster services for the Office of Risk and Insurance at the rate of \$47.30 per hour, total amount not to exceed \$32,000, for the period March 1, 2008 through February 28, 2009, and

WHEREAS, said agreement is necessary to investigate and accurately value claims against Broome County, and

WHEREAS, said agreement expired by its terms on February 28, 2009, and it is desired at this time to renew said agreement on substantially similar terms and conditions, at the rate of \$48.10 per hour, for the period March 1, 2009 through February 28, 2010, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Tim Sheehan Adjuster/Appraiser, PO Box 2561, Binghamton, New York 13902-2561 for insurance adjuster services for the Office of Risk and Insurance for the period March 1, 2009 through February 28, 2010, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$48.10 per hour, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 050088.4747.254000 (Fees for Other Services), and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution. Mr. Whalen made a motion, seconded by Mr. Howard to amend the first Further Resolved paragraph to read "...the County shall pay the contractor \$48.10 per hour, total amount not to exceed budgeted appropriations..." **Amendment carried, Ayes-19, Nays-0, Absent-0. Resolution as amended carried. Ayes-10, Nays-0, Absent-0**

### RESOLUTION NO. 122

By Finance Committee

Seconded by Mr. Whalen

#### **RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH J. J. SHEEHAN ADJUSTERS, INC. FOR INSURANCE ADJUSTER SERVICES FOR THE DEPARTMENT OF RISK AND INSURANCE FOR 2009-2010**

WHEREAS, this County Legislature, by Resolution 226 of 2008, authorized renewal of the agreement with J. J. Sheehan Adjusters, Inc. for insurance adjuster services for the Office of Risk and Insurance at a rate of \$46.80 per hour, total amount not to exceed budgeted appropriations for the period February 29, 2008 through February 28, 2009, and

WHEREAS, said agreement is to investigate and accurately value liability claims against Broome County, and

WHEREAS, said agreement expired by its terms on February 28, 2009, and it is desired at this time to renew said agreement on substantially similar terms and conditions, at a rate of \$47.60 per hour, for the period March 1, 2009 through February 28, 2010, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with J. J. Sheehan Adjusters, Inc., P.O. Box 604, Binghamton, NY 13902 for insurance adjuster services for the Office of Risk and Insurance for the period March 1, 2009 through February 28, 2010, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor a rate of \$47.60 per hour, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 050088.4747.254000 (Fees for Other Services), and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution. Mr. Whalen made a motion, seconded by Mr. Howard to amend the first Further Resolved paragraph to read "...the County shall pay the contractor \$47.60 per hour, total amount not to exceed budgeted appropriations..." **Amendment carried, Ayes-19, Nays-0, Absent-0. Resolution as amended carried. Ayes-10, Nays-0, Absent-0**

### RESOLUTION NO. 123

By Finance and Personnel Committees

Seconded by Mr. Garnar

#### **RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH SYSTEMED LLC FOR ADMINISTRATION OF PRESCRIPTION DRUG BENEFITS FOR THE OFFICE OF RISK AND INSURANCE FOR 2007-2009**

WHEREAS, this County Legislature, by Resolution 558 of 2006, as amended by Resolution 207 of 2008, authorized an agreement with Systemed LLC to administer the County's prescription drug benefit for the Office of Risk and Insurance at a cost not to exceed \$24,000 per year for the period January 1, 2007 through December 31, 2009, and

WHEREAS, in consideration of said agreement, the County receives a rebate for purchase of specified formulary prescription drugs according to a formulary rebate, with no rebate for non-formulary prescription drugs, and

WHEREAS, it is necessary to authorize the amendment of said agreement to revise the rebate payments to Broome County as set forth in Exhibit "A" for the period January 1, 2009 through December 31, 2009, and

WHEREAS, the Risk Manager has requested authorization for said amendment as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Systemed LLC, 100 Parsons Pond Drive, Franklin Lakes, New Jersey 07417 to revise the rebate payments to Broome County as set forth in attached Exhibit "A", for the Office of Risk and Insurance for the period January 1, 2009 through December 31, 2009, and be it

FURTHER RESOLVED, that Resolution 558 of 2006 and Resolution 207 of 2008, to the extent consistent herewith, shall remain in full force and effect, and be it

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

**Carried.** Ayes-19, Nays-0, Absent-0

### RESOLUTION NO. 124

By Public Works Committees

Seconded by Mr. Garnar

**RESOLUTION DECLARING THE DIVISION OF SOLID WASTE MANAGEMENT PROJECT FOR THE REALIGNMENT AND RECONSTRUCTION OF A PORTION OF KNAPP ROAD IN THE TOWN OF NANTICOKE IN CONNECTION WITH THE CONSTRUCTION OF THE ENTRANCE INTO SECTION IV AT THE BROOME COUNTY LANDFILL TO BE EXEMPT FROM THE PUBLIC HEARING REQUIREMENT OF THE EMINENT DOMAIN PROCEDURE LAW AND AUTHORIZING THE ACQUISITION OF NECESSARY REAL PROPERTY BY PURCHASE OR CONDEMNATION AND DESIGNATING THE BROOME COUNTY LEGISLATURE AS LEAD AGENCY WITH RESPECT TO THIS PROJECT AND RENDERING A "NEGATIVE DECLARATION" WITH RESPECT THERETO**

WHEREAS, the Eminent Domain Procedure Law requires that a public hearing be held in connection with any proposed public project for which the acquisition of real property through the exercise of eminent domain may be required, except that a project is exempt from the public hearing requirement "when in the opinion of the condemnor the acquisition is de minimis in nature so that the public interest will not be prejudiced by the construction of the project," and

WHEREAS, the realignment and reconstruction of a portion of Knapp Road in the Town of Nanticoke is a mitigation taken pursuant to the Supplemental Environmental Impact Statement issued by this County Legislature in connection with the entrance into Section IV of the Broome County Landfill which SEIS is on file with the clerk of the Broome County Legislature, and

WHEREAS, it has been determined that this project for the realignment and reconstruction of a portion of Knapp Road in the Town of Nanticoke is subject to the requirements of the State Environmental Quality Review Act (SEQRA) and it is necessary to initiate procedures with respect thereto, and

WHEREAS, this County Legislature has determined that it is the agency with the broadest governmental powers for investigation of the impact of the proposed action and has the greatest capability for providing the most thorough environmental assessment of the project, and

WHEREAS, this County Legislature and the Town Board of the Town of Nanticoke are the only involved agencies, as defined in the State Environmental Quality Review Act (SEQRA), reviewing the aforementioned realignment and reconstruction of a portion of Knapp Road in the Town of Nanticoke, and

WHEREAS, the realignment and reconstruction of a portion of Knapp Road in the Town of Nanticoke may have an impact on the environment, and

WHEREAS, the Division of Solid Waste Management desires to acquire certain land rights necessary to commence the aforesaid realignment and reconstruction project and is requesting authorization from this Legislature to acquire said land by purchase or condemnation, and

WHEREAS, the Public Works Committee has reviewed the scope of the aforesaid project and recommends that it be found to be exempt from the public hearing requirement because the required land rights are "de minimis" in nature, said determination being based upon the fact that the right of way is relatively minor in nature, consisting of approximately 0.10 acres, having no substantial effect on the environment, now, therefore, be it

RESOLVED, that this County Legislature hereby declares its intention to seek "lead agency" status with respect to the environmental review of the realignment and reconstruction of a portion of Knapp Road in the Town of Nanticoke, and be it

FURTHER RESOLVED, that this County Legislature, based on the Environmental Assessment Form annexed hereto as Exhibit "A", hereby determines and declares that the realignment and reconstruction of a portion of Knapp Road in the Town of Nanticoke will not create a negative impact on the environment, and be it

FURTHER RESOLVED, that this County Legislature, hereby adopts the "Negative Declaration" annexed hereto as Exhibit "B", and be it

FURTHER RESOLVED, that this County Legislature hereby finds that the acquisition of a right of way by the Division of Solid Waste Management in connection with the realignment and reconstruction of Knapp Road in the Town of Nanticoke as part of the construction of the entrance into Section IV at the Broome County Landfill to be "de minimis" in nature and therefore exempt from the public hearing requirement of the Eminent Domain Procedure Law, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes the acquisition by purchase or condemnation of the real property necessary to undertake and perform the aforesaid reconstruction project in accordance with the design and specification for said project.

**Carried.** Ayes-19, Nays-0, Absent-0

#### **RESOLUTION NO. 125**

By Personnel, Public Health and Environmental Protection, and Finance Committees

Seconded by Mr. Garnar

#### **RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST FOR THE DEPARTMENT OF HEALTH**

RESOLVED, that in accordance with a request contained in PCR 09-85 from the Director of Health, this County Legislature hereby authorizes the creation of Clinical Laboratory Director, Grade N/A, Union Code 01 Misc., minimum salary \$55 per hour, at budget line 480228.1500.101000, effective March 23, 2009.

