
**BROOME COUNTY LEGISLATURE
REGULAR SESSION
THURSDAY, APRIL 20, 2006**

The Legislature convened at 5:02 p.m. with a call to order by the Chair, Daniel A. Schofield. The Clerk, Louis P. Augostini, read the fire exit announcement and called the Attendance Roll, Present-18, Absent-1 (Mather).

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

Mr. Marinich made a motion, seconded by Mr. Sanfilippo, that the minutes of the March 23, 2006 Regular Session be approved as prepared and presented by the Clerk. **Carried**, Ayes-18, Nays-0, Absent-1 (Mather).

Mr. Schofield noted that the committee minutes for the period March 23, 2006 through April 19, 2006 had been distributed to the members of each committee for review and that they are also on file in the Clerk's Office. The Clerk indicated that a quorum of all committees were present. Mr. Schofield asked for corrections to the committee minutes. Seeing none, a motion to approve the committee minutes was made by Mr. Miller, seconded by Mr. Hutchings. **Carried**, Ayes-18, Nays-0, Absent-1 (Mather).

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY EXECUTIVE:

- A. Letters from the County Executive, Barbara J. Fiala:
1. Public Emergency-Jennings Creek Road, Town of Lisle
 2. Appointments to Broome County Youth Bureau Advisory Board
 3. Appointments to Broome County Planning Advisory Board

PRESENTATION OF PETITIONS, COMMUNICATIONS, NOTICES & REPORTS:

- A. PETITIONS: NONE
- B. COMMUNICATIONS:
1. Broome County Agriculture and Farmland Protection Board Meeting Minutes 3/9/06
 2. Broome County Environmental Management Council Meeting Minutes 3/9/06
 3. Broome County Soil & Water Conservation District Directors' Meeting Minutes 3/14/06
 4. Cornell University Cooperative Extension of Broome County Board of Directors Meeting Minutes 2/16/06
 5. Broome County Association of Municipal Clerks Meeting Minutes 3/16/06
 6. NYS Department of Environmental Conservation-Preliminary Environmental Assessment in East and Central Endicott
 7. "Resolution of the Orange County Legislature in Support of Preserving Counties' Role in the Future of Off Track Betting"
 8. NYSAC-2006-2007 New York State Budget –Executive, Assembly, Senate Comparison of Major Highlights impacting Counties
 9. Schoharie County Resolution "Requesting New York State to Take Back Local Share of Medicaid as a Component of True Medicaid Reform, and Utilize Current Budget Surplus to Fund Same"
 10. Municipal Electric and Gas Alliance, Inc. Review Report of Financial Statements
 11. The Council of the City of Binghamton "A Resolution Urging Broome County to Assume the Cost of Operating the Broome County Public Library From the City of Binghamton"
 12. Department of Finance-Schedule of Transfers to Balance Accounts for the Close of Fiscal Year 2005

C. NOTICES:

1. Local Early Intervention Coordinating Council Meeting 4/27/06

D. REPORTS:

1. BCC-Above Minimum Hire Report 2/06
2. BCC Budget Transfers 2/06
3. Audit and Control-Sheriff's Department Commissary Administration Audit 3/06
4. Audit and Control-Quarterly Accounts Receivable Analysis 3/06
5. Audit and Control-Southern Tier Zoological Society 3/06
6. Department of Finance-Semi-Annual Mortgage Tax Receipts

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY LEGISLATURE

A. Letters from the Chair, Daniel A. Schofield:

1. Designations for Mr. Marinich, Mr. Mather, Mr. Lindsey week of 4/10/06
2. Designations for Mr. Lindsey 4/11/06
3. Designations for Mr. Hutchings, Mr. Miller, Mr. Howard, Mr. Reynolds week of 4/10/06

Mr. Kuzel made a motion, seconded by Mr. Howard, to receive and file the above referenced reports and to authorize and direct the Clerk to index said reports in the 2006 JOURNAL OF PROCEEDINGS and to publish pertinent portions of said reports as may be directed by the Chair. **Carried**, Ayes-18, Nays-0, Absent-1 (Mather).

Mr. Howard and Mr. Materese were designated as participants with Chairman Schofield in the 'Short Roll Call'. Resolutions were acted upon out of order, but for the purpose of clarity, they are presented here in numerical order.

RESOLUTION RECALLED FROM PREVIOUS SESSION

Mr. Materese made a motion, seconded by Mr. Shafer, to **recall Resolution No. 135** entitled RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH GRASSLAND EQUIPMENT & IRRIGATION CORP. FOR TURF EQUIPMENT FOR THE EN-JOIE GOLF COURSE FOR THE DEPARTMENT OF PARKS AND RECREATION FOR 2006-2010. **Motion to recall carried**, Ayes-18, Nays-0, Absent-1 (Mather).

RESOLUTION NO. 135

By Education, Culture and Recreation and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH GRASSLAND EQUIPMENT & IRRIGATION CORP. FOR TURF EQUIPMENT FOR THE EN-JOIE GOLF COURSE FOR THE DEPARTMENT OF PARKS AND RECREATION FOR 2006-2010

WHEREAS, the Commissioner of Parks and Recreation requests authorization to enter into a lease agreement with the Grassland Equipment & Irrigation Corp. for turf equipment for the En-Joie Golf Course for the Department of Parks and Recreation at an annual cost of \$42,921.45, total amount not to exceed \$159,050.82, for the period April 1, 2006 through March 31, 2010, and

WHEREAS, said turf equipment is being leased under New York State Contract #PC61981 and is to be used for mowing golf course greens and spraying the fairway grass, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a lease agreement for turf equipment to be used at the En-Joie Golf Course from Grassland Equipment & Irrigation Corp., 315 Commerce Boulevard, Liverpool, New York 13088 for the Department of Parks and Recreation with an option to purchase said equipment for one dollar (\$1) at the conclusion of the lease period of April 1, 2006 through March 31, 2010, and be it

FURTHER RESOLVED, that in consideration of said lease, the County shall pay the Contractor an annual amount of \$42,921.45, total amount not to exceed \$159,050.82 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 850008.4511.309000 (County Rental – Machinery), and be it

FURTHER RESOLVED, that said lease agreement may be terminated by either party upon thirty days written notice to the other party, and be it

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

Mr. Materese made a motion, seconded by Mr. Howard, to amend the resolution changing the total amount not to exceed to \$171,685.80 in the first WHEREAS paragraph and first FURTHER RESOLVED paragraph. **Motion to amend carried**, Ayes-18, Nays-0, Absent-1 (Mather). **Resolution as amended carried**, Ayes-18, Nays-0, Absent-1 (Mather).

RESOLUTIONS INTRODUCED AT THIS SESSION

RESOLUTION NO. 168

By Finance and Public Works Committees

Seconded by Mr. Materese

RESOLUTION AMENDING THE 2001 CAPITAL IMPROVEMENT PROGRAM

RESOLVED, that the 2001 Capital Improvement Program is hereby amended as follows:

FROM:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>			<u>County</u>	
			<u>State</u>	<u>Federal/Other</u>			
502358	Bridge Reconstruction Rehabilitation	\$2,420,000	\$0	\$2,420,000		\$0	
			<u>Local Finance Law Section 11</u>				
			<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>How Financed:</u>
			2001	20	10	\$0	<u>Current Revenue</u>
							\$0

NOTE: Other Funds Are Tobacco Funds. Breakdown as Follows:

Miscellaneous Culvert repair/replacements	\$170,000
Rehabilitate CR177 structure over Susquehanna River	\$850,000
Rehabilitation/Reconstruction of Bridge 3349180 Town of Colesville	\$750,000
Transfer to Code 501409, Bevier Street Bridge Reconstruction – Design (Resolution 05-345, 06-103)	\$128,000
Rehabilitation/Reconstruction of Bridges 3350050 Town of Windsor 3349530 Town of Maine 3349200 Town of Colesville 3349190 Town of Colesville	\$522,000

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>			<u>County</u>
			<u>State</u>	<u>Federal/Other</u>		
502358	Bridge Reconstruction Rehabilitation	\$2,420,000	\$0	\$2,420,000		\$0

