

**BROOME COUNTY LEGISLATURE  
REGULAR SESSION  
MAY 21, 2009**

The Legislature convened at 4:00 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-18, Absent-1 (Hutchings).

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. Garnar made a motion, seconded by Mr. Cleary, that the minutes of April 23, 2009 be approved as prepared and presented by the Clerk. **Carried**, Ayes-18, Nays-0, Absent-1 (Hutchings).

Mr. Reynolds noted that the committee minutes for the period April 23, 2009 through May 20, 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. Pasquale. **Carried**, Ayes-18, Nays-0, Absent-1 (Hutchings).

**ANNOUNCEMENTS FROM THE CHAIR**

None

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

Letters from the County Executive, Barbara J. Fiala

1. Executive Emergency Order – Environmental Concerns 4/17/2009
2. En-Joie Golf Course Appointments
3. RFP Lease of Municipal Owned land for extracting natural gas – 4/29/2009

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

Letters from the Chair, Daniel D. Reynolds

1. Designations for Mr. Whalen 5/11/2009
2. Designations for Mr. Cleary 5/12/2009 & 5/13/2009
3. Designations for Mr. Pasquale 5/13/2009
4. Designations for Mr. Klipsch 5/14/2009

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

Petitions: None

Communications

1. Certificate of Appreciation presented to the Legislature from Tobacco Free Broome Coalition & Broome County Realty Check
2. IDA Minutes 4/17/2009
3. BC Attorney's Office Letter regarding Natural Gas Lease
4. IDA Minutes 3/17/2009
5. Senate Libous' Certificate of Merit to BC Legislature Supporting Local Tobacco Control Efforts
6. Cornell Cooperative Extension of Broome County Meeting Minutes 2/16/2009
7. Finance Dept. First Quarterly 2009 Sales Tax
8. BCC March 2009 Budget Transfers
9. BC Soil & Water Conservation District Minutes 3/17/2009
10. Bond Anticipation Note Certificate 4/16/2009

11. Binghamton Local Development Corporation-Request for funds for North Side Grocery Store Project – 4/29/2009
12. Catskill Regional Off-Track Betting Corporation Financial Statements 2007 & 2008
13. BCC Proposed Budget 2009-2010

Notices:

1. Coughlin & Gerhart –Town of Maine-Special Use Permit Public Hearing- 5/12/2009
2. Regular Legislative Session location change 4/23/2009
3. Legislative Session Time Change to 4:00pm 5/21/2009

Reports:

1. BCC – Above Minimum Hire Report – March 2009
2. Ad Hoc Committee Mineral Rights Final Report 4/14/2009

Mr. Herz and Mr. Pasquale were designated as participants with Chairman Reynolds in the 'Short Roll Call'.

**RESOLUTION RECALLED FROM A PREVIOUS SESSION**

Mr. Garnar made a motion, seconded by Mr. Cleary to recall Resolution 173 for the purpose of amending. **Recall carried.** Ayes-19, Nays-0, Absent-1 (Hutchings)

**RESOLUTION NO. 173**

By Economic Development and Planning and Finance Committees                      Seconded by Mr. Marinich  
**RESOLUTION AUTHORIZING ACCEPTANCE OF A WORKFORCE INVESTMENT ACT GAS CARD INITIATIVE PROGRAM GRANT FOR THE OFFICE OF EMPLOYMENT AND TRAINING AND ADOPTING A PROGRAM BUDGET FOR 2009**

Mr. Garnar made a motion, seconded by Mr. Cleary to amend the amount in the 1<sup>st</sup> Whereas, the 1<sup>st</sup> Resolved and the 1<sup>st</sup> Further Resolved paragraphs to \$12,500 and replace Exhibit "A".  
**Amendment carried.** Ayes-18, Nays-0, Absent-1 (Hutchings). **Resolution as amended carried.** Ayes-18, Nays-0, Absent-1 (Hutchings).

**RESOLUTIONS HELD OVER FROM PREVIOUS SESSION**

**RESOLUTION NO. 176**

By Finance Committee    Seconded by Mr. Whalen  
(Held over by Mr. Klipsch)

**RESOLUTION AUTHORIZING CORRECTION OF 2009 TOWN AND COUNTY TAX BILLS IN THE TOWN OF VESTAL**

**Carried,** Ayes-18, Nays-0, Absent-1 (Hutchings).

**RESOLUTIONS INTRODUCED AT THIS SESSION**

**RESOLUTION NO. 217**

By County Administration and Public Safety and Emergency Services Committee  
Seconded by Mr. Garnar

**RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 6 OF 2009, ENTITLED: "A LOCAL LAW OF THE COUNTY OF BROOME, NEW YORK PROHIBITING THE USE OF WIRELESS HANDSETS TO COMPOSE, READ, OR SEND TEXT MESSAGES WHILE OPERATING A MOTOR VEHICLE."**

RESOLVED, that Local Law Intro. No. 6 of 2009, entitled: "A Local Law of the County of Broome, New York Prohibiting the Use of Wireless Handsets to Compose, Read, or Send Text Messages While Operating a Motor Vehicle," be and the same hereby is adopted and approved in

accordance with the Broome County Charter and Administrative Code and all the applicable statutes and laws pertaining thereto.

**LOCAL LAW INTRO. NO. 6 OF 2009**

**A LOCAL LAW OF THE COUNTY OF BROOME, NEW YORK PROHIBITING THE USE OF WIRELESS HANDSETS TO COMPOSE, READ, OR SEND TEXT MESSAGES WHILE OPERATING A MOTOR VEHICLE**

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

Section 1. That Chapter 190, entitled PROHIBITING SMS USAGE WHILE OPERATING A MOTOR VEHICLE, is hereby added to the Broome County Charter and Administrative Code and is adopted to read as follows:

Section 190-1. Purpose

This Legislature hereby determines that text messaging while driving inevitably decreases safety on the road, affects driver reaction time, reduces attention to the surrounding environment and substantially increases the likelihood for vehicular accidents and personal injury. The purpose of this local law is to protect the health, safety, and welfare of the public by prohibiting text messaging while driving.

Section 190-2. Definitions.

Wherever used in this title, the following terms shall be defined as follows, unless the context or subject matter otherwise requires:

- a. "Hands-Free" shall mean the manner in which a wireless handset is operated for the purpose of composing, reading, or sending text messages, by using an internal feature or function, or through an attachment or addition, including but not limited to an ear piece, head set, remote microphone or short range wireless connection, thereby allowing the user to operate said device without the use of hands.
- b. "Text Message", also referred to as short messaging service (SMS), shall mean the process by which users send, read, or receive messages on a wireless handset, including but not limited to, text messages, instant messages, electronic messages, or e-mails, in order to communicate with any person or device.
- c. "Use" shall mean activating, deactivating, or initiating functions or keys on a wireless handset.
- d. "Wireless Handset" shall mean a portable electronic or computing device, including cellular telephones and personal digital assistants (PDAs), capable of transmitting data in the form of an e-mail or text message.
- e. "Motor vehicle" shall mean any vehicle that is self-propelled by a motor, including but not limited to automobiles, trucks, vans, construction vehicles, etc.
- f. "Inoperability" shall mean a motor vehicle that is incapable of being operated or being operated in a safe and prudent manner due to mechanical failure, including but not limited to, engine overheating or tire failure.
- g. "Stopped" shall mean not in motion.

Section 190-3. Prohibited Uses of Electronic Devices While Operating A Motor Vehicle.

- a. No person shall use a wireless handset to compose, read, receive, or send text messages while operating a motor vehicle on any public street or public highway within the County of Broome.
- b. The prohibition contained in Section 3 (a) above shall not be construed to prohibit the use of any wireless handset by:
  - (i) Any law enforcement, public safety or police officers, emergency services officials, first aid, emergency medical technicians and personnel, and fire safety officials in the performance of duties arising out of and in the course of their employment as such;
  - (ii) A person using a wireless handset to contact an individual listed in subsection (i); or
  - (iii) A person using a wireless handset inside a motor vehicle while such motor vehicle is parked, standing or stopped and is removed from the

flow of traffic, in accordance with applicable laws, rules or ordinances, or is stopped due to the inoperability of such motor vehicle.

- c. The prohibition contained in Section 3 shall not be construed to prohibit a person operating a motor vehicle from utilizing a hands-free wireless handset.

Section 190-4. Enforcement and Penalties.

- a. A violation of any provision of Section 3 of this local law shall constitute an offense and be punishable by a fine not to exceed \$150.00 for each violation. Each such violation shall constitute a separate and distinct offense.
- b. Any law enforcement agency having jurisdiction within the geographic boundaries of the County of Broome shall have authority to enforce the provisions of this local law.

