

TREES - large deciduous

AR 27	Acer rubrum	Red Maple	12'-14'	2"	B&B	
	'October Glory'	"October Glory'				
AS 11	Acer saccharum	Green Mountain			12'-14'	2" B&B
	'Green Mountain'	Sugar Maple				
FP 18	Fraxinus Pennsylvania	"Summit" Green Ash	12'-14'	2½"	B&B	
QA 15	Quercus alba	White Oak	12'-14'	2½"	B&B	

TREES - conifer

PA 30	Picea abies pendula	Weeping	Norway			
	Spruce	5'- 6'	B&B			
PS 135	Pinus strobus	Eastern White Pine	5'- 6'	B&B		
TSC35	Tsuga canadensis	Canada Hemlock		4'- 5'	B&B	

SHRUBS - deciduous

CR 700	Cornus Paniculata 'R'	Gray Dogwood	3'- 4'	14"	BR	
VA 275	Viburnum dentatum	Arrowood Viburnum	3'- 4'	14"	BR	
VD 275	Viburnum dilalturn	Linden Viburnum	3'- 4'	14"	BR	
VN 275	Viburnum lentago	Nannyberry	3'- 4'	14"	BR	

Resolution **carried**. Ayes-15, Nays-3 (Brown, Hudak, Kavulich), Absent-1 (Howard).

Mr. Augostini moved, seconded by Mr. Pasquale to adjourn at 5:20 p.m.
Carried.

**BROOME COUNTY LEGISLATURE
REGULAR SESSION
THURSDAY, APRIL 15, 1993**

The Legislature convened at 4 P.M. with a call to order by the Chairman, Arthur J. Shafer.

The Clerk, Richard R. Blythe, read the fire exit announcement and then called the Attendance roll: Present-18, Absent-1 (Harris) Mr. Pasquale

arrived shortly after approval of the minutes.

The Chairman, Mr. Shafer, led the members of the Legislature in the Pledge of Allegiance to the Flag, followed by a moment of silent meditation.

Mr. Howard moved, seconded by Mrs. Coffey that the minutes of the March 25, 1993 Session be approved as prepared and as presented by the Clerk.

Carried. Ayes-17, Nays-0, Absent-2 (Harris, Pasquale).

Written or oral presentations of the County Executive, Timothy M. Grippen:

Letters from the County Executive, Timothy M. Grippen:

- 1.Nominating Aviva Shore to membership on the Youth Bureau Advisory Board.
- 2.Nominating James Malley to membership on the Cornell Cooperative Extension.
- 3.Nominating D. Casella, K. Wright, C. Brown to membership on Local Conditional Release Commission.
- 4.Declaration of State of Emergency (flood).
- 5.Designating Michael Klein, Director of Personnel, as Acting County Executive, April 11-13, 15, 1993 and David M. Donoghue, Commissioner of Public Works, as Acting County Executive, April 14 and 16, 1993.

The following communications, notices and reports were presented to the County Legislature:

COMMUNICATIONS:

- 1.Minutes from:
 - a.Cornell Cooperative Extension
 - b.Ambulance Advisory Board
 - c.Binghamton Regional Airport Advisory Board
 - d.Land Use/Natural Resources Committee
 - e.Planning and Economic Development Advisory Board
- 2.Copy of letter from Peter G. Carney resigning as member of Resource Recovery Agency.
- 3.Memorandum from Commissioner of Public Works, David M. Donoghue, appointing Pat Brennan as Acting Commissioner, March 19-25, 1993.

4. Resolutions:

- a. Cortland County (Requesting State Program-Rabies Vaccination of Livestock)
 - b. Orleans County (Intent to Exercise Right of Self-Government re State Mandated Programs)
5. Local State of Emergency/Proclamation Declaration: Towns of Kirkwood, Conklin, Union, Vestal.
 6. Broome County Solid Waste Management Plan and Generic Environmental Impact Statement Addenda (Final April 1993).
 7. Copy of Memorandum from Edwin L. Crawford re State Budget (Cuts to Probation Funding).
 8. Letter from Tioga Velo Club regarding bicycle racing events within Broome County.
 9. 1993 Videos listing provided by Public Library and Four County Library System.
 10. Bond Determinations Certificate (\$34,000,000 Public Improvement Serial Bonds).
 11. Summons in a Civil Action (United States District Court-Western District of New York), Robert L. Schultz, Et Al.

NOTICES:

1. Notice of Claim: Schmidt vs. County of Broome and Broome Community College.
2. Foster Wheeler Lawsuit:
 - a. Notice to take deposition(s): Arthur J. Shafer and John Kowalchyk
 - b. Notice for discovery and inspection
 - c. First set of interrogatories

REPORTS:

1. Broome Community College: Above the Minimum Hires, Budget Transfers (February 1993); Financial Reports (requirement of Local Law Intro. No. 8, 1990).
2. 1992 Closing Transfer Report submitted by Commissioner of Finance.
3. 1992 Annual Reports:
 - a. General Services

- b. Veterans Service Agency
- c. Public Library
- d. Community Alternative Systems Agency
- e. Office for Aging
- f. Binghamton Regional Airport
- g. Weights and Measures

REPORTS: continued -

- h. Solid Waste Management
- i. Personnel
- j. Adolescent Community Services Project (Health)

Mr. Lindsey moved, seconded by Mr. Pasquale to receive and file the above noted reports and to publish any pertinent portions thereof in the 1992 Journal of Proceedings. **Carried.**

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY LEGISLATURE

Letters from the Chairman, Arthur J. Shafer:

1. Appointing Louis P. Augostini as voting representative for Daniel A. Schofield, Inter-Governmental Relations Committee, April 1, 1993.
2. Appointing David L. Lindsey as voting representative for Daniel A. Schofield, Personnel Committee, April 7, 1993.
3. Appointing Roger V. Brown as Acting Chair for Daniel A. Schofield, Transportation Committee, April 7, 1993.
4. Appointing Louis P. Augostini as voting representative for Daniel A. Schofield, Transportation Committee, April 7, 1993.
5. Appointing Margaret M. Coffey as voting representative for Mark R. Whalen, County Administration, Economic Development and Planning Committee, April 8, 1993.

The following resolutions that were heldover from the previous regular session were again presented for consideration:

RESOLUTION NO. 132 by Health & Human Services, Personnel, and Finance Committees, heldover by Mrs. Coffey, authorizing renewal of youth

education services community action project (YESCAP) grant for the drug awareness center and adopting a program budget in connection therewith for 1993-1994.

Carried. Ayes-17, Nays-1 (Coffey), Absent-1 (Harris).

The preferred agenda was presented at this time, seconded by Mr. Warner. For the sake of clarity, all resolutions are presented in numerical order.

RESOLUTION NO. 160

by Environment Committee

Seconded by Mrs. Wagstaff

RESOLUTION ACCEPTING REVISIONS TO THE DRAFT OF THE BROOME COUNTY SOLID WASTE MANAGEMENT PLAN AND MAKING A DETERMINATION OF COMPLETENESS OF THE FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT

WHEREAS, this County Legislature, by Resolution 617 of 1988, established the Solid Waste Division to consider the development and implementation of a county-wide solid waste program, and

WHEREAS, this County Legislature, by Resolution 134 of 1989, authorized the filing of an application for the purpose of seeking funds for solid waste management planning activities and did designate Broome County as the planning unit for the County of Broome Solid Waste Management Plan, and

WHEREAS, this County Legislature, by Resolution No. 16 of 1991, acknowledged receipt of a draft of the proposed Solid Waste Management Plan and declared itself lead agency for the environmental review of the proposed Solid Waste Management Plan, and

WHEREAS, this County Legislature, by Resolution No. 297 of 1992, did accept revisions to the aforementioned draft Broome County Solid Waste Management Plan, and issued a determination of completeness of the Draft Generic Environmental Impact Statement for the purpose of activating the necessary comment periods under the State Environmental Quality Review Act (SEQRA), and

WHEREAS, the New York State Department of Environmental

Conservation has requested further revisions to the aforementioned Draft Broome County Solid Waste Management Plan, and

WHEREAS, this County Legislature desires to accept said revisions to the aforementioned Draft Broome County Solid Waste Management Plan, as on file with the Clerk of this Legislature, now, therefore, be it

RESOLVED, that this County Legislature acknowledges receipt of and accepts the revised draft of the proposed Broome County Solid Waste Management Plan, and be it

FURTHER RESOLVED, that this County Legislature, based on the factors set forth in 6 NYCRR Section 617.14, hereby accepts as complete the Final Generic Environmental Impact Statement for the Broome County Solid Waste Management Plan and directs that the Division of Solid Waste, in cooperation with the Department of Law, file the Final Generic Environmental Impact Statement and a suitable notice of completion as provided in 6 NYCRR Section 617.11, and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately.

Following the introduction of the resolution, Mr. Brown, seconded by Mr. Warner made a series of six amendments. A seventh amendment by Mr. Burger, seconded by Mrs. Hudak follows. All amendments and procedural questions are presented in order with the direction of the Chair that they be included in the final document.

AMENDMENT # 1: (Moved by Brown & Seconded by Warner)

On page ES-5 of the Executive Summary, delete the first sentence in the last paragraph which reads, "By June of this year, wood pallets, and construction and demolition waste will be processed for daily cover"

Insert the following: "A program will be implemented to process construction and demolition waste into usable materials. Among the possibilities to be explored include recycled wood products, reused metals, reconditioned equipment, and the reprocessing of gypsum into consumer products."

Mr. Malley moved, seconded by Mrs. Coffey that Amendment # 1 be amended to read as follows: (Note: During discussion, both Mr. Malley &

Mrs. Coffey emphasized that the 1st. paragraph of their amendment was the same as Mr. Brown's and that it was not being deleted.)

AMENDMENT # 1A:

On page ES-5 of the Executive Summary, delete the first sentence in the last paragraph which reads, "By June of this year, wood pallets, and construction and demolition waste will be processed for daily cover"

Insert the following: "A program will be evaluated for possible implementation to process construction and demolition waste into usable materials. Among the possibilities to be explored include recycled wood products, reused metals, reconditioned equipment, and the reprocessing of gypsum into consumer products."

Mr. Lindsey moved, seconded by Mr. Schofield to call the question on the amendment to the amendment.

The call of the question **carried:** Ayes-18, Nays-0, Absent-1 (Harris)

The amendment to Amendment # 1 **carried:**

Ayes-13(Burger, Coffey, Harbachuk, Howard, Hudak, Kavulich, Lindsey, Malley, Pasquale, Taylor, Wagstaff, Whalen & Shafer)

Nays-5 (Augostini, Brown, Pazzaglini, Schofield & Warner)

Absent-1 (Harris)

Amendment # 1A carried:

Ayes-16, Nays-2 (Augostini & Howard), Absent-1 (Harris)

AMENDMENT # 2: (Moved by Brown & Seconded by Warner)

On page ES-7 of the Executive Summary, delete the fifth sentence in the second paragraph which reads, "In 1992, the County will evaluate the viability of a county food waste composting program as a potential technology to further reduce the volume of landfilled waste, for use as daily cover, as a marketable product, or as a component of mixed organics composting."

Insert the following: "In 1992, the County will commission a study to investigate the economics and viability of composting organic components of the county's waste stream. Among these components will be food waste,

non-recycled paper, and leaf and yard waste. Upon completion of that study in 1993, a decision will be made whether or not to implement a pilot program for composting these materials. Also at that time, a site study will be undertaken to determine the proper location for such a composting facility to be constructed."

Mr. Lindsey moved, seconded by Mr. Pasquale to call the question on the amendment. The call of the question **carried**. Ayes-18, Nays-0, Absent-1 (Harris)

Amendment # 2 Lost.

Ayes-6(Brown, Burger, Harbachuk, Hudak, Schofield & Warner)
Nays-12(Augostini, Coffey, Howard, Kavulich, Lindsey, Malley, Pasquale,
Pazzaglini, Taylor, Wagstaff, Whalen & Shafer)
Absent-1 (Harris)

AMENDMENT # 3 (Moved by Brown & Seconded by Warner)

On page ES-7 of the Executive Summary, delete the entire section entitled **Mixed Organics Composting**.

With the consent of Mr. Warner, Mr. Brown **withdrew** Amendment # 3.

AMENDMENT # 4 (Moved by Brown & Seconded by Warner)

On page ES-8 of the Executive Summary, delete the second paragraph under the title **Landfilling**.

Insert the following: "The County's goal is to close the Nanticoke Landfill by the year 1996 and construct a new facility by that date. In the event that a new landfill cannot be sited and built by that date, the Nanticoke location will continue to be used as a temporary solution until the new one is completed."

On page ES-10 of the Executive Summary, delete the first, second, and third paragraphs referring to the Nanticoke Landfill.