Local Finance Law Section 11				How Financed:
<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
2001	20	10	\$0	\$0

NOTE: Other Funds Are Tobacco Funds. Breakdown as Follows:

Miscellaneous Culvert repair/replacements	\$ 185,000
Rehabilitate CR177 structure over Susquehanna River	\$ 740,701
Transfer to Code 501409, Bevier Street Bridge	\$ 128,000
Reconstruction – Design (Resolution 05-345, 06-103)	
3349140 Town of Chenango (Kattelville Road)	\$ 360,000
Rehabilitation/Reconstruction of Bridges	\$1,006,299
3350050 Town of Windsor	
3349530 Town of Maine	
3349200 Town of Colesville	
3349190 Town of Colesville	

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

RESOLUTION NO. 169

By Education, Culture and Recreation Committee

Seconded by Mr. Schafer

RESOLUTION CONFIRMING APPOINTMENT TO MEMBERSHIP ON THE BROOME COUNTY VETERANS MEMORIAL ARENA BOARD OF DIRECTORS

WHEREAS, Barbara Fiala, Broome County Executive, pursuant to the authority vested in her by Article XXIV, Section 2408 of the Broome County Charter and Code, has duly designated and appointed the following named individual to membership on the Broome County Veterans Memorial Arena Board of Directors, for the term indicated, subject to confirmation by this County Legislature:

<u>Name</u>	<u>Term Expires</u>
Orazio Salati	New Appointment
206 Hannah Street	12-31-08
Endicott, New York 13760	

and

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

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

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

RESOLUTION NO. 170

By County Administration and Finance Committees

Seconded by Mr. Schafer

RESOLUTION AUTHORIZING AN AGREEMENT WITH CMS IMAGING SOLUTIONS FOR THE LEASE AND MAINTENANCE OF COPY MACHINES FOR THE DEPARTMENTS OF EMERGENCY SERVICES, PERSONNEL, PROBATION AND SOCIAL SERVICES FOR 2006-2011

WHEREAS, the Purchasing Agent has advertised and received bids for lease and maintenance agreements for the Toshiba e-studio 520 copy machine, and

WHEREAS, following a review of all bids received by the Purchasing Agent, it was determined that CMS Imaging Solutions submitted the low bid for the Toshiba e-studio 520 copy machine, and

WHEREAS, the Purchasing Agent requests authorization, based on a competitive bid which contained terms and conditions of said leases, to enter into a lease and maintenance agreement with CMS Imaging Solutions for Toshiba e-studio 520 copiers for the Departments of Emergency Services, Personnel, Probation and Social Services, for the period May 1, 2006 through April 30, 2011, now, therefore, be it

RESOLVED, that this County Legislature hereby approves a lease and maintenance agreement with CMS Imaging Solutions, 1 Lewis Street, Binghamton, New York 13901 for the lease and maintenance of Toshiba e-studio 520 copiers for the period May 1, 2006 through April 30, 2011, and be it

FURTHER RESOLVED, that in consideration of said lease agreement, the County shall pay the Contractor at the following rates for each department:

<u>Department</u>	<u>Monthly Copies</u>	<u>Monthly Rate</u>	<u>Total NTE Five-Year Cost</u>
Emergency Services (see Note)	22,200	\$280.75	\$16,845
Personnel	10,000	207.55	12,453
Probation	13,200	226.75	13,605
Social Services	25,000	281.75	16,905
Total Cost			\$59,8080

Note: A monthly charge of \$18.30, \$219.60 annually, for a total cost not to exceed \$1,098 for the term of the agreement for a hole punch and paper tray will be added to the Emergency Services copier costs.

and be it

FURTHER RESOLVED, that said agreement shall include an overage rate of 0.006 cents in excess of the stated copies per month as specified above and in the bid, and be it

FURTHER RESOLVED, that payments for the leases hereinabove authorized shall come from budget line various.4518.various (Copy Machine Rentals), and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreement, 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 (Mather).

RESOLUTION NO. 171

By Finance Committee

Seconded by Mr. Schafer

RESOLUTION AUTHORIZING RENEWAL OF THE LEASE OF 312 MAPLE STREET TO JOSEPH AND CAROLE BELARDINELLI FOR 2006-2008

WHEREAS, this County Legislature by Resolution 86 of 1996 authorized the lease of real property located at 312 Maple Street, Endicott, N.Y. to Joseph and Carole Belardinelli for a period of five years commencing April 1, 1996, with an option to purchase the premises, and

WHEREAS, pursuant to Resolution 352 of 2001 the lease and option to purchase was renewed for an additional term of five year commencing April 1, 2001, and

WHEREAS, Broome County took title to the premises through a tax foreclosure proceedings and the premises were discovered to be contaminated, and

WHEREAS, Broome County is working with the New York State Department of Conservation to clean up the contamination, and

WHEREAS, Broome County, in working with its environmental engineer, has formulated a work plan for remediation of the contamination, and it is anticipated remediation will begin within the next few weeks to be completed within the next year so that the property may be purchased, and

WHEREAS, the Belardinelli's have requested that until the property has been remediated that the lease be renewed under the same terms and conditions including the right to purchase the premises, with the provision that they would be able to sublet a portion of the premises, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the April 1, 1996 agreement with Joseph Belardinelli and Carole Belardinelli of 307 Chaumont Drive, Endwell, N.Y. 13760 as subsequently renewed for the lease by Broome County to the Belardinelli's of real property known as 312 Maple Street, Endicott, N.Y. for an additional term of two years commencing April 1, 2006 and be it

FURTHER RESOLVED, that said renewal shall be on the same terms and conditions as the April 1, 1996 lease provided that the Belardinelli's shall have the right to sublet a portion of the premises and further provided that until such time as the environmental cleanup has been completed and the property restored to the tax roll that the Belardinelli's shall owe no real property taxes from April 1, 1996 to the time the property is restored to the tax rolls, and further provided that any rent in arrears shall be added to the original purchase price, and be it

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

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

RESOLUTION NO. 172

By Public Safety and Emergency Services Committee

Seconded by Mr. Schafer

RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE BROOME COUNTY COUNCIL OF CHURCHES AND THE BROOME COUNTY DEPARTMENT OF EMERGENCY SERVICES FOR DISASTER SERVICES

WHEREAS, the Director of Emergency Services recommends that this County Legislature authorize a Memorandum of Understanding between the Broome County Council of Churches and the Broome County Department of Emergency Services for disaster services, and

WHEREAS, said Memorandum of Understanding defines a working relationship between the Council of Churches and Emergency Services in preparing for and responding to disaster relief situations at all levels to render assistance and services to victims and families in disaster relief situations in Broome County, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a Memorandum of Understanding between the Broome County Council of Churches, 3 Otseningo Street, Binghamton, New York 13903 and the Broome County Department of Emergency Services for disaster services, beginning April 1, 2006, and be it

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

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

RESOLUTION NO. 173

By Public Safety and Emergency Services and Finance Committees
Seconded by Mr. Schafer

RESOLUTION AUTHORIZING AN AGREEMENT WITH HARPUR'S FERRY STUDENT VOLUNTEER AMBULANCE SERVICE, LTD FOR DISPATCH SERVICES BY THE BROOME COUNTY OFFICE OF EMERGENCY SERVICES

WHEREAS, the Director of Emergency Services requests authorization for an agreement with Harpur's Ferry Student Volunteer Ambulance Services, LTD for dispatch services at no cost to the County by the Broome County Office of Emergency Services, and

WHEREAS, said agreement is necessary for BC Communications Center to provide ALS assist assignments, mutual aid assignments, 911 cell phone calls from campus and 911 calls from off campus when an individual requests Harpur's Ferry, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Harpur's Ferry Student Volunteer Ambulance Services, Ltd, Binghamton University, PO Box 2000, Binghamton, New York 13902-6000 at no cost to the County for dispatch services by the Broome County Office of Emergency Services, and be it

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

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

RESOLUTION NO. 174

By Finance Committee
Seconded by Mr. Schafer

RESOLUTION AMENDING THE 2005 CAPITAL IMPROVEMENT PROGRAM

RESOLVED, that the 2005 Capital Improvement Program is hereby amended as follows:

FROM:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>			<u>County</u>
			<u>State</u>	<u>Federal/Other</u>		
501415	Grippen Ice Rink Rehabilitation	\$950,000	\$0	\$0	\$950,000	

<u>Local Finance Law Section 11</u>				<u>How Financed:</u>
<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
2005	15	12(a)(2)	\$950,000	\$0

Description: Repair and rehabilitate the ice rink floor and refrigeration piping. Repair to include the refrigeration components. 3 Quarter to Complete. Possible energy use reduction.