Section 190-5. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 190-6. Reverse Preemption.

This law shall be null and void on the day that statewide or federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent State or Federal administrative agency issues and promulgates regulations preempting such action by the County of Broome. The Broome County Legislature may determine via resolution whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provisions of this section.

Section 190-7. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 190-8. Effective Date.

This local law shall be filed pursuant to the provisions of the Municipal Home Rule Law and shall take effect September 1, 2009.

**Carried**, Ayes-18, Nays-0, Absent-1 (Hutchings).

Due to this resolution being assigned a duplicate number it will now be permanent RESOLUTION 09-217-A.

**RESOLUTION NO. 218**

By Finance Committee

Seconded by Mr. Howard

**RESOLUTION AUTHORIZING DISTRIBUTION OF MORTGAGE TAX RECEIPTS PURSUANT TO SECTION 261 OF THE NEW YORK STATE TAX LAW**

WHEREAS, the County Clerk and the Commissioner of Finance have presented their report concerning mortgage tax receipts for the period October 2008 through March 2009, pursuant to Section 261 of the New York State Tax Law, and the same has been apportioned to the various municipalities thereto, now, therefore, be it

RESOLVED, that the Commissioner of Finance be and hereby is authorized to pay the Treasurer of the City of Binghamton and to respective Supervisors of the 23 Towns and Villages of Broome County, those amounts listed:

SEMI-ANNUAL MORTGAGE TAX DISTRIBUTION  
October 2008 through March 2009

Dickinson	Village of Port Dickinson	3,737.14
	Outside	23,129.48
Lisle	Village of Lisle	411.79
	Outside	8,574.57

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Sanford	Village of Deposit Outside	1,210.72 15,956.38
Triangle	Village of Whitney Point Outside	2,477.52 12,153.33
Union	Village of Johnson City Village of Endicott Outside	35,571.63 31,578.55 224,508.83
Windsor	Village of Windsor Outside	1,488.23 26,310.06
Barker		12,498.06
Binghamton (Town)		47,971.45
Chenango		70,601.62
Colesville		17,808.74
Conklin		21,325.76
Fenton		41,011.73
Kirkwood		47,312.83
Maine		26,058.21
Nanticoke		11,051.94
Vestal		220,520.30
City of Binghamton		215,747.63
<b>Total</b>		<b>1,119,016.50</b>

**Carried**, Ayes-18, Nays-0, Absent-1 (Hutchings).

Due to this resolution being assigned a duplicate number it will now be permanent RESOLUTION 09-218-A.

**RESOLUTION NO. 219**

By Finance Committee

Seconded by Mr. Howard

**RESOLUTION APPROVING SALE OF IN REM FORECLOSURE PROPERTIES TO FORMER OWNERS**

WHEREAS, the County of Broome now owns certain parcels of real property by virtue of the completion of proceedings and foreclosure in rem, and

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

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

RESOLVED, that the sale back to former owners of the parcels listed on Exhibit "A" for the amounts as stated is hereby approved by this County Legislature based on the unusual circumstances of each such case, as determined by your sponsoring committee as well as the undue hardship to the former owners that the failure to approve such sales would cause, and be it

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

**Carried**, Ayes-18, Nays-0, Absent-1 (Hutchings).

**RESOLUTION NO. 220**

By Finance Committee

Seconded by Mr. Howard

**RESOLUTION AUTHORIZING SALE OF COUNTY PROPERTIES FROM THE 2009 TAX SALE AUCTION**

WHEREAS, the County of Broome owns certain parcels of real property as a result of in rem foreclosures, and

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

WHEREAS, the Director of Real Property Tax Service advises that a tax sale auction for 2009 was held and all bids submitted were tabulated, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the conveyance of certain real property to the successful bidders in the 2009 Broome County tax sale as indicated on the attached Exhibit "A", and be it

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

**Carried**, Ayes-18, Nays-0, Absent-1 (Hutchings).

**RESOLUTION NO. 221**

By Public Health and Environmental Protection and Finance Committees

Seconded by Mr. Howard

**RESOLUTION AUTHORIZING AN AGREEMENT WITH MIRIAM ANN ROSEN FOR PROFESSIONAL SERVICES FOR THE DEPARTMENT OF HEALTH'S EARLY INTERVENTION PROGRAM FOR 2009 AND PRESCHOOL EDUCATION PROGRAM FOR 2009-2010**

WHEREAS, the Director of Public Health requests authorization for an agreement with Miriam Ann Rosen for professional services for the Department of Health's Early Intervention Program for the period May 1, 2009 through December 31, 2009 and the Preschool Education Program for the period May 1, 2009 through June 30, 2010, at rates set by the New York State Department of Health and the Broome County Health Department, and

WHEREAS, said agreement is necessary to provide special education services to children with autism, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Miriam Ann Rosen, P.O. Box 71, Smyrna, New York 13464 for professional services for the Department of Health's Early Intervention Program for the period May 1, 2009 through December 31, 2009 and the Preschool Education Program for the period May 1, 2009 through June 30, 2010, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at rates set by the New York State Department of Health and the Broome County Health Department as listed on Exhibit "B" for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480293.various.101081/101082, 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-18, Nays-0, Absent-1 (Hutchings).

**RESOLUTION NO. 222**

By Public Safety and Emergency Services, Education, Culture, and Recreation Committees

Seconded by Ms. Messina

**RESOLUTION AUTHORIZING A PARTNERSHIP AGREEMENT FOR THE READINESS AND EMERGENCY MANAGEMENT FOR SCHOOLS PROGRAM**

WHEREAS, the Susquehanna Valley Central School District, the Maine-Endwell Central School District, and Broome-Tioga Board of Cooperative Educational Services are jointly applying for funding through the United States Department of Education's Readiness and Emergency Management for Schools program, and

WHEREAS, the purpose of said program is to improve the safety and security of schools by coordinating planning and services across the community, and

WHEREAS, a successful proposal must include the support of critical community partners including law enforcement, public safety, public health, mental health, and local government, and

WHEREAS, each such entity must demonstrate its commitment to the project by executing a Partnership Agreement, which must accompany the grant application, and

WHEREAS, the Director of Emergency Services requests authorization for Broome County to enter into a Partnership Agreement with the Susquehanna Valley Central School District, the Maine-Endwell Central School District, and Broome-Tioga Board of Cooperative Educational Services to enable the two school districts to qualify for a Readiness and Emergency Management for Schools program grant, and

WHEREAS, said Agreement outlines the responsibilities of the parties, now, therefore, be it

RESOLVED, that the Broome County Legislature hereby authorizes a Partnership Agreement with the Susquehanna Valley Central School District, the Maine-Endwell Central School District, and Broome-Tioga Board of Cooperative Educational Services to enable the two school districts to supplement the grant application for the United States Department of Education's Readiness and Emergency Management for Schools program for the Department of Emergency Services, and be it

FURTHER RESOLVED, that said Agreement provides for no revenue to Broome County and authorizes no expenditures by Broome County, and be it

FURTHER RESOLVED, that the Broome County Legislature supports the efforts of the Susquehanna Valley Central School District, the Maine-Endwell Central School District, and Broome-Tioga Board of Cooperative Educational Services to foster a safe learning environment for students and staff, and looks forward to working with them, 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-18, Nays-0, Absent-1 (Hutchings).**

**RESOLUTION NO. 223**

**RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH TRI COUNTY COMMUNICATIONS FOR PURCHASE AND INSTALLATION OF A REPLACEMENT MICROWAVE SYSTEM FOR THE OFFICE OF EMERGENCY SERVICES FOR 2009**

By Finance and Public Safety and Emergency Services Committees

Seconded by Mr. Howard

WHEREAS, this County Legislature, by Resolution 68 of 2005 and Resolution 230 of 2008, authorized an agreement with Tri County Communications for the installation and replacement of a microwave system infrastructure and wireless system for the Office of Emergency Services at a cost not to exceed \$687,596, for January 1, 2008 through December 31, 2008, and

WHEREAS, said agreement is necessary for the replacement of the existing microwave system to include an alarm function and provision for a countywide wireless infrastructure, and

WHEREAS, it is necessary to authorize the amendment of said agreement to provide a timeframe extension on the replacement of the existing microwave system to include alarm function and provision for countywide wireless infrastructure for information technology, and

WHEREAS, the Office of Emergency Services 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 Tri County Communications, 110 Broad Avenue, Binghamton, NY 13904, for a timeframe extension on the replacement of the existing microwave system to include alarm function and provision for countywide wireless infrastructure for information technology for the period December 31, 2008 through December 31, 2009, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor not to exceed \$687,596, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 460469.2460.501392, and be it

FURTHER RESOLVED, that Resolution 68 of 2005 and Resolution 230 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-18, Nays-0, Absent-1 (Hutchings).**

### **RESOLUTION NO. 224**

By Public Health and Environmental Services, and Finance Committees

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING AGREEMENTS WITH VARIOUS 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, the Broome County Legislature, by Resolution 149 of 2009, 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, 2009 through March 31, 2010, and

WHEREAS, said program grant provides services necessary to provide breast, cervical and colorectal cancer screening services and HPV vaccine, now therefore, be it

WHEREAS, it is desired to establish agreements with additional vendors at rates according to the New York State Department of Health's Update NY Fee Schedule to provide said services for the period April 1, 2009 through March 31, 2010, now, therefore, be it

RESOLVED, that the Broome County Legislature hereby authorizes agreements with vendors 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, the County shall pay the contractors for said services according to the New York State Department of Health's Upstate NY Reimbursement Rate Schedule of 2009-2010 for the term of the agreements, 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 480376.4707.105483 Medical & Hospital Services (Breast & Cervical Services), for the period April 1, 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.