On page ES-12 of the Executive Summary, delete the second sentence in the second paragraph which reads, "A landfill Siting Study is under way to identify a new location in the event that the Nanticoke Landfill cannot continue to operate beyond its current site life."

Insert the following: "A Landfill Siting Study is under way to identify a new location to replace Nanticoke as the primary county landfill. The existing site will be used only until a new facility is constructed and opened to receive waste"

On pages 1 and 2 of the Addendum, delete paragraph 4 in its entirety.

Mr. Lindsey moved, seconded by Mr. Pasquale to call the question on the amendment. The call of the question **carried**. Ayes-18, Nays-0, Absent-1 (Harris)

Amendment # 4 Lost:

Ayes-9(Brown, Burger, Hudak, Lindsey, Pazzaglini, Schofield, Wagstaff, Warner & Shafer)

Nays-9(Augostini, Coffey, Harbachuk, Howard, Kavulich, Malley, Pasquale, Taylor & Whalen)

Absent-1 (Harris)

AMENDMENT # 5 (Moved by Brown & Seconded by Warner)

On page ES-3 of the Executive Summary, add the following to the end of the Section entitled **Waste Reduction**:

"To encourage reduction of waste generation in Broome County, the following programs will be considered for implementation:

- 1.Institution of financial incentives for residences and businesses to limit the amount of waste they generate, possibly through the use of a county-wide bag system coupled with removal of the flat fee presently being used in some municipalities.

2. Support State & Federal efforts to establish a system whereby items in stores are labeled with "green" symbols to indicate which packaging meets standards for environmental compliance.
3. Coordination with surrounding counties to implement similar legislation to encourage regional waste reduction.
4. Expansion of the educational program started by Cornell Cooperative."

Mrs. Wagstaff moved, seconded by Mr. Warner to call the question on the amendment. The call of the question **carried**. Ayes-18, Nays-0, Absent-1 (Harris)

Amendment # 5 Carried:

Ayes-13(Brown, Burger, Harbachuk, Kavulich, Lindsey, Malley, Pasquale, Pazzaglini, Schofield, Taylor, Wagstaff, Warner & Whalen)
Nays-5(Augostini, Coffey, Howard, Hudak & Shafer)
Absent-1 (Harris)

AMENDMENT # 6: (Moved by Brown & Seconded by Warner)

On page ES-5 of the Executive Summary add the following to the end of the Section entitled **Recycling:**

"Although recycling efforts have been successful to date, the present MRF is handling only twenty percent (20%) of the material targeted for recycling by 1997. In order to improve upon the current recycling rates and hope to meet the goals established elsewhere in this plan, the following programs will be considered for implementation:

1. Use of a volume or weight based county-wide system for charging to process all non-recycled waste.
2. Establishment of a full-time position at the Broome County Industrial

Development Agency (IDA) to entice new industries to Broome to work solely in the secondary materials marketplace to include reprocessed plastics, metals, and glass.

3. Use of recycled glass and tires in asphalt pavement used by the Broome County Department of Public Works.
4. Institution of a County policy to purchase used and recycled materials such as re-finished furniture, re-conditioned appliances, recycled paper products, and salvaged construction materials.
5. Requirement of all stores selling batteries to collect used ones for return to a county repository for future reuse."

Mr. Burger moved, seconded by Mrs. Wagstaff that Amendment # 6 be amended as follows:

AMENDMENT # 6A:

Sections 1,3,4 & 5 to remain intact.
Section 2 to read as follows:

2. Request the Broome County Industrial Development Agency (IDA) to entice new industries to Broome to work solely in the secondary materials marketplace to include reprocessed plastics, metals, and glass.

Mrs. Coffey moved, seconded by Mrs. Wagstaff to call the question on the amendment to the amendment.

The call of the question **carried:** Ayes-18, Nays-0, Absent-1 (Harris)

The amendment to Amendment # 6 **carried:**

Ayes-12 (Burger, Harbachuk, Howard, Hudak, Kavulich, Lindsey, Malley, Pazzaglini, Schofield, Wagstaff, Whalen & Shafer)
Nays-6 (Augostini, Brown, Coffey, Pasquale, Taylor & Warner)
Absent-1 (Harris)

Mr. Pasquale moved, seconded by Mr. Malley to call the question on the

amendment as amended.

The call of the question **carried:** Ayes-18, Nays-0, Absent-1 (Harris)

Amendment 6A carried:

Ayes-13(Brown, Burger, Harbachuk, Hudak, Kavulich, Lindsey, Pazzaglini,
Schofield, Taylor, Wagstaff, Warner, Whalen & Shafer)

Nays-5 (Augostini, Coffey, Howard, Malley & Pasquale)

Absent-1 (Harris)

AMENDMENT # 7: (Moved by Burger & Seconded by Hudak)

On page ES-8 of the Executive Summary of the Solid Waste Management Plan, amend Item 2 as follows:

FROM: 2.Evaluate the Nanticoke Landfill for compost siting feasibility.

TO: 2.Develop a compost siting feasibility study.

Amendment # 7 carried:

Ayes-12(Brown, Burger, Harbachuk, Howard, Hudak, Kavulich, Lindsey,
Schofield, Taylor, Wagstaff, Warner & Whalen)

Nays-6(Augostini, Coffey, Malley, Pasquale, Pazzaglini & Shafer)

Absent-1 (Harris)

Finally, Resolution 160, as amended, **carried** as follows:

Ayes-15(Augostini, Coffey, Harbachuk, Howard, Hudak, Kavulich, Lindsey,
Malley, Pasquale, Pazzaglini, Schofield, Wagstaff, Warner,
Whalen & Shafer)

Nays-3(Brown, Burger & Taylor)

Absent-1 (Harris)

RESOLUTION NO. 161

by County Administration, Economic Development & Planning and Environment Committees

Seconded by Mr. Warner

RESOLUTION DESIGNATING THE BROOME COUNTY

LEGISLATURE AS LEAD AGENCY WITH RESPECT TO AMENDMENT OF CHAPTER 179 OF BROOME COUNTY'S LOCAL LAWS AND RENDERING A NEGATIVE DECLARATION WITH RESPECT THERETO.

WHEREAS, it is necessary to amend Chapter 179 of Broome County's Local Laws to reflect current charges and rules and regulations for the Division of Solid Waste, 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

WHEREAS, this County Legislature is the only involved agency, as defined in the State Environmental Quality Review Act, reviewing the aforementioned amendment of Chapter 179 of Broome County's Local Laws, 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 amendment of Chapter 179 of Broome County's Local Laws for the Division of Solid Waste, 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 amendment of Chapter 179 of Broome County's Local Laws will not have significant effect on the environment, and be it

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

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

RESOLUTION NO. 162

by County Administration, Economic Development & Planning and Environment Committees Seconded by Mr. Pasquale

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 5, 1993,

ENTITLED: "A LOCAL LAW AMENDING CHAPTER 179 OF BROOME COUNTY'S LOCAL LAWS."

RESOLVED, that Local Law Intro. No. 5, 1993, entitled: "A LOCAL LAW AMENDING CHAPTER 179 OF BROOME COUNTY'S LOCAL LAWS," be and the same hereby is adopted and approved in accordance with the Broome County Charter and all the applicable statutes and laws pertaining thereto.

LOCAL LAW INTRO. NO. 5, 1993

A LOCAL LAW AMENDING CHAPTER 179 OF BROOME COUNTY'S LOCAL LAWS

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

ARTICLE I

Landfills

§ 179-1. Definitions.

§ 179-2. Only Broome County waste to be accepted.

§ 179-3. Trespassing prohibited.

§ 179-4. {179-2} Disposal to be in compliance.

§ 179-5. {179-3} Permit required for commercial users; application; fees; issuance; bags required for residential users.

§ 179-6. {179-4} Operating regulations.

§ 179-7. {179-5} Responsibility for control and operation.

§ 179-8. Host community to receive remuneration.

§ 179-9. {179-6} Fees and charges.

§ 179-10. {179-7} Penalties for offenses.

ARTICLE II

Solid Waste Management

§ 179-11. {179-8} Title.

§ 179-12. {179-9} Purposes.

§ 179-13. {179-10} Definitions.

§ 179-14. {179-11} Disposal of solid waste; recycling.

§ 179-15. Permit required; application; issuance; fees and charges.

§ 179-16. {179-12} Enforcement.

§ 179-17. {179-13} Penalties for offenses.

§ 179-18. {179-14} Precedence over other legislation.

ARTICLE III

Dumps and Dumping

§ 179-19.{179-15} Purpose

§ 179-20.{179-16} Definitions.

§ 179-21.{179-17} Disposal of solid waste restricted; open dumps prohibited.

§ 179-22.{179-18} Penalties for offenses; enforcement; disposition of fines.

ARTICLE IV

{Recycling} Source Separation

§ 179-23.Title.

§ 179-24.Purposes.

§ 179-25.{179-19} Definitions.

§ 179-26.{179-20} Source separation required.

§ 179-27. {179-21} Preparation of recyclables and other source separated materials for curbside collection.

§ 179-28.{179-22} Multi-family buildings and complexes.

§ 179-29.{179-23} Commercial {,institutional} and industrial waste and recyclables.

§ 179-30.{179-24} Penalties {for offenses by} waste generators.

§ 179-31.{179-25} Penalties {for offenses by} waste haulers.

§ 179-32.{179-26} Solid waste disposal on public property {public receptacles}.

§ 179-33.{179-27} Enforcement.

{179-28}

§ 179-34.Reporting to the Director.

§ 179-35.{179-29} Acceptance of source separated materials by County facilities.

{179-30}

§ 179-36.Severability.

§ 179-37.Priority.

§ 179-38.Effective date.

[HISTORY: Adopted by the Broome County Legislature: Art. I, 9-10-1985 as L.L. No. 5-1985; Art. II, 10-15-1986 as L.L. No. 8-1986; Art. III, 7-25-1991 as L.L. No. 11-1991; Art. IV, 8-20-1992 as L.L. No. 12 {10}-1992. Amendments noted where applicable.]

GENERAL REFERENCES

Division of Solid Waste Management - See Charter Art. III and Administrative Code Art. III.

Department of Public Works - See Charter Art. IX and Administrative Code Art. IX.

Sanitary Code - See Ch. 168.

ARTICLE I

Landfill

[Adopted 9-10-1985 as L.L. No. 5-1985]

§ 179-1. Definitions.

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

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

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

D. Other terms as used or referred to in this Article, unless a different meaning clearly appears from the context, are as defined Section 6, {of} Part 360 of the New York Codes, Rules and Regulations, Solid Waste Management Facilities, as amended.

§ 179-2. Only Broome County waste to be accepted.

No solid waste generated or produced outside the County of Broome shall be accepted for disposal except upon the prior written approval of the County Executive. Waste accepted for disposal shall be the by-product of activity conducted within Broome County. Hauling by a Broome County permitted hauler for the purposes of disposal does not, in itself, constitute such an activity.

§ 179-3. Trespassing prohibited.

No person shall be permitted to enter or remain within the confines of the landfill or other county-owned solid waste facility during operating hours without notifying the Division and receiving their

acceptance, nor after closing hours and before opening hours, as set and established from time to time by the Director.

§ 179-4.{179-2} Disposal to be in compliance.

It shall be unlawful to dispose of any solid waste in a county-owned and/or - operated solid waste disposal facility in any manner other than as directed and prescribed by this Article.

§ 179-5.{179-3} Permit required for commercial users; application; fees; issuance; bags required for residential users.

No person, firm or corporation, public or private, engaged in the transporting of solid waste shall be authorized to use any county-owned and/or - operated sanitary landfill site without first obtaining from the County of Broome a permit to use said site for the purpose of disposal of solid waste and paying a fee for such permit as hereinafter provided. {Individuals bringing solid waste to the landfill from their private residences shall be exempt from this section.}

An exception shall be made for residential users. Residential users shall purchase bags from the Division of Solid Waste for disposal of general municipal solid waste in lieu of a permit. Other solid waste from residential users, such as construction and demolition debris, tires, or over-sized items, shall be charged separately based on the tipping fees, with no permit required.

A.Applications for permits shall be upon forms provided by the Director of the Division of Solid Waste Management. Each applicant shall state in such application his or her name, address, legal character (corporation, partnership or individual), including the area or areas of operation, and such other information as the Director of the Division of Solid Waste Management may require. Areas of operation listed on the application shall not be varied, increased, decreased nor in any other way altered during the period covered by the permit without the prior written consent of the Division of Solid Waste Management. No collections shall be made in areas outside the County of Broome except upon the prior written approval by the County Executive. [Amended 12-18-1989 by L.L. No. 2-1990]

B.A permit shall not be issued unless the applicant agrees, in writing, to the following "hold harmless" clause, which shall be included as a part of the application form: "The permittee shall

indemnify and hold harmless Broome County and any of its officers, agents and employees from all claims, demands, causes of action and judgments arising out of injuries to persons and property of whatever kind or nature as a result of the fault or negligence of the permittee, its employees or agents in the permittee's use of a county-owned and/or -operated sanitary landfill."