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>			<u>County</u>
			<u>State</u>	<u>Federal/Other</u>		
501415	Grippen Ice Rink Rehabilitation	\$1,700,000	\$750,000	\$125,000	\$825,000	

<u>Local Finance Law Section 11</u>				<u>How Financed:</u>
<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
2005	15	12 (a)(2)	\$1,700,000	\$0

Description: Repair and rehabilitate the ice rink floor and refrigeration piping. Repairs are to include the refrigeration components and, environmental investigation/remediation/repair of flood damages. 6 Quarters to Complete. Possible energy use reduction. Broome County will advance up to \$1,700,000 and then be reimbursed up to \$875,000 by federal/state agencies. Expenditures not to exceed \$950,000 pending receipt of funding confirmation from SEMO/FEMA.

and be it

FURTHER RESOLVED, that the Commissioner of Finance is authorized to advance this capital project a short term interfund loan (at 0% interest) from the General Fund and other Enterprise Funds, Internal Service Funds or Special Revenue Funds to provide sufficient cash for this project until the receipt of funding from SEMO/FEMA, and be it

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

Held over 'under the rules' by Mr. Shafer.

RESOLUTION NO. 175

By Economic Development and Planning Committee

Seconded by Mr. Schafer

RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR A PRESERVE NEW YORK GRANT FOR THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

WHEREAS, the Commissioner of Planning and Economic Development requests authorization to submit an application for a Preserve New York Grant, and

WHEREAS, said application would seek a \$15,000 award to conduct a cultural resource survey on the remaining historic sites of the Chenango Canal within Broome County, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves submission of an application for a Preserve New York Grant in the amount of \$15,000 to conduct a cultural resource survey on the remaining historic sites of the Chenango Canal within Broome County, and be it

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

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

RESOLUTION NO. 176

By Economic Development and Planning Committee

Seconded by Mr. Schafer

RESOLUTION RENDERING A NEGATIVE DECLARATION WITH RESPECT TO THE HAWKINS POND LAND EXCHANGE

WHEREAS, this County Legislature, by Resolution 705 of 2005, declared itself as the lead agency with respect to the environmental review of the Hawkins Pond Land Exchange and directed the Department of Planning and Economic Development to coordinate review of the proposed action, and

WHEREAS, the Department of Planning and Economic Development has conducted a coordinated review of the project pursuant to Part 617 of Article 8 of the Environmental Conservation Law and no involved agency has objected to this County Legislature being designated as lead agency in connection with the review of the Project, now, therefore, be it

RESOLVED, that this County Legislature, based on the environmental assessment form annexed hereto as "Exhibit A", hereby determines and declares that the 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 "B".
Carried, Ayes-18, Nays-0, Absent-1 (Mather).

RESOLUTION NO. 177

By Public Works, County Administration and Finance Committees

Seconded by Mr. Schafer

RESOLUTION AUTHORIZING AGREEMENT WITH CREATIVE INFORMATION SYSTEMS FOR THE PURCHASE OF A SOFTWARE UPGRADE FOR THE DIVISION OF SOLID WASTE MANAGEMENT FOR 2006

WHEREAS, the Commissioner of Public Works requests authorization for an agreement with Creative Information Systems for the purchase of the upgrade to the SMS Turbo software, including installation and training, for Division of Solid Waste Management at a cost not to exceed \$13,497.30, for the period March 1, 2006 through May 1, 2006, and

WHEREAS, said software is necessary to upgrade the Scale Management System to SMS Turbo 2006 used by the County at the Naticoke Landfill to run the scale-house computers for weighing and billing purposes, and

WHEREAS, the upgraded software is necessary to replace the existing software that is out of date and will soon be unsupported by the current vendor, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Creative Information Systems, 27 Lowell Road, Suite 402, Manchester, New Hampshire 03101 for the purchase, installation and training of the upgrade to SMS Turbo 2006 software, for the Division of Solid Waste Management for the period March 1, 2006 through May 1, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$13,497.30 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 230086.4359.206000 (Computer Software and Supplies), and be it

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

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

RESOLUTION NO. 178

By Finance Committee

Seconded by Mr. Schafer

RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH COUGHLIN & GERHART, LLP AND LEVENE, GOULDIN & THOMPSON, LLP FOR LEGAL REPRESENTATION AT THE WORKER'S COMPENSATION BOARD FOR THE OFFICE OF RISK AND INSURANCE FOR 2006-2008

WHEREAS, this County Legislature, by Resolution 696 of 2005, authorized an agreement with Coughlin & Gerhart, LLP and Levene, Gouldin & Thompson, LLP for legal representation at the Worker's Compensation Board for the Office of Risk and Insurance at a rate of \$105 per hour, total amount not to exceed \$33,000, for the period January 1, 2006 through December 31, 2008, and

WHEREAS, said agreement is necessary for third party administrative services for the Broome County Self-Insured Workers' Compensation Plan, including legal representation before the Worker's Compensation Board, and

WHEREAS, it is necessary to authorize an amendment to the agreements to pay each contractor at the rate of \$105 per hour, \$33,000 per year, total amount not to exceed \$99,000 for the term of the agreement, and

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

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreements with Coughlin & Gerhart, LLP, 20 Hawley Street, PO Box 2039, Binghamton, New York 13902 and Levene, Gouldin & Thompson, LLP, 450 Plaza Drive, Vestal, New York 13850 to pay each contractor at the rate of \$105 per hour, \$33,000 per year, total amount not to exceed \$99,000 for the period January 1, 2006 through December 31, 2008, for legal representation at the Workers' Compensation Board for the Office of Risk and Insurance, and be it

FURTHER RESOLVED, that Resolution 696 of 2005, 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 (Mather).

RESOLUTION NO. 179

By Finance Committee

Seconded by Mr. Schafer

RESOLUTION AUTHORIZING AMENDMENT OF RESOLUTION 566 OF 2005 AUTHORIZING THE SALE OF COUNTY PROPERTIES FROM THE 2005 TAX SALE AUCTION

WHEREAS, this County Legislature, by Resolution 566 of 2005, authorized the sale of county properties from the 2005 tax sale auction, and

WHEREAS, it is necessary to amend Resolution 566 of 2005 to correct the name of the successful bidder for a property as listed in Exhibit "A" of said Resolution, now, therefore be it

RESOLVED, that Exhibit "A" of Resolution 566 of 2005 be corrected to show the successful bidder as follows:

Town of:	Triangle, Village of Whitney Point
Tax Map:	028.18-1-56
Address:	2731 Hickory Street
Bid Amount:	\$17,000
Successful Bidder:	Imram Battla 47 St.Charles Street Johnson City, New York 13790

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

RESOLUTION NO. 180

By Finance Committee

Seconded by Mr. Schafer

RESOLUTION AUTHORIZING AMENDMENT OF RESOLUTION 54 OF 2006 APPROVING SALE OF COUNTY-OWNED PROPERTY IN VARIOUS TOWNS AND VILLAGES IN BROOME COUNTY

WHEREAS, this County Legislature, by Resolution 54 of 2006, approved sale of county-owned property in various towns and villages in Broome County, and

WHEREAS, it is necessary to amend Resolution 54 of 2006 to correct the name of the purchaser for the properties in said Resolution, now, therefore be it

RESOLVED, that Resolution 54 of 2006 be amended to show the correct name of the purchaser of said properties as follows:

Town of: Union, Village of Johnson City
Tax Map: 143.73-4-60
Address: 21 Cherry Street
Amount: \$5,000
Purchaser: Imram Battla
47 St. Charles Street
Johnson City, New York 13790