**Carried.** Ayes-19, Nays-0, Absent-0

#### **RESOLUTION NO. 126**

By Human Services and Finance Committees

Seconded by Mr. Garnar

#### **RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH JEANNE STRACUZZI, R.D. FOR NUTRITION COUNSELING FOR THE OFFICE FOR AGING'S SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) FOR 2009-2010**

WHEREAS, this County Legislature, by Resolution 154 of 2008, authorized renewal of the agreement with Jeanne Stracuzzi R.D. for nutrition counseling for the Office for Aging at the rate of \$38 per hour, total amount not to exceed \$26,676 for the period April 1, 2008 through March 31, 2009, and

WHEREAS, said agreement is necessary to provide professional nutritional counseling services required by the Supplemental Nutrition Assistance Program (SNAP), and

WHEREAS, said agreement expires by its terms on March 31, 2009, and it is desired at this time to renew said agreement on substantially similar terms and conditions, at the rate of

\$39.14 per hour, total amount not to exceed \$27,477, for the period April 1, 2009 through March 31, 2010, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Jeanne Stracuzzi, R.D., 93 Riley Road, Windsor, New York 13865 for nutrition counseling for the Office for Aging's Supplemental Nutrition Assistance Program (SNAP) for the period April 1, 2009 through March 31, 2010, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at the rate of \$39.14 per hour, total amount not to exceed \$27,477 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 761239.4741.105563 (Dietary Services), and be it

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

**Carried.** Ayes-19, Nays-0, Absent-0

### RESOLUTION NO. 127

By Human Services, Personnel and Finance Committees

Seconded by Mr. Garnar

#### **RESOLUTION AUTHORIZING REVISION OF THE AGING FUTURES II PROJECT ROBERT WOOD JOHNSON GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET FOR 2008-2009**

WHEREAS, this County Legislature, by Resolution 754 of 2007, as amended by Resolution 422 of 2008, authorized and approved renewal of the Aging Futures II Project Robert Wood Johnson Grant for the Office for Aging and adopted a program budget in the amount of \$71,993 for the period February 1, 2008 through January 31, 2009, and

WHEREAS, said program grant provides data for a comprehensive community needs assessment for the elderly, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$1,281 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Aging Futures II Project Robert Wood Johnson Grant to reflect an increase of \$1,281 for the period February 1, 2008 through January 31, 2009, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$73,274, and be it

FURTHER RESOLVED, that Resolutions 754 of 2007 and 422 of 2008, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

**Carried.** Ayes-19, Nays-0, Absent-0

### RESOLUTION NO. 128





FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$955,845 and be it

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

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

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

**Carried.** Ayes-19, Nays-0, Absent-0

### RESOLUTION NO. 130

By Human Services, Personnel and Finance Committees

Seconded by Mr. Garnar

#### **RESOLUTION AUTHORIZING RENEWAL OF THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM GRANT FOR THE OFFICE FOR AGING AND ADOPTING A PROGRAM BUDGET FOR 2009-2010**

WHEREAS, this County Legislature, by Resolution 148 of 2008, as amended by Resolution 712 of 2008 and companion resolution, authorized and approved renewal of the Supplemental Nutrition Assistance Program Grant for the Office for Aging and adopted a program budget in the amount of \$429,462 for the period April 1, 2008 through March 31, 2009, and

WHEREAS, said program grant provides supplemental funding for congregate meals and home delivered meals, and

WHEREAS, it is desired to renew said grant program in the amount of \$389,869 for the period April 1, 2009 through March 31, 2010, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$258,082 from the New York State Office for Aging, Empire State Agency Building 2, Albany, New York 12223-1251, for the Office for Aging's Supplemental Nutrition Assistance Program Grant for the period April 1, 2009 through March 31, 2010, 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 \$389,869, and be it

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

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

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

**Carried.** Ayes-19, Nays-0, Absent-0

### RESOLUTION NO. 131

By Human Services and Finance Committees

Seconded by Mr. Garnar

**RESOLUTION AUTHORIZING RENEWAL OF CAREGIVER RESOURCE CENTER PROGRAM GRANT FOR THE OFFICE FOR AGING AND ADOPTING A PROGRAM BUDGET FOR 2009-2010**

WHEREAS, this County Legislature, by Resolution 146 of 2008, authorized and approved renewal of the Caregiver Resource Center Program Grant for the Office for Aging and adopted a program budget in the amount of \$20,000 for the period April 1, 2008 through March 31, 2009, and

WHEREAS, said program grant provides educational programs to family caregivers of impaired elderly in Broome County, including programs on personal care, community services, medial problems of aging and maintaining the mental health of the caregiver, and

WHEREAS, it is desired to renew said grant program in the amount of \$19,611 for the period April 1, 2009 through March 31, 2010, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$19,611 from the New York State Office for Aging, Empire State Agency Building 2, Albany, New York 12223-1251, for the Office for Aging's Caregiver Resource Center Program Grant for the period April 1, 2009 through March 31, 2010, 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 \$19,611, and be it

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

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

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

**Carried.** Ayes-19, Nays-0, Absent-0

**RESOLUTION NO. 132**

By Human Services and Finance Committees

Seconded by Mr. Garnar

**RESOLUTION AUTHORIZING RENEWAL OF LONG TERM CARE OMBUDSMAN PROGRAM GRANT FOR THE OFFICE FOR AGING, ADOPTING A PROGRAM BUDGET AND RENEWING AGREEMENT WITH ACTION FOR OLDER PERSONS TO ADMINISTER SAID PROGRAM FOR 2009-2010**

WHEREAS, this County Legislature, by Resolution 149 of 2008, as amended by Resolutions 290 of 2008 and 86 of 2009, authorized and approved renewal of the Long Term Care Ombudsman Program Grant for the Office for Aging, adopted a program budget in the amount of \$14,900 and authorized an agreement with Action for Older Persons to administer said program for the period April 1, 2008 through March 31, 2009, and

WHEREAS, said program grant provides funding for recruitment and training of Ombudsman volunteers who respond to the concerns and complaints expressed by, or on behalf of residents of long term care facilities, and

WHEREAS, it is desired to renew said grant program in the amount of \$13,836, adopt a program budget and renew the agreement with Action for Older Persons to continue to administer said program for the period April 1, 2009 through March 31, 2010, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$13,836 from the New York State Office for Aging, Empire State Agency Building 2, Albany, New York 12223-1251, for the Office for Aging's Long Term Care Ombudsman Program Grant for the period April 1, 2009 through March 31, 2010, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$13,836, and be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Action for Older Persons, 30 West State Street, Binghamton, New York 13901 for recruitment and training services for the Office for Aging's Long Term Care Ombudsman Program Grant for the period April 1, 2009 through March 31, 2010, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$13,192 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 761197.4457.105565 (Subcontracted Program Expense), and be it

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

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

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

**Carried.** Ayes-19, Nays-0, Absent-0

### **RESOLUTION NO. 133**

By Human Services and Finance Committees

Seconded by Mr. Garnar

#### **RESOLUTION AUTHORIZING RENEWAL OF HEALTH INSURANCE INFORMATION AND COUNSELING ASSISTANCE PROGRAM GRANT, ADOPTING A PROGRAM BUDGET AND RENEWING AGREEMENT WITH ACTION FOR OLDER PERSONS, INC FOR 2009-2010**

WHEREAS, this County Legislature, by Resolution 150 of 2008, as amended by Resolution 419 of 2008, authorized and approved renewal of the Health Insurance Information and Counseling Assistance Program Grant, adopted a program budget in the amount of \$43,142 and authorized an agreement with Action for Older Persons, Inc., to administer said program for the period April 1, 2008 through March 31, 2009, and

WHEREAS, said program grant provides for recruitment and training of volunteers for health insurance counseling, and

WHEREAS, it is desired to renew said grant program in the amount of \$43,130, adopt a program budget and renew the agreement with Action for Older Persons, Inc. to continue to administer said program for the period April 1, 2009 through March 31, 2010, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$43,130 from the New York State Office for Aging, Empire State Agency Building 2, Albany, New York 12223-1251, for the Office for Aging's Health Insurance Information and Counseling Assistance Program Grant for the period April 1, 2009 through March 31, 2010, 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 \$43,130, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with Action for Older Persons, Inc., 30 West State Street, Binghamton, New York 13901 to administer

said program grant for the Office for Aging for the period April 1, 2009 through March 31, 2010, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$36,921 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 761114.4457.105566 (Subcontracted Program Expense), and be it

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

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

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

**Carried.** Ayes-19, Nays-0, Absent-0

### **RESOLUTION NO. 134**

By Human Services and Finance Committees

Seconded by Mr. Garnar

#### **RESOLUTION AUTHORIZING RENEWAL OF THE TRANSPORTATION PROGRAM GRANT FOR THE OFFICE FOR AGING AND ADOPTING A PROGRAM BUDGET FOR 2009-2010**