C. Permits issued pursuant to this Article shall be for a period of one (1) year or less, beginning July 1; subject, however, to the revocation or suspension thereof as provided herein.

D. Fees for permits and permitted vehicles.

1. {D} An annual permitting fee of fifty dollars (\$50.) per commercial user {person} plus twenty dollars (\$20.) per vehicle up to 99 vehicles used by the commercial user {person} for the purposes of transporting solid waste to the landfill shall be charged for the permits at the time the application is processed, or it may be billed. [**Amended 12-5-1989 by L.L. No. 15-1989**]

2. The initial vehicle fee for any vehicle shall be issued on a pro-rated basis for the permit year remaining.

3. Lost vehicle weigh-out cards will be replace at a charge of two dollars (\$2.) each.

4. NYSDEC Part 364 Waste Transport Permit holders will be charged an additional annual amount of one hundred dollars (\$100.).

E. Suspension or revocation. [**Amended 12-28-1989 by L.L. No. 2-1990**]

1. Every permit issued pursuant to this section shall be issued subject to compliance by the permittee with the operating regulations set forth in §179-6 {179-4} of this Article or such additional regulations as may be added from time to time. Violation of said operating regulations or any other provisions of this Article may be cause for revocation or suspension of the permit. One (1) or more violations of the provisions of this Article may, at the discretion of the Director of the Division of Solid Waste Management, be cause for suspension of the permit for a period of up to four (4) weeks. Such suspension shall take effect three (3) days after receipt of written notice of such suspension

by the permit holder. ~~Three (3)~~ {Four (4)} or more violations of any of the provisions of this Article during any consecutive twelve-month period by the permittee or provision of false information in the permit application by the permittee may result in the revocation of the permit. Revocation of the permit shall be at the discretion of the Director of the Division of Solid Waste Management. Such revocation shall become effective three (3) days after receipt by the permit holder of such notice of revocation. Revocation may be for any period of up to and including one (1) year from the date of revocation. At the end of the revocation period the permittee must apply for a new permit. {[Amended 12-18-1989 by L.L. No. 2-1990]}

2. In the event that the permit holder fails to concur in the determination of the Director of the Division of Solid Waste Management to suspend or revoke such permit, the permit holder shall have the right to request a hearing. Such hearing shall be held five (5) days after receipt of such request. In the event of a determination by such designee adverse to the permit holder, the permit holder shall have the right to appeal such determination on written submission to the Broome County Executive, whose decision in such matters shall be final and binding.

Revocation or suspension of a permit shall be in addition to any other fines, penalties or forfeitures applicable to a violation of this Article or any other applicable law.

{F. Municipalities located outside the territorial limits of the County of Broome may be issued special permits hereunder upon terms and conditions established by the County Executive.}

F. [Added 12-18-1989 by L.L. No. 2-1990] Commencing January 1, 1991, no permit application shall be approved until the applicant files a plan {with} in compliance with the provisions of Article IV of this chapter pertaining to Source Separation. (L.L. No. 12-1992) and the rules and regulations promulgated pursuant thereto, which states the applicant's plan for

eliminating {the following{ banned materials from disposal at any solid waste management or resource recovery facility, and for reporting the tonnages diverted to other solid waste management facilities for the purpose of recycling, composting, or alternative management.

- {1.Leaf wastes.}
- {2.Yard wastes, including grass clippings and brush.}
- {3.Construction/demolition debris.}
- {4.Tires.}
- {5.Metals, including containers and large appliances.}
- {6.Suitable paper products.}
- {7.Recyclable plastics.}
- {8.Newsprint.}
- {9.Unbroken glass containers.}
- {10.Batteries (wet and dry cell).}

§ 179-6.{179-4} Operating regulations.

A.General. Any sanitary landfill site in the County of Broome, designated by the Broome County Legislature for that purpose, shall be operated in accordance with the following:

- 1.Any county-owned and or -operated sanitary landfill shall be open at such hours established by the Director of the Division of Solid Waste Management, except that they shall not be operated between 11:00 p.m. and 6:00 a.m. or on Sundays, except by executive order in the event of an emergency. Open hours shall be posted at the entrance to the facility site. **[Amended 12-18-1989 by L.L. No. 2-1990]**
- 2.No dumping shall be permitted at any other time, in order that the operator at the landfill site will have the time to properly compact and cover the solid waste with a minimum 6-inch (6") compacted layer of earth, or other approved cover material at the close of each day's operation.
- 3.The disposal of solid waste shall be planned as an engineering project. The general supervision shall be provided by the Broome County Division of Solid Waste Management. **[Amended 12-18-1989 by L.L. No. 2-1990]**
- 4.The regulatory agency responsible for the compliance of the landfill with

the Section 6, {of} Part 360 of the New York Codes, Rules and Regulations, Operating Permit, and this Article shall be the Broome County Division of Solid Waste Management.

- B. Any county-owned and/or -operated landfill shall be operated in compliance with the Section 6, {of} Part 360 of the New York Codes, Rules and Regulations {,} and the Operating Permit, issued for that facility. {and any and all administrative policies, rules and regulations of the Division of Solid Waste Management.} **[Amended 12-18-1989 by L.L. No. 2-1990]**
- C. The county-authorized operator of the landfill site shall be in full charge of all matters concerning dumping and placing of solid waste at the landfill. Failure to obey any direction of the landfill operator which is reasonable and consistent with the provisions of this Article, Article IV pertaining to Source Separation, or the rules and regulations promulgated pursuant to either Article, shall be deemed a violation {of this Article}.
- D. A maximum speed limit of twenty (20) miles per hour shall be maintained on access roads within the landfill site.
- E. All {garbage trucks or} vehicles transporting solid wastes to and/or entering the landfill site shall have the solid waste appropriately covered or confined in the vehicle by the use of tarpaulins, nets or other devices to prevent paper, litter and other substances from blowing out or falling from the vehicle. Vehicles traveling to and/or entering the landfill with loads not appropriately covered or confined shall be permitted to dispose of the solid waste at the landfill and shall be charged with a violation of this Article. {For the first violation during a calendar year, or in the case of permitted vehicles, during the term of the permit as required under this Article, a warning notice may be issued by the landfill operator in lieu of other enforcement action.} For permitted vehicles, three (3) or more {more than three (3)} violations of this section during the term of the aforesaid permit shall result in revocation of the permit as provided under §179-5 {179-3} {of this Article}.
- F. All {vehicles used by a person engaged in the business of receiving or collecting and} commercial users transporting solid waste to a

County-owned and/or -operated sanitary landfill shall have the business name and phone number clearly displayed on the side of the vehicle, with a minimum letter and number height of three (3) inches.

G.No material shall be burned at the sanitary landfill site, except as permitted by the New York State Department of Environmental Conservation. No person shall bring hot ashes or cause a fire to start at the landfill site.

H.No person shall pick over, collect, rummage through or salvage material from solid waste at the landfill site unless authorized to do so by a contract approved by the Broome County Board of Acquisition and Contract.

I.In order to be accepted for management at the landfill, any construction/demolition or asbestos waste, tires and white goods shall be properly segregated from any other solid wastes brought to the landfill.

J.{I.} The following wastes, in addition to those listed in Section 6, {of} Part 360 of the New York Codes, Rules and Regulations, Operating Permit, shall not be accepted for disposal at Broome County owned and/or operated sanitary landfill(s):

- 1.Large dead animals (e.g., horses and cows).
- 2.Automobile or other vehicle bodies.
- 3.Liquid wastes [containing less than twenty percent (20%) solids by weight], including septic tank pumpings.
- 4.Potentially infectious biological and radioactive wastes.
- 5.Leaf waste at the Nanticoke Landfill only. **[Added 5-6-1986 by L.L. No. 2-1986]**
- 6.Any other waste deemed to be detrimental to the safe operation of the solid waste disposal facility as determined by the Broome County Division of Solid Waste Management. **[Amended 5-6-1986 by L.L. No. 2-1986]**

§ 179-7.{179-5} Responsibility for control and operation. [Amended 12-28-1989 by L.L. No. 2-1990]

The Broome County Director of the Division of Solid Waste Management will be responsible for the proper operation, control and maintenance of any landfill owned and/or operated by the County of Broome.

§ 179-8.Host community to receive remuneration.

Fifteen cents (\$0.15) per chargeable ton shall be dedicated to a fund payable to the host community of the landfill.

§ 179-9.{179-6} Fees and charges. [Amended 11-14-1986 by L.L. No. 10-1986; 3-22-1988 by L.L. No. 2-1988; 12-5-1989 by L.L. No. 15-1989; 11-13-1989 by L.L. No. 16-1989; 11-8-1990 by L.L. No. 14-1990]

A.[Amended 1-21-1992 by L.L. No. 1-1992] The following charges will apply at the Nanticoke Landfill:

1.Commencing February 1, 1992, the following charges will apply at the Nanticoke Landfill:

a.Residential household waste bags purchased at the landfill {from the Division of Solid Waste}.

SizeCharge per Bag

(gallons)

32\$1.00

16\$0.50

2.Commencing January 1, 1992, the following charge will apply at the Nanticoke Landfill:

a.{Vehicle weighed and vehicle load billed} Net vehicle weight will be charged at thirty-two dollars and ninety cents (\$32.90) per ton. {Fifteen cents (\$0.15) per ton of said fee shall be dedicated to a fund payable to the host community of the landfill.}

{§ 179-6.A.3}

{§ 179-6.B.}

b.Vehicle owners desiring a tare weight for their purposes, only, shall be charged a fee of five dollars (\$5.00) for the service.

3.{179-6.C.} Commencing January 1, 1992, the following separate charges will apply at the Nanticoke Landfill:

a.{1} [Amended 4-4-1991 by L.L. No. 8-1991; 1-21-1992 by L.L. No. 1-1992*] Construction/demolition waste: thirty-eight dollars and fifteen cents (\$38.15).

i.Asbestos: one hundred dollars \$100.) per ton.

b.{2} Tires.

i.{a} Up to and including sixteen-inch rim: two dollars (\$2.) per tire.

ii.{b} Over sixteen-inch, but less than twenty-two-inch rim: five dollars

(\$5.) per tire.

iii.{c} Over twenty-two inch rim: ten dollars (\$10.) per tire.

iv.{d} Bulk loads: one hundred seventy-five dollars (\$175.) per ton.

c.{179-6B.3} Commencing February 1, 1992, the following charge will apply at the Nanticoke Landfill:

i.{a} The minimum charge per weighed vehicle shall be four dollars (\$4.) regardless of vehicle weight.

{179-6.B.}

{179-6.C.3}

{179-6.D.}

B.Finance charges and collection costs.

1.For amounts invoiced {pursuant Subsection A(2)(a)} hereinabove and which remain unpaid for a period of more than thirty (30) days, an additional penalty of one and one-half percent (1 and 1/2%) on the unpaid balance for each month or any fraction thereof that such amount remains unpaid. Accounts sixty (60) days past due are subject to suspension. Accounts ninety (90) days past due are subject to revocation.

2.Any collection made by Broome County Security on returned checks or partial payments for past-due balances on permit user accounts or tipping fees shall incur a finance charge of twenty dollars (\$20.) in addition to the outstanding balance.

3.{179-6.B.) This paragraph formerly comprised the entire Subsection B.} Failure to pay any tipping fee is a violation of this Article.

4.Except as otherwise provided herein or by resolution duly adopted by the Broome County Legislature, there shall be no other County fee or charge for use of landfill sites operated in and for the County of Broome.

§ 179-10.{179-7} Penalties for offenses.

A.A violation of any section of this Article shall constitute a violation punishable by a fine not in excess of one thousand dollars (\$1,000.) or imprisonment for a term not to exceed fifteen (15) days, or both. [Amended 5-30-1990 by L.L. No. 6-1990]

B.Each such violation shall constitute a new violation.

{C.A fine imposed pursuant to Subsection A shall be the property of the

County of Broome, such fine to be credited to the Division of Solid Waste Management to offset the cost, in part or full, of enforcement of this section. [**Amended 12-28-1989 by L.L. No. 2-1990**]

C.{D.} In addition to the above, the violation of any section of Article shall be subject to a civil penalty imposed by the County of Broome in an amount not in excess of one thousand dollars (\$1,000.) for each offense. [**Amended 5-30-1990 by L.L. No. 6-1990**]

D.{E.} In addition to the above-provided sections and penalties, Broome County may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this Article.

