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**BROOME COUNTY LEGISLATURE  
REGULAR SESSION  
THURSDAY, MAY 18, 2006**

The Legislature convened at 5:05 p.m. with a call to order by the Chair, Daniel A. Schofield. The Clerk, Louis P. Augustini, read the fire exit announcement and called the Attendance Roll, Present-18, Absent-1 (Whalen).

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. Miller made a motion, seconded by Mr. Mather, that the minutes of the April 20, 2006 Regular Session and the May 4 Special Session be approved as prepared and presented by the Clerk. **Carried**, Ayes-18, Nays-0, Absent-1 (Whalen).

Mr. Schofield noted that the committee minutes for the period April 20, 2006 through May 17, 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. Materese, seconded by Mr. Keibel. **Carried**, Ayes-18, Nays-0, Absent-1 (Whalen).

**ANNOUNCEMENTS FROM THE CHAIR**

Chair Schofield gave the floor to Thomas Hull, Legislator for District 6, to present to James Kirtland a proclamation by the Broome County Legislature honoring his mother, Sally Goodman Kirtland posthumously for being instrumental in the development of the Garabed Fattal Community Free Clinic for Uninsured Adults.

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

- A. Letters from the County Executive, Barbara J. Fiala:
1. Appointment of Daniel F. Ewing as Acting Commissioner of Transportation

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

- A. PETITIONS: None
- B. COMMUNICATIONS:
1. Janice Orzel, President, Mary Wilcox Memorial Library-Requesting Support of Funding for the Libraries of Broome County
  2. Clifford Crouch Receipt of Resolution Amending the Penal Law Imposing License Suspensions for Failure to Pay Fines Imposed for Unlawful Possession of Marihuana
  3. NYS Department of Agriculture and Markets-Request for Proposals for Farmland Protection Implementation Projects
  4. Broome County Soil & Water Conservation District Minutes 4/11/06
  5. Broome County Association of Municipal Clerks Minutes 4/20/06
  6. NYS Office of Real Property Revised Residential Assessment Ratio
  7. BC Environmental Management Council Advisory Resolution Calling for Support of the New York State Clean Water Protection and Flood Prevention Act
  8. Town of Barker Public Hearing on Local Land Use Law 5/8/06
  9. Putnam County Legislature Resolution Requesting the State to Overhaul its Education System to Better Provide for Cost Efficiencies
  10. Commissioner of Finance-Bond Anticipation Note Certification Dated 4/19/06

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11. NYSAC Receipt of Resolution Amending the Penal Law Imposing License Suspensions for Failure to Pay Fines Imposed for Unlawful Possession of Marihuana

C. NOTICES:

1. Special Session May 4, 2006
2. Special Personnel Committee Meeting April 19, 2006
3. Special Finance and Personnel Committee Meeting May 4, 2006
4. Special Personnel Committee Meeting May 8, 2006
5. Special Education, Culture and Recreation Committee Meeting May 18, 2006
6. Special Public Safety & Emergency Services and Finance Committee Meeting May 18, 2006

D. REPORTS:

1. Office for Aging 2005 Annual Report
2. Parks and Recreation 2005 Annual Report
3. Office of the Sheriff 2005 Annual Report
4. Commissioner of Finance-Comprehensive Annual Finance Report 12/31/04
5. Department of Finance First Quarterly Report of 2006 Sales Tax Collections
6. BCC Above Minimum Hire Report 3/06
7. Personnel Monthly Attrition 3/06
8. BCC Budget Transfers 3/06
9. Catskill Regional Off-Track Betting Corporation Financial Statements 2004 and 2005
10. NYS Department of Taxation and Finance Approval of Semi-annual Report October 2005-2006

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

- A. Letters from the Chair, Daniel A. Schofield
1. Designation for Mr. Brunza 5/8/06 and Mr. Materese 5/9/06
  2. Designations for Mr. Brunza, Mr. Hutchings and Mr. Shafer, week of 5/8/06

Mr. Kuzel made a motion, seconded by Mr. Mather, 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 (Whalen).

Mr. Kuzel and Mr. Hutchings 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.

**RESOLUTIONS HELD OVER FROM PREVIOUS SESSION**

**RESOLUTION NO. 174**

(Held over by Mr. Shafer)

By Finance Committee

Seconded by Mr. Schafer

**RESOLUTION AMENDING THE 2005 CAPITAL IMPROVEMENT PROGRAM**

Mr. Mather stated that at the request of Mr. Weissmann, Commissioner of Public Works/Parks and Recreation, and following a polling of the Finance Committee members, this resolution was pulled.