WHEREAS, this County Legislature, by Resolution 153 of 2008, as amended by Resolution 624 of 2008, authorized and approved renewal of the Transportation Program Grant for the Office for Aging and adopted a program budget in the amount of \$22,227 for the period April 1, 2008 through March 31, 2009, and

WHEREAS, said program grant provides for transportation related expenses, and

WHEREAS, it is desired to renew said program grant in the amount of \$11,824 for the period April 1, 2009 through March 31, 2010, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$11,824 from the New York State Office for Aging, Empire State Agency Building 2, Albany, New York 12223-1251, for the Office for Aging's Transportation Program Grant for the period April 1, 2009 through March 31, 2010, 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 \$11,824, and be it

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

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

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

**Carried.** Ayes-19, Nays-0, Absent-0

**RESOLUTION NO. 135**

By Human Services and Finance Committees

Seconded by Mr. Garnar

**RESOLUTION AUTHORIZING RENEWAL OF CONGREGATE SERVICES INITIATIVE PROGRAM GRANT FOR OFFICE FOR AGING AND ADOPTING A PROGRAM BUDGET FOR 2009-2010**

WHEREAS, this County Legislature, by Resolution 152 of 2008, as amended by Resolution 622 of 2008, authorized and approved renewal of the Congregate Services Initiative Program Grant for the Office for Aging and adopted a program budget in the amount of \$14,739 for the period April 1, 2008 through March 31, 2009, and

WHEREAS, said program grant provides funding for various congregate center activities including menu enhancement and testing, transportation, health/wellness and computer equipment, and

WHEREAS, it is desired to renew said grant program in the amount of \$9,440 for the period April 1, 2009 through March 31, 2010, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$9,440 from the New York State Office for Aging, Empire State Agency Building 2, Albany, New York 12223-1251, for the Office for Aging's Congregate Services Initiative Program Grant for the period April 1, 2009 through March 31, 2010, 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 \$9,440, and be it

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

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

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

**Carried.** Ayes-19, Nays-0, Absent-0

**RESOLUTION NO. 136**

By Human Services, Personnel and Finance Committees

Seconded by Mr. Garnar

**RESOLUTION AUTHORIZING RENEWAL OF THE COMMUNITY SERVICES FOR THE ELDERLY PROGRAM GRANT FOR THE OFFICE FOR AGING AND ADOPTING A PROGRAM BUDGET FOR 2009-2010**

WHEREAS, this County Legislature, by Resolution 147 of 2008, as amended by Resolution 620 of 2008, authorized and approved renewal of the Community Services for the Elderly Program Grant for the Office for Aging and adopted a program budget in the amount of \$610,871 for the period April 1, 2008 through March 31, 2009, and

WHEREAS, said program grant provides for a variety of services including social day care, transportation, rural shopping, in-home mental health counseling and the GROW Program, and

WHEREAS, it is desired to renew said grant program in the amount of \$605,302 for the period April 1, 2009 through March 31, 2010, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$268,063 from the New York State Office for Aging, Empire State Agency Building 2, Albany, New York 12223-1251, for the Office for Aging's Community Services for the Elderly Program Grant for the period April 1, 2009 through March 31, 2010, 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 \$605,302, and be it

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

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

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

**Carried.** Ayes-19, Nays-0, Absent-0

### RESOLUTION NO. 137

By Human Services, Personnel and Finance Committees

Seconded by Mr. Garnar

#### **RESOLUTION AUTHORIZING RENEWAL OF WEATHERIZATION REFERRAL AND ASSISTANCE PROGRAM (WRAP) GRANT FOR THE OFFICE FOR AGING AND ADOPTING A PROGRAM BUDGET FOR 2009-2010**

WHEREAS, this County Legislature, by Resolution 420 of 2008, as amended by Resolution 88 of 2009, authorized and approved renewal of the Weatherization Referral and Assistance Program (WRAP) Grant for the Office for Aging and adopted a program budget in the amount of \$33,788 for the period August 1, 2008 through December 31, 2009, and

WHEREAS, said program grant provides screening and assessment of elderly, low-income housing to determine energy-related needs dealing with health and safety concerns, and to determine if client's needs can be met by the weatherization program assistance with home repairs and provides for assessment and assisted referral to help offset costs, plans and monitors, and

WHEREAS, it is desired to renew said program grant in the amount of \$79,282 for the period April 1, 2009 through March 31, 2010, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$79,282 from the New York State Office for Aging, Empire State Plaza, Agency Building 2, Albany, New York 12223-1251 for the Office for Aging's Weatherization Referral and Assistance program (WRAP) Grant for the period April 1, 2009 through March 31, 2010, 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 \$79,282, and be it

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

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

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

**Carried.** Ayes-19, Nays-0, Absent-0

**RESOLUTION NO. 138**

By Human Services, Personnel and Finance Committees

Seconded by Mr. Garnar

**RESOLUTION AUTHORIZING REVISION OF SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET FOR 2008-2009**

WHEREAS, this County Legislature, by Resolution 148 of 2008, as amended by Resolution 712 of 2008, authorized and approved renewal of the Supplemental Nutrition Assistance Program (SNAP) Grant for the Office for Aging and adopted a program budget in the amount of \$399,520 for the period April 1, 2008 through March 31, 2009, and

WHEREAS, said program grant provides supplemental funding for congregate meals and home delivered meals, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$29,942 in appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Supplemental Nutrition Assistance Program (SNAP) Grant to reflect an increase of \$29,942 for the period April 1, 2008 through March 31, 2009, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$429,462, and be it

FURTHER RESOLVED, that Resolutions 148 and 712 of 2008, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

**Carried.** Ayes-19, Nays-0, Absent-0

**RESOLUTION NO. 139**

By Human Services and Finance Committees

Seconded by Mr. Garnar

**RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH REPORTERS TRANSCRIPTION CENTER FOR MEDICAL TRANSCRIPTION SERVICES FOR THE WILLOW POINT NURSING HOME FOR 2008**

WHEREAS, this County Legislature, by Resolution 620 of 2007, authorized renewal of the agreement with Reporters Transcription Center for Medical transcription services for the Willow Point Nursing Home at a cost not to exceed \$30,000 for the period January 1, 2008 through December 31, 2008, and

WHEREAS, said agreement is necessary to meet the present and future needs of the Physician Services Program by utilizing internet based digital and telephone dictation services at the Willow Point Nursing Home, and

WHEREAS, it is necessary to authorize the amendment of said agreement to amend the period to January 1, 2008 through January 31, 2009, at no additional cost to the County, and

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

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Reporters Transcription Center, 71 State Street, Binghamton, New York 13901 to amend the period to January 1, 2008 through January 31, 2009, at no additional cost to the County, for medical transcription services for the Willow Point Nursing Home, and be it

FURTHER RESOLVED, that Resolution 620 of 2007, to the extent consistent herewith, shall remain in full force and effect, and be it

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

**Carried.** Ayes-19, Nays-0, Absent-0

#### **RESOLUTION NO. 140**

By Transportation and Rural Development, and Economic Development and Planning Committees

Seconded by Mr. Garnar

#### **RESOLUTION DESIGNATING THE BROOME COUNTY LEGISLATURE AS LEAD AGENCY WITH RESPECT TO BROOME COUNTY AGRICULTURAL DISTRICT NO. 4 AND RENDERING A "NEGATIVE DECLARATION" WITH RESPECT THERETO**

WHEREAS, pursuant to the Agriculture and Markets Law, this County Legislature heretofore established Agricultural District Nos. 3, 4, and 5, and

WHEREAS, pursuant to Section 303-b of the Agriculture and Markets Law, county legislative bodies are directed to establish an annual 30-day period wherein landowners can request inclusion of their property in a certified agricultural district, and

WHEREAS, it has been determined that such revision of an Agricultural District is subject to the requirements of the State Environmental Quality Review Act, and it is therefore necessary to initiate procedures with respect thereto, and

WHEREAS, this County Legislature has determined that it is the agency with the broadest governmental powers for investigation of the impact of the proposed action and has the greatest capability for providing the most thorough environmental assessment of the project, and

WHEREAS, this County Legislature is an involved agency, as defined in the State Environmental Quality Review Act, reviewing the aforementioned project, and

WHEREAS, said Project may have an impact on the environment, and

WHEREAS, all of the parcels which have been recommended for inclusion at this time are situated in Agricultural District No. 4, now, therefore, be it

RESOLVED, that this County Legislature, based on the Environmental Assessment Form annexed hereto as Exhibit "A", hereby determines and declares that a revision of Agricultural District No. 4 will not have a significant effect on the environment, and be it

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

**Carried.** Ayes-19, Nays-0, Absent-0

#### **RESOLUTION NO.141**

By Transportation and Rural Development, and Economic Development and Planning Committees

Seconded by Mr. Garnar

#### **RESOLUTION ADOPTING A PLAN FOR THE MODIFICATION OF BROOME COUNTY AGRICULTURAL DISTRICT NO. 4 PURSUANT TO SECTION 303-b OF THE AGRICULTURE AND MARKETS LAW**