Town of: Vestal
Tax Map: 158.45-1-9
Address: 2109 Vestal Road
Amount: \$5,000
Purchaser: Imram Battla
47 St. Charles Street
Johnson City, New York 13790

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

RESOLUTION NO. 181

By Finance Committee

Seconded by Mr. Schafer

RESOLUTION APPROVING SALE OF COUNTY-OWNED PROPERTY IN THE TOWN OF FENTON

WHEREAS, the County of Broome now owns a parcel of real property in the Town of Fenton, and

WHEREAS, in conformity with the procedures established by this County Legislature and in accordance with all applicable laws, the Director of Real Property Tax Services requests authorization to sell said property to the individual listed below, now, therefore, be it,

RESOLVED, that this County Legislature hereby authorizes the sale of County property as indicated:

Town of: Fenton
Tax Map: 130.00-1-12
Address: 681 Stratmill Road
Amount: \$4,500
Purchaser: John A. Chordas
PO Box 213
Chenango Forks, New York 13746

and be it

FURTHER RESOLVED, that the payments hereinabove referenced shall be credited to budget line 630004.0212.101000 (Sale of Real Property), and be it

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

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

RESOLUTION NO. 182

By Human Services Committee

Seconded by Mr. Schafer

RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME COUNTY YOUTH BUREAU ADVISORY BOARD

WHEREAS, Barbara J. Fiala, Broome County Executive, pursuant to the authority vested in her by Resolution 163 of 1971 and Resolution 133 of 1976, has duly designated and

appointed the following named individuals to membership on the Broome County Youth Bureau Advisory Board, for the terms indicated, subject to confirmation by this County Legislature:

<u>NAME</u>	<u>TERM EXPIRING</u>
Bernard Fleming 62 Front Street, Apt #2 Binghamton, New York 13905	New Appointment 12/31/08
Michelle Headly 124 Murray Street, Apt #1 Binghamton, New York 13905	New Appointment 12/31/08

and

WHEREAS, it is desired at this time to confirm said appointments, now, therefore, be it
RESOLVED, that this County Legislature, pursuant to the provisions of Resolution 163 of 1971 and Resolution 133 of 1976, confirms the appointments of the above-named individuals to membership on the Broome County Youth Bureau Advisory Board for the terms indicated, in accordance with their appointment by the County Executive.

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

RESOLUTION NO. 183

By Finance Committee

Seconded by Mr. Schafer

RESOLUTION AUTHORIZING SALE OF COUNTY PROPERTIES FROM THE 2006 TAX SALE AUCTION, THE SALE OF FORECLOSURE PROPERTY TO THE FORMER OWNER AND THE REJECTION OF BID

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

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

WHEREAS, the Director of Real Property Tax Service advises that a tax sale auction for 2006 was held and all bids submitted were tabulated, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the conveyance of certain real property to the successful bidders in the 2006 Broome County tax sale as listed on the attached Exhibit "A", and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes the sell back to the former owner for the parcel listed in Exhibit "B" for the amount stated, and be it

FURTHER RESOLVED, that this County Legislature hereby rejects the bid as listed on the attached Exhibit "C", and be it,

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

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

RESOLUTION NO. 184

By Finance Committee

Seconded by Mr. Schafer

RESOLUTION AUTHORIZING CANCELLATION OF REAL PROPERTY TAXES PLUS ACCRUED INTEREST AND PENALTIES ON PARCELS IN VARIOUS TOWNS AND VILLAGES

WHEREAS, it is necessary to cancel taxes, plus accrued interest and penalties on parcels of real property as listed in Exhibit "A" now, therefore, be it

RESOLVED, that taxes, plus accrued interest and penalties will be cancelled on the parcels of real property as listed on Exhibit "A".
Carried, Ayes-18, Nays-0, Absent-1 (Mather).

RESOLUTION NO. 185

By County Administration and Finance Committees

Seconded by Mr. Schafer

RESOLUTION AUTHORIZING THE BOARD OF ELECTIONS TO EXECUTE RENTAL AGREEMENTS FOR POLLING PLACES

WHEREAS, pursuant to the New York State Election Consolidation and Improvement Act of 2005, the Broome County Board of Elections is responsible for designating and securing local polling places for special, primary and general elections in Broome County, and

WHEREAS, the Broome County Board of Elections has designated approximately 123 polling places in 191 election districts in the County, and

WHEREAS, it is necessary to secure rental agreements for polling places in all of the election districts, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the Board of Elections to enter into agreements to rent polling places for special, primary and general elections in Broome County from January 1, 2006 through December 31, 2006, and be it

FURTHER RESOLVED, that the rental for any one polling place shall not exceed \$250 per election and the total cost for all polling places shall not exceed \$15,000 for the period January 1, 2006 through December 31, 2006, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 410001.4449.101000 (Other Operational Expenses), and be it

FURTHER RESOLVED, that the County Executive and Broome County Election Commissioners or their duly authorized representatives are 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 (Mather).

RESOLUTION NO. 186

By County Administration Committee

Seconded by Mr. Schafer

RESOLUTION IN SUPPORT OF PRESERVING COUNTIES' ROLE IN THE FUTURE OF OFF TRACK BETTING

WHEREAS, the State's contract with the New York Racing Association to run Aqueduct, Belmont and Saratoga racetracks is expiring at the end of 2007, and

WHEREAS, New York State leaders have created an Ad Hoc Committee of the Future of Racing (the Committee) to assist in developing the Request for Proposal (RFP) process for companies wishing to bid on operating the state's thoroughbred racing franchise, and

WHEREAS, the Committee has stated that one of the Request for Proposals (RFP's) could merge the current Off Track Betting Corporation (OTB) structure into the racing franchise operations, which would impact the financial and operational relationship that counties have with OTB's, and

WHEREAS, over the past 30 years, 43 counties have received more than 3 billion in revenue from New York's OTB Corporations that have been used to offset local tax increases, and

WHEREAS, this revenue has already decreased as a result of the introduction of Video Lottery Terminals (VLTs), and policy changes that have shifted more and more OTB revenues away from counties, and

WHEREAS, counties are more than by-standers in any decision that affects OTBs and horse racing in New York State, now, therefore, be it

RESOLVED, the Broome County Legislature believes counties must be represented on any committee that proposes changing the financial and operational relationship between counties and OTB Corporations, and be it

FURTHER RESOLVED, that counties' stake in the future of horse racing and OTB Corporations in New York State be preserved, and be it

FURTHER RESOLVED, that Broome County shall forward copies of this Resolution to Governor George E. Pataki, Senator Libous, Assemblywoman Lupardo, Assemblyman Finch, Assemblymen Crouch, President of the Catskill OTB Corporation, and the New York State Association of Counties and all others deemed necessary and proper.

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

RESOLUTION NO. 187

By County Administration and Finance Committees

Seconded by Mr. Schafer

RESOLUTION AUTHORIZING AN AGREEMENT WITH STRATEGIC COMPUTER SOLUTIONS, INC. FOR ASSESSMENT SERVICES FOR DIVISION OF INFORMATION TECHNOLOGY FOR 2006

WHEREAS, the Director of Information Technology requests authorization for an agreement with Strategic Computer Solutions, Inc. for assessment services for the Division of Information Technology, at a cost not to exceed \$21,550, including \$3,000 for travel expenses, for the period May 5, 2006 through December 31, 2006, and

WHEREAS, said services are necessary to begin the process of developing a long term technology plan, said assessment identifying specific areas to be addressed and for use in an effort to better match IT skills, staff and organization with the short and long term goals of the County Executive, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Strategic Computer Solutions, Inc., 5788 Widewaters Parkway, Syracuse, New York 13214, for assessment services for the Division of Information Technology for the period May 1, 2006 through December 31, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$21,550, including \$3,000 for travel expenses, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 370031.4726.502382 (Contracted Data Processing Services), and be it

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

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

RESOLUTION NO. 188

By Public Safety and Emergency Services and Finance Committees

Seconded by Mr. Schafer

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH THE BROOME COUNTY ARENA FOR THE STOP-DWI HOLIDAY CLASSIC BASKETBALL TOURNAMENT FOR 2006 2010