**Carried, Ayes-18, Nays-0, Absent-1 (Hutchings).**

#### **RESOLUTION NO. 225**

By Human Services and Finance Committees

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENTS WITH VARIOUS INSTITUTIONAL CHILD CARE PROVIDERS FOR DEPARTMENT OF SOCIAL SERVICES FOR 2009-2010**

WHEREAS, this County Legislature, by Resolution 221 of 2008, authorized renewal of the agreements with various vendors as approved by the New York State Office of Children and Family Services for institutional child care services for the Department of Social Services at an amount not to exceed \$16,364,927, for the period July 1, 2008 through June 30, 2009, and

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

WHEREAS, said agreement expires by its terms on June 30, 2009, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$16,403,074, for the period July 1, 2009 through June 30, 2010 now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreements with various vendors as approved by the New York State Office of Children and Family Services for institutional child care for the Department of Social Services for the period July 1, 2009 through June 30, 2010, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractors at rates not to exceed the Maximum State Reimbursement rates set by New York State, total amount not to exceed \$16,403,074, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 670117.4573.103000 (EAF Foster Care, 670117.4579.103000 (CW Foster Care) 670117.4580.103000 (ADC Foster Care), 670125.4573.103000 (EAF JD/PINS), 670125.4583.103000 (ADC JD/PINS), 670125.4584.103000 (CW JD/PINS), 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-18, Nays-0, Absent-1 (Hutchings).**

#### **RESOLUTION NO. 226**

By Transportation and Rural Development Committee

Seconded by Mr. Howard

#### **RESOLUTION DESIGNATING THE BROOME COUNTY LEGISLATURE AS LEAD AGENCY WITH RESPECT TO THE TAXIWAY A REHABILITATION EXTENSION PROJECT**

WHEREAS, it is necessary to repave existing pavement on Taxiway A and G, including paving a connector between Taxiway A and G creating a parallel Taxiway to the primary runway, namely Runway 16-34, and

WHEREAS, it has been determined that such Project 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

FURTHER RESOLVED, that the Office of Employment and Training is authorized to accept and allocate additional WIA funding as may be allocated by New York State from July 1, 2009 through June 30, 2011, provided there is no increase in employee head count and that the County's contribution is not increased, and be it

WHEREAS, this County Legislature is the only 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, 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 Taxiway A Rehabilitation Extension Project, 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 Taxiway A Rehabilitation Extension Project 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 "B".

Carried, Ayes-18, Nays-0, Absent-1 (Hutchings).

**RESOLUTION NO. 227**

By Human Services and Finance Committees, Seconded by Mr. Howard

**RESOLUTION AUTHORIZING AN AGREEMENT WITH BROOME-TIOGA BOCES FOR AN EARLY EDUCATOR PROGRAM FOR THE DEPARTMENT OF SOCIAL SERVICES FOR 2009**

WHEREAS, the Broome County Legislature, by Resolution 606 of 2008, authorized agreements with various provider agencies for various services for the Department of Social Services' Purchase of Services Programs, total amount not to exceed \$3,907,707 for all programs for the period January 1, 2009 through December 31, 2009, and

WHEREAS, the Commissioner of Social Services requests authorization to enter into an agreement with Broome-Tioga BOCES at an amount not to exceed \$100,638 to create an Early Educator Program for the period April 1, 2009 through September 30, 2009, and

WHEREAS, said program is intended to enhance the quality of child care in Broome County and prevent children from becoming at risk of placement or child abuse and neglect, and

WHEREAS, the Department of Social Services requests authorization to accept and pass through to the contractor 100% New York State funded Cost of Living Adjustments (COLA) and amend the agreements for said COLA increases once said funding approval is received from the State of New York, and

WHEREAS, said COLA funds will give this and other provider agencies a cost of living adjustment to be used for the recruitment and retention of staff or to respond to other non-personnel service costs, now, therefore, be it

RESOLVED, that the Broome County Legislature hereby authorizes an agreement with Broome-Tioga BOCES for the creation of an Early Educator Program for Department of Social Services for the period April 1, 2009 through September 30, 2009, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay Broome-Tioga BOCES an amount not to exceed \$100,638, for said services, for the period April 1, 2009 through September 30, 2009, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 670067.4561.103000 (Purchase of Services), and be it

FURTHER RESOLVED, that the Department of Social Services is hereby authorized to accept and pass through to the contractor 100% New York State funded Cost of Living Adjustments, once said funding approval is received from NYS, and be it

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~~FURTHER RESOLVED, that the Department of Social Services is hereby authorized to amend such agreements for the COLA funds with the contractor once NYS approval is received, and be it~~

~~FURTHER RESOLVED, that the COLA grant fund payments authorized shall be made from budget line 670513.4561.105XXX (Purchase of Services), and be it~~

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

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

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

Carried, Ayes-18, Nays-0, Absent-1 (Hutchings).

**RESOLUTION NO. 228**

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

**RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH SOUTHERN TIER CELEBRATES, INC. FOR USE OF COUNTY OWNED FACILITIES FOR PUBLIC EVENTS FOR 2009-2011**

WHEREAS, this County Legislature, by Resolution 240 of 2006, authorized a renewal of the agreement with Southern Tier Celebrates, Inc. for use of County owned facilities for celebratory public events (including the Government Plaza administered pursuant to the Tripartite Agreement) at no cost to the County and including a waiver of any rental fee of said County-owned facilities being used provided that Southern Tier Celebrates shall pay all related expenses associated with the use of said facilities, for the period July 1, 2006 through June 30, 2009 and

WHEREAS, said agreement is for use of County facilities with the intent to promote celebratory events in the Broome County area not only during the New Years celebration but all through the year, and

WHEREAS, said agreement expires by its terms on June 30, 2009, and it is desired at this time to renew said agreement on substantially similar terms and conditions, at no cost to the County, for the period July 1, 2009 through June 30, 2011 now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Southern Tier Celebrates, Inc., 49 Court St. 2<sup>nd</sup> Floor, Metro-center, Binghamton, NY 13901 providing for the use of various County-owned facilities (including the Government Plaza administered pursuant to the Tripartite Agreement) for celebratory events, for the period July 1, 2009 through June 30, 2011, and be it

FURTHER RESOLVED, that the rental fee for the use of these facilities shall be waived provided that Southern Tier Celebrates shall be responsible for the payment of all related expenses associated with its use of said facilities and further provided that Southern Tier Celebrates shall provide proof of insurance naming Broome County as a additional insured in connection with said celebratory events, and be it

FURTHER RESOLVED, that any proposed use must first be approved by the Commissioner of Public Works or the Commissioner of Parks and Recreation, depending on where the event is to be held, and be it

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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-18, Nays-0, Absent-1 (Hutchings).**

**RESOLUTION NO. 229**

By Public Works and Finance Committees

Seconded by Mr. Howard

**RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH GATEWAY EQUIPMENT CORPORATION FOR THE DEPARTMENT OF PUBLIC WORKS DIVISION OF SOLID WASTE MANAGEMENT FOR 2009-2014**

WHEREAS, the Deputy Commissioner of Public Works requests authorization for a lease agreement with Gateway Equipment Corporation for the Department of Public Works Division of Solid Waste Management at an annual cost of \$176,250.77, total cost not to exceed \$881,253.85, for the period September 1, 2009 through August 31, 2014, and