WHEREAS, this County Legislature, by Resolution 496 of 2004, pursuant to Section 303-b of the Agriculture and Markets Law, established an annual 30-day period wherein landowners can request inclusion of viable land in a certified agricultural district, and



WHEREAS, during the statutory thirty-day period, commencing December 1, 2008, 13 parcels were submitted for inclusion in Broome County Agricultural Districts, and

WHEREAS, the Broome County Agricultural and Farmland Protection Board has reviewed the applications and found that all 13 parcels contained viable agricultural land that would strengthen the agricultural industry in their districts, and

WHEREAS, the Broome County Agricultural and Farmland Protection Board has recommended to the Broome County Legislature, that all 13 listed parcels below be included in their appropriate agricultural district, now, therefore, be it

RESOLVED, that this County Legislature hereby accepts the modification of the agricultural districts listed below in accordance with the recommendation of the Broome County Agricultural and Farmland Protection Board:

Town	Ag District	Parcel ID
Kirkwood	4	130.03-1-2
Kirkwood	4	146.01-1-33
Kirkwood	4	146.01-1-34
Windsor	4	163.04-1-43
Conklin	4	228.01-1-14.2
Binghamton	4	224.04-1-12
Binghamton	4	224.04-1-20
Union	4	141.09-1-4
Union	4	141.09-1-5.1
Union	4	109.04-1-10
Union	4	109.14-1-5.1
Union	4	109.03-1-33
Union	4	109.03-32

and said agricultural districts located within the County of Broome Is herein approved and modified in accordance with the provisions of Section 303-b of the New York State Agriculture and Markets Law, and be it

FURTHER RESOLVED, that the Clerk of this County Legislature, pursuant to Section 303-b of the Agriculture and Markets Law, is hereby directed on behalf of this County Legislature to submit to the Commissioner of Agriculture and Markets a certified copy of this Resolution and a copy of the plan for the modification of Broome County Agricultural District No. 4, which proposal heretofore has been filed with the Clerk of the Legislature, the Broome County Clerk, the Broome County Planning Department and the Broome County Agricultural and Farmland Protection Board, it being noted herein that less than 90 days have passed from the end of the statutory thirty-day period wherein land owners can request inclusion of their property in a certified agricultural district and said proposal was submitted to this body to the date of adoption of this Resolution.

**Carried.** Ayes-19, Nays-0, Absent-0

**RESOLUTION NO. 142**

By Transportation and Rural Development and Finance Committees

Seconded by Mr. Garnar

**RESOLUTION ESTABLISHING ADMISSION AND PARKING FEES FOR THE 2009 GREATER BINGHAMTON AIR SHOW**

WHEREAS, the County proposes to conduct an Air Show at the Greater Binghamton Airport on July 4, 2009 and July 5, 2009, and

WHEREAS, this event promotes community awareness in connection with the airport and, as part of the airport community relations program, provides the community an affordable and entertaining day at the Greater Binghamton Airport, and

WHEREAS, there will be exhibits that include planes on the field and demonstrations by aircraft performance teams, all of which create expenses in connection with the event, and

WHEREAS, to offset, in part, the costs associated with the 2009 Greater Binghamton Air Show, the Commissioner of Aviation proposes an admission fee schedule, now, therefore, be it  
RESOLVED, that this County Legislature hereby authorizes an admission fee schedule for the Greater Binghamton Air Show to be held on July 4, 2009 and July 5, 2009 as follows:

2009 Greater Binghamton Air Show  
Admission Fee Schedule

Admission Tickets Purchased at the Gate

Adults (17 years and older) \$15  
Children (8 to 16 years of age) \$10  
Children (7 years and younger) Free

Admission Purchased Prior to July 4, 2009

Adults (17 years and older) \$12  
Children (8 to 16 years of age) \$7  
Children (7 years and younger) Free

Parking Fee

All Vehicles (Off site and On site) \$4

and be it

FURTHER RESOLVED, that the entrance fees authorized herein shall be deposited in the Aviation Community Relations Trust Account (Fund 60, GL525, Subsidiary 525052) to be used to defray expenses in connection with the Greater Binghamton Air Show, and be it

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

**Carried.** Ayes-19, Nays-0, Absent-0

**RESOLUTION NO. 143**

By Public Health and Environmental Protection and Finance Committees

Seconded by Mr. Garnar

**RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH CREATIVE ORTHOTICS AND PROSTHETICS FOR ORTHOTIC AND PROSTHETIC SERVICES FOR THE DEPARTMENT OF HEALTH FOR 2007-2008**

WHEREAS, this County Legislature, by Resolution 583 of 2006, authorized renewal of the agreement with Creative Orthotic and Prosthetics, Hangar Prosthetics and Orthotics, and Klemmt Orthopaedics for orthotic and prosthetic services for the Department of Health at a cost of \$2,500 per year per provider for the period January 1, 2007 through December 31, 2008, and

WHEREAS, said agreements are necessary to provide measurement, molds and fittings for orthotic and prosthetic devices to children with handicapping conditions, and

WHEREAS, it is necessary to authorize the amendment of the agreement with Creative Orthotic and Prosthetics, Inc. to increase the not to exceed amount by \$1,000, and

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

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Creative Orthotics and Prosthetics, Inc., 65 Pennsylvania Avenue, Suite 207, Binghamton, New York 13903 to increase the not to exceed amount by \$1,000 for the period January 1, 2007 through December 31, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$6,000, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480293.4707.101000 (Medical and Hospital Services), and be it

FURTHER RESOLVED, that Resolution 583 of 2006, to the extent consistent herewith, shall remain in full force and effect, and be it

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

**Carried.** Ayes-19, Nays-0, Absent-0

#### **RESOLUTION NO. 144**

By Public Health and Environment Protection, Personnel and Finance Committees

Seconded by Mr. Garnar

#### **RESOLUTION AUTHORIZING RENEWAL OF THE SOUTHERN TIER CANCER SERVICES PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2009-2010.**

WHEREAS, this County Legislature, by Resolution 294 of 2008, authorized and approved renewal of the Southern Tier Cancer Services Program Grant for the Department of Health and adopted a program budget in the amount of \$284,500 for the period April 1, 2008, through March 31, 2009, and

WHEREAS, said program grant provides outreach, community education and comprehensive breast, cervical, and colorectal cancer screenings and case management services to under-insured and under-served men and women who meet program eligibility criteria as outlined by the NYSDOH Operations Manual, and

WHEREAS, it is desired to renew said program grant in the amount of \$262,081 for the period April 1, 2009 through March 31, 2010, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$262,081 from New York State Department of Health, Bureau of Chronic Disease, Corning Tower, Empire Plaza, Albany, NY 12237, for the Southern Tier Cancer Services Program Grant for the period April 1, 2009 through March 31, 2010, 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 \$262,081, and be it

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

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

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

**Carried.** Ayes-19, Nays-0, Absent-0

#### **RESOLUTION NO. 145**

By Public Health and Environmental Protection and Finance Committees

Seconded by Mr. Garnar

#### **RESOLUTION AUTHORIZING AGREEMENTS WITH VARIOUS VENDORS FOR SERVICES FOR THE DEPARTMENT OF HEALTH'S SOUTHERN TIER CANCER SERVICES PROGRAM GRANT FOR THE PERIOD 2009-2010**

WHEREAS, the Director of Public Health requests authorization for agreements with various vendors for services for the Department of Health's Southern Tier Cancer Services Program Grant at rates according to the New York State Department of Health's Upstate Fee Schedule for the period April 1, 2009 through March 31, 2010, and

WHEREAS, said agreements are necessary to provide various breast, cervical and colorectal cancer screening services, diagnostic, and follow-up services and HPV vaccine, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes agreements with various vendors as listed on Exhibit "A" for services for the Department of Health's Southern Tier Cancer Services Program Grant for the period April 1, 2009 through March 31, 2010, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractors at the most current rates set by the New York State Department of Health's Upstate Fee Schedule, the current rate sheet attached hereto as Exhibit "B", for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480376.4715.105501 (Other Health and Medical Services) for the period April 1, 2008 through June 29, 2008; 480376.4715.105xxx (Other Health and Medical Services) for the period June 30, 2008 through March 31, 2009, and 480376.4707.105484 (Medical and Hospital Services), and be it

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

**Carried.** Ayes-19, Nays-0, Absent-0

#### **RESOLUTION NO. 146**

By Public Health and Environmental Protection, and Finance Committees

Seconded by Mr. Garnar

#### **RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENTS WITH ROBERT PACKER HOSPITAL AND GUTHRIE CLINIC LIMITED FOR VARIOUS SERVICES FOR THE DEPARTMENT OF HEALTH'S SOUTHERN TIER CANCER SERVICES PROGRAM GRANT FOR 2009-2010**