WHEREAS, this County Legislature, by Resolution 128 of 2001, authorized renewal of an agreement with the Broome County Arena for use and host of the majority of the games scheduled in connection with the Stop-DWI Holiday Classic Basketball Tournament at an amount of \$12,000 for 2001, \$12,500 for 2002, and \$13,000 for 2003, 2004 and 2005, and

WHEREAS, it is desired at this time to renew said agreement for the period December 27-30, for the years 2006-2010, with the proposed rental not to exceed \$15,000 in 2006, \$15,500 in 2007, \$16,000 in 2008, \$16,500 in 2009 and \$17,000 in 2010, and

WHEREAS, the difference in the total venue cost and the yearly rental payment will be applied in trade for the Broome County Parks Department being named as a major sponsor of the event with a value of approximately \$6,000, and

WHEREAS, STOP-DWI will pay in addition to the early rental fee any direct cost incurred in excess of \$6,000, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with the Broome County Arena for use of its facility for the annual Broome County STOP-DWI Program Holiday Classic Basketball Tournament for the period December 27-30 for the years 2006-2010, and be it

FURTHER RESOLVED, that in consideration of said services, STOP-DWI shall pay the County an amount not to exceed \$15,000 in 2006, \$15,500 in 2007, \$16,000 in 2008, \$16,500 in 2009 and \$17,000 in 2010, and be it

FURTHER RESOLVED, the difference in the total venue cost and the yearly rental payment will be applied in trade for the Broome County Parks Department being named as a major sponsor of the event with a value of approximately \$6,000, and be it

FURTHER RESOLVED, that STOP-DWI will pay, in addition to the early rental fee, any direct costs incurred in excess of \$6,000, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from Holiday Classic Trust Account 525525036, and be it

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

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

RESOLUTION NO. 189

By Health Services and Finance Committees

Seconded by Mr. Schafer

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH PROFESSOR SURINDER KAHAI FOR PROFESSIONAL SERVICES FOR THE DEPARTMENT OF HEALTH FOR 2006-2007

WHEREAS, this County Legislature, by Resolution 229 of 2005, as amended by Resolution 127 of 2006, authorized renewal of agreement with Professor Surinder Kahai for professional services for the Department of Health at a rate of \$100 per hour for 215 hours of service, total cost not to exceed \$21,500 for the period April 25, 2005 through April 24, 2006, and

WHEREAS, said agreement is necessary to provide training to clinic staff on complex query development and to create middleware to export data from the New York State Department of Vital Statistics database, Clinic QS System communicable disease database and Early Intervention Program KIDS software system into the Geographic Information System (GIS) for bioterrorism preparedness, and

WHEREAS, said agreement expires by its terms on April 24, 2006, and it is desired at this time to renew said agreement on substantially similar terms and conditions, at a rate of \$100 per hour for 70 hours of service, total cost not to exceed \$7,000, for the period April 25, 2006 through April 24, 2007, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Professor Surinder Kahai, 1040 Glenwood Road, Vestal, New York 13850-3239 for professional services for the Department of Health for the period April 25, 2006 through April 24, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at a rate of \$100 per hour for 70 hours of service, total cost not to exceed \$7,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 480293.4457.101000 and 480228.4457.101000 (Subcontracted Program), and be it

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

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

RESOLUTION NO. 190

By Education, Culture and Recreation, County Administration and Finance Committees
Seconded by Mr. Schafer

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH 3M LIBRARY SYSTEMS FOR SOFTWARE MAINTENANCE FOR THE BROOME COUNTY PUBLIC LIBRARY FOR 2006-2007

WHEREAS, this County Legislature, by Resolution 268 of 2005, authorized renewal of agreement with 3M Library Systems for software maintenance for the Broome County Public Library at a cost not to exceed \$20,494.28, for the period April 6, 2005 through April 5, 2006, and

WHEREAS, said agreement is necessary to provide maintenance on the filtering internet/vend card service, and

WHEREAS, said agreement expired by its terms on April 5, 2006, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$23,236, for the period April 6, 2006 through April 5, 2007, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with 3M Library Systems, 3M Center Building, Building 42-6E-37, St. Paul, Minnesota 55144-1000, for software maintenance for the Broome County Public Library's filtering internet/vend card service, for the period April 6, 2006 through April 5, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$23,236 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 841007.4359.304000 (Computer Software and Supplies), and be it

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

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

RESOLUTION NO. 191

By Public Works and Finance Committees
Seconded by Mr. Schafer

RESOLUTION AUTHORIZING AN AGREEMENT WITH SHUMAKER CONSULTING ENGINEERING & LAND SURVEYING, P.C. FOR PREPARATION OF A SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT TO EVALUATE ENTRANCE OPTIONS TO SECTION IV OF THE BROOME COUNTY LANDFILL FOR THE DIVISION OF SOLID WASTE MANAGEMENT FOR 2006-2007

WHEREAS, this County Legislature, by Resolution 180 of 1994, and subsequent resolutions relative to the siting of a new landfill, authorized an agreement with Clark Patterson Mossein for the preparation of an environmental impact statement of landfill siting/construction of a new landfill site as required by 6 NYCRR Part 617 and the New York State Environmental Quality Review Act, and

WHEREAS, this County Legislature believes it is necessary to pursue a supplemental environmental impact statement, concentrating on the entrance options to the new landfill, and

WHEREAS, the Commissioner of Public Works requests authorization for an agreement with Shumaker Consulting Engineers & Land Surveying, P.C. for preparation of a supplemental environmental impact statement to evaluate entrance options to Section IV of the Broome

County Landfill for the Division of Solid Waste Management at a cost not to exceed \$150,000, for the period May 1, 2006 through April 30, 2007, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Shumaker Consulting Engineering & Land Surveying, P.C., 143 Court Street, Binghamton, New York 13901-3528 for preparation of a supplemental environmental impact statement to evaluate entrance options to Section IV of the Broome County Landfill, for the Division of Solid Waste Management for the period May 1, 2006 through April 30, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$150,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 235036.4746.501473 (Architectural and Engineering Services), and be it

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

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

RESOLUTION NO. 192

By Public Works and Finance Committees

Seconded by Mr. Schafer

RESOLUTION AUTHORIZING AGREEMENT WITH C & S ENGINEERS, INC. FOR THE RENOVATION AND/OR RECONSTRUCTION OF THE GEORGE HARVEY JUSTICE BUILDING FOR 2006

WHEREAS, the Commissioner of Public Works on or February 17 and 24, 2006 published a request for qualifications for a professional architectural/engineering firm for services related to the renovation and/or reconstruction of the George Harvey Justice Building, and

WHEREAS, this County Legislature, by Resolution 108 of 2006, also authorized the Commissioner of Public Works and the Public Works Committee to initiate a consultant selection process to select a professional consultant to do a feasibility study on the renovation and/or reconstruction of the George Harvey Justice Building, and

WHEREAS, the County Executive wishes to comply with all IRS Regulations pertaining to the timely appropriation and spending of tax exempt tobacco bond proceeds, which requires that at least 5 percent of the bond proceeds be committed within six months or by May 29, 2006, and

WHEREAS, the Public Works Committee, after interviewing five professional consultants, hereby recommends the firm of C & S Engineers, Inc. to perform the necessary services, and

WHEREAS, said services by C & S Engineers, Inc. shall be at a cost not to exceed \$163,870, for the period April 21, 2006 through August 31, 2006 for a feasibility study, and shall be at a cost not to exceed \$1,964,824 for the period September 1, 2006 through May 29, 2008, to perform the necessary scope of services for construction, and

WHEREAS, said combined services are necessary for the timely renovation and/or reconstruction of the George Harvey Justice Building, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with C & S Consulting Engineers, 499 Colonel Eileen Collins Boulevard, Syracuse, New York 13212 for the renovation and/or reconstruction of the George Harvey Justice Building, to conduct a feasibility study for the period April 21, 2006 through August 31, 2006, and to perform the necessary scope of services for construction for the period September 1, 2006 through May 29 2008, and be it

FURTHER RESOLVED, that in consideration of said services for the renovation and/or reconstruction of the George Harvey Justice Building, the County shall pay the Contractor an amount not to exceed \$163,870 for the feasibility study and \$1,964,824 for the necessary scope of services for construction, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 035139.4746.501432 (Architectural and Engineering Services), and be it