WHEREAS, said agreement is necessary to lease one Bomag Refuse Compactor with Terra wheels and Ashteck GPS, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Gateway Equipment Corporation, 5857 Fisher Road, East Syracuse, New York 13057 for the lease of a Bomag Refuse Compactor with Terra wheels and Ashteck GPS for the Department of Public Works Division of Solid Waste Management for the period September 1, 2009 through August 31, 2014, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an annual amount not to exceed \$176,250.77, total cost not to exceed \$881,253.85 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 230086.4512.206000 (Outside Rentals-Machinery), and be it

FURTHER RESOLVED, the County shall have the option at the end of the lease period to purchase the Bomag Refuse Compactor with Terra wheels and Ashteck GPS for a residual value of \$69,657, 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-18, Nays-0, Absent-1 (Hutchings).**

**RESOLUTION NO. 230**

By Public Works and Finance Committees

Seconded by Mr. Herz

**RESOLUTION AUTHORIZING AN AGREEMENT WITH ROBERT A. MOORE D/B/A FORESTATE FOR FORESTRY SERVICES FOR THE DEPARTMENT PUBLIC WORKS, DIVISION OF SOLID WASTE MANAGEMENT FOR 2009 THROUGH 2011**

WHEREAS, The Deputy Commissioner of Public Works, Division of Solid Waste Management requests authorization for an agreement with Robert A. Moore d/b/a Forestate for the period June 1, 2009 through May 31, 2011, and

WHEREAS, said services are necessary to ensure proper timber management at the Colesville Landfill property and the Broome County Landfill Road Access Project and to secure a vendor to purchase timber that is cleared during upcoming landfill and road projects, and

WHEREAS, the selected forester, Forestate, offered the lowest price in response to RFP-2009-034 and met qualification requirements, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Robert A. Moore d/b/a Forestate, PO Box 522, Waverly, NY 14892 to ensure proper timber management at the Colesville Landfill property and the Broome County Landfill Road Access Project and to secure a vendor to purchase timber that is cleared during upcoming landfill and road projects, for the period June 1, 2009 through May 31, 2011, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 230086.4457.206000 (Subcontracted 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.

Mr. LaBare made a motion, seconded by Mr. Materese to amend the resolution to add a paragraph to read "Further Resolved that in consideration of said services the contractor shall be compensated at a rate not to exceed fifteen percent (15%) of the timber sold, and be it".

**Amendment carried.** Ayes-18, Nays-0, Absent-1 (Hutchings), **Resolution as amended carried.** Ayes-18, Nays-0, Absent-1 (Hutchings).

### **RESOLUTION NO. 231**

By Public Health and Environmental Protection, and Finance Committees

Seconded by Mr. Howard

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

WHEREAS, the Broome County Health Department has been selected to be the coordinated agency for the Cancer Services Program by the New York State Department of Health for the service area of Chemung and Schuyler Counties, and

WHEREAS, the Broome County Public Health Director requests authorization to enter into agreements with Corning Hospital and Guthrie Clinic for services for the Broome County Health Department's Cancer Services Program of Chemung and Schuyler Counties at rates according to the New York State Department of Health Upstate Fee Schedule, for the period of April 1, 2009 through March 31, 2010, and

WHEREAS, said services are necessary to provide various breast, cervical, and colorectal cancer screening services, and diagnostic and follow-up services in the service area, and

WHEREAS, Corning Hospital and Guthrie Clinic will be reimbursed for these services according to the New York State Department of Health's Cancer Services Program Reimbursement Schedule of 2009-2010, utilizing a 60% Corning Hospital / 40% Guthrie Clinic fee split as outlined in the attached fee schedule chart, now, therefore, be it

RESOLVED, that the Broome County Legislature hereby authorizes an agreement with Corning Hospital, 176 Denison Parkway, Corning, NY 14830 and Guthrie Clinic Limited, One Guthrie Square, Sayre, PA, 18840, for Integrated Cancer Services, for the Health Department 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 according to the New York State Department of Health's Cancer Services Program Reimbursement Schedule of 2009-2010, utilizing a 60% Corning Hospital / 40% Guthrie Clinic fee split as outlined in the attached fee schedule chart, 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 480376.4707.105483 Medical & Hospital Services (Breast & Cervical Services), for the period April 1, 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.

**Carried,** Ayes-18, Nays-0, Absent-1 (Hutchings).

**RESOLUTION NO. 232**

By Human Services and Finance Committees

Seconded by Mr. Howard

**RESOLUTION AUTHORIZING ACCEPTANCE OF FUNDING FOR III-C-2 AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) PROGRAM GRANT FOR OFFICE FOR AGING AND ADOPTING A PROGRAM BUDGET FOR 2009-2010**

WHEREAS, the Office For Aging requests authorization to accept funding from the III-C-2 American Recovery and Reinvestment Act (ARRA) Program Grant and adopt a program budget in the amount of \$24,111 for the period March 18, 2009 through September 30, 2010, and

WHEREAS, said program grant establishes revenue and appropriations, for Home Delivered Nutritional Services for the 2009-2010 III-C-2 American Recovery and Reinvestment Act (ARRA), now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$21,111 from the New York State Office for Aging, Empire State Plaza, Agency Building 2, Albany, NY 12223-1251 for the Office for Aging American Recovery and Reinvestment Act (ARRA) Grant for the period March 18, 2009 through September 30, 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 \$24,111, 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-18, Nays-0, Absent-1 (Hutchings).**

**RESOLUTION NO. 233**

By Human Services and Finance Committees

Seconded by Mr. Howard

**RESOLUTION AUTHORIZING ACCEPTANCE OF FUNDING FOR III-C-1 AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) PROGRAM GRANT FOR OFFICE FOR AGING AND ADOPTING A PROGRAM BUDGET FOR 2009-2010**

WHEREAS, the Office For Aging requests authorization to accept funding from the III-C-1 American Recovery and Reinvestment Act (ARRA) Program Grant and adopt a program budget in the amount of \$47,921 for the period March 18, 2009 through September 30, 2010, and

WHEREAS, said program grant establishes revenue and appropriations for Congregate Nutrition Services, for the 2009-2010 III-C-1 American Recovery and Reinvestment Act (ARRA), now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$42,921 from the New York State Office for Aging, Empire State Plaza, Agency Building 2, Albany, NY 12223-1251 for the Office for Aging III-C-1 American Recovery and Reinvestment Act (ARRA) Grant for the period March 18, 2009 through September 30, 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 \$47,921 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-18, Nays-0, Absent-1 (Hutchings).**

#### **RESOLUTION NO. 234**

By Human Services and Finance Committees

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING REVISION OF THE CAPITAL DISTRICT PHYSICIANS' HEALTH PLAN PROGRAM GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET FOR 2008 through 2009**

WHEREAS, this County Legislature, by Resolution 421 of 2008, authorized and approved acceptance of the Capital District Physicians' Health Plan (CDPHP) Program Grant for the Office for Aging and adopted a program budget in the amount of \$16,000 for the period July 1, 2008 through December 31, 2009, and

WHEREAS, said program grant funds Mission Meltaway, Strike Out Stroke, Pickleball, and wellness classes, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$9,000 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Capital District Physicians' Health Plan (CDPHP) Program Grant to reflect an increase of \$9,000 for the period July 1, 2008 through December 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 \$25,000, and be it

FURTHER RESOLVED, that Resolution 421 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-18, Nays-0, Absent-1 (Hutchings).**

#### **RESOLUTION NO. 235**

By Human Services and Finance Services

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING RENEWAL OF THE END OF LIFE CARE-COMMUNITY SUPPORT DEMONSTRATION PROGRAM GRANT FOR THE OFFICE OF 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 291 of 2008, authorized and approved the End of Life Care-Community Support Demonstration Program Grant, for the Office For Aging, adopted a program budget in the amount of \$50,000 and authorized an agreement with Action for Older Persons to administer said program for the period June 1, 2008 through May 31, 2009, and

WHEREAS, said End of Life Care-Community Support Demonstration Program grant provides community-based supportive care for functionally impaired persons 60 years of age and older who have been diagnosed with a serious illness that has reached a terminal or end stage, now, therefore, be it

WHEREAS, it is desired to renew said grant program in the amount of \$37,500, adopt a program budget and renew the agreement with Action For Older Persons to continue to administer said program for the period June 1, 2009 through May 31, 2010, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$37,500 from New York State Office for Aging, Empire State Plaza, Agency Building 2, Albany, NY 12223-1251, for the Office For Aging End Life Care-Community Support Demonstration Program grant for the period June 1, 2009 through May 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 \$37,500, and be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Action for Older Persons, Inc., 30 West State Street, Binghamton, NY 13901, for community based supportive care, for the Office For Aging for the period June 1, 2009 through May 31, 2010, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$35,625 for the term of the agreement, and be it