WHEREAS, this County Legislature, by Resolution 139 of 2008, authorized and approved renewal of the agreement with Robert Packer Hospital and Guthrie Clinic Limited for various services for the Department of Health's Southern Tier Cancer Services Program at rates set by the New York State Department of Health Upstate Fee Schedule for the period April 1, 2008, through March 31, 2009, and

WHEREAS, said agreements are necessary to provide a regional approach to breast, cervical, colorectal and prostate cancer screening diagnostics, education, treatment and follow up to uninsured, or underinsured women and men, and

WHEREAS, said agreements expire by their terms on March 31, 2009 and it is desired at this time to renew said agreements on substantially similar terms and conditions, at the rates set by the New York State Department of Health's Upstate Fee Schedule, for the period April 1, 2009 through March 31, 2010, now therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Robert Packer Hospital, One Guthrie Square, Sayre, Pennsylvania 18840 and Guthrie Clinic Limited, One Guthrie Square, Sayre, Pennsylvania 18840 for services as shown on Exhibit "A" for the Department of Health's Southern Tier Cancer Services Program Grant for the period April 1, 2009 through March 31, 2010, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractors at the most current rates set by the New York State Department of Health's Update Fee Schedule, the current rate sheet attached hereto as Exhibit "B", for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 480376.4715.105501 (Medical & Hospital Services/Other Health & Medical Services) for the period of April 1, 2009 through June 29, 2009 and 480376.4715.105xxx (Medical & Hospital Services/Other Health & Medical Services) for the period June 30, 2009 through March 31, 2010 and 480376.4707.105484 (Medical & Hospital Services/Other Health & Medical Services), and be it

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

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

FURTHER RESOLVED, that the County Executive or her duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) 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-19, Nays-0, Absent-0

### **RESOLUTION NO. 147**

By Public Health and Environmental Protection, and Finance Committees

Seconded by Mr. Nirchi

#### **RESOLUTION AUTHORIZING AGREEMENTS WITH VARIOUS CHEMUNG AND SCHUYLER COUNTY VENDORS FOR VARIOUS SERVICES FOR THE BROOME COUNTY DEPARTMENT OF HEALTH'S CHEMUNG AND SCHUYLER COUNTY CANCER SERVICES PROGRAM GRANT FOR 2009-2010**

WHEREAS, the Director of Public Health requests, by Resolution 209 of 2008, authorized and approved renewal of the Cancer Services Program of Chemung & Schuyler Counties in the amount of the New York State reimbursement rate for the period April 2008 through March 31, 2009, and

WHEREAS, said agreements are necessary to provided breast, cervical and colorectal cancer screening services, diagnostic and follow-up services, and HPV vaccine, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes agreements with various Chemung and Schuyler County vendors as listed on Exhibit "A" for various services for the Broome County Department of Health's Chemung and Schuyler County Cancer Services Program Grant for the period April 1, 2009 through March 31, 2010, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at the rates according to the New York State Department of Health's Fee Schedule, the current fee schedule is attached as Exhibit "B", for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 480376.4715.105502, from April 1, 2009 through June 29, 2009, and from 480376.4707/4715.105483 (.4707 Medical and Hospital Services (Breast & Cervical Services), .4715 Other Medical Services (Colorectal Services), and Medical & Hospital Services (HPV vaccine and administration thereof) from June 30, 2009 through March 31, 2010, and be it

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

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered (with the approval of the grantor agency) to reduce the time period of the

grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

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

Mr. Nirchi stated that on a request from the Health Department to pull the resolution from the agenda, he polled the Public Health and Environmental Protection committee and they agreed to have the resolution pulled from the agenda.

#### **RESOLUTION NO. 148**

By Public Health and Environmental Protection, and Finance Committees

Seconded by Mr. Garnar

#### **RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH CORNING HOSPITAL AND GUTHRIE CLINIC LIMITED FOR SERVICES, FOR THE BROOME COUNTY HEALTH DEPARTMENT'S CANCER SERVICES PROGRAM OF CHEMUNG AND SCHUYLER COUNTIES FOR 2009-2010**

WHEREAS, this County Legislature, by Resolution 429 of 2008, authorized a renewal of the agreement with Corning Hospital for services for the Broome County Health Department's Cancer Services Program of Chemung and Schuyler Counties at rates according the New York State Department of Health Upstate Fee Schedule Corning/Guthrie Split, for the period April 1, 2008 through March 31, 2009, and

WHEREAS, said agreement expires by its terms on March 31, 2009, and it is desired at this time to renew said agreement on substantially similar terms and conditions, utilizing Corning Hospital and Guthrie Clinic Limited a 60% Corning Hospital / 40% Guthrie Clinic split fee agreement for reimbursable program services on behalf of the Cancer Services Program of Chemung and Schuyler Counties for the period April 1, 2009 through March 31, 2010, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Corning Hospital, 176 Denison Parkway, Corning, NY 14830 and Guthrie Clinic Limited, One Guthrie Square, Sayre, PA 18840 to provide services for the Cancer Services Program of Chemung and Schuyler Counties for the Broome County Department of Health for the period April 1, 2009 through March 31, 2010, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor utilizing a 60% Corning Hospital / 40% Guthrie Clinic fee split agreement for reimbursable program services at rates according the New York State Department of Health Upstate Fee Reimbursement Schedule on behalf of the Cancer Services Program of Chemung and Schuyler Counties for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480376.4715.105502 (Other Medical Services - Colorectal Services and Medical & Hospital Services – HPV vaccine and administration thereof) for the period April 1, 2009 through June 29, 2009 and 480376.4715.105xxx (Other Medical Services - Colorectal Services and Medical & Hospital Services – HPV vaccine and administration thereof) for the period June 30, 2009 through March 31, 2010, and 480376.4707/4715.105483 (Medical & Hospital Services -Breast & Cervical Services and Other Medical Services – Colorectal Services and Medical & Hospital Services - HPV vaccine and administration thereof), and be it

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

**Carried.** Ayes-19, Nays-0, Absent-0

#### **RESOLUTION NO.149**

By Public Health and Environmental Services, and Finance Committees

Seconded by Mr. Garnar

**RESOLUTION AUTHORIZING RENEWAL WITH VARIOUS CHEMUNG AND SCHUYLER COUNTY VENDORS FOR VARIOUS SERVICES FOR THE BROOME COUNTY DEPARTMENT OF HEALTH'S CHEMUNG AND SCHUYLER COUNTY CANCER SERVICES PROGRAM GRANT AND ADOPTING A PROGRAM BUDGET FOR 2009-2010.**

WHEREAS, this Legislature, by Resolution 429 of 2008, authorized and approved agreements with various Chemung and Schuyler County vendors for various services for the Broome County Department of Health's Chemung and Schuyler County Cancer Services Program Grant at the rates according to the New York State Department of Health's Upstate NY Fee Schedule, for the period of April 1, 2008 through March 31, 2009, and

WHEREAS, said program grant provides the services are necessary to provide breast, cervical and colorectal cancer screening services, diagnostic and follow-up services, and HPV vaccine, now therefore, be it

WHEREAS, it is desired to renew said agreements at the rates according to the New York State Department of Health's Upstate NY Fee Schedule for the period April 1, 2009 through March 31, 2010, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes agreements with vendors listed on Exhibit "A" and approves acceptance of the rates according to the New York State Department of Health's Upstate NY Fee Schedule Exhibit "B" from various Chemung and Schuyler County vendors for various services for the Broome County Department of Health's Chemung and Schuyler County Cancer Services Program Grant for the period April 1, 2009 through March 31, 2010, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480376.4715.105502 (Other Medical Services – Colorectal Services and Medical and Hospital Services – HPV vaccine and administration thereof) for the period of April 1, 2009 through June 29, 2009, and 480376.4715.105xxx (Other Medical Services – Colorectal Services and Medical & Hospital Services – HPV vaccine and administration thereof) for the period June 30, 2009 through March 31, 2010 and 480376.4707/4715.105483 (Medical and Hospital Services – Breast & Cervical Services and Other Medical Services – Colorectal Services and Medical & Hospital Services – HPV vaccine and administration thereof) and be it

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

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

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

**Carried.** Ayes-19, Nays-0, Absent-0

**RESOLUTION NO. 150**

By Public Health and Environmental Protection, and Finance Committees

Seconded by Mr. Garnar

**RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH VARIOUS CHEMUNG AND SCHUYLER COUNTY VENDORS FOR VARIOUS SERVICES FOR THE BROOME COUNTY DEPARTMENT OF HEALTH'S CHEMUNG AND SCHUYLER COUNTY CANCER SERVICES PROGRAM GRANT FOR 2009 -2010**

WHEREAS, this County Legislature, by Resolution 325 of 2008, authorized a renewal of the agreement with various vendors for various services for the Broome County Department of Health's Chemung and Schuyler County Cancer Services with agreements to reimburse various vendors using a 70%/30% split rate reimbursement schedule according to rates set by the New York State Department of Health's Upstate NY Reimbursement Schedule, and, for the period April 1, 2008 through March 31, 2009