E.In addition to or in lieu of the above, permit holders may be subject to suspension or revocation of their permit, pursuant to the provisions of § 179-5.E. of this Article.

ARTICLE II

Solid Waste Management

[**Adopted 10-15-1986 as L.L. No. 8-1986***]

§ 179-11.{179-8} **Title.**

This Article shall be known and may be cited as the "Solid Waste Management Law."

* Editor's Note: {Section 9} of this local law, as amended 5-24-1988 by L.L. No. 5-1988, read as follows:

§ 179-12.{179-9} **Purposes.**

This Article is adopted pursuant to Chapter 930 of the Laws of 1983 of the State of New York for the purpose of effectuating the management on a County-wide basis of all solid waste generated within or coming into from outside of the County of Broome in order to protect the public health and safety and to improve the environment by control of air, water and land pollution and carrying out the expressed solid waste disposal policy of the state to displace competition with regulation or monopoly public service.

§ 179-13.{179-10} **Definitions.** [**Amended 5-24-1988 by L.L. No. 5-1988**]

As used or referred to in this Article, unless the context otherwise requires,

the following terms shall have the meanings indicated:

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

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

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

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

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

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

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

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

{ A. Suitable paper products. }

{ B. Recyclable plastics. }

{ C. Newsprint. }

{ D. Unbroken glass containers. }

{ E. Metals, including containers and large appliances (white goods). }

{ F. Yard wastes, including leaves, grass clippings and brush. }

{G.Demolition debris.}

{H.Tires.}

{I.Batteries (wet and dry cell).}

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

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

SOLID WASTE MANAGEMENT - RESOURCE RECOVERY FACILITY OR FACILITY - Any facility, plant, works, system, building, structure, improvement, machinery, equipment, fixture or other real or personal property which is to be used, occupied or employed for the collecting, receiving, transporting, storing, processing or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom, including, but not limited to, recycling centers, transfer stations, baling facilities, rail haul or maritime facilities, collection vehicles, processing systems, resource recovery facilities, steam and electric generating and transmission facilities, including auxiliary facilities to supplement or temporarily replace such generating facilities, steam distribution facilities, sanitary landfills, plants and facilities for compacting, composting or pyrolization of solid waste, incinerators and other solid waste disposal, reduction or conversion facilities and resource recovery equipment and disposal equipment

as defined in Subdivisions 4 and 5 of §51-0903 of the Environmental Conservation Law of the State of New York.

§ 179-14,{179-11} Disposal of solid waste; recycling. [Amended 5-24-1988 by L.L. No. 5-1988]

A.Only Broome County recyclables to be accepted.

1.No recyclables generated or produced outside of Broome County accepted from outside the County of Broome shall be accepted at county-owned or -operated facilities, except upon the prior written approval of the County Executive.

B.{A.} Designation of facilities.

1.The County Executive (Executive) or his designee, which designee must be an officer or agent of the county, is hereby authorized and directed to designate, by written statement, from time to time, one (1) or more solid waste management - resource recovery facilities to be used for the disposal of solid waste generated, originated or brought within the County of Broome, which designation may include a determination that a particular solid waste management - resource recovery facility shall be the only facility used for the disposal of solid waste generated, originated or brought within all of, or a described area within, the County of Broome or by a particular person or persons. Such written designation of a facility shall be filed with the Clerk of the Broome County Legislature and

shall become effective within sixty (60) days of filing, unless rescinded or modified by appropriate resolution of the Broome County Legislature.

2.In making such designation, the Executive or his designee shall give due consideration to the capacity of any facility so designated, the size and population of the area or person or persons to be served and such other factors as shall enable the Executive or his designee to determine that the public interest is served by such designation. No person shall dispose of solid waste generated within or coming into from outside the County of Broome except at a solid waste management - resource recovery facility designated by the Executive or his designee in accordance with this section. The Executive or his

designee is hereby authorized and directed to promulgate, in writing, such rules and regulations as he shall determine to be necessary to effectuate the purposes of this Article, including the requirement that all private haulers of solid waste be licensed by the Executive or his designee. All acts and proceedings taken by the Executive or his designee pursuant to this Article shall in all respects be consistent with the Environmental Conservation Law and other applicable laws and rules and regulations promulgated pursuant thereto. Rules and regulations promulgated pursuant to this section shall be in writing and filed with the Clerk of the Broome County Legislature, and they shall take effect within sixty (60) days after filing, unless rescinded or modified by appropriate resolution of the Broome County Legislature.

C.{B.} Handling of recyclables.

1.General provisions.

a.Recyclables generated or brought within the county shall not be accepted for disposition or handling at any solid waste management - resource recovery facility except at a materials recovery facility duly designated pursuant to this Article.

b.From the time that solid waste, including recyclables, is placed for collection at a roadside, dropoff area or other proper collection area, such solid waste, including recyclables, shall become the property of the county or its authorized agent. It shall be a violation of this Article for any person without authority of the county to collect, pick up, remove, or cause to be collected, picked up or removed, any solid waste, including recyclables, placed for collection at a roadside, dropoff area or other proper collection area. Each such collection, picking up or removal from a particular residence, business, dropoff area or other collection area shall constitute a separate and distinct offense in violation of this Article.

c.Broome County dropoff areas or stations shall be for the sole use of residential users. Commercial generators shall not

make use of these facilities except at the Broome County Materials Recovery Facility when directed by the operators of that facility. Unauthorized commercial use of dropoff areas or stations shall be considered a violation of Article III of this chapter pertaining to dumping.

d.All vehicles transporting recyclables to and/or entering a material recovery facility site shall have the recyclables appropriately covered or confined in the vehicle by the use of tarpaulins, nets or other devices to prevent papers, litter and other substances from blowing out or falling from the vehicle. Vehicles traveling to and/or entering such a facility with loads not appropriately covered or confined shall be permitted to unload the recyclable material at the facility and shall be charged with a violation of this Article.

§ 179-15.Permit required; application; issuance; fees and charges.

No person, firm or corporation, public or private, engaged in the transporting of recyclables shall be authorized to use any county-owned and/or -operated material recovery facility without first obtaining from the County of Broome a permit to use said facility for the purpose of solid waste management.

A.Applications for permits shall be upon forms provided by the Director of the Division of Solid Waste Management. Each applicant shall state in such application his or her name, address, legal character (corporation, partnership or individual), including the area or areas of operation, and such other information as the Director of the Division of Solid Waste Management may require. Areas of operation listed on the application shall not be varied, increased, decreased nor in any other way altered during the period covered by the permit without the prior written consent of the Director of the Division of Solid Waste Management. No collections shall be made in areas outside the County of Broome except upon the prior written approval of the County Executive.

B.A permit shall not be issued unless the applicant agrees, in writing, to the following "hold harmless" clause, which shall be included as a

part of the application form:

"The permittee shall indemnify and hold harmless Broome County and any of its officers, agents and employees from all claims, demands, causes of action and judgments arising out of injuries to persons and property of whatever kind or nature as a result of the fault or negligence of the permittee, its employees or agents in the permittee's use of a county-owned and/or -operated MRF."

C. Permits issued pursuant to this Article shall be for a period of one (1) year or less, beginning July 1; subject, however, to the revocation or suspension thereof as provided herein.

§ 179-16.{179-12} Enforcement.

It shall be the responsibility of the Executive or his designee, in consultation with the County Attorney, to enforce the provisions of this Article and all rules, regulations and designations made pursuant thereto. Such enforcement shall be by such legal or equitable proceedings, including, without limitation, a proceeding for specific performance brought in the name of the County of Broome as may be provided or authorized by law.

§ 179-17.{179-13} Penalties for offenses.

Any person who violates this Article shall be guilty of an offense and subject to a fine of not more than five hundred dollars (\$500.) and/or imprisonment for not more than fifteen (15) days and/or suspension or revocation of collecting, receiving, transporting and/or disposing privileges in conjunction with solid waste within the County of Broome. Each and every act of disposal committed which is prohibited by §179-14 hereof shall constitute a separate violation of this Article.

§ 179-18.{179-14} Precedence over other legislation.

Pursuant to §2047-t of Chapter 930 of the Laws of 1983 of the State of New York, this Article takes precedence over and shall supersede any inconsistent provisions of any local law enacted by any municipality within the County of Broome.

ARTICLE III

Dumps and Dumping

[Adopted 7-25-1991 as L.L. No. 11-1991]

§ 179-19.{179-15} Purpose{s}.

A. The purpose of this Article is to prohibit the disposal of solid waste at any

location other than facilities or sites authorized by the State of New York, County of Broome, City of Binghamton, or any town or village situated in the County of Broome.

B.The Broome County Legislature acknowledges the growing costs associated with the disposal of solid waste and the resulting inclination of those who may seek to avoid such costs by depositing such material along highways, on vacant lots, on business sites, in private dumpsters and other places. Such activities are hereby deemed to pose an imminent hazard to the public health, safety and welfare of the residents of the county.

C.The adoption and vigorous enforcement of this Article is intended to be an effective deterrent to indiscriminate dumping of solid waste.

§ 179-20.{179-16} Definitions.

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

DISPOSE - To discharge, deposit, inject, dump, spill, leak or place into or on any land or water or onto or in any receptacle or dumpster such solid waste or any constituent thereof.

OPEN DUMP - A solid waste disposal area which does not comply with required public health and environmental controlled practices.

PERSON - Any individual, firm, public or private corporation, political subdivision, government agency, trust, estate or any other legal entity whatsoever.

SOLID WASTE - All putrescible and nonputrescible materials or substances that are discarded or rejected as being spent, worthless, useless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludge from air or water treatment facilities, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles and offal.

§ 179-21.{179-17} Disposal of solid waste restricted; open dumps prohibited.

A.No person shall dispose or attempt to dispose of solid waste in the County of Broome except at:

1.A disposal facility exempt from the requirements of 6 NYCRR 360 if its exempt status is unaffected by such disposal; or

2.A disposal facility authorized to accept such waste for disposal pursuant to said Part 360 or to an order issued by the New York State Department of Environmental Conservation or a court having jurisdiction.

B. There shall be no open dumps in Broome County. This shall not be construed as to prohibit disposal areas located in the property areas of a farm as otherwise permitted by law, except in cases creating a public health nuisance as defined in the Broome County Sanitary Code and such other state and local laws as may apply.

§ 179-22.{179-18} Penalties for offenses; enforcement; disposition of fines.

A. All provisions of this Article are enforceable by the Broome County Security Department and/or the Broome County Sheriff's Department or their designee(s).

B. Failure to comply with this Article by any person or tenant in case where a lease agreement gives specific responsibility for solid waste disposal to said tenant shall be an offense punishable as provided.

C. Any person who commits a violation of §179-21.A. and/or B., and/or §179-15.A., is subject to arrest and punishment upon conviction as hereinafter provided:

1. First offense. Conviction of a first offense as provided by this Article shall be punishable by a fine of not less than fifty dollars (\$50.) nor more than one thousand five hundred dollars (\$1,500.), and/or a term of imprisonment not to exceed fifteen (15) days, together with restitution based on avoided disposal fees and cost of collection and hauling and/or community service. Violation of this provision shall be a violation as defined by Subdivision 3 of § 55.10 of the Penal Law of the State of New York.

2. Second or subsequent offense. Conviction of a second or subsequent offense within five (5) years shall be punishable by a fine of not less than five hundred dollars (\$500.) nor more than two thousand five hundred dollars (\$2,500.) and/or a term of imprisonment not to exceed six (6) months, together with restitution based on avoided disposal fees and cost of collection and hauling, and/or community service. Violation of this provision shall be a misdemeanor as defined by

Subdivision 2 of § 55.10 of the Penal Law of the State of New York.

- 3.Conviction of any company, partnership, municipality or any entity other than an individual person shall be punishable by a fine of not less than five hundred dollars (\$500.) nor more than two thousand five hundred dollars (\$2,500.), and/or community service.
- D.Each day during which a violation continues may be deemed to be a separate violation.
- E.Enforcement shall be effected as follows: by a peace officer or police officer as provided by the Criminal Procedure Law of the State of New York.
- F.Civil enforcement. Notwithstanding the penalties set forth above, the Broome County attorney may institute a civil action to obtain restitution to the County of Broome from such offender for the actual costs incurred in rectifying the program created by the aforesaid violation or improper disposal of solid waste or to abate, enjoin or otherwise compel cessation of the violation of any provision of this Article, including by not limited to reasonable attorney's fees and environmental testing.
- G.Disposition of fines. Any fines collected shall be split fifty/fifty (50/50) with the municipality in which the violation occurred and with Broome County. The portion of fine made payable to the County of Broome shall be transmitted to the Broome County Commissioner of Finance, to be placed in a dedicated fund for the express purpose of providing financial assistance in the cleanup of illegally disposed waste, in the event that a violator cannot be identified. Applications for the use of these funds shall be directed to the Environment Committee of the Broome County Legislature, which will have responsibility for allocation and administration of these funds.
- H.Area of enforcement. This Article shall be enforced in all municipalities within Broome County, including municipalities that have enacted ordinances regulating the disposal of solid waste.