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**RESOLUTION NO. 205**

(Held over by Mr. Lindsey)

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**

**Carried**, Ayes-17, Nays-1 (Kuzel), Absent-1 (Whalen).

**RESOLUTIONS INTRODUCED AT THIS SESSION**

**RESOLUTION NO. 208**

By Education, Culture and Recreation and Finance Committees

Seconded by Mr. Keibel

**RESOLUTION AUTHORIZING AN AGREEMENT WITH THE US ARMY CORPS OF ENGINEERS (COE) FOR AN ENVIRONMENTAL AND CULTURAL STUDY FOR THE DEPARTMENT OF PARKS AND RECREATION FOR 2006-2007**

WHEREAS, the Commissioner of Parks and Recreation requests authorization for an agreement with the US Army Corps of Engineers (COE) for an environmental and Cultural Study for the Department of Parks and Recreation at a cost not to exceed \$25,000, for the period April 1, 2006 through March 31, 2007, and

WHEREAS, said agreement is necessary to perform a study to satisfy requirements under the National Environmental Policy Act and Section 106 of the National Historical Preservation Act, prior to granting a lease at the Whitney Point lake Project, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the US Army Corps of Engineers (COE) for an environmental and Cultural Study for the Department of Parks and Recreation for the period April 1, 2006 through March 31, 2007, and be it

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

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 035015.4449.502380 (Other Operational 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-17, Nays-1 (Shafer), Absent-1 (Whalen).

**RESOLUTION NO. 209**

By Finance Committee

Seconded by Mr. Shafer

**RESOLUTION AUTHORIZING AGREEMENTS WITH LOCAL LIBRARIES FOR THE DISTRIBUTION OF COUNTY LIBRARY AID FOR 2006**

WHEREAS, the County has contributed financial support to various Public Libraries in Broome County to assist them with their annual operating costs, and

WHEREAS, it is the desire of this Legislature to distribute the 2006 budgeted library aid to said Public Libraries with the exception of the G. F. Johnson Memorial Library (Endicott) and Your Home Public Library (Johnson City), which are funded by a special Library Tax in the Town of Union, and

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WHEREAS, said library aid shall be distributed in the following manner:

- Aid up to and including \$10,000 shall be distributed in one lump sum payment
- Aid between \$10,001 and up to and including \$50,000 shall be distributed in semi-annual payments
- Aid in excess of \$50,000 shall be distributed on a quarterly basis,

now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the County Executive or her duly authorized representative to execute such agreements, approved as to form by the Department of Law, for the distribution of 2006 budgeted library aid in the manner described above to local libraries as follows:

<u>Library</u>	<u>Amount</u>
Deposit Free Library	\$5,254
Mary Wilcox Memorial Library	\$27,940
Vestal Public Library	\$258,665
Fenton Free Library	\$37,800
Lisle Free Library	\$13,609
Nineveh Public Library	\$4,245
Total	\$347,513

**Carried**, Ayes-13, Nays-5 (Materese, Schafer, Brunza, Kuzel, Buchta), Absent-1 (Whalen).

### RESOLUTION NO. 210

By Finance Committee

Seconded by Mr. Schafer

**RESOLUTION AMENDING RESOLUTION 180 OF 1965, ENTITLED: "RESOLUTION IMPOSING TAXES ON SALES AND USE OF TANGIBLE PERSONAL PROPERTY AND CERTAIN SERVICES, OCCUPANCY OF HOTEL ROOMS, ADMISSION CHARGES AND CLUB DUES, PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK", AS LAST AMENDED BY RESOLUTION 257 OF 2005, IN RELATION TO THE ALLOCATION OF SALES TAX RECEIPTS**

WHEREAS, since 1965 Broome County has distributed to the City, towns and villages within the County a portion of the 3% sales tax received by the County, and

WHEREAS, this County Legislature, faced with serious financial problems resulting from State mandates that forced the County to find a new source of revenue, by Resolution 126 of 2003, revised the distribution formula for the three percent (3%) sales tax received by the County to provide that the County shall receive fifty-five percent (55%) of the three percent (3%) collected with the remaining forty-five percent (45%) distributed to the City, towns and villages, and

WHEREAS, the New York State Legislature took action to soften the growth impact of Medicaid mandates on New York State Counties, and this County Legislature desired to share the softening of the Medicaid mandates with the City, towns and villages within the County to that portion of the 3% sales tax collected, and