WHEREAS, said services are necessary to provide breast, cervical and colorectal cancer screening services, diagnostic and follow-up services, and HPV vaccine, and

WHEREAS, said agreement expires by its terms on March 31, 2009, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount to be reimbursed with various vendors as listed on Exhibit "A" to be paid at rates according to the 70%/30% split rate reimbursement schedule as issued by New York State Department of Health for the 2008 time period, for the Broome County Department of Health's Chemung and Schuyler County Cancer Services Program Grant for the period April 1, 2009 through March 31, 2010 now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Arnot Ogden Medical Center, 600 Roe Avenue, Elmira, NY 14905, St. Joseph's Hospital, 555 East Market Street, Elmira, NY 14901, and Schuyler Hospital Inc., 220 Steuben Street, Montour Falls, NY 13417 and Associated Radiologists of the Finger Lakes PC, 100 East 14<sup>th</sup> Street, Elmira Heights, NY 14903 to provide breast, cervical and colorectal cancer screening services, diagnostic and follow-up services, and HPV vaccine, for the Broome County Department of Health's Chemung and Schuyler County Services Program Grant for the period April 1, 2009 through March 31, 2010, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor for an amount to be reimbursed with various vendors as listed on Exhibit "A" to be paid at rates according to the 70%/30% split rate reimbursement schedule as listed on Exhibit "B", for the Broome County Department of Health's Chemung and Schuyler County Services Program Grant, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480376.4715.105502 (Other Medical Services - Colorectal Services and Medical & Hospital Services - HPV vaccine and administration thereof) for the period of April 1, 2009 through June 29, 2009 and 480376.4715.105xxx (Other Medical Services - Colorectal Services and Medical and Hospital Services - HPV vaccine and administration thereof) for the period June 30, 2009 through March 31, 2010, and 480376.4707/4715.105483 (Medical & Hospital Services - Breast & Cervical Services and Other Medical - Colorectal Services and Medical & Hospital Services - HPV vaccine and administration thereof), and be it

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

**Carried.** Ayes-19, Nays-0, Absent-0

### **RESOLUTION NO. 151**

By Public Health and Environmental Protection and Finance Committees

Seconded by Mr. Garnar

#### **RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENTS WITH VARIOUS VENDORS FOR SERVICES FOR THE DEPARTMENT OF HEALTH'S SOUTHERN TIER CANCER SERVICES PROGRAM GRANT (F/K/A HEALTHY LIVING PARTNERSHIP INTEGRATED CANCER SERVICES PROGRAM GRANT) FOR 2009-2010**

WHEREAS, this County Legislature, by Resolution 154 of 2007, authorized renewal of agreements with various vendors for services for the Department of Health's Healthy Living Partnership Integrated Cancer Services Program Grant at rates set by the New York State Department of Health Upstate Fee Schedule for the period April 1, 2008 through March 31, 2009, and



WHEREAS, said agreements are necessary to provide a regional approach to breast, cervical, colorectal and prostate cancer screening, diagnostics, education, treatment, and follow up to uninsured or underinsured women and men, and

WHEREAS, said agreements expire by their terms on March 31, 2009, and it is desired at this time to renew said agreements on substantially similar terms and conditions, at rates set by the New York State Department of Health Upstate Fee Schedule, for the period April 1, 2009 through March 31, 2010, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreements with the various vendors as listed on Exhibit "A" for services for the Department of Health's Southern Tier Cancer Services Program Grant for the period April 1, 2009 through March 31, 2010, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractors at the most current rates set by the New York State Department of Health's Upstate Fee Schedule, the current rate sheet attached hereto as Exhibit "B", for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 480376.4715.105501 (Other Health and Medical Services) for the period April 1, 2009 through June 29, 2009; 480376.4715.105xxx (Other Health and Medical Services) for the period June 30, 2009 through March 31, 2010, and 480376.4707.105484 (Medical and Hospital Services), and be it

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

**Carried.** Ayes-19, Nays-0, Absent-0

#### **RESOLUTION NO. 152**

By Public Health and Environmental Protection and Finance Committees

Seconded by Mr. Garnar

#### **RESOLUTION AUTHORIZING APPLICATION FOR BROOME COUNTY WELL AND SEPTIC SYSTEM PROGRAM FUNDING UNDER THE GOVERNOR'S OFFICE FOR SMALL CITIES FOR THE DEPARTMENT OF HEALTH FOR 2009-2011**

WHEREAS, the Director of Public Health requests authorization for application for Broome County Well and Septic System Program Funding under the Governor's Office for Small Cities in the amount of \$400,000 for the period October 1, 2009 through September 30, 2011, and

WHEREAS, said funds will be used to assist Broome County residents with improvements to individual wells and septic systems along with connection to sanitary sewer when available, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves application for Broome County Well and Septic System Program funding under the Governor's Office for Small Cities, Agency Building 4, 6<sup>th</sup> Floor, Empire State Plaza, Albany, New York 12223-1350 in the amount of \$400,000 for the period October 1, 2009 through September 30, 2011, and be it

FURTHER RESOLVED, that in consideration of said application, public hearings will be held on March 26, 2009 and April 9, 2009, and be it

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

**Carried.** Ayes-19, Nays-0, Absent-0

#### **RESOLUTION NO. 153**

By Public Health and Environmental Protection, Personnel and Finance Committees

Seconded by Mr. Garnar

**RESOLUTION AUTHORIZING RENEWAL OF THE CHILDHOOD LEAD POISONING PREVENTION PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2009-2010**

WHEREAS, this County Legislature, by Resolution 155 of 2008, as amended by Resolution 461 of 2008, authorized and approved renewal of the Childhood Lead Poisoning Prevention Program Grant for the Department of Health and adopted a program budget in the amount of \$71,951 for the period April 1, 2008 through March 31, 2009, and

WHEREAS, said program grant oversees screening and follow up required of Primary Care Providers, coordinates remediation activities with property owners and is responsible for community awareness and promotion, and

WHEREAS, it is desired to renew said program grant in the amount of \$69,702 for the period April 1, 2009 through March 31, 2010, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$69,502 from the New York State Department of Health, Tower Building, Empire State Plaza, Albany, New York 12237 for the Department of Health's Childhood Lead Poisoning Prevention Program Grant for the period April 1, 2009 through March 31, 2010, 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 \$69,702, and be it

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

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

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

**Carried.** Ayes-19, Nays-0, Absent-0

**RESOLUTION NO. 154**

By Public Health and Environmental Protection, Personnel and Finance Committees

Seconded by Mr. Garnar

**RESOLUTION AUTHORIZING RENEWAL OF ENHANCED WATER SUPPLY PROGRAM GRANT FOR DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2009-2010**

WHEREAS, this County Legislature, by Resolution 156 of 2008, as amended by Resolutions 293 and 583 of 2008, authorized and approved renewal of the Enhanced Water Supply Program Grant for the Department of Health and adopted a program budget in the amount of \$149,234 for the period April 1, 2008 through March 31, 2009, and

WHEREAS, said program grant enables the Department of Health to monitor the quality, quantity and regulatory compliance of all water supplies in Broome County, including private and individual household supplies, and

WHEREAS, it is desired to renew said program grant in the amount of \$149,234 for the period April 1, 2009 through March 31, 2010, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$149,234 from the New York State Department of Health, Bureau of Public Water Supply Protection, Flanigan Square, 547 River Street, Troy, New York 12180, for the Department of Health's Enhanced Water Supply Program Grant for the period April 1, 2009 through March 31, 2010, 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 \$149,234, and be it

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

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

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

**Carried.** Ayes-19, Nays-0, Absent-0

### **RESOLUTION NO. 155**

By Public Health and Environmental Protection, Personnel and Finance Committees  
Seconded by Mr. Garnar

#### **RESOLUTION AUTHORIZING RENEWAL OF IMMUNIZATION ACTION PLAN GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2009-2010**

WHEREAS, this County Legislature, by Resolution 264 of 2008, as amended by Resolution 426 of 2008, authorized and approved renewal of the Immunization Action Plan Program Grant for the Department of Health and adopted a program budget in the amount of \$95,922 for the period April 1, 2008 through March 31, 2009, and

WHEREAS, said program grant monitors and improves immunization rates for children through 24 months of age, and enhanced adult immunization activities, and

WHEREAS, it is desired to renew said program grant in the amount of \$92,398 for the period April 1, 2009 through March 31, 2010, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$92,398 from the New York State Department of Health, Corning Tower, Nelson A. Rockefeller Empire State Plaza, Albany, New York 12237 for the Department of Health's Immunization Action Plan Program Grant for the period April 1, 2009 through March 31, 2010, 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 \$92,398, and be it

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

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

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

**Carried.** Ayes-19, Nays-0, Absent-0

### **RESOLUTION NO. 156**

By Public Health and Environmental Protection and Finance Committees

Seconded by Mr. Garnar

**RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH VARIOUS VENDORS FOR ORTHOTIC AND PROSTHETIC SERVICES FOR THE DEPARTMENT OF HEALTH FOR 2009-2011**