FURTHER RESOLVED, that the payment hereinabove authorized shall be made from budget line 761114.4457.105xxx(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-18, Nays-0, Absent-1 (Hutchings).**

### **RESOLUTION NO. 236**

By Human Services and Finance Committees

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH IDEAL SENIOR LIVING CENTER FOR THE OFFICE FOR AGING'S MEALS ON WHEELS AND CONGREGATE MEALS PROGRAM FOR 2009 THROUGH 2010**

WHEREAS, this County Legislature, by Resolution 287 of 2008, authorized a renewal of the agreement with Ideal Senior Living Center for the Office for Aging's Long Term Home Health Care clients with revenue to Broome County at the rate of \$9.00 per person per day for each home delivered meal and \$3.75 per person per day for each congregate meal for the period August 1, 2008 through July 31, 2009, and

WHEREAS, said agreement provides for home delivered meals and congregate meals for the Office for Aging's Long Term Home Health Care clients, and



WHEREAS, said agreement expires by its terms on July 31, 2009, and it is desired at this time to renew said agreement on substantially similar terms and conditions, with revenue to Broome County at the rate of \$9.00 per person per day for each home delivered meal and \$3.75 per person per day for each congregate meal for the period August 1, 2009 through July 31, 2010, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Ideal Senior Living Center, 600 High Street, Endicott, NY 13760 for home delivered meals and congregate meals for the Office for Aging for the period August 1, 2009 through July 31, 2010, and be it

FURTHER RESOLVED, that in consideration of said services, the contractor shall pay the County at the rate of \$9.00 per person per day for each home delivered meal and \$3.75 per person per day for each congregate meal for the term of the agreement, and be it

FURTHER RESOLVED, that the revenue hereinabove authorized shall be credited to budget line 761130.0538.105490 Long Term Home Health Care Fees (for home delivered meals), and 761130.0142.105489 OFA Fees (for congregate meals), 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-18, Nays-0, Absent-1 (Hutchings).**

### **RESOLUTION NO.237**

By Human Services and Finance Committees

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH IDEAL SENIOR LIVING CENTER, INC. FOR SOCIAL DAY CARE SERVICES FOR THE OFFICE FOR AGING FOR 2009-2010**

WHEREAS, this County Legislature, by Resolution 286 of 2008, authorized renewal of the agreement with Ideal Senior Living Center, Inc. for social day care services for the Office for Aging's Long Term Health clients with revenue to the County at a rate of \$40 per client per day for the period August 1, 2008 through July 31, 2009 and

WHEREAS, said agreement is necessary to provide social day care to Ideal Living Center Long Term Home Health Care clients, and

WHEREAS, said agreement expires by its terms on July 31, 2009, and it is desired at this time to renew said agreement on substantially similar terms and conditions, with revenue to Broome County at the rate of \$40 per client per day for the period August 1, 2009, through July 31, 2010, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Ideal Senior Living Center, 600 High Street, Endicott, New York 13760 for social day care services for the Office for Aging's Long Term Home Health clients for the period August 1, 2009 through July 31, 2010 and be it

FURTHER RESOLVED, that in consideration of said services, the contractor shall pay the County at a rate of \$40 per client per day for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 761254.0538.105558 (Long Term Home Health Care Fees), 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-18, Nays-0, Absent-1 (Hutchings).**

### **RESOLUTION NO. 238**

By Human Services and Finance Committees

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING AN AGREEMENT WITH SOUTHERN TIER INDEPENDENCE CENTER TO ACT AS A FISCAL INTERMEDIARY FOR CONSUMER-DIRECTED SERVICES WITH THE OFFICE FOR AGING FOR 2009-2010**

WHEREAS, the Director of Office For Aging has requested authorization for an agreement with Southern Tier Independence Center to act as a Fiscal Intermediary for consumer-directed services for the Office For Aging at a cost not to exceed \$75,000, for the period June 1, 2009 through March 31, 2010, and

WHEREAS, said services are necessary for STIC as Fiscal Intermediary, to operate a Consumer Directed Personal Assistance Program (CDPAP) that allows eligible consumers to hire, train, supervise and dismiss, if necessary, their own Personal Assistants, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement, for \$16.96 per hour, with the Southern Tier Independent Center, 115 E. Frederick St., Binghamton, NY 13904, for the Office For Aging for the period June 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 \$75,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 761114.4457.105523 (Subcontracted Program Exp.), 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-18, Nays-0, Absent-1 (Hutchings).**

### **RESOLUTION NO. 239**

By Human Services and Finance Committees

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING AN AGREEMENT WITH FIRST WARD ACTION COUNCIL FOR HOME MODIFICATION SERVICES FOR THE OFFICE FOR AGING FOR 2009 THROUGH 2010**

WHEREAS, the Office for Aging requests authorization for an agreement with First Ward Action Council for home modification services for the Office for Aging at a cost not to exceed \$90,000, for the period June 1, 2009 through March 31, 2010, and

WHEREAS, said services are necessary to provide home modification services under the Nursing Home Diversion Modification grant, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with First Ward Action Council, Inc., 167 Clinton Street, Binghamton, NY, 13905, for home modification services for the Office for Aging for the period June 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 \$90,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 761114.4457.105523 (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.

**Carried, Ayes-18, Nays-0, Absent-1 (Hutchings).**

### **RESOLUTION NO. 240**

By Human Services and Finance Committees

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING RENEWAL OF THE RUNAWAY AND HOMELESS YOUTH PROGRAM GRANT FOR THE YOUTH BUREAU, ADOPTING A PROGRAM BUDGET AND RENEWING AGREEMENTS WITH CATHOLIC CHARITIES AND BERKSHIRE FARM CENTER AND SERVICES FOR YOUTH TO ADMINISTER SAID PROGRAM FOR 2009**

WHEREAS, the Broome County Legislature, by Resolution 103 of 2008, authorized and approved the renewal of the Runaway and Homeless Youth Program Grant for the Youth Bureau, adopted a program budget in the amount of \$64,265 and authorized an agreement with

Catholic Charities and the Berkshire Farm Center and Services for Youth to administer said program for the period January 1, 2008 through December 31, 2008, and

WHEREAS, said grant program provides opportunities and support to teenagers who come from historically dysfunctional families by providing them with positive role models, a safe haven and support network to help them gain independence, and

WHEREAS, it is desired to renew said grant program in the amount of \$59,606.10, adopt a program budget, and renew the agreements with Catholic Charities for an amount not to exceed \$24,673.12 to continue to administer the Transitional Living/Supported Residence portion of said grant, and with Berkshire Farm Center and Services for Youth for an amount not to exceed \$28,215.98 to administer the Interim Family Host Homes portion of said grant for the period January 1, 2009 through December 31, 2009, now, therefore, be it

RESOLVED, that the Broome County Legislature hereby authorizes and approves acceptance of \$59,606 from the Office of Children and Family Services, Suite 105, The Atrium, 2 Clinton Square, Syracuse, NY 13202, for the Youth Bureau's Runaway and Homeless Youth Program Grant for the period January 1, 2009 through December 31, 2009, and be it

FURTHER RESOLVED, that the Broome County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$59,606.10, and be it

FURTHER RESOLVED, that the Broome County Legislature hereby authorizes renewal of an agreement with Catholic Charities of Broome County, 88 Walnut Street, Binghamton, NY 13905, at an amount not to exceed \$26,248 to administer the Youth Bureau's Transitional Living/Supported Residence portion of said grant for the period January 1, 2009 through December 31, 2009, and be it

FURTHER RESOLVED, that the Broome County Legislature hereby authorizes renewal of an agreement with Berkshire Farm Center and Services for Youth, The Galleria, 2-8 Hawley Street, Binghamton, NY 13901, at an amount not to exceed \$30,017 to administer the Youth Bureau's Interim Family Host Homes portion of said grant for the period January 1, 2009 through December 31, 2009, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 640177.4451.105170 (Subcontracted Program), 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-18, Nays-0, Absent-1 (Hutchings).**

#### **RESOLUTION NO. 241**

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

Seconded by Mr. Howard

**RESOLUTION AUTHORIZING AN AGREEMENT WITH SOUTHERN TIER CELEBRATES FOR THE 2009 BC POPS AT THE ARENA FOR THE OFFICE OF ECONOMIC DEVELOPMENT**

WHEREAS, the Department of Economic Planning requests authorization for an agreement with Southern Tier Celebrates for the 2009 BC Pops at the Arena at a cost not to exceed \$25,000, for the period May 2009 through July 2009, and

WHEREAS, said services are necessary to support Broome County's professional philharmonic's annual and traditional kickoff performance, held in connection with Independence Day, celebrating our nation's independence, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Southern Tier Celebrates, 49 Court Street, 2<sup>nd</sup> Floor Metro Center, Binghamton, NY 13901 for supporting the 2009 BC Pops at the Arena, for the Department of Economic Develop for the period May 2009 through July 2009, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$25,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 910182.5068 .101000(Marketing and Economic Dev) 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-18, Nays-0, Absent-1 (Hutchings).