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

Mr. Shafer made a motion, seconded by Mr. Schafer, to amend the resolution adding the following as the first FURTHER RESOLVED paragraph:

“FURTHER RESOLVED, that the agreement shall contain a provision that this Legislature shall receive and approve by resolution the feasibility study before C & S Consulting Engineers shall begin work on the necessary scope of services for construction, and be it”

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

RESOLUTION NO. 193

By Public Works and Finance Committees

Seconded by Mr. Schafer

RESOLUTION AUTHORIZING AN INTERMUNICIPAL AGREEMENT BETWEEN THE CITY OF BINGHAMTON AND BROOME COUNTY FOR THE RECONSTRUCTION OF THE BEVIER STREET-CHENANGO STREET INTERSECTION

WHEREAS, this County Legislature, by Resolution 352 of 2005, has approved a project for Bevier Street over the Chenango River (BIN 3349300) in the City of Binghamton, Broome County, PIN 9752.68 (“the Project”), which is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the City of Binghamton desires to make improvements to the intersection of Bevier Street and Chenango Street as part of said project, and

WHEREAS, this County Legislature agrees to include the intersection improvements in said Project, provided the City of Binghamton agrees to pay the non-Federal share (20%) of the cost of this work, now, therefore, be

RESOLVED, that this County Legislature hereby authorizes an intermunicipal agreement with the City of Binghamton to make improvements to the intersection of Bevier Street and Chenango Street as part of the Bevier Street Project over the Chenango River (BIN 3349300) in the City of Binghamton, Broome County, PIN 9752.68, and be it

FURTHER RESOLVED, that the City of Binghamton shall pay the non-Federal share (20%) of the cost of said work, which is estimated to be \$40,000 with the actual amount to be determined by the bid prices and the actual work completed, and be it

FURTHER RESOLVED, that the payments hereinabove referenced shall be credited to budget line 035014.0464.501409 (Other Local Governments), and be it

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

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

RESOLUTION NO. 194

By Public Works and Finance Committees

Seconded by Mr. Schafer

RESOLUTION AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE OF THE FEDERAL AID AND STATE “MARCHISELLI” PROGRAM- AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS THEREFOR

WHEREAS, a Project for Hooper Road, Town of Union, Broome County, P.I.N. 9753.15 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Broome desires to advance the Project by making a commitment of 100% of the Federal and non-Federal share of the preliminary engineering and right-of-way incidentals work, now, therefore, be it

RESOLVED, that this County Legislature hereby approves the above-subject project, and be it

FURTHER RESOLVED, that the Broome County Commissioner of Finance is authorized to pay in the first instance 100% of the Federal and non-Federal share of the costs of the preliminary engineering and right-of-way incidentals work for the Project or portions thereof, and be it

FURTHER RESOLVED, that the sum of \$15,000 as previously appropriated pursuant to the 2006 Capital Improvement Program (C.I.P.), Project 501448 (Federal Aid Program), is made available to cover the cost of participation in the above phase of the Project, and be it

FURTHER RESOLVED, that in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, this County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation (NYSDOT) thereof, and be it

FURTHER RESOLVED, that the County Executive is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal-Aid and/or Marchiselli-aid on behalf of the County of Broome with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the County's first instance funding of project costs and permanent funding of the local share of the Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it

FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately.

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

RESOLUTION NO. 195

By Economic Development and Planning and Finance Committees

Seconded by Mr. Schafer

RESOLUTION AUTHORIZING ACCEPTANCE OF A BROWNFIELD OPPORTUNITY AREA PLANNING GRANT FOR THE ENDICOTT-JOHNSON INDUSTRIAL SPINE AREA FOR DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT AND ADOPTING A PROGRAM BUDGET FOR 2005-2007

WHEREAS, the Commissioner of Planning and Economic Development requests authorization to accept a Brownfield Opportunity Area Planning Grant for the Endicott-Johnson Industrial Spine Area and adoption of a program budget in the amount of \$155,000 for the period March 23, 2005 through December 31, 2007, and

WHEREAS, said program grant provides funding for consulting services to perform a redevelopment study of the Endicott-Johnson Industrial Spine in Johnson City, with said grant being matched by \$17,222.22 of in-kind services from the Department of Planning and Economic Development, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$155,000 from the New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-4757 for the Department of Planning and Economic Development's Brownfield Opportunity Area Planning Grant for the Endicott-Johnson Industrial Spine Area for the period March 23, 2005 through December 31, 2007, 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 \$155,000, and be it

FURTHER RESOLVED, that said grant will be matched by \$17,222.22 of in-kind services from the Department of Planning and Economic Development, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is the representative authorized to act in behalf of Broome County in all matters to State assistance under Section 970-r of the General Municipal Law for the Project, and is the representative to execute the State Assistance Contract, request State Assistance Contract reimbursements, redistribute SAC reimbursements as appropriate, submit Project documentation, and otherwise act for all applicants in all matters related to the Project and to State assistance, and be it

FURTHER RESOLVED, that Broome County agrees to complete the Project, that it will fund its portion of the cost of the Project and that this Authorization take effect immediately, and be it

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

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

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

Mr. Schafer made a motion, seconded by Mr. Whalen, to amend the resolution to substitute a replacement Exhibit A. **Amendment carried**, Ayes-18, Nays-0, Absent-1 (Mather). **Resolution as amended** carried, Ayes-18, Nays-0, Absent-1 (Mather).

RESOLUTION NO. 196

By Finance Committee

Seconded by Mr. Miller

RESOLUTION OF THE LEGISLATURE OF THE COUNTY OF BROOME, PROVIDING AN EXEMPTION FROM SALES AND COMPENSATING USE TAXES FOR RECEIPTS FROM RETAIL SALES OF, AND CONSIDERATION GIVEN OR CONTRACTED TO BE GIVEN FOR, CERTAIN CLOTHING AND FOOTWEAR, PURSUANT TO THE AUTHORITY OF ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK

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

SECTION 1. Section Six of Resolution No. 180 of 1965, as amended, is amended by adding a new subdivision (L) to read as follows:

(L) Receipts from sales of and consideration given or contracted to be given for purchases of clothing and footwear exempt from state sales and compensating use taxes pursuant to paragraph (30) of subdivision (a) of section 1115 of the New York Tax Law shall also be exempt from sales and compensating use taxes imposed by this resolution.

SECTION 2. This resolution shall take effect June 1, 2006, and shall apply to sales made and uses occurring on or after that date although made or occurring under a prior contract.

Mr. Schafer made a motion, seconded by Mr. Kuzel, to replace the existing resolution with the following resolution:

RESOLUTION OF THE LEGISLATURE OF THE COUNTY OF BROOME, PROVIDING AN EXEMPTION FROM SALES AND COMPENSATING USE TAXES FOR RECEIPTS FROM RETAIL SALES OF, AND CONSIDERATION GIVEN OR CONTRACTED TO BE GIVEN FOR, CERTAIN CLOTHING AND FOOTWEAR, PURSUANT TO THE AUTHORITY OF ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK

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

SECTION 1. Subdivision (a) of Section Six of Resolution No. 180 of 1965, as amended, is amended by adding a new paragraph (12) to read as follows:

(12) Clothing and footwear described in paragraph (30) of subdivision (a) of Section 1115 of the New York Tax Law.

SECTION 2. This resolution shall take effect June 1, 2006, and shall apply in accordance with applicable transitional provisions of the New York Tax Law.