WHEREAS, this County Legislature, by Resolution 583 of 2006, authorized renewal of the agreement with various vendors for orthotic and prosthetic services for the Department of Health's Physically Handicapped Children's Program at an amount not to exceed \$2,500 per year per provider, for the period January 1, 2007 through December 31, 2008, and

WHEREAS, said agreement is necessary to provide measurement, molds and fittings for orthotic and prosthetic devices to children with handicapping conditions, and

WHEREAS, said agreement expired by its terms on December 31, 2008, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$3,500 per year per provider, total amount not to exceed \$21,000 for the period April 1, 2009 through March 31, 2011, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Creative Orthotics and Prosthetics, 65 Pennsylvania Avenue, Suite 207, Binghamton, New York 13903; Hangar Prosthetics and Orthotics, 655 Main Street, Johnson City, New York 13790 and Klemmt Orthopaedics, 220 Front Street, Vestal, New York 13850 for orthotic and prosthetic services for the Department of Health for the period April 1, 2009 through March 31, 2011, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$3,500 per year, per provider, total amount not to exceed \$21,000 for the term of the agreements, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480293.4707.101000/101082 (Medical and Hospital Services), and be it

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

**Carried.** Ayes-19, Nays-0, Absent-0

**RESOLUTION NO. 157**

By Human Services and Finance Committees

Seconded by Mr. Garnar

**RESOLUTION AUTHORIZING RENEWAL OF THE MEDICAID FRAUD AND ABUSE INITIATIVE PROGRAM GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES, ADOPTING A PROGRAM BUDGET AND RENEWING AGREEMENTS WITH SALIENT CORPORATION AND AMERICAN QUALITY REVIEW FOR SOFTWARE AND SERVICES FOR SAID PROGRAM FOR 2008-2009**

WHEREAS, this County Legislature, by Resolution 201 of 2006, authorized and approved the Medicaid Fraud and Abuse Initiative Program Grant, adopted a program budget in the amount of \$641,132 and authorized an agreements with IBM Salient Corporation and American Quality Review, Inc., for software and services for the period May 1, 2006 through April 30, 2007, and

WHEREAS, said program grant allows Broome County to participate in a pilot demonstration program, led by New York State Association of Counties, which utilizes the most advanced software available to identify Medicaid irregularities that have the potential of provider or recipient fraud or abuse, and

WHEREAS, it is desired to renew said grant program in the amount of \$406,200, adopt a program budget and renew the agreements with Salient Corporation and American Quality Review, Inc., for services for the period May 1, 2008 through July 31, 2009, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$203,100 from the New York State Department of Health and \$203,100 from the Federal Medicaid Program for the Department of Social Services Medicaid Fraud and Abuse Initiative Program Grant for the period May 1, 2008 through July 31, 2009, 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 \$406,200, and be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Salient Corporation, 203 Colonial Drive, Horseheads, New York 14845 for software maintenance and training for the Department of Social Services for the period May 1, 2008 through July 31, 2009, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$56,200 for the term of the agreement, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with American Quality Review, 81 Hempstead Avenue, Lynbrook, New York 11563 for professional services for the Department of Social Services for the period August 1, 2008 through July 31, 2009, and

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$350,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 670513.4747.105xxx (Other Fees for Services), and be it

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

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

FURTHER RESOLVED, that the County Executive or her duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) 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-19, Nays-0, Absent-0

#### **RESOLUTION NO. 158**

By Human Services, Personnel, and Finance Committees

Seconded by Mr. Garnar

#### **RESOLUTION AUTHORIZING RENEWAL OF FLEXIBLE FUNDS FOR FAMILY SERVICES (FFFS) PROGRAM GRANT FOR DEPARTMENT OF SOCIAL SERVICES, AND ADOPTING A PROGRAM BUDGET FOR 2009-2010**

WHEREAS, this County Legislature, by Resolution 195 of 2008, authorized and approved the Flexible Fund for Family Services Program for the Department of Social Services, adopted a program budget in the amount of \$5,559,739 and authorized an agreement with Coordinated Care Services, Inc., The STAR Group, Lourdes Hospital, and the Binghamton City School District to continue to administer said program and authorized an agreement with the YMCA to administer said program for the period April 1, 2008 through March 31, 2009 and

WHEREAS, said program funds can be tailored to local district needs to serve low-income families to assist them in achieving independence, and

WHEREAS, it is desired to renew said grant program in the amount of \$5,559,739 adopt a program budget for the period April 1, 2009 through March 31, 2010, and be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$5,559,739 from Flexible Funds for Family Services for the Department of Social Services for the period April 1, 2009 through March 31, 2010, 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 \$5,559,739, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 670513.various.105xxx, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to

form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution, and be it

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

FURTHER RESOLVED, that the County Executive or her duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) is hereby authorized to make any transfers of funds required within this grant budget and accept the final state allocation without further legislative approval 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-19, Nays-0, Absent-0

### **RESOLUTION NO. 159**

By Economic Development and Planning and Finance Committees

Seconded by Mr. Garnar

#### **RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH WENDEL DUCHSCHERER ARCHITECTS & ENGINEERS FOR DESIGN SERVICES FOR THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT FOR 2006-2009**

WHEREAS, this County Legislature, by Resolution 198 of 2006, as amended by Resolution 394 of 2007, authorized an agreement with Wendel Duchscherer Architects & Engineers for design services for the Department of Planning and Economic Development at a cost not to exceed \$1,046,721 for the period June 1, 2006 through May 31, 2009, and

WHEREAS, said agreement is necessary to continue preparation for the construction of a new Intermodal Transit Terminal and the needed planning information to assist decision makers, and

WHEREAS, it is necessary to authorize the amendment of said agreement to increase the not to exceed amount by \$97,000 for fees for Phase 1B Archaeological Trenching and printing of plans and bid specifications, and amend the term through September 1, 2010, and

WHEREAS, the Commissioner of Planning and Economic Development 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 Wendel Duchscherer Architects & Engineers, 140 John James Audubon Parkway, Suite 201, Amherst, New York 14228 to increase the not to exceed amount by \$97,000 and amend the term to June 1, 2006 through September 1, 2010 for design services for the Department of Planning and Economic Development, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor a total amount not to exceed \$1,143,721, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 225011.4443.501468 (Engineering Expenses), and be it

FURTHER RESOLVED, that Resolutions 198 of 2006 and 394 of 2007, to the extent consistent herewith, shall remain in full force and effect, and be it

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

**Carried.** Ayes-19, Nays-0, Absent-0

### **RESOLUTION NO. 160**

By Public Health and Environmental Protection, Personnel, and Finance Committees

Seconded by Mr. Garnar

**RESOLUTION AUTHORIZING RENEWAL OF CHEMUNG AND SCHUYLER COUNTY CANCER SERVICES PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2009-2010**

WHEREAS, this County Legislature, by Resolution 208 of 2008, as amended by Resolution 427 of 2008, authorized and approved the Chemung and Schuyler County Cancer Services Program Grant for the Department of Health and adopted a program budget in the amount of \$163,415 for the period April 1, 2008 through March 31, 2009, and

WHEREAS, said program grant provides outreach, community education and comprehensive breast, cervical, and colorectal cancer screenings and case management services to uninsured, underinsured and under served men and women in Chemung and Schuyler Counties, and

WHEREAS, it is desired to renew said program grant in the amount of \$153,610 for the period April 1, 2009 through March 31, 2010, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$153,610 from the New York State Department of Health, Bureau of Chronic Disease, Corning Tower, Empire State Plaza, Albany, New York 12237 for the Department of Health's Chemung and Schuyler County Cancer Services Program Grant for the period April 1, 2009 through March 31, 2010, 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 \$153,610, and be it

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

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

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

**Carried.** Ayes-19, Nays-0, Absent-0

**RESOLUTION NO. 161**

By Personnel, Human Services, and Finance Committees

Seconded by Mr. Garnar

**RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST FOR WILLOW POINT NURSING HOME**

RESOLVED, that in accordance with a request contained in PCR # 09-103 from the Administrator of Willow Point Nursing Home, this County Legislature hereby authorizes the position of Rehabilitation Aide, Grade 07, Union Code 04 CSEA, at budget line 160085.1000.204000, at a salary of \$23,574, to be changed to Physical Therapy Aide, Grade 07, Union Code 04 CSEA, at budget line 160226.1000.204000 at a salary of \$23,574 effective March 23, 2009.