WHEREAS, this County Legislature, fulfilling an agreement to review the sales tax distribution formula after one year to gauge the effect of said change in the redistribution formula on various municipalities in the County, by Resolution 257 of 2005, determined that changing the distribution of the 3% sales tax to provide that the County shall retain fifty-two-and-a-half percent (52½%) of the 3% collected with the remaining forty-seven-and-a-half percent (47½%) distributed to the City, towns and villages will have the effect of restoring some of the sales tax revenue with the municipalities while allowing the County to retain a sufficient portion to meet the continuing mandates imposed on the County by the State of New York, and

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WHEREAS, the New York State Legislature took further action to cap the Medicaid mandates on the Counties in 2006, allowing this County to return to its original sales tax distribution formula that provided the County to retain fifty percent (50%) of the three percent (3%) collected with the remaining 50 percent (50%) distributed to the City, towns and villages within the County, now, therefore, be it

RESOLVED, that section 14 of Resolution 180 of 1965, as last amended by Resolution 257 of 2005, is hereby amended to revise subdivision "g" to read as follows:

"Anything hereinabove contained to the contrary notwithstanding, commencing with the distribution by the County to the City, towns and villages within the County to be made on or about October 19, 2006, said municipalities shall receive fifty percent (50%) of such three percent (3%) sales tax collected, in accordance with the distribution formula established herein."

and be it

FURTHER RESOLVED, that this Resolution shall take effect on August 1, 2006.

**Held over 'under the rules'** by Mr. Marinich.

### RESOLUTION NO. 211

By Economic Development and Planning Committee

Seconded by Mr. Mather

#### **RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME COUNTY PLANNING ADVISORY BOARD**

WHEREAS, Barbara J. Fiala, Broome County Executive, pursuant to the authority vested in her by Article XV of the Broome County Charter and Administrative Code, has duly designated and appointed the following named individuals to membership on Broome County Planning Advisory Board, for the terms indicated, subject to confirmation by this County Legislature:

<u>Name</u>	<u>Term Expiring</u>
Jennifer Yonkoski 308 Wilson Avenue Endicott, New York 13760	New Appointment Term Expiring 12/31/08
Wayne Kerber 103 Court Street Binghamton, New York 13901	New Appointment Term Expiring 12/31/08
Terrence Woodnorth 510 West Wendell Street Endicott, New York 13760	New Appointment Term Expires 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 Article XV of the Broome County Charter and Administrative Code confirms the appointments of the above-named individuals to membership on the Broome County Planning Advisory Board for the terms indicated, in accordance with their appointment by the County Executive.

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

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### RESOLUTION NO. 212

By Health Services and Finance Committees

Seconded by Mr. Mather

#### **RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH VARIOUS VENDORS FOR VARIOUS SERVICES FOR THE DEPARTMENT OF HEALTH'S PRESCHOOL EDUCATION PROGRAM FOR 2006-2008**

WHEREAS, this County Legislature, by Resolution 197 of 2004, Resolutions 430 and 605 of 2005 and Resolution 69 of 2006 authorized agreements/renewal of agreements with various vendors for services for the Department of Health's Preschool Education Program at rates set by the New York State Department of Education and the Broome County Department of Health, total amount not to exceed budgeted appropriations for the period July 1, 2004 through June 30, 2006, and

WHEREAS, said agreements are necessary to provide various services including evaluations, services and tuition-based preschool for the 3-5 Preschool Program, and

WHEREAS, said agreements expire by their terms on June 30, 2006, and it is desired at this time to renew said agreements on substantially similar terms and conditions, at rates set by the Broome County Department of Health and the New York State State Education Department, total amount not to exceed budgeted appropriations, for the period July 1, 2006 through June 30, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreements with various vendors as shown on Exhibit "A" and Exhibit "C" for various services for the Department of Health for the period July 1, 2006 through June 30, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractors on Exhibit "A" at the rates shown on Exhibit "B" for the term of the agreements, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractors on Exhibit "C" at the rates shown on Exhibit "D" for the term of the agreements, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480293.various.101081, 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 (Whalen).