ARTICLE IV

{Recycling} Source Separation

{[Adopted 8-20-1992 as L.L. No. 10-1992*]}

§ 179-23. This article shall be known as The Mandatory Source Separation Law.

§ 179-24. Purpose{s}.

A. The purpose of this Local law is to encourage, facilitate, and mandate the source separation of recyclable materials on the part of each and every household, business and institution within in Broome County.

B. The Broome County Legislature acknowledges that recycling will decrease the flow of solid waste to landfills, aid in the conservation of valuable resources, and reduce the required capacity or extend the useful life of existing and proposed solid waste management facilities.

C. It further acknowledges that methods of solid waste management emphasizing source reduction, recycling, recovery, and conversion of solid wastes are essential to the long-range preservation of the health, safety and well-being of the public, to the economic productivity and environmental quality of Broome County, and to the conservation of resources.

§ 179-25. {179-19} Definitions.

A. Terms as used or referred to in this Local Law, unless a different meaning clearly appears from the context, are as defined in Section 6, {of} Part 360 of the New York Codes, Rules and Regulations, Solid Waste Management Facilities, as amended.

B. {As used in this Article, the term "PUBLIC FACILITY" shall mean any facility allowing public access, including but not limited to parks, recreational facilities, shopping centers, shopping malls, office buildings, restaurants, hospitals, schools, and churches.

C. As used in this Article, "SOURCE SEPARATION" shall mean that recyclables shall be maintained and placed for collection separately from refuse intended for disposal.

D. For the purpose of this Article, the term "AUTHORIZED AGENT OF THE COUNTY" shall refer to waste haulers permitted by Broome County.

§ 179-26. {179-20} Source separation required.

A. Source separation shall be required of each and every generator within Broome County producing solid waste destined for a disposal facility within Broome County, and by any generator outside of

Broome County{,} where such waste will be processed or disposed in a Broome County solid waste management facility.

B.Materials that must be source-separated include: paper, glass, metals, plastics, leaves, yard wastes, wood waste, construction and demolition debris, tires, batteries (wet and dry cell), and household hazardous waste.

C.For the purpose of this Article, the term "recyclable material" shall mean those materials that must be source-separated, as defined in § 179- , with the exception of household hazardous waste.

D.Each and every waste hauler, public and private, providing waste collection services in the County of Broome shall be required to provide curbside or dropoff collection of source-separated recyclables for all units serviced by the hauler.

§ 179-27.{179-21} Preparation of recyclables and other source-separated materials for curbside collection.

A.Nothing in this Article is intended to prevent any waste generator from making arrangements for the reuse, private collection, sale or donation of recyclables; provided, however, that records shall be kept of all such collection of recyclables.

B.From the time any person places any recyclable materials at or near any curb, sidewalk, or street for purposes of collection by a permitted hauler, those recyclable materials shall be considered the property of the county or its authorized agent. No person who is not acting under authority of the county or its authorized agent shall collect, pick up, remove, or cause to be collected, picked up, or removed, any recyclable materials so placed for collection. Each such unauthorized collection, pick up or removal shall constitute a separate violation of this Article.

C.In the event that a hauler has refused to collect certain recyclable materials because they have not been placed or treated in accordance with the provisions of this Article, the person responsible for initially placing those materials for collection may and shall remove those materials from any curb, sidewalk, or street in accord with the provisions of this Article.

D.Placement.

1.Recyclable materials shall be placed separately from any nonrecyclable solid waste placed for collection. Recyclable materials should

be prepared in conformance with county practices and standards established pursuant to this section.

- 2.No person shall place any recyclable materials at or near any curb, sidewalk or street for purposes of collection unless the materials are prepared in conformance with county practices and standards established pursuant to this section.
 - 3.The Director of Solid Waste Management is hereby authorized and directed to designate, by written statement, from time to time, the practices and standards for preparation of recyclables for collection. Such written designation shall be filed with the Clerk of the County Legislature and shall become effective within ninety (90) days of filing unless rescinded or modified by appropriate resolution of the County Legislature.
 - 4.The Director shall solicit information from solid waste collectors, solid waste management facility operators, and other concerned parties prior to designating revised rules for preparation of materials.
- E.Waste haulers shall not be responsible for collection of waste materials which have not been placed or prepared in accord with this Article. In the event of non-collection of waste or recyclable materials, the hauler shall provide written notification of reason for non-collection.
- F.The responsible generator shall immediately remove and properly prepare and dispose of all materials refused for collection, taking all measures necessary to properly and legally restore all disturbed land and surface to the condition existing prior to deposition, or reimburse the county or other municipal entity for {the} same.

§ 179-28.{179-22} Multifamily buildings and complexes.

- A.Apartment complexes, condominium complexes, cooperative apartments, hotels, motels, and bungalow or resort colonies shall be required to establish a private dropoff program for the source-separation of recyclable materials for collection and transportation to a recycling facility, where curbside collection is not practiced or desired.
- B.The owner and/or manager of every multifamily apartment building or condominium within the county shall provide and maintain, in a neat and sanitary condition, recycling dropoffs to receive all recyclable materials generated by residents of the building or

complex. In cases where a condominium association exists, the condominium association shall be responsible for provision and maintenance of the recycling dropoff(s). It shall be the tenant's responsibility to separate designated recyclable materials from the solid waste and deposit the recyclables in the dropoff(s), in the manner prescribed by facility management.

C.The owner or manager of every multifamily building or complex shall arrange for the collection and/or transportation of all recyclable materials to a material recovery facility or secondary materials market.

§ 179-29.{179-23} Commercial {institutional} and industrial waste and recyclables.

A.All commercial/industrial/institutional solid waste collected by either municipal or private haulers shall be source-separated and delivered to an appropriate facility for disposition, as may be designated by the county.

B.All recyclable commercial/industrial/institutional by-products shall be source-separated, and delivered to an appropriate facility for the expressed purpose of processing for sale to a secondary materials market. Nothing in this {Sub}section shall prevent generators from marketing these materials directly to an end-use market, secondary materials market, or secondary materials broker.

§ 179-30.{179-24} Penalties: {for offenses by} waste generators.

A.Failure to comply with this Article by any person shall be an offense punishable as provided.

B.Each day of violation of this Article shall constitute a separate offense.

C.The waste hauler shall maintain the right to refuse collection of solid waste and/or recyclables due to a lack of source-separation or proper preparation on the part of the waste generator. In such a case, the hauler shall affix a notice to the waste material which clearly states the reason for non-collection.

D.Individuals convicted of a first offense under this Article shall be subject to a fine of not less than twenty-five dollars (\$25.) and not more than fifty dollars (\$50.). Conviction of a second offense within one (1) year of the first offense shall be punishable by a fine of not less than fifty dollars (\$50.) no more than one hundred dollars (\$100.). Conviction of subsequent offense(s) within one (1) year

of the first offense shall be punishable by a fine of at least one hundred dollars (\$100.) and not more than two hundred dollars (\$200.). In addition to the penalties listed above, anyone convicted of an offense under the provisions of this Article shall be subject to a civil penalty to recover {the} cost of enforcement and prosecution, including but not limited to attorney's fees, court costs, and site clean up cost, if applicable.

E. Any company, partnership, corporation, municipality, or entity other than an individual person convicted of a first offense as provided for by this Article shall be subject to a fine of not less than two hundred dollars (\$200.) and not more than one thousand dollars (\$1,000.) and/or revocation of solid waste collection and disposal permits. Conviction of subsequent offenses shall be punishable by a fine of not less than one thousand dollars (\$1,000.) and not more than two thousand dollars (\$2,000.). Any such entity convicted of an offense under the provisions of this Article shall also be subject to a civil penalty to recover the cost of enforcement and prosecution, including but not limited to attorney's fees, court costs, and site cleanup costs, if applicable. In addition, the County Attorney may also maintain an action or proceeding in the name of Broome County, in a court of competent jurisdiction, to complete compliance with{,} or to restrain by injunction, such violation.

§ 179-31.{179-25} Penalties: {for offenses by} waste haulers.

A. Failure of any hauler to comply with this Article shall be an offense punishable as provided.

B. Each day of violation of this Article shall constitute a separate offense.

C. Violation of any section of this Article shall be punishable by a fine not in excess of one thousand dollars (\$1,000.) and/or revocation of the hauler's landfill user's permit, or any combination thereof. In addition, the violation of any section of this Article shall be subject to civil penalty imposed by the county to recover {the} cost associated with enforcement and prosecution, including but not limited to reasonable attorney's fees, court costs, and site cleanup costs, if applicable. And, in addition, Broome County may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with{,} or to restrain by injunction any violation of this Article.

§ 179-32.{179-26} Solid waste disposal on public property {public receptacles}.

A.All public facilities within the County of Broome shall provide public refuse receptacles for solid waste disposal by facility users and employees.

B.There shall be provided separate public receptacles for recyclables. Such containers shall be clearly marked RECYCLE₂ and a list of recyclable items shall accompany said public refuse receptacle. There shall be an adequate number of clearly marked and accessible public receptacles for recyclable materials in order to facilitate recycling.

C.All recyclable materials shall be placed in separate public recycling receptacles. The responsibility to separate recyclables from nonrecyclables shall be placed on the facility user.

1.Parks may, in lieu of providing separate public receptacles for recyclables, require that park patrons take their recyclable materials with them upon leaving the park. The municipalities shall post signs at all park entrances advising the public of the rule. Park patrons shall be responsible for removing recyclables from the park and disposing of them in accordance with § 179-21 of this Article.

2.Notwithstanding the provisions of the paragraph {subsection}, concession stands within the park providing food or other items packaged in recyclable containers shall provide both refuse and recyclable containers to conform to this section.

D.It shall be a violation of this Article for any person to place or to cause to be placed any material other than a recyclable in or near a public receptacle designated for recyclable materials.

E.It shall also be a violation of this Article for any person to place or to cause to be placed any recyclable material in or near a public refuse receptacle designated for nonrecyclable materials.

F.Any person, including employees of public facilities, convicted of a violation of this section shall be subject to a fine of up to fifty dollars (\$50.), or community service.

G.The proprietor of any public facility, convicted of a violation of this section, shall be subject to a fine of up to two hundred dollars

(\$200.), or community service. Each day of violation shall constitute a separate offense.

§ 179-33.{179-27} Enforcement.

All provisions of this Article shall be enforced by the Broome County Security Division, or may be enforced by a Municipal Code Enforcement Official or other appropriate enforcement agencies.

§ 179-34.Reporting to the director. {Records and reports; collection vehicle permits.}

{A.Monthly records}

A.{1} All waste haulers, and any other person or entity that collects, transports and/or markets recyclables must maintain monthly records of all recyclable material no delivered to the county recycling facility or county landfill. These records must include the following:

- 1.The total tonnage, by material, of recyclable material collected.
 - a. The total tonnage, by material, of recyclable material delivered to each and every materials recovery facility, secondary materials market, secondary materials broker, or end-use market.
 - b.Weight slips from the broker or end market will fulfill this requirement.
- B. Reports containing the information required in this section shall be compiled and delivered to the Director of the Division of Solid Waste Management on an annual basis. Reports shall be filed with the Director no later than January 31 of the subsequent year of filing.
- C.A collection vehicle permit must be obtained by each waste hauler annually for each and every collection vehicle operating in Broome County. To obtain a collection vehicle permit, a hauler must certify that it will not deliver any solid waste that is generated outside of Broome County or any household hazardous waste, liquid waste, sewage or sludge or any other unacceptable material banned by state regulations or county law to a county solid waste management facility not designated to accept it.
- D.Waste haulers shall display a permit sticker on each and every collection vehicle, and any other identification as may be required by the Director.
- E. Each waste hauler shall retain for no less than five (5) years the records and documents required pursuant to this Article and shall make

such documents available upon the request of the Director or law enforcement officers.

§ 179-35.{179-29} Acceptance of source-separated materials by county facilities.

Upon payment of any tipping fee imposed by the county, the county shall accept any materials source-separated pursuant to this Article at a designated solid waste management facility or through a special collections including, but not limited to household hazardous wastes.

§ 179-36.{179-30} Severability.

If any section, subsection, phrase, sentence or portion of this Article is for any reason held invalid or unconstitutional or found to be illegal by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such hold shall not affect the validity of the remaining portion hereof.

§ 179-37.Priority. {Conflict with other provisions.}

Pursuant to Section 1 of Chapter 675 of the Laws of 1982 of the state, this Article takes precedence over and shall supersede any inconsistent provisions of any local law enacted by any municipality within the county.