**Carried.** Ayes-19, Nays-0, Absent-0

**RESOLUTION NO. 162**

By Personnel, Finance and Education, Culture and Recreation Committees

Seconded by Mr. Herz

**RESOLUTION AUTHORIZING A WAGE RATE INCREASE FOR THE PARKS AND RECREATION DEPARTMENT FOR NON-UNION, TEMPORARY, SEASONAL EMPLOYEES FOR 2009**

WHEREAS, the Personnel Officer requests authorization for a wage increase for the Parks and Recreation Department for hourly non-union, temporary, and seasonal employees at an increase of \$.25 per hour, for 2009, and

WHEREAS, said services are necessary to enable the Parks and Recreation Department to recruit and retain quality and experienced employees, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a wage rate increase of \$.25 for Department of Parks and Recreation positions covered by the hourly rate schedule for non-union, temporary, and seasonal employees, for 2009, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the employee an amount not to exceed \$7.50 for the term of the agreement, and be it

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

**Carried.** Ayes-19, Nays-0, Absent-0

**RESOLUTION NO. 163**

By Finance, and Public Works Committees

Seconded by Mr. Herz

**RESOLUTION AMENDING THE 2008 CAPITAL IMPROVEMENT PROGRAM**

RESOLVED, that the 2008 Capital Improvement Program is hereby revised as follows:

FROM:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>			<u>County</u>
			<u>State</u>	<u>Federal/Other</u>		
501529	Highway Reconstruction/ Rehabilitation	1,750,000	\$0	\$0		1,750,000

<u>Local Finance Law Section 11</u>			<u>How Financed:</u>	
<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
2008	15	20(c)	1,750,000	0

Description: Reconstruct county highways as needed based on pavement condition, sufficiency and priority.

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>			<u>County</u>
			<u>State</u>	<u>Federal/Other</u>		
501529	Highway Reconstruction/ Rehabilitation	1,557,000	\$0	\$0		1,557,000

<u>Local Finance Law Section 11</u>			<u>How Financed:</u>	
<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
2008	15	20(c)	1,557,000	0

Description: Reconstruct county highways as needed based on pavement condition, sufficiency and priority.

and be it

FURTHER RESOLVED, that the 2008 Capital Improvement Program is hereby revised to add the following projects:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>			<u>County</u>
			<u>State</u>	<u>Federal/Other</u>		
501599	Highway Building	40,000	\$0	\$0		40,000



Renovations

Local Finance Law Section 11			How Financed:	
<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
2008	15	12(2)	40,000	0

Description: Funds to repair highway garage facilities including but not limited to roof replacement.

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	Estimated Construction Cost:		<u>County</u>
			<u>State</u>	<u>Federal/Other</u>	
501600	Highway Vehicle Replacements	153,000	\$0	\$0	153,000

Local Finance Law Section 11			How Financed:	
<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
2008	5	28	153,000	0

Description: Funds to purchase various highway equipment and vehicles.

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

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

**Carried.** Ayes-19, Nays-0, Absent-0

**RESOLUTION NO. 164**

By Finance, Public Works and Education, Culture, and Recreation Committees  
Seconded by Mr. LaBare

**RESOLUTION AMENDING THE 2009 CAPITAL IMPROVEMENT PROGRAM FOR THE ALM'S HOUSE DEMOLITION**

RESOLVED, that the 2009 Capital Improvement Program is hereby revised to move the following project from 2010 to 2009:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	Estimated Construction Cost:		<u>County</u>
			<u>State</u>	<u>Federal/Other</u>	
501601	Alm's Building Demo and Site Restoration	350,000	175,000	0	175,000

Local Finance Law Section 11			How Financed:	
<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
2009	10	12-a	350,000	0

Description: Building removal will include abatement of hazardous materials, demolition of the building and removal of debris, removal of underground systems and site restoration.  
and be it

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

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

**Carried.** Ayes-15, Nays-4 (Sanfilippo, Whalen, Klipsch, Reynolds), Absent-0

### **RESOLUTION NO. 165**

By Public Health and Environmental Protection and Finance Committees

Seconded by Mr. Garnar

#### **RESOLUTION AUTHORIZING REVISION OF TOBACCO CONTROL AND INSURANCE INITIATIVE PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A REVISED PROGRAM BUDGET FOR 2008-2009**

WHEREAS, this County Legislature, by Resolution 352 of 2008, authorized and approved renewal of the Tobacco Control and Insurance Initiative Program Grant for the Department of Health and adopted a program budget in the amount of \$256,758 for the period August 1, 2008 through July 31, 2009, and

WHEREAS, said program grant provides community based outreach, education activities and special media campaign promotion events to prevent and control tobacco use among adults and youth, and disparate populations, and

WHEREAS, it is necessary at this time to revise said program to reflect a decrease in the amount of \$20,540 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Tobacco Control and Insurance Initiative Program Grant to reflect a decrease of \$20,540 for the period August 1, 2008 through July 31, 2009, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$236,218, and be it

FURTHER RESOLVED, that the New York State Department of Health may increase or decrease the Tobacco Control Program funds throughout the year, and the Department requests that this authorizing resolution permit the Broome County Health Department modify the budget to reflect any increases or decreases in grant funding as may be required by New York State from August 1, 2008 through July 31, 2009 provided there are no increases in the number of employees and that Broome County's financial contribution is not increased, and be it

FURTHER RESOLVED, that Resolution 352 of 2008, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

**Carried.** Ayes-19, Nays-0, Absent-0

### **RESOLUTION NO. 166**

By Public Health and Environmental Protection, Personnel and Finance Committees

Seconded by Mr. Garnar

#### **RESOLUTION AUTHORIZING REVISION OF CHILDHOOD LEAD POISONING PREVENTION PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A REVISED PROGRAM BUDGET FOR 2008-2009**

WHEREAS, this County Legislature, by Resolution 155 of 2008, as amended by Resolution 461 2008, authorized and approved renewal of the Childhood Lead Poisoning Prevention Program Grant for the Department of Health and adopted a program budget in the amount of \$71,951 for the period April 1, 2008 through March 31, 2009, and

WHEREAS, said program grant oversees screening and follow-up required of primary care providers, coordinates remediation activities with property owners and is responsible for community awareness and promotion, and

WHEREAS, it is necessary at this time to revise said program to reflect a decrease in the amount of \$2,249 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Childhood Lead Poisoning Prevention Program Grant to reflect a decrease of \$2,249 for the period April 1, 2008 through March 31, 2009, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$69,702, and be it

FURTHER RESOLVED, that the New York State Department of Health may increase or decrease the Childhood Lead Poisoning Prevention funds throughout the year, and the Department requests that this authorizing resolution permit the Broome County Health Department modify the budget to reflect any increases or decreases in grant funding as may be required by New York State from April 1, 2008 through March 31, 2009 provided there are no increases in the number of employees and that Broome County's financial contribution is not increased, and be it

FURTHER RESOLVED, that Resolutions 155 and 461 of 2008, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

**Carried.** Ayes-19, Nays-0, Absent-0

### **RESOLUTION NO. 167**

By Personnel, Economic Development and Planning, and Finance Committees

Seconded by Mr. Garnar

#### **RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST FOR THE DEPARTMENT OF PLANNING**

RESOLVED, that in accordance with a request contained in PCR 09-104 from the Commissioner of Planning, this County Legislature hereby authorizes the downgrade of Secretary, Grade 13, Union Code 04 CSEA, minimum salary \$29,695, at budget line 440016.1000.101000, to Senior Account Clerk, Grade 9, Union Code 04 CSEA, minimum salary \$24,351, at budget line 440016.1000.101000 effective April 6, 2009.

**Carried.** Ayes-19, Nays-0, Absent-0

### **RESOLUTION NO. 168**

By Economic Development and Planning, Personnel and Finance Committees

Seconded by Mr. Garnar

**RESOLUTION AUTHORIZING REVISION OF THE GREATER BINGHAMTON ECONOMIC DEVELOPMENT PROGRAM GRANT FOR THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT AND ADOPTING A REVISED PROGRAM BUDGET FOR 2007-2009**

WHEREAS, this County Legislature, by Resolution 366 of 2007, as amended by Resolution 632 of 2008, authorized and approved the Greater Binghamton Economic Development Program Grant for the Department of Planning and Economic Development, adopted a program budget in the amount of \$250,000 and authorized an agreement with the New York State Department of Economic Development for programs and marketing for the period April 1, 2007 through August 31, 2009, and

WHEREAS, said program grant provides funds for programs and marketing to promote innovation and job creation, and

WHEREAS, it is necessary at this time to revise said program to create and fund the position of Keyboard Specialist, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the revision of the Greater Binghamton Economic Development Program Grant to create and fund the position of Keyboard Specialist, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$250,000, and be it

FURTHER RESOLVED, that Resolution 366 of 2007 and Resolution 632 of 2008, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

**Carried.** Ayes-19, Nays-0, Absent-0

Mr. Reynolds congratulated Mr. Denk on becoming a Certified Municipal Clerk according to the International Institute of Municipal Clerks

Ms. Messina made a motion to adjourn, seconded by Mr. Cleary. **Motion to adjourn Carried,** Ayes-19, Nays-0, Absent-0. The meeting was adjourned at 7:00 p.m.

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