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

RESOLUTION NO. 197

By Economic Development and Planning and Finance Committees

Seconded by Mr. Schafer

RESOLUTION AUTHORIZING AGREEMENTS WITH VARIOUS MUNICIPALITIES FOR NEW YORK STATE SUSQUEHANNA HERITAGE AREA PROGRAM TECHNICAL AND ADMINISTRATIVE SERVICES PROVIDED BY BROOME COUNTY'S DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING FOR 2006-2009

WHEREAS, the Commissioner of Planning and Economic Development requests authorization for intermunicipal agreements with the City of Binghamton with revenue to the County of \$15,000, the Village of Johnson City with revenue to the County of \$5,000 and the Village of Endicott with revenue to the County of \$5,000 for New York State Susquehanna Heritage Area Program technical and administrative services provided by Broome County's Department of Economic Development and Planning, for the period June 1, 2006 through May 31, 2009, and

WHEREAS, said services are necessary to encourage New York State Heritage Area system development including the marketing and promotional activities and procurement of State funding initiatives for the Southern Tier region, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes intermunicipal agreements with the City of Binghamton, the Village of Johnson City and the Village of Endicott, for New York State Susquehanna Heritage Area Program technical development and administrative services, for the period June 1, 2006 through May 31, 2009, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall receive \$15,000 from the City of Binghamton, \$5,000 from the Village of Johnson City and \$5,000 from the Village of Endicott for the terms of the agreements, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall credited to budget line 440016.0464.101000 (Other Local Governments), and be it

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

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

RESOLUTION NO. 198

By Transportation, Economic Development and Planning and Finance Committees
Seconded by Mr. Schafer

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH WENDEL DUCHSCHERER, ARCHITECTS & ENGINEERS FOR DESIGN SERVICES OF THE INTERMODAL TRANSIT TERMINAL FOR THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT FOR 2006-2009

WHEREAS, this County Legislature, by Resolution 442 of 2003, as amended by Resolution 211 of 2005, authorized an agreement with Wendell Duscherer, Architects & Engineers for engineering/design services of the Intermodal Transit Terminal for the Department of Public Transportation at an amount \$325,000, for the period November 1, 2003 through May 31, 2006, and

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

WHEREAS, said agreement expires by its terms on May 31, 2006, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$631,160, for the period June 1, 2006 through May 31, 2009, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with Wendell Duscherer, Architects & Engineers, 140 John James Audubon Parkway, Suite 201, Amherst, New York 14228 for Phase II design services for the Intermodal Transit Terminal for the Department of Public Transportation for the period June 1, 2006 through May 31, 2009, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$631,160 for the term of the agreement, and be it

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

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.
Carried, Ayes-18, Nays-0, Absent-1 (Mather).

RESOLUTION NO. 199

By County Administration, Public Safety and Emergency Services and Finance Committees
Seconded by Mr. Schafer

RESOLUTION AUTHORIZING AN AGREEMENT WITH NEW WORLD SYSTEMS FOR THE PURCHASE AND INSTALLATION OF SOFTWARE FOR THE PUBLIC SAFETY FACILITY COMPUTER SYSTEM FOR 2006-2007

WHEREAS, the Director of Information Technology requests authorization for an agreement with New World Systems for the purchase and installation of software for the Public Safety Facility Computer System at a cost not to exceed \$42,240, for the period May 1, 2006 through April 30, 2007, and

WHEREAS, said agreement is necessary for the purchase and installation of Redundancy Software for the Public Safety Facility CAD and Law Enforcement Records, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with New World Systems, 888 West Big Beaver Road, Suite 1100, Troy, Michigan 48084-4749, for the purchase, maintenance and installation of software for the Public Safety Facility Computer System for the period May 1, 2006 through April 30, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$12,000 at \$150 per hour for 80 hours of installation services, \$24,000 for software, \$3,840 for annual maintenance and \$2,400 for travel, total amount not to exceed \$42,240 for the term of the agreement, and be it

FURTHER RESOLVED, that the payment of \$27,840 shall be made from budget line 460072.4359.104918 (Computer Software and Supplies) and \$14,400 from budget line 460072.4726.104918 (Data Processing Services), and be it

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

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

RESOLUTION NO. 200

By Public Works and Finance Committees

Seconded by Mr. Schafer

RESOLUTION AUTHORIZING AN AGREEMENT WITH PETERS HOGGAN & CARPENTER, LLP FOR LITIGATION SERVICES IN CONNECTION WITH THE VERTICAL EXPANSION AT THE NANTICOKE LANDFILL

WHEREAS, this County Legislature, pursuant to Resolution Number 659 of 2004 as amended by Resolutions Numbered 175, 359, and 730 of 2005, authorized an agreement with LeBoeuf, Lamb, Greene & MacRae, LLP (LeBoeuf) for consulting and litigation services in connection with the vertical expansion at the Broome County Landfill, and

WHEREAS, Broome County declared Broome Energy Resources (BER) and Broome Landfill Gas Associates (GASCO) in default of their agreement with the County and subsequently BER and GASCO have commenced an action in the New York State Supreme Court against Broome Energy and LeBoeuf, is defending the County in this action and providing consultation with regard to the various contract issues between BER, GASCO and the County including issues involving the vertical expansion at the landfill, and

WHEREAS, the attorneys at LeBoeuf who are assigned to our matter will be leaving the LeBoeuf firm and forming their own law firm under the name Peters Hoggan & Carpenter, LLP (Peters), and

WHEREAS, in order to maintain continuity it is necessary to retain this new firm to represent the County in the present litigation and other matters involving BER and GASCO, and

WHEREAS, the Peters firm has offered to provide the County with legal representation and consultation involving the current law suit and matters in controversy for a significantly lower hourly rate than LeBoeuf, to wit; Partners - \$250 per hour, Associates \$175 per hour and paralegals \$60 per hour compared to the LeBoeuf rates of \$450 per hours for Senior Energy Lawyers; \$370 per hour for Senior Partners; \$250 per hour for Senior Associates; \$200 per hour for junior associates and \$95 per hour for paralegals, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Peters Hoggan & Carpenter, LLP, 48 Union Avenue, Saratoga Springs, New York 12866 for representation of Broome County in connection with pending litigation involving Broome Energy Resources and Broome Landfill Gas Associates and to provide consulting services in connection various issues resulting from the sliver fill and vertical expansion at the Broome County Landfill for the period March 15, 2006 through December 31, 2007, and be it

FURTHER RESOLVED, that in consideration of said services the County shall pay the contractor an amount not to exceed \$250 per hour for partners, \$175 per hour for associates and \$60 for paralegals total amount not to exceed \$100,000 plus costs and disbursement during the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 235036.4736.501319 1995 Gas Recovery Facility (Legal Charges and Fees), and be it

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

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

RESOLUTION NO. 201

By Human Services and Finance Committees

Seconded by Mr. Schafer

RESOLUTION AUTHORIZING ACCEPTANCE OF A MEDICAID FRAUD AND ABUSE INITIATIVE PROGRAM GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES, ADOPTING A PROGRAM BUDGET AND AUTHORIZING AN AGREEMENT WITH VARIOUS VENDORS FOR SERVICES FOR SAID PROGRAM FOR 2006-2007

WHEREAS, the Commissioner of Social Services requests authorization to accept a Medicaid Fraud and Abuse Initiative Program Grant, adopt a program budget in the amount of \$641,132 and to enter into an agreement with the IBM, Salient Corporation and American Quality Review, Inc. for software and services of said program for the period May 1, 2006 through April 30, 2007, and

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

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$320,566 from New York State Department of Health and \$320,566 Federal Medicaid Program for the Department of Social Services Medicaid Fraud and Abuse Initiative Program Grant for the period May 1, 2006 through April 30, 2007, 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 \$641,132, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with IBM, 80 State Street, Albany, New York 12207 for the purchase of two VERIFY NY profiles (Hospital and Pharmacy), total amount not to exceed \$33,600, for the period May 1, 2006 through April 30, 2007, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with Salient Corporation, 203 Colonial Drive, Horseheads, New York 14845, for the purchase of a Muni-Minder Module software program, first year maintenance, and consulting services, for an amount not to exceed \$180,200 for the period May 1, 2006 through April 30, 2007, and be it

FURTHER RESOLVED that this County Legislature hereby authorizes an agreement with American Quality Review, Inc. 81 Hempstead Avenue, Lynbrook, New York 11563, for professional staff to assist Broome County to identify fraud and recover overpayments from providers, total amount not to exceed \$350,000 for the period May 1, 2006 through April 30, 2007, and be it

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

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

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

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

FURTHER RESOLVED, that Resolution 638 of 2005 is rescinded in its entirety.