§ 179-38.Effective date.

This local law shall take effect upon filing with the Secretary of State.

Note:

underlined material is added.

{bracketed} material is deleted.

Heldover by Mr. Shafer.

RESOLUTION NO. 163

by County Administration, Economic Development & Planning and Finance Committees

Seconded by Mr. Warner

RESOLUTION AUTHORIZING AMENDMENT TO FEE SCHEDULE FOR SALE OF MAPS AND AERIAL PHOTOGRAPHS BY DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT.

WHEREAS, the Broome County Department of Planning and Economic Development regularly sells various maps and aerial photo prints to the general public, and

WHEREAS, this County Legislature, by Resolution 119 of 1989, established a schedule of fees for such sales, and

WHEREAS, it is appropriate at this time to revise said schedule of fees to provide an increase for the cost of maps and aerial photos, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and adopts the rate structure attached hereto as Exhibit A for the sale of various maps and aerial photo prints by the Broome County Department of Planning and Economic Development, and be it

FURTHER RESOLVED, that the fees hereinabove shall become effective May 1, 1993, and be it

FURTHER RESOLVED, that all proceeds received from said sales will be forwarded to the Commissioner of Finance through revenue line 440016.0208.101000 (Minor Sales), and be it

FURTHER RESOLVED, that the Commissioner of Finance and the Comptroller of Broome County are hereby authorized to make such bookkeeping and accounting entries and adjustments as may be necessary to effectuate the intent and purpose of this Resolution. **Carried.** Ayes-18, Nays-0, Absent-1 (Harris).

RESOLUTION NO. 164

by Education, Culture & Recreation and Finance Committees

Seconded by Mr. Warner

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH GIANT OPERATING CORPORATION FOR LEASE OF SPACE FOR BENJAMIN FRANKLIN BRANCH LIBRARY ON A MONTHLY BASIS.

WHEREAS, this County Legislature, by Resolution 172 of 1992, authorized an agreement with Giant Operating Corporation for lease of space at 307 Conklin Avenue for the Benjamin Franklin Branch Library at a cost of \$600.00 per month, total cost not to exceed \$7,200 for the period June 1, 1992 through May 31, 1993, and

WHEREAS, said lease agreement expires by its terms on May 31, 1993, and it is desired at this time to renew said lease agreement on substantially similar terms and conditions, on a monthly basis, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the lease agreement with Giant Operating Corporation, 100

Oakdale Road, Johnson City, NY, 13790 for the lease of space at 307 Conklin Avenue for the Benjamin Franklin Branch Library, on a monthly basis, for the period June 1, 1993 through May 31, 1994, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$600.00 per month, total cost not to exceed \$7,200 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 842005.4422.304218 (Building & Land Rental), and be it

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

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

RESOLUTION NO. 165

by Public Safety and Emergency Services Committees

Seconded by Mr. Burger

RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME COUNTY TRAFFIC SAFETY BOARD.

WHEREAS, Arthur J. Shafer, Chair of the Broome County Legislature, pursuant to the powers vested in him by Local Law No. 4 of 1967, and amended by Local Law No. 1 of 1970, has duly designated and appointed, pending confirmation by this Legislature, the following named individuals to membership on the Broome County Traffic Safety Board for the terms indicated:

<u>NAME</u>	<u>TERM EXPIRING</u>
Michael D. Derry 32 Broome Street, Apt. 5 Binghamton, NY 13903	December 31, 1995 (Reappointment)
Rose Hutcherson 72 Arthur Street	December 31, 1995

Binghamton, NY 13905	(Reappointment)
Stanley Popielarski 2118 Jill Avenue Endicott, NY 13760	December 31, 1995 (Reappointment)
Stanley Salisbury 191 Crary Avenue Binghamton, NY 13905	December 31, 1995 (Reappointment)
David Brenner 42 Willow Street Johnson City, NY 13790	December 31, 1995 (New Appointment)

and

WHEREAS, it is desired at this point in time, in accordance with the provisions of Local Law No. 4 of 1967, and amended by Local Law No. 1 of 1970, to confirm said appointments, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Local Law No. 4 of 1967, and amended by Local Law No. 1 of 1970, does hereby confirm the appointments of the above-named individuals to membership on the Broome County Traffic Safety Board in accordance with their appointment by the County Legislative Chair, Arthur J. Shafer.

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

RESOLUTION NO. 166

by Health & Human Services and Finance Committees

Seconded by Mr. Warner

RESOLUTION AUTHORIZING AGREEMENT WITH ACTION FOR OLDER PERSONS, INC., FOR HEALTH INSURANCE INFORMATION AND COUNSELING ASSISTANCE PROGRAM FOR THE OFFICE FOR AGING FOR 1993.

WHEREAS, this County Legislature, by Resolution 12 of 1993, authorized acceptance of the Health Insurance Information & Counseling Assistance Program Grant in the amount of \$3,000 for the period January 1, 1993 through September 15, 1993, and

WHEREAS, the Office for Aging requests authorization for an

agreement with Action for Older Persons, Inc., for implementation of the health insurance information and counseling assistance program grant for the period January 1, 1993 through September 15, 1993, at a cost not to exceed \$3,000, and

WHEREAS, Action for Older Persons, Inc., is to recruit and train volunteers to provide health insurance counseling for older person, now, therefore, 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 recruitment and training of volunteers to counsel and assist older persons with health insurance for the Office for Aging, for the period January 1, 1993 through September 15, 1993, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$3,000 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 760009.4457.102706* (Subcontracted Program Expense), and be it

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

*Corrected account number, provided by Budget Office following adoption of resolution.

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

RESOLUTION NO. 167

by Public Works and Finance Committees

Seconded by Mr. Warner

RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH EMJ/MCFARLAND JOHNSON ENGINEERS, INC., FOR ENGINEERING SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS WINDSOR BRIDGE REHABILITATION, DESIGN AND CONSTRUCTION PHASES FOR 1992.

WHEREAS, this County Legislature, by Resolution 75 of 1992, as amended by Resolution 339 of 1992, authorized an agreement with EMJ/McFarland Johnson Engineers, Inc., for engineering services for the Department of Public Works Windsor Bridge Rehabilitation, Design and Construction Phases, at a cost not to exceed \$161,650.00, and

WHEREAS, it is necessary to authorize the amendment of said agreement to increase the cost thereof, and

WHEREAS, the Commissioner of Public Works has requested authorization for said amendments as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with EMJ/McFarland Johnson Engineers, Inc., for engineering services for the Department of Public Works Windsor Bridge Rehabilitation, Design and Construction Phases for 1992, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an additional \$66,410.00, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 035022.4746.501254 (Architect and Engineering Services), and be it

FURTHER RESOLVED, that Resolution 75 of 1992, and Resolution 339 of 1992, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

RESOLUTION NO. 168

by Public Works and Transportation Committees

Seconded by Mr. Warner

RESOLUTION DESIGNATING THE BROOME COUNTY LEGISLATURE AS LEAD AGENCY WITH RESPECT TO TAFT AVENUE PAVEMENT REHABILITATION PROJECT AND RENDERING A NEGATIVE DECLARATION WITH RESPECT THERETO.

WHEREAS, it is necessary to undertake the Taft Avenue Pavement Improvement Project to conduct spot curb replacement and asphalt concrete overlay, 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

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

WHEREAS, the initiation of the Taft Avenue Pavement Improvement 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 Taft Avenue Pavement Improvement 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 Taft Avenue Pavement Improvement Project will not have significant effect on the environment, and be it

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

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

RESOLUTION NO. 169

by Health & Human Services and Finance Committees

Seconded by Mr. Warner

RESOLUTION AUTHORIZING RENEWAL OF THE DEPARTMENT OF SOCIAL SERVICES LOW INCOME DAY CARE PROGRAM AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1993 THROUGH 1994.

WHEREAS, this County Legislature, by Resolution 199 of 1992, authorized and approved the continued participation by the Department of Social Services in the Low Income Day Care Program for the period April 1, 1992 through March 31, 1993 and adopted a program budget in the amount

of \$228,372, and

WHEREAS, it is desired to renew said grant program for the period April 1, 1993 through March 31, 1994 in the amount of \$228,372, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves the continuation of the Low Income Day Care Program by the Department of Social Services for the period April 1, 1993 through March 31, 1994, 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 \$228,372 for the period April 1, 1993 through March 31, 1994, and be it

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

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to execute any budget transfers within the budgetary limits as set out in Exhibit "A" as attached hereto provided that said budget transfers do not affect a personnel line.

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

RESOLUTION NO. 170

by Health & Human Services and Finance Committees

Seconded by Mr. Warner

RESOLUTION AUTHORIZING AGREEMENT WITH SOS SHELTER, INC., FOR NON-RESIDENTIAL SERVICES TO VICTIMS OF DOMESTIC VIOLENCE FOR THE DEPARTMENT OF SOCIAL SERVICES FOR 1993.

WHEREAS, the Department of Social Services requests authorization for an agreement with SOS Shelter, Inc., for non-residential services to

victims of domestic violence for calendar year 1993, at a cost not to exceed \$61,000, and

WHEREAS, said services are necessary to provide a 24-hour hotline, information and referral, advocacy, counseling, and education and outreach for victims of domestic violence serviced by the Broome County Department of Social Services, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with SOS Shelter, Inc., P. O. Box 393, Endicott, NY, 13760, for provision of non-residential services to victims of domestic violence, for the period January 1, 1993 through December 31, 1993, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$61,000 for the term of this agreement, and be it

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

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

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

RESOLUTION NO. 171

by Health & Human Services and Finance Committees

Seconded by Mr. Pazzaglini

RESOLUTION AUTHORIZING WAIVER OF HIV COUNSELING TESTING TRAINING FEES FOR PLANNED PARENTHOOD AND UNITED HEALTH SERVICES PERSONNEL.

WHEREAS, this County Legislature, by Local Law No. 5 of 1993, established a \$25.00 per person fee for HIV counseling testing training sessions, and

WHEREAS, Planned Parenthood and United Health Services Hospitals have provided in-kind services by their own personnel for said training sessions, and

WHEREAS, it has been requested by the Health Department that the

\$25.00 per person fee for the HIV counseling and testing training sessions be waived, at the discretion of the Public Health Director, for Planned Parenthood and United Health Services personnel attending these sessions, now, therefore, be it

RESOLVED, that this County Legislature hereby waives the training fee, at the discretion of the Public Health Director, for Planned Parenthood and United Health Services Personnel for HIV counseling testing training sessions, and be it

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

Carried. Ayes-17, Nays-1 (Lindsey), Absent-1 (Harris).

RESOLUTION NO. 172

by Health & Human Services and Finance Committees

Seconded by Mr. Warner

RESOLUTION AUTHORIZING REVISION OF CHILD ABUSE PREVENTION AND EDUCATION ONGOING GRANT AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH.

WHEREAS, this County Legislature, by Resolution 105 of 1989, as amended by Resolutions 240 and 504 of 1990, 202 of 1991, and 39 and 308 of 1992, authorized the continued participation by the Youth Bureau in the Child Abuse Prevention and Education Ongoing Program and adopted a program budget in connection therewith in the total amount of \$56,109.89, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in grant revenues, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Youth Bureau's Child Abuse Prevention and Education Program in the total amount of \$62,713.39, and be it

FURTHER RESOLVED, that this County Legislature hereby adopts and approves the revised program budget annexed hereto as Exhibit "A" in

the total amount of \$62,713.39, and be it

FURTHER RESOLVED, that Resolution 105 of 1989, as amended by Resolutions 240 and 504 of 1990, 202 of 1991, and 39 and 308 of 1992, to the extent consistent herewith, shall remain in full force and effect, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby 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 his duly authorized representative is hereby authorized to extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to execute any budget transfers within the budgetary limits as set out in Exhibit "A" as attached hereto provided that said budget transfers do not affect a personnel line.

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

RESOLUTION NO. 173

by County Administration, Economic Development & Planning and Finance Committees

Seconded by Mr. Warner

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH RESEARCH FOUNDATION OF SUNY AT BINGHAMTON FOR INTEGRATED INFORMATION SYSTEMS/DUAL INDEPENDENT MAP ENCODING SYSTEM (IIS/DIME) FOR THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT FOR 1993.