### **RESOLUTION NO. 242**

By Human Services and Finance Committees

Seconded by Mr. Howard

**RESOLUTION AUTHORIZING THE APPLICATION FOR STATE AID AND EXECUTION OF CONTRACTS FOR THE SPECIAL DELINQUENCY PREVENTION PROGRAM (SDPP) GRANT, AUTHORIZING THE RENEWAL OF SAID GRANT PROGRAM, ADOPTING A PROGRAM BUDGET, AND RENEWING AGREEMENTS WITH VARIOUS VENDORS FOR ADMINISTERING SAID GRANT PROGRAM FOR THE YOUTH BUREAU FOR 2009**

WHEREAS, this County Legislature, by Resolution 39 of 2008, authorized the Youth Bureau State Aid Application and established appropriations for the 2008 Youth Bureau Special Delinquency Prevention Programs (SDPP), and

WHEREAS, said programs expired by their terms on December 31, 2008 and it is desired to renew said programs for the period January 1, 2009 through December 31, 2009, and

WHEREAS, it is desired to renew said grant program in the amount of \$76,586.50, adopt a program budget, and renew the agreements with Cornell Cooperative Extension of Broome County in an amount not to exceed \$19,852.80 to continue the Summer Employment and Action Project, and with Catholic Charities of Broome County in an amount not to exceed \$33,757.28 to continue the Gateway Center for Youth, and with Berkshire Farm Center and Services for Youth in an amount not to exceed \$8,521.10 to continue the Interim Family Host Homes, and with the Crime Victims Assistance Center, Inc. in an amount not to exceed \$14,455.32 to continue the Youth Victims Service, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$76,586.50 from the State of New York for the Youth Bureau's Special Delinquency Prevention Programs for the period January 1, 2009 through December 31, 2009, and be it

FURTHER RESOLVED, that the Broome County Legislature hereby authorizes and approves the program budget annexed hereto as Exhibit "A" in the total amount of \$76,586.50, and be it

FURTHER RESOLVED, that the Broome County hereby authorizes renewal of the agreement with Cooperative Extension of Broome County, 840 Front Street, Binghamton, NY, 13905, in an amount not to exceed \$19,852.80 for the Summer Employment and Action Project for the period January 1, 2009 through December 31, 2009, and be it

FURTHER RESOLVED, that the Broome County hereby authorizes renewal of the agreement with Catholic Charities of Broome County, 88 Walnut Street, Binghamton, NY, 13905,

in an amount not to exceed \$33,757.28 for the Gateway Center for Youth for the period January 1, 2009 through December 31, 2009, and be it

FURTHER RESOLVED, that the Broome County hereby authorizes renewal of the agreement with Berkshire Farm Center and Services for Youth, 2-8 Hawley Street, Binghamton, NY, 13901, in an amount not to exceed \$8,521.10 for the Interim Family Host Homes for the period January 1, 2009 through December 31, 2009, and be it

FURTHER RESOLVED, that the Broome County hereby authorizes renewal of the agreement with Crime Victims Assistance Center, Inc., 377 Robinson Street, Binghamton, NY, 13904, in an amount not to exceed \$14,455.32 for the Youth Victims Service for the period January 1, 2009 through December 31, 2009, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 640029.4451.101000 (Youth Services Program), and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes and approves the execution of agreements, documents, papers, or contracts with the various local Youth Service Program Agencies, as approved to form by the Department of Law, 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 authorized to sign any and all necessary applications for the New York State Office of Children and Family Services State Aid in connection with the County's Youth Services and Recreation Programs and the operation of the Broome County Youth Bureau for the period January 1, 2009 through December 31, 2009, and be it

FURTHER RESOLVED, that the County Comptroller and the Commissioner of Finance are hereby authorized to establish any additional accounts or supplemental accounts in connection with said Youth Service and Recreation Programs, and to make such other necessary bookkeeping accounting entries, adjustments and transfers as may be needed to implement the intent and purpose of this Resolution, and be it

FURTHER RESOLVED, that the programs described more fully in the documents on file with the appropriate agencies are hereby approved and subcontracts with the appropriate agencies are hereby authorized and approved.

**Carried, Ayes-18, Nays-0, Absent-1 (Hutchings).**

#### **RESOLUTION NO. 243**

By Finance and Personnel Committees

Seconded by Mr. Howard

#### **RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH BPA HARBRIDGE FOR CONSULTING AND ACTUARIAL SERVICES FOR THE OFFICE OF RISK AND INSURANCE FOR 2006-2010**

WHEREAS, this County Legislature, by Resolution 466 of 2006, as amended by Resolution 511 of 2007, authorized an agreement with BPA Harbridge for consulting and actuarial services for the Office of Risk and Insurance for the period September 1, 2006 through August 31, 2010, and

WHEREAS, said agreement provides health and prescription benefits consulting and actuarial services, and

WHEREAS, it is necessary to authorize the amendment of said agreement to provide increase the not to exceed amount by \$10,000 to break down GASB report numbers into 16 sub-funds, and

WHEREAS, the Manager of Risk and Insurance 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 BPA Harbridge, 1 Lincoln Center, 12<sup>th</sup> Floor, Syracuse, New York 13202 to increase the not to exceed amount by \$10,000 to break down the GASB report numbers into 16 sub-funds for the Office of Risk and Insurance for the period 2006-2010, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an additional \$10,000, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 050005.4724.252000 (Actuary Consultant Services), and be it

FURTHER RESOLVED, that Resolutions 466 of 2006 and 511 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-18, Nays-0, Absent-1 (Hutchings).**

#### **RESOLUTION NO. 244**

By Public Safety and Emergency Services and Finance Committees      Seconded by Mr. Howard  
**RESOLUTION AUTHORIZING AN AGREEMENT WITH VERIZON BUSINESS SERVICES FOR THE LEASE AND MAINTENANCE OF EQUIPMENT FOR THE OFFICE OF EMERGENCY SERVICES FOR THE PERIOD 2009-2013**

WHEREAS, the Director of Emergency Services requests authorization for an agreement with Verizon Business Services for the lease and maintenance of equipment for the Office of Emergency Services at a one time cost of \$1,100,000 and a monthly cost not to exceed f \$8,634 for a 60 month period from the time of installation, and

WHEREAS, said agreement is necessary for the lease and maintenance of enhanced 911 customer premise equipment, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Verizon Business Services, 6415-64'55 Business Center Drive, Highlands Ranch, Colorado 80130 for the lease and maintenance of equipment for a 60 month period from the time of installation, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor a one time amount of \$1,100,000 from budget line 460469.2460.501478 (Communications Equipment) and a monthly amount not to exceed \$8,634 from budget line 460098.4412.101000 (Telephone) 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-18, Nays-0, Absent-1 (Hutchings).**

#### **RESOLUTION NO. 245**

By Health and Human Services and Finance Committees      Seconded by Mr. Howard  
**RESOLUTION AUTHORIZING THE APPLICATION FOR STATE AID AND EXECUTION OF CONTRACTS FOR THE YOUTH BUREAU DEVELOPMENT/DELINQUENCY PREVENTION PROGRAMS (YDDP) FOR 2009**

WHEREAS, the Broome County Legislature, by Resolution 38 of 2008, authorized the Youth Bureau State Aid Application and established appropriations for the 2008 Youth Bureau Development/Delinquency Prevention Programs (YDDP), and

WHEREAS, said programs expired by their terms on December 31, 2008 and it is desired to renew said programs as listed on Exhibit "A" for the period January 1, 2009 through December 31, 2009, now ,therefore, be it

RESOLVED, that the Broome County Legislature hereby authorizes and approves the execution of agreements, documents, papers, or contracts with the various local Youth Service Program Agencies, as listed below, as approved to form by the Department of Law, necessary to implement the intent and purpose of this Resolution, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractors amounts not to exceed the amounts listed below for the term of the agreement