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

RESOLUTION NO. 202

By Finance, Public Safety and Emergency Services, County Administration, Human Services Economic Development and Planning and Education, Culture and Recreation Committees
Seconded by Mr. Schafer

RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR THE OFFICE OF THE SHERIFF. DIVISION OF INFORMATION TECHNOLOGY, OFFICE FOR AGING, DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT AND PARKS AND RECREATION

RESOLVED, that in accordance with a request from the Broome County Sheriff, in order to provide funds to establish a capital project for conversion of data from the Sheriff's business office, as requested by BF#004891, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Subject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM	450031	0227	502383	Trans. from General Fund	24,800
TO	450031	4726	502383	Contr. Data Process.Svcs	24,800

and be it

FURTHER RESOLVED, that in accordance with a request from the Director of the Department of Information Technology, in order to provide funds to perform a technology assessment for Broome County, as requested by BF#004763, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Subject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM	370031	0227	502382	Trans. from General Fund	127,000
TO	370031	4726	502382	Contr. Data Process. Svcs	127,000

and be it

FURTHER RESOLVED, that in accordance with a request from the Director of the Office for Aging, in order to provide funds to revise revenue and appropriations for the 2005-2006 EISEP program budget, as requested by BF#005566 and BF#005567, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Subject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM	761122	1500	105017	Salaries-PT	11,198
	761122	1600	105017	Salaries-Temporary	2,361
	761122	4606	105017	Telephone Bill Acct.	1,110
	761122	8010	105017	State Retirement	6,377
	761122	8030	105017	Social Security	1,042
	761122	8040	105017	Workers Comp.	226
	761122	8060	105017	Health Insurance	965
TO	761122	1000	105017	Salaries-FT	147
	761122	4319	105017	Office Supplies	400
	761122	4359	105017	Computer Supplies	885
	761122	4457	105017	Subcontracted Program	12,043
	761122	4610	105017	Personal Services Chbk	9,779
	761122	8063	105017	Disability Insurance	25

and be it

FURTHER RESOLVED, that in accordance with a request from the Commissioner of Planning and Economic Development, in order to provide funds to pay for expenses of an Economic Development Planner for an economic development training course, as requested by BF#005017, 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	440149	1000	105057	Salary	\$3,000
To	440149	4462	105057	Travel, Hotel, Meals	\$3,000

and be it

FURTHER RESOLVED, that in accordance with a request from the Commissioner of Parks and Recreation, in order to provide funds to pay the Director of Golf and Superintendent of Golf at En-Joie Golf Course as per Resolution 06-112, as requested by BF#005754, 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	850008	4747	309000	Other Fees for Services	\$131,700
TO	850008	1000	309000	Salaries Full Time	\$131,700

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

RESOLUTION NO. 203

By Personnel and Finance Committees

Seconded by Mr. Schafer

RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST FOR THE DEPARTMENT OF REAL PROPERTY TAX SERVICE

RESOLVED, that in accordance with a request contained in PCR#06-135 from the Director of Real Property Tax Service, this County Legislature hereby authorizes a position change from keyboard specialist, Grade 8, Union Code 04, minimum salary \$23,230, to a Real Property tax service assistant, Grade 14, Union Code 04, minimum salary \$31,271 at budget line 630004.1000.101000, effective 5/8/06.

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

RESOLUTION NO. 204

By County Administration Committee

Seconded by Mr. Schafer

RESOLUTION SUPPORTING THE ENACTMENT OF NEW YORK STATE SENATE BILL S01428 AND NEW YORK STATE ASSEMBLY BILL A2638 AMENDING THE PENAL LAW IMPOSING LICENSE SUSPENSIONS FOR FAILURE TO PAY FINES IMPOSED FOR UNLAWFUL POSSESSION OF MARIHUANA

WHEREAS, currently local criminal courts are powerless to enforce a sentence for a Penal Law §221.05 violation, and

WHEREAS, some courts have the same defendants repeatedly, impose the standard fine, but are unable to collect the fines due to the lack of a mechanism to ensure compliance with sentencing, and

WHEREAS, the Senate and Assembly currently have bills pending before them to amend the penal law imposing the drivers' license suspensions upon persons who fail to pay fines upon conviction of unlawful possession of marihuana, now, therefore, be it

RESOLVED, that this County Legislature hereby goes on record in support of New York State Senate Bill S01428 and New York State Assembly Bill A2638 which amends Penal Law §221.05 to provide that in addition to any fine or prison term imposed by the court for the offense of unlawful possession of marihuana, the court shall suspend the drivers' license of any person who fails to pay a court imposed fine by the date established by said court, and be it

FURTHER RESOLVED, that the Clerk of this Legislature is hereby directed to send a copy of this Resolution to Governor George E. Pataki, Senate Majority Leader Joseph Bruno, Assembly Speaker Sheldon Silver, Senator Thomas W. Libous, Assemblywoman Donna A. Lupardo, Assemblyman Gary Finch and the New York State Association of Counties.

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

RESOLUTION NO. 205

By Economic Development and Planning and Finance Committees

Seconded by Mr. Shafer

RESOLUTION AUTHORIZING AGREEMENT WITH STEARNS & WHEELER, LLC, FOR A WASTEWATER FINANCIAL FEASIBILITY STUDY FOR THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT FOR 2006

WHEREAS, Broome County commissioned a study in 2002 to determine the feasibility of County involvement in wastewater management related to taking over the operations of the Binghamton/Johnson City Joint Sewage Treatment Plant and recommend a course of action to be taken by the County, and

WHEREAS, the August 2002 Hudson Group LLC Report concluded that the County should have direct involvement in the management of wastewater and made eight recommendations for implementation, and

WHEREAS, at the February 20, 2003 Legislative Session said report was accepted and the County Executive with direction from the Legislature was authorized to pursue that implementation, and

WHEREAS, the first recommendation of the study was to do a financial feasibility study providing the financial numbers and a risk/benefits analysis for use by the County leaders to determine whether or not to pursue the County taking over the Binghamton/Johnson City Joint Sewage Treatment Plant, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Stearns & Wheeler, LLC, One Remington Park Drive, Cazenovia, New York 13035, to conduct a wastewater financial feasibility study relating to the takeover of the Binghamton/Johnson City Joint Sewage Treatment Plant for the Department of Planning and Economic Development, for the period May 1, 2006 through December 31, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$64,350 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 440016.9004.101000 (Capital Fund), and be it

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

Held over 'under the rules' by Mr. Lindsey.

RESOLUTION NO. 206

By Public Safety and Emergency Services and County Administration Committees

Seconded by Mr. Schafer

RESOLUTION IN SUPPORT OF THE INITIATIVE BY THE TOWN OF UNION, VILLAGE OF ENDICOTT AND VILLAGE OF JOHNSON CITY TO CREATE A DISTRICT COURT IN THE TOWN OF UNION

WHEREAS, the Town of Union, the Village of Endicott and the Village of Johnson City all have separate independent Justice Courts, and

WHEREAS, the New York State Constitution contains provisions allowing the creation of a District Court for an entire Town, and

WHEREAS, a single Town-wide District Court would replace three separate Justice Courts, and

WHEREAS, the Town of Union, the Village of Endicott and the Village of Johnson City have conducted shared meetings to discuss the creation of a District Court, and

WHEREAS, this Legislature supports the initiative of the three local municipalities, now therefore, be it,

RESOLVED, the Broome County Legislature hereby approves and supports the recommendation for the creation of a District Court by the New York State Legislature for the entire Town of Union including the Villages of Endicott and Johnson City, and be it

FURTHER RESOLVED, that the Clerk of this Legislature is hereby directed to forward copies of this Resolution to Governor George E. Pataki, Senate, Majority Leader Joseph Bruno, Assembly Speaker Sheldon Silver, Senator Thomas W. Libous, Assemblywoman Donna A. Lupardo, Assemblyman Gary Finch, Assemblymen Clifford Crouch, the Town of Union, the Village of Endicott, the Village of Johnson City, the New York State Association of Counties and all others deemed necessary and proper.

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

Mr. Miller made a motion to adjourn, seconded by Mr. Howard. **Motion to adjourn carried.** The meeting was adjourned at 5:31 p.m.

This page intentionally left blank.