WHEREAS, this County Legislature, by Resolution 13 of 1992, authorized continuation of an agreement with SUNY Binghamton Research Foundation for integrated information systems/dual independent map encoding system (IIS/DIME) for the Department of Planning and Economic Development at a cost of \$4,500 for calendar year 1992, and

WHEREAS, said agreement expires by its terms on December 31, 1992,

and it is desired at this time to renew said agreement for calendar year 1993 on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Research Foundation of SUNY at Binghamton, P.O. Box 6000, Binghamton, NY, 13902-6000, for integrated information systems/dual independent map encoding system (IIS/DIME) for the Department of Planning and Economic Development for the period January 1, 1993 through December 31, 1993, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$4,500 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 440016.4726.101000 (Contracted Data Processing Services), and be it

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

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

RESOLUTION NO. 174

by County Administration, Economic Development & Planning and Finance Committees

Seconded by Mr. Warner

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH DOMENICO AND LUIGI FATA FOR LEASE OF OFFICE SPACE FOR THE BUREAU OF MOTOR VEHICLES FOR 1993 THROUGH 1994.

WHEREAS, this County Legislature, by Resolution 170 of 1992, authorized an agreement with Domenico and Luigi Fata for lease of space for the Bureau of Motor Vehicles for the period May 1, 1992 through April 30, 1993, at a cost of \$2,955 per month, total cost not to exceed \$35,460, and

WHEREAS, said lease is necessary for the operation of the Bureau of Motor Vehicles, at a convenient Endicott location, and

WHEREAS, said agreement expires by its terms on April 30, 1993, and it is desired at this time to renew said agreement on substantially similar terms and conditions, with an increase in cost, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Domenico and Luigi Fata, 2902 Watson Boulevard, Endwell, NY, 13760, for the lease of 3,514 square feet of floor space on the ground level of the building located at 124 Washington Avenue, Endicott, New York for the period May 1, 1993 through April 30, 1994, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$3,056 per month, total cost not to exceed \$36,672 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 300020.4422.101000 (Building & Land Rental), and be it

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

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

RESOLUTION NO. 175

by County Administration, Economic Development & Planning, Health & Human Services, Public Safety and Finance Committees

Seconded by Mr. Warner

RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR THE DEPARTMENTS OF PROBATION, SOCIAL SERVICES AND COUNTY EXECUTIVE.

RESOLVED, that in accordance with a request from the Department of Probation, in order to provide funds for Probation Officers' local mileage from funds not required for retirement, as requested by BT# 4466, 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:	280057	8010	102652	State Retirement	\$ 600

TO :	280057	4461	102652	Mileage-local	\$ 600
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and be it

FURTHER RESOLVED, that in accordance with a request from the Department of Social Services, in order to provide funds for overtime, as requested by BT# 5360, 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:	670034	1000	103000	Salaries-FT	\$ 6,800

TO :	670026	1700	103000	Salaries-OT	\$ 425
	670034	1700	103000	Salaries-OT	425
	670042	1700	103000	Salaries-OT	5,950

and be it

FURTHER RESOLVED, that in accordance with a request from the County Executive, in order to provide funds for subcontracted program with City of Binghamton from unexpended fringe lines, as requested by BT# 5621, 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:	280008	8010	102648	State Retirement	\$ 2,526
	280008	8060	102648	Health Ins.	1,592
	280008	8070	102648	Unemployment	789

TO :	280008	4457	102648	Subcont.Prog.Exp.	\$ 4,682
	280008	8040	102648	Workers' Comp.	225

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

RESOLUTION NO. 176

by Environment Committee Seconded by Mrs. Hudak

**RESOLUTION AUTHORIZING ADOPTION OF A HOST
COMMUNITY BENEFITS PROGRAM GUIDELINE IN**

CONJUNCTION WITH LANDFILL SITING COMMITTEE RECOMMENDATIONS.

WHEREAS, the Broome County Landfill Siting Committee, by resolution, adopted a Host Community Benefits Program Guideline in connection with the Landfill Siting on March 8, 1993, and

WHEREAS, it is intended that the "Host Community Benefits Program for Landfill Sites" would serve as a guide during negotiations for site specific benefit programs between the County and municipal officials, and

WHEREAS, the Broome County Landfill Siting Committee has recommended that said Host Community Benefits Program Guideline be adopted by the Broome County Legislature, now, therefore, be it

RESOLVED, that this County Legislature hereby adopts the "Host Community Benefits Program for Landfill Sites," as recommended by the Landfill Siting Committee and attached hereto as Exhibit "A", and be it

FURTHER RESOLVED, that this resolution shall take effect immediately.

Carried. Ayes-10(Augostini, Brown, Burger, Harbachuk, Howard, Hudak, Malley, Pazzaglini, Schofield Shafer)

Nays-8(Coffey, Kavulich, Lindsey, Pasquale, Taylor, Wagstaff, Warner, Whalen)

Absent-1 (Harris).

RESOLUTION NO. 177

by Health & Human Services and Finance Committees

Seconded by Mr. Pazzaglini

RESOLUTION AUTHORIZING AGREEMENT WITH RICK FORBESS, M.S.S.W., FOR TRAINING IN PSYCHIATRIC REHABILITATION FOR THE MENTAL HEALTH DEPARTMENT FOR 1993.

WHEREAS, this County Legislature, by Resolution 415 of 1992, authorized acceptance of the Employment/Self-Sufficiency Project Grant from the New York State Department of Social Services and the Broome County Office of Employment and Training for the Mental Health Department for the period July 1, 1992 through September 30, 1993 in the amount of \$99,944, and

WHEREAS, the Mental Health Department requests authorization for an agreement with Rick Forbess, M.S.S.W., for psychiatric rehabilitation training services in connection with the Employment/Self-Sufficiency Project Grant for the period April 13, 1993 through May 31, 1993 in an amount not to exceed \$5,400, and

WHEREAS, said agreement is necessary to provide training for Mental Health Department personnel to provide services in accordance with the Employment/Self-Sufficiency Grant Project, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Rick Forbess, M.S.S.W, 217 Jagger Mill Road, Sanford, Maine, 04073, for psychiatric rehabilitation education and training services for the Mental Health Department, for the period April 13, 1993 through May 31, 1993, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$5,400 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 470096.4467.102681 (Non-employee education and training), and be it

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

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

RESOLUTION NO. 178

by Health & Human Services and Finance Committees

Seconded by Mr. Warner

RESOLUTION AUTHORIZING AN INCREASE OF PETTY CASH FUND FOR THE DEPARTMENT OF MENTAL HEALTH.

WHEREAS, this County Legislature, by Resolution 131 of 1967, established the Broome County Mental Health Department Petty Cash Fund to be \$60.00, and

WHEREAS, the petty cash fund for the Mental Health Department is inadequate for its current needs, and

WHEREAS, the Mental Health Department has requested an increase of \$90 for said petty cash fund in order to have funds sufficient to meet its daily needs, and

WHEREAS, the Commissioner of Finance has determined that the petty cash fund should be increased by \$90, now, therefore, be it

RESOLVED, that this County Legislature hereby approves and increases the petty cash fund for the Mental Health Department by \$90 to the total amount of \$150, and further authorizes the Commissioner of Finance to transfer \$90 to the petty cash fund previously established, and be it

FURTHER RESOLVED, that the administration of said funds shall be in accordance with those rules and procedures governing the use of petty cash funds created by the County Comptroller including, but not limited to, the requirement that at all times the petty cash allowance be fully accounted for in the form of cash on hand, receipts and records. **Carried.** Ayes-18, Nays-0, Absent-1 (Harris).

RESOLUTION NO. 179

by County Administration, Economic Development & Planning Committee
Seconded by Mr. Warner

RESOLUTION AUTHORIZING AGREEMENT TO CO-HOST 1994 NEW YORK STATE SUPERVISORS AND COUNTY LEGISLATORS ASSOCIATION CONFERENCE.

WHEREAS, tourism is an important industry in Broome and Tioga Counties, and

WHEREAS, the site for the June, 1994 Summer Conference School of the Supervisors and County Legislators Association has not yet been scheduled, and

WHEREAS, your sponsoring committee believes that co-hosting this convention with Tioga County, to be held in Tioga County, would be a boost to the economy of Tioga County as well as Broome County, now, therefore, be it

RESOLVED, that the Broome County Legislature agrees to co-host the Summer 1994 New York State Supervisors and County Legislators Association Conference with Tioga County; and be it

FURTHER RESOLVED, that the Chairman of the Broome County Legislature is hereby authorized to appoint a special three-person committee to work with Tioga County to prepare for and co-host the aforementioned conference school, and be it

FURTHER RESOLVED, that the Clerk of the Legislature is directed to forward a certified copy of this resolution to the New York State Supervisors and Legislators Association, 150 State Street, Albany, New York, 12207, Attn.: Ms. Nancy Hanna, Executive Director.

Mrs. Hudak moved, seconded by Mr. Pasquale to amend a name change after the last FURTHER RESOLVED, from Nancy Hanna to Mary Hanak.
Amendment **carried**. Ayes-18, Nays-0, Absent-1 (Harris).
Resolution as amended **carried**: Ayes-18, Nays-0, Absent-1 (Harris).

RESOLUTION NO. 180

by Personnel and Finance Committees

Seconded by Mr. Warner

RESOLUTION AUTHORIZING SHORT TERM DISABILITY INSURANCE FOR CSEA EMPLOYEES.

WHEREAS, the Department of Personnel requests authorization for short term disability insurance for CSEA employees pursuant to the Exhibit "A" attached hereto, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes short term disability insurance for CSEA employees pursuant to the Exhibit "A" attached hereto.

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

RESOLUTION NO. 181

by Public Works, Transportation and Finance Committees

Seconded by Mr. Warner

RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH EMJ/MCFARLAND-JOHNSON ENGINEERS, INC., FOR PROFESSIONAL SERVICES FOR TECHNICAL IMPROVEMENTS AND SIGNAGE ON THE RUNWAYS AND TAXIWAYS AT BINGHAMTON REGIONAL AIRPORT.

WHEREAS, this County Legislature, by Resolution 159 of 1992, authorized an agreement with EMJ/McFarland-Johnson Engineers, Inc., for professional services for electrical improvements and signage on the runways and taxiways at the Binghamton Regional Airport at a cost not to exceed \$116,800, and

WHEREAS, it is necessary to authorize the continuation of said agreement for a period of four months with an increase in cost thereto, and

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with EMJ/McFarland-Johnson, Inc., 171 Front St., P. O. Box 1980, Binghamton, NY, 13902-1980 for professional services in connection with the electrical improvements and signage on the runways and taxiways at the Binghamton Regional Airport for the period of four months, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$28,504.60, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 211011.2011.502214 (Improvements/Alterations), and be it

FURTHER RESOLVED, that Resolution 159 of 1992, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

RESOLUTION NO. 182

by Public Safety, Personnel, County Administration Economic Development & Planning, and Finance Committees Seconded by Mr. Warner

RESOLUTION AUTHORIZING RENEWAL OF ANTI-DRUG ABUSE PROGRAM GRANT FROM THE STATE OF NEW YORK DIVISION OF CRIMINAL JUSTICE SERVICES, ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH, AND AUTHORIZING A RENEWAL OF THE AGREEMENT WITH THE CITY OF BINGHAMTON FOR PARTIAL ADMINISTRATION THEREOF FOR 1993 THROUGH 1994.

WHEREAS, this County Legislature, by Resolution 194 of 1992, authorized the acceptance of \$308,000 from the New York State Division of Criminal Justice Services for the Anti-Drug Abuse Act Program for use in reducing the street trafficking and use thereof of narcotics in the City of

Binghamton, downtown business district, and develop a support network between and among businesses, police and community residents for the period May 1, 1992 through April 30, 1993, and

WHEREAS, the New York State Division of Criminal Justice Services has awarded Broome County \$260,687 for the above-mentioned program for the period May 1, 1993 through April 30, 1994, and

WHEREAS, additionally, Broome County will contribute \$26,069, \$17,000 cash and \$9,069 in-kind services, and the City of Binghamton will provide \$60,827 of in-kind services in support for this program, total program expenditures being \$277,687 for the term of this program, and

WHEREAS, this program will be implemented by the Broome County District Attorney, Probation, Public Defender, and the City of Binghamton, and

WHEREAS, it is desired to accept said grant monies from the State of New York Division of Criminal Justice Services in the amount of \$260,687 and to authorize an agreement with the City of Binghamton for that portion of the grant which the City of Binghamton is required to effectuate for the period May 1, 1993 through April 30, 1994, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$260,687 from the New York State Division of Criminal Justice Services for the period May 1, 1993 through April 30, 1994, 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 \$277,687, said sum consisting of only monies received or allocated, not in-kind services contributed, for the period May 1, 1993 through April 30, and be it

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

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

FURTHER RESOLVED, that the County Executive or his duly

authorized representative is hereby authorized to execute any budget transfers within the budgetary limits as set out in Exhibit "A" as attached hereto provided that said budget transfers do not affect a personnel line.

Heldover by Mrs. Hudak.