2009 JOURNAL OF PROCEEDINGS

Agency Name	Program Name	Not to exceed amount (2009)
ACCORD	Court Appointed Special Advocates	\$11,280.00
Catholic Charities of Broome County	Transitional Living / Supportive Residence	\$24,265.16
Cornell Cooperative Extension	Kid's Stuff	\$8,145.10
Crime Victims Assistance Center, Inc.	Youth Victims Services	\$8,460.00
Family and Children's Society	Special Populations Treatment	\$28,200.00
Mental Health Association	Compeer Youth Mentoring	\$14,100.00
Mothers & Babies Perinatal Network	Family Resource Centers of Broome County	\$19,929.88
Whitney Point Youth Club	Youth Recreation	\$2,069.89

and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 640029.4451.101000 (Youth Services Program), and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby authorized to sign any and all necessary applications for the New York State Office of Children and Family Services State Aid in connection with the County's Youth Services and Recreation Programs and the operation of the Broome County Youth Bureau for the period January 1, 2009 through December 31, 2009, and be it

FURTHER RESOLVED, that the County Comptroller and the Commissioner of Finance are hereby authorized to establish any additional accounts or supplemental accounts in connection with said Youth Service and Recreation Programs, and to make such other necessary bookkeeping accounting entries, adjustments and transfers as may be needed to implement the intent and purpose of this Resolution, and be it

FURTHER RESOLVED, that the programs described more fully in the documents on file with the appropriate agencies are hereby approved and subcontracts with the appropriate agencies are hereby authorized and approved.

**Carried, Ayes-18, Nays-0, Absent-1 (Hutchings).**

**RESOLUTION NO.246**

By Public Health and Environmental Protection, Personnel and Finance Committees

Seconded by Mr. Howard

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

WHEREAS, this County Legislature, by Resolution 155 of 2009, 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 \$92,398 for the period April 1, 2009 through March 31, 2010, 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 necessary at this time to revise said program to reflect an increase in the amount of \$5,482 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Program Grant to reflect an increase of \$5,482 for the period April 1, 2009 through March 31, 2010, 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 \$97,880, and be it

FURTHER RESOLVED, that Resolution 155 of 2009 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-18, Nays-0, Absent-1 (Hutchings).**

### **RESOLUTION NO.247**

By Economic Development and Planning and Finance Committees      Seconded by Mr. Howard  
**RESOLUTION AUTHORIZING THE PURCHASE OF THREE RESIDENTIAL PROPERTIES FOR THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT**

WHEREAS, the Commissioner of Planning and Economic Development requests authorization to purchase three residential properties, at the amounts as listed in Exhibit "A", and

WHEREAS, said authorization will allow the County to purchase and demolish three flood damaged properties with funds from the Greater Catskills Flood Remediation Program, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the purchase of three residential properties, at the amounts as listed in Exhibit "A" for the Department of Planning and Economic Development, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 440149.2001.105xxx (Property Acquisition), 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-18, Nays-0, Absent-1 (Hutchings).**

### **RESOLUTION NO. 248**

By Finance Committee      Seconded by Mr. Nirchi  
**RESOLUTION AMENDING RESOLUTION NO. 352 OF 1974 ENTITLED RESOLUTION ESTABLISHING ADDITIONAL POLICIES AND PROCEDURES FOR THE SALE OF COUNTY OWNED REAL PROPERTY.**

WHEREAS, the Broome County Legislature adopted Resolution No. 352 of 1974 entitled Resolution Establishing Additional Policies and Procedures For the Sale of County Owned Real Property, and

WHEREAS, under the Rules of the Broome County Legislature, the Ad Hoc Committee on Mineral Rights in *In Rem* Proceedings was formed on January 22, 2009 in response to an issue raised following certain county tax foreclosures wherein the County conveyed the subject parcels to the prior owner after the granting of a hardship waiver but subject to a reservation by the County of mineral rights including oil and gas rights, and

WHEREAS, in response to the recommendations of said committee, this Broome County Legislature finds it necessary to amend the policy and guidelines set forth in paragraph ten (10)



of Resolution No. 352 of 1974 in regards to the County's policy on hardship sellbacks, now, therefore be it

RESOLVED, that the following additional procedures and guidelines are hereby established for the sale of County-owned property as aforesaid:

10. Anything to the contrary herein contained notwithstanding, the Finance Committee of the Broome County Legislature or said Committee's designee shall have, in its sole discretion, the right and authority to countermand, modify, rescind or change the procedures and directives contained in this resolution, including but not limited to the right to remove any parcel or parcels of land from sales lists or from auction, where, in the judgment of said Committee, an unusual or unique situation or a hardship case is presented which would require further consideration. In any such case where the Finance Committee or its designee shall exercise the authority conferred in this paragraph, it shall forthwith bring said matter and its recommendations thereon before this County Legislature for the latter's consideration. In the event that the County Legislature shall reject the recommendations of the Finance Committee the parcel or parcels of land under review and consideration shall again be processed for disposition and sale in the manner provided for herein, or in such other manner as this County Legislature may otherwise provide. In the case that a hardship sellback is approved by the Director of Real Property Tax Services and receives legislative approval, the parcel shall be returned to the prior owner in its entirety to include all surface and subsurface rights regardless of size or use once the uncollected taxes and administrative fee have been collected. The County shall reserve no subsurface oil and gas rights on properties conveyed to the previous owner as a result of a hardship sellback.

Mr. Sanfilippo made a motion, seconded by Mr. Whalen to amend the resolution to add to the end of paragraph 10 as follows: "If a hardship sell back is denied by the Director of Real Property Services, the prior owner shall be given written notice of the right to appeal said denial to the Finance Committee of the Broome County Legislature. A written appeal must be made within 30 days of the date of the disapproval. The determination of the Finance Committee can be overturned by a majority of the County Legislature. Mr. Keibel made a motion, seconded by Mr. Materese to amend the amendment to add "a copy of the denial letter will be filed with the Clerk of the Legislature". **Amendment to the amendment carried.** Ayes-18, Nays-0, Absent-1 (Hutchings). Mr. Whalen made a motion, seconded by Mr. Garnar to amend "majority" to 60%. **Amendment failed.** Ayes-1 (Whalen), Nays-17, Absent-1 (Hutchings). Mr. Whalen made a motion to remove "The determination of the Finance committee can be overturned by a majority vote of the County Legislature". **Amendment failed.** Ayes-6 (Messina, Whalen, Nirchi, LaBare, Garnar, Reynolds), Nays-12, Absent-1 (Hutchings). Mr. Klipsch made a motion, seconded by Mr. Howard to call the question. **Motion carried.** Ayes-16, Nays-2 (Materese, Garnar), Absent-1 (Hutchings). **Amendment as amended carried.** Ayes-18, Nays-0, Absent-1 (Hutchings). **Resolution as amended carried.** Ayes-18, Nays-0, Absent-1 (Hutchings).

#### RESOLUTION NO. 249

By Finance Committee

Seconded by Mr. Diffendorf

#### RESOLUTION ESTABLISHING A TEMPORARY POLICY ON THE SALE OF COUNTY OWNED REAL PROPERTY

WHEREAS, under the Rules of the Broome County Legislature, the Ad Hoc Committee on Mineral Rights in *In Rem* Proceedings was formed on January 22, 2009 in response to an issue raised following certain county tax foreclosures wherein the County conveyed the subject parcels to the prior owner subject to a reservation by the County of mineral rights including oil and gas rights, and

WHEREAS, in response to the recommendations of said committee, this Broome County Legislature finds it necessary to establish a temporary policy directing the Director of Real Property in the sale of county-owned properties, now, therefore be it

RESOLVED, that in addition to current county policy and state law, the following procedures and guidelines are hereby established for the sale of County-owned property for the period April 30, 2009 through April 30, 2010:

1. All vacant parcels that do not require substantial maintenance or have a substantial liability (in the sole discretion of the Director of Real Property) will be retained by the County and a 12 month moratorium will be imposed on the sale of all such properties.
2. When feasible, the Director of Real Property shall split larger improved parcels into a "farmstead" parcel and a vacant parcel. The "farmstead" parcel along with all surface and subsurface rights will be sold at auction with no reservation of oil and gas rights. The remaining parcel and acreage will be considered a vacant parcel and will fall under the vacant parcel moratorium policy.
3. Smaller improved parcels that cannot be feasibly separated into a "farmstead" and a vacant parcel shall be sold with all surface and subsurface rights at auction. The County will not reserve mineral rights in its conveyance.

FURTHER RESOLVED, that the preceding guidelines shall be revisited by the Broome County Legislature in the first quarter of 2010 for possible revisions or continuations.

Mr. Nirchi made a motion, seconded by Mr. LaBare to remove the current language in 1-3 in the first resolved paragraph and replace with the following: "1. Broome County will retain subsurface mineral and gas rights in all transactions of county-owned land except in the case of an approved hardship sellback on foreclosed property. 2. All County agencies involved in land transactions are encouraged to retain subsurface mineral and gas rights in the sale of all property under their jurisdiction." **Amendment carried.** Ayes-12, Nays-6 (Keibel, Pasquale, Howard, Diffendorf, Marinich, Herz), Absent-1 (Hutchings). **Resolution as amended carried.** Ayes-12, Nays-6 (Keibel, Pasquale, Howard, Diffendorf, Marinich, Herz), Absent-1 (Hutchings).

### RESOLUTION NO. 250

By Economic Development & Planning and Finance

Seconded by Mr. Garnar

**RESOLUTION AUTHORIZING AN AGREEMENT WITH THE BINGHAMTON LOCAL DEVELOPMENT CORPORATION (BLDC) FOR MARKETING AND ECONOMIC DEVELOPMENT FUNDING FOR THE NORTHSIDE GROCERY STORE PROJECT FROM THE COUNTY EXECUTIVE'S OFFICE FOR 2009-2010**

WHEREAS, the Broome County Executive and the Broome County Legislature request authorization for an agreement with the Binghamton Local Development Corporation (BLDC) for marketing and economic development funding in the amount of \$40,000 for the period June 1, 2009 through June 1, 2010, and

WHEREAS, said agreement will assist the BLDC with site preparation, demolition, environmental review, and for such other purposes as may be appropriate for the development of the North Side Grocery Store Project, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the BLDC for marketing and economic development funding from the County Executive's Office for the period June 1, 2009 through June 1, 2010, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractors an amount not to exceed \$40,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 910182.5084.101000 (Brownfield Remediation), 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. Marinich to amend the resolution to add a paragraph to read "Further Resolved, that said agreement shall take effect once the Broome

County Attorney affirms that a signed contract between the appropriate City of Binghamton agency and a vendor for the development of a North Side grocery store is in effect, and be it" **Amendment carried.** Ayes-18, Nays-0, Absent-1 (Hutchings). Resolution as amended carried. Ayes-18, Nays-0, Absent-1 (Hutchings).

**RESOLUTION NO. 251**

By Personnel, Transportation & Rural Development, and Finance Committees  
 Seconded by Mr. Moran

**RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST FOR THE DEPARTMENT OF PUBLIC TRANSPORTATION**

RESOLVED, that in accordance with a request contained in PCR 09-68 from the Commissioner of Public Transportation, this County Legislature hereby authorizes the creation of Mobility Manager, Grade 16, Union Code 04 CSEA, minimum salary \$17.63 per hour, at budget line 225029.1000.213008, effective June 1, 2009.

**Carried,** Ayes-17, Nays-1 (Moran), Absent-1 (Hutchings).

**RESOLUTION NO. 252**

By Finance and Public Health and Environmental Protection Committees  
 Seconded by Mr. Howard

**RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR DEPARTMENT OF PUBLIC HEALTH**

RESOLVED, that in accordance with a request from the Director of Public Health , in order to maximize funds in El Administration Grant 08/09, as requested by BF# 7801, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Subobject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	480376	1000	105499	Salaries-Full Time	\$ 15,804
	480376	1600	105499	Salaries-Temporary	\$ 856
	480376	8010	105499	State Retirement	\$ 1,061
	480376	8030	105499	Social Security	\$ 185
	480376	8040	105499	Workers Compensation	\$ 78
	480376	8050	105499	Life Insurance	\$ 25
TO:	480376	1500	105499	Salaries-Part Time	\$ 17,489
	480376	8060	105499	Health Insurance	\$ 332
	480376	8062	105499	Retiree Health Insurance	\$ 176
	480376	8063	105499	Disability Insurance	\$ 12

**Carried,** Ayes-18, Nays-0, Absent-1 (Hutchings).

**RESOLUTION NO. 253**

By Personnel, Human Services, and Finance Committees  
 Seconded by Mr. Howard

**RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST FOR THE DEPARTMENTS OF OFFICE FOR AGING AND WILLOW POINT NURSING HOME**

RESOLVED, that in accordance with a request contained in PCR # 09-139 from the Director of Office for Aging, this County Legislature hereby authorizes three positions of Leisure Time Activities Leader, Grade 07, Union Code 08 CSEA, at budget line 761163.1500.105515 at a salary of \$11.29 per hour, to be changed to Leisure Time Activities Leader, Grade 07, Union Code 08 CSEA, at budget line 761254.1500.105418 at a salary of \$11.29 per hour effective March 23, 2009 and be it

FURTHER RESOLVED, that in accordance with a request contained in PCR# 08-141 from the Director of Office for Aging, this County Legislature hereby authorizes the position of Social Work Assistant, Grade 14, Union Code 54 CSEA, minimum salary \$15.95 per hour, at budget line 761163.1500.105515, to be abolished effective March 23, 2009, and be it

FURTHER RESOLVED, that in accordance with a request contained in PCR # 09-112 from the Administrator of Willow Point Nursing Home, this County Legislature hereby authorizes the position of Senior Account Clerk, Grade 09, Union Code 04 CSEA, at budget line 160010.1000.204000, at a salary of \$12.44 per hour, to be changed to Billing Specialist, Grade 09, Union Code 04 CSEA, at budget line 160010.1000.204000 at a salary of \$12.44 per hour effective June 1, 2009.

Carried, Ayes-18, Nays-0, Absent-1 (Hutchings).

**RESOLUTION NO. 254**

By Finance, Public Works and Public Safety and Emergency Services Committees  
 Seconded by Mr. LaBare

**RESOLUTION AMENDING THE 2006 CAPITAL IMPROVEMENT PROGRAM FOR THE EQUIPMENT REPLACEMENT PROJECT**

RESOLVED, that the 2006 Capital Improvement Program is hereby revised as follows:

FROM:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	Estimated Construction Cost:		<u>County*</u>
			<u>State</u>	<u>Federal</u>	
50147	Equipment	1,580,074	395,019	1,185,055	0
8	Replacement				

Local Finance Law Section 11			How Financed:	
<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
2006	5	32	1,580,074	0

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	Estimated Construction Cost:		<u>County*</u>
			<u>State</u>	<u>Federal</u>	
501478	Equipment	1,234,710	151,039	453,392	630,279
	Replacement				

Local Finance Law Section 11			How Financed:	
<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
2006	5	32	1,234,710	0

\*County's portion funded by Reserved for 911 System Costs and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes the amendment of the 2009 County budget to allow for the increase of expenditures and revenues by \$630,279, and be it

FURTHER RESOLVED, that the Commissioner of Finance is authorized to increase the following budget lines as requested by BF#8084:

Index Code	Subobject	Project Code	Title	Amount
460097	0226	101000	Transfer from Reserve Fund	100,000
460097	9004	101000	Transfer to Capital	100,000
460098	0226	101000	Transfer from Reserve Fund	530,279
460098	9004	101000	Transfer to Capital	530,279

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-18, Nays-0, Absent-1 (Hutchings).

Mr. Klipsch commended all employees who were displaced and worked under less than normal circumstances during the parking garage construction incident.

Mr. Howard made a motion to adjourn, seconded by Mr. Sanfilippo. **Motion to adjourn Carried**, Ayes-18, Nays-0, Absent-1 (Hutchings). The meeting was adjourned at 5:38 p.m.

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<b>Page 182: [12] Deleted</b> VARIOUS PROVIDER AGENCIES	<b>esd35387</b>	<b>4/27/2009 10:47:00 AM</b>
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**SERVICES**

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**PURCHASE OF SERVICES PROGRAMS**

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WHEREAS, the Commissioner of Social Services requests authorization for agreements with various provider agencies

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for various services for the Department of Social Services' Purchase of Services Programs at the amounts listed on Exhibit "A", total amount not to exceed \$3,907,707

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2,085,253 from general operating funds

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for all programs for the period January 1, 2009

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through December 31, 2009

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agreements are necessary for

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services

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related to various Department of Social Services Purchase of Services Programs

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WHEREAS, the Department of Social Services requests authorization to accept and pass through to the various

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vendor agencies 100% New York State funded Cost of Living Adjustments

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s an anticipated additional 2.5% cost of living adjustment

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grant funding from the New York State (NYS) Office of Children and Family Services

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an amount not to exceed \$52,131,



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