RESOLUTION NO. 183

by Health and Human Services Committee

Seconded by Mr. Pasquale

RESOLUTION CONFIRMING APPOINTMENT OF AVIVA SHORE TO MEMBERSHIP OF THE YOUTH BUREAU ADVISORY BOARD

WHEREAS, Timothy M. Grippen, Broome County Executive, pursuant to the powers vested in him by Resolution No. 163, adopted July 6, 1971 and Resolution No. 133, adopted April 6, 1976, has duly designated and appointed, pending confirmation by this Legislature, Aviva Shore to membership on the Youth Bureau Advisory Board, for a term expiring December 31, 1993, and

WHEREAS, it is desired at this point in time, in accordance with the provisions of Resolution No. 163, adopted July 6, 1971 and Resolution No. 133, adopted April 6, 1976, to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Resolution No. 163, adopted July 6, 1971 and Resolution No. 133, adopted April 6, 1976, does hereby confirm the appointment of Aviva Shore, 7 Avon Road, Binghamton, New York 13905, to membership on the Youth Bureau Advisory Board in accordance with her appointment by the County Executive.

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

RESOLUTION NO. 184

by Personnel, and Human Services, and Education, Culture and Recreation Committees

Seconded by Mr. Pazzaglini

RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUESTS FOR THE DEPARTMENT OF SOCIAL SERVICES, LIBRARY AND PERSONNEL.

RESOLVED, that in accordance with a request from the Department of Social Services, as contained in PCR# 93-98, this County Legislature hereby authorizes the upgrade of one (1) full-time Director of Medical Services

position at budget line 670034.1000, minimum salary \$27,719, Grade 20, Union Code 4, to one (1) full-time position at budget line 670034.1000, minimum salary \$31,918, Grade 22, Union Code 7, effective January 1, 1993, and be it

FURTHER RESOLVED, that in accordance with a request from the Library, as contained in PCR# 93-129, this County Legislature hereby authorizes the abolishment of one (1) full-time Senior Library Clerk position at budget line 841007.1000, minimum salary \$15,498, Grade 8, Union Code 30, and the creation of one (1) full-time Library Clerk position at budget line 841007.1000, minimum salary \$13,925, Grade 6, Union Code 30, effective April 1, 1993, and be it

FURTHER RESOLVED, that in accordance with a request from the Department of Personnel, as contained in PCR# 93-131, this County Legislature hereby authorizes the abolishment of one (1) full-time Deputy Personnel Officer position at budget line 400002.1000, minimum salary \$38,380, Grade H, Union Code 2, and the creation of one (1) full-time Affirmative Action Officer position at budget line 400002.1000, minimum salary \$23,678, Grade 18, Union Code 9, effective April 26, 1993. **Carried.** Ayes-18, Nays-0, Absent-1 (Harris).

RESOLUTION NO. 185

by Public Safety & Emergency Services, Inter-Governmental Relations and Finance Committees Seconded by Mr. Brown

RESOLUTION AUTHORIZING ACCEPTANCE OF HAZ MAT VIOLATION DECREES GRANT FOR THE DEPARTMENT OF EMERGENCY SERVICES AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1993 THROUGH 1994.

WHEREAS, the Department of Emergency Services requests authorization to accept a Haz Mat Violation Decrees Program Grant in the amount of \$11,500 for the period April 1, 1993 through March 31, 1994, and

WHEREAS, said grant program provides for fines derived from hazardous materials violations collected by New York State to be funnelled to communities for use in educating the public and industrial community regarding the importance and requirements of the Emergency Planning and Community Right to Know Act of 1986 (EPCRA), (also known as Title III of the Superfund Amendments and Reauthorization Act of 1986), and

WHEREAS, it is intended that the funds received from this program

grant shall be used to support the Local Emergency Planning Committee, emergency, hazardous materials, and fire responder programs, to purchase equipment and related operating resources, to prepare for and/or manage potential emergency response conditions in Broome County, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$11,500 from New York State Division of Military & Naval Affairs, State Emergency Management Office, Public Security Building-Harriman Campus, Albany, New York, 12226-5000, for the period April 1, 1993 through March 31, 1994, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$11,500 for the period April 1, 1993 through March 31, 1994, and be it

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

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to execute any budget transfers within the budgetary limits as set out in Exhibit "A" as attached hereto provided that said budget transfers do not affect a personnel line.

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

RESOLUTION NO. 186

by Education, Culture and Recreation Committee

Seconded by Mr. Warner

RESOLUTION CONFIRMING APPOINTMENT OF JAMES MALLEY TO MEMBERSHIP OF THE CORNELL COOPERATIVE EXTENSION ASSOCIATION

WHEREAS, Timothy M. Grippen, Broome County Executive, pursuant to the powers vested in him by Section 2405 of the Broome County Charter, has duly designated and appointed, pending confirmation by this Legislature, James Malley to membership on the Cornell Cooperative Extension Association, for a term expiring December 31, 1994, and

WHEREAS, it is desired at this point in time, in accordance with the provisions of Section 2405 of the Broome County Charter to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Section 2405 of the Broome County Charter, does hereby confirm the appointment of James Malley to membership on the Cornell Cooperative Extension Association in accordance with his appointment by the County Executive.

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

RESOLUTION NO. 187

by Public Safety and Emergency Services Committee
Seconded by Mr. Warner

RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE LOCAL CONDITIONAL RELEASE COMMISSION.

WHEREAS, Timothy M. Grippen, Broome County Executive, pursuant to the powers vested in him by Article XII of the Correction Law, created by Resolution No. 467, adopted October 16, 1989 in accordance with the New York State Legislature, has duly designated and appointed, pending confirmation by this Legislature, the following named individuals to membership on the Local Conditional Release Commission for the terms indicated:

<u>NAME</u>	<u>TERM EXPIRING</u>
Daniel Casella 15 S. Mountain Terrace Binghamton, NY 13903	Reappointment Term expires 5/1/97
Kevin N. Wright 4 Lincoln Avenue Binghamton, NY 13905	Reappointment Term expires 5/1/97

Craig Brown
18 Beacon Street
Binghamton, NY 13901

New appointment
Term expires 5/1/97

and

WHEREAS, it is desired at this point in time, in accordance with the provisions of Article XII of the Correction Law, created by Resolution No. 467, adopted October 16, 1989 in accordance with the New York State Legislature, to confirm said appointments, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Article XII of the Correction Law, created by Resolution No. 467, adopted October 16, 1989 in accordance with the New York State Legislature, does hereby confirm the appointments of the above-named individuals to membership on the Local Conditional Release Commission in accordance with their appointment by the County Executive.

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

RESOLUTION NO. 188

by Health and Human Services Committee

Seconded by Mr. Warner

RESOLUTION RECOGNIZING CONTRIBUTIONS OF BROOME COUNTY PUBLIC HEALTH NURSES AND PROCLAMATION OF PUBLIC HEALTH NURSING DAY

WHEREAS, Broome County Public Health Nurses deliver the best quality preventive health services, clinic services, home health care, and long term home health care to residents, and

WHEREAS, Broome County Health Department has provided quality services for county residents for thirty years, and

WHEREAS, preventive health care and clinic services are recognized as important aspects of health care and an effective approach to controlling the growth of health care costs, and

WHEREAS, home health care and long term home health care are recognized as effective economical alternatives to hospitalization or institutionalization, and

WHEREAS, Public Health Nurses have contributed to preventing illnesses, diseases, and disabilities, promoting good health habits and well being, reducing the effects of unavoidable disease and providing care for ill and disabled persons within our county's total health care system, now,

therefore be it

RESOLVED, that the Health Advisory Board, the Legislature, and the County Executive recognize the contributions of Broome County Public Health Nurses during the 100th year anniversary of public health nursing and the 30th year of the formation of the Broome County Health Department and do hereby proclaim May 6, 1993 as Public Health Nursing Day in conjunction with National Nurses Day and do urge the residents of Broome County to take cognizance of this event.

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

RESOLUTION NO. 189

by Public Safety and Emergency Services Committee Seconded by Mrs. Taylor

RESOLUTION URGING THE NYS SENATE AND NYS ASSEMBLY TO RESTORE STATE AID FOR PROBATION SERVICES TO 33%

WHEREAS, the 1993-1994 NYS Budget as approved by the NYS Senate and the NYS Assembly reduces state aid for Probation Services from 33% to 18.84%, and

WHEREAS, Broome County stands to lose approximately \$ 213,000 in state aid from this reduction, and

WHEREAS, this loss will result in a reduction of Probation staff, a curtailment in the Probation Department's ability to protect the community, a reduction in Alternative to Incarceration programming, and an inability of the Probation Department to perform its mandated functions, and

WHEREAS, the cost of retaining Probation Department services at their current level, if absorbed by Broome County government, would represent an unbudgeted and unfair tax burden to the citizen's of Broome County, now therefore be it

RESOLVED, that the NYS Senate and the NYS Assembly be urged to restore Probation funding to its prior level of 33%, and be it

FURTHER RESOLVED, that the Clerk of the Broome County Legislature is hereby authorized and directed to send certified copies of this resolution to Broome County's representatives in NYS government including:

The Hon. Thomas W. Libous-Member of the NYS Senate,
The Hon. James R. Tallon, Jr.-Member of the NYS Assembly and
The Hon. Richard H. Miller-Member of the NYS Assembly and

The Governor of the State of New York, the Hon. Mario Cuomo.
Carried. Ayes-18, Nays-0, Absent-1 (Harris).

RESOLUTION NO. 190

By Environment, Public Works & Finance Committees

Seconded by Mr. Burger

RESOLUTION AUTHORIZING AGREEMENT WITH METCALF & EDDY OF NEW YORK, INC., FOR THE REMEDIAL CONSTRUCTION REVIEW OF THE COLESVILLE LANDFILL FOR THE DIVISION OF SOLID WASTE MANAGEMENT FOR 1993 THROUGH 1994.

WHEREAS, the Division of Solid Waste Management requests authorization for an agreement with Metcalf & Eddy of New York, Inc., remedial construction review services for the Colesville Landfill, and

WHEREAS, said remedial construction review services are necessary to comply with the New York State Department of Environmental Conservation and the United States Environmental Protection Agency requirements, and

WHEREAS, GAF Corporation will pay 50% of the cost of the services, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Metcalf & Eddy of New York, Inc., 480 South Street, Rennsalaer, New York, 12144, for remedial construction review services for the Colesville Landfill, for the period June, 1993 through June, 1994, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Metcalf & Eddy of New York, Inc., an amount not to exceed \$170,205, said sum representing 50% of the actual cost of the remedial construction review services, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 235036.4457.501262 (Subcontracted Program Expense), and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of

Law, as may be necessary to implement the intent and purpose of this Resolution.

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

RESOLUTION NO. 191

By Public Safety & Emergency Services and Finance Committees

Seconded by Mrs. Taylor

RESOLUTION AUTHORIZING LEASE AGREEMENT WITH WATER STREET ASSOCIATES FOR SPACE FOR THE STOP-DWI PROGRAM FOR 1993

WHEREAS, the County, through the STOP-DWI Program, is in need of office space, and

WHEREAS, it is necessary at this time to enter into a lease agreement with Water Street Associates for space for said program, and

WHEREAS, the STOP-DWI Program proposes to lease approximately 500 square feet of floor space at a cost of \$422.50 per month for January 1, 1993 through March 31, 1993 and 495 square feet of floor space at \$9.00 per square foot for the period April 1, 1993 through December 31, 1993, and

WHEREAS, the term of the lease agreement shall be for a twelve month period beginning January 1, 1993 through December 31, 1993, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a lease agreement with Water Street Associates, 166 Water Street, Binghamton, New York, 13902, for the lease of space at 168 Water Street, Binghamton, NY, 13902, for the STOP-DWI Program for the period January 1, 1993 through December 31, 1993, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$422.50 per month for the period January 1, 1993 through March 1, 1993, and an amount not to exceed \$9.00 per square foot for the period April 1, 1993 through December 31, 1993, at a total cost not to exceed \$4,620 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 820001.4422.101000 (Building and Land Rental), and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such

agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

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

RESOLUTION NO. 192

by Hon. Vincent Pasquale

Seconded by Mrs. Taylor

RESOLUTION AUTHORIZING THE DRUG AWARENESS CENTER TO HIRE ABOVE THE MINIMUM SALARY LEVEL

RESOLVED, that in accordance with a request from the Drug Awareness Center, this County Legislature hereby authorizes the hiring of a Clinical Supervisor, Grade 21, Union-BAPA, at an annual salary of \$34,051, which salary is \$3,798 or 12.6% above the minimum salary of \$30,253, at budget line 470021.1000.101000, effective April 26, 1993. **Heldover** by Mrs. Wagstaff.

Mr. Lindsey moved, seconded by Mr. Pasquale to adjourn at 5:28 p.m.

Carried.