### RESOLUTION NO. 213

By Health Services and Finance Committees

Seconded by Mr. Mather

#### **RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH THE RESEARCH FOUNDATION OF SUNY AT BINGHAMTON FOR THE DEPARTMENT OF HEALTH'S WEST NILE VIRUS SURVEILLANCE PROGRAM FOR 2006**

WHEREAS, this County Legislature, by Resolution 152 of 2005, as amended by Resolution 431 of 2005, authorized renewal of the agreement with The Research Foundation of SUNY for the Department of Health's West Nile Virus Surveillance Program at an amount not to exceed \$9,500 for the period April 1, 2005 through September 30, 2005, and

WHEREAS, said agreement is necessary for bird surveillance, adult and larva mosquito surveillance, and

WHEREAS, said agreement expired by its terms on September 30, 2005, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$9,500, for the period May 17, 2006 through September 30, 2006, now, therefore, be it

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RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with The Research Foundation of SUNY, Office of Research and Sponsored Programs, Cooper Administration Building-242, PO Box 6000, Binghamton, New York 13902 for the Department of Health's West Nile Virus Surveillance Program for the period May 17, 2006 through September 30, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$9,500 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480137.4545.101000 (Contracted 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 (Whalen).

### **RESOLUTION NO. 214**

By Health Services and Finance Committees

Seconded by Mr. Mather

#### **RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENTS WITH ROBERT PACKER HOSPITAL AND GUTHRIE CLINIC LIMITED FOR VARIOUS SERVICES FOR THE DEPARTMENT OF HEALTH'S HEALTHY LIVING PARTNERSHIP INTEGRATED CANCER SERVICES PROGRAM GRANT FOR 2006-2007**

WHEREAS, this County Legislature, by Resolution 200 of 2005, authorized agreements with Robert Packer Hospital and Guthrie Clinic Limited for various services for the Department of Health's Healthy Living Partnership Integrated Cancer Services Program Grant at rates by the New York State Department of Health fee schedule, for the period April 1, 2005 through March 31, 2006, and

WHEREAS, said agreements are necessary to provide a regional approach to breast, cervical, colorectal and prostate cancer screening, diagnostics, education, treatment and follow up to uninsured, or underinsured women and men over fifty years of age in five counties (Broome, Tioga, Chenango, Otsego and Delaware), and

WHEREAS, said agreements expired by their terms on March 31, 2006, and it is desired at this time to renew said agreements on substantially similar terms and conditions, at the rates set by the New York State Department of Health fee schedule as shown on Exhibit "B" for the period April 1, 2006 through March 31, 2007, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Robert Packer Hospital, Guthrie Square, Sayre, Pennsylvania 18840 and Guthrie Clinic Limited, One Guthrie Square, Sayre, Pennsylvania 18840 for services as shown on Exhibit "A" for the Department of Health's Healthy Living Partnership Integrated Cancer Services Program Grant for the period April 1, 2006 through March 31, 2007, and be it

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

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 480376.4715.105092, 480376.4715.105xxx (Other Health and Medical Services) and 480376.4707/4715.105176 (Medical and Hospital) and (Other Health and Medical Services), and be it

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

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

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**RESOLUTION NO. 215**

By Health Services, Personnel and Finance Committees

Seconded by Mr. Mather

**RESOLUTION AUTHORIZING REVISION OF THE HEALTHY LIVING PARTNERSHIP INTEGRATED CANCER SERVICES PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2006-2007**

WHEREAS, this County Legislature, by Resolution 129 of 2006, authorized and approved renewal of the Healthy Living Partnership Integrated Cancer Services Program Grant for the Department of Health and adopted a program budget in the total amount of \$255,460 for the period April 1, 2006 through March 31, 2007, and

WHEREAS, said program grant provides a regional approach to breast, cervical, colorectal and prostate cancer screening, education and treatment to uninsured or underinsured women and men over fifty years of age in five counties (Broome, Tioga, Chenango, Otsego and Delaware), and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$345,832 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Healthy Living Partnership Integrated Cancer Services Program Grant to reflect an increase of \$345,832 for the period April 1, 2006 through March 31, 2007, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$601,292, and be it

FURTHER RESOLVED, that Resolution 129 of 2006, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

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

**RESOLUTION NO. 216**

By Health Services and Finance Committees

Seconded by Mr. Mather

**RESOLUTION AUTHORIZING RENEWAL OF AGREEMENTS WITH VARIOUS DELAWARE COUNTY PROVIDERS FOR VARIOUS SERVICES FOR DEPARTMENT OF HEALTH'S HEALTHY LIVING PARTNERSHIP INTEGRATED CANCER SERVICES PROGRAM GRANT FOR 2006-2007**

WHEREAS, this County Legislature, by Resolution 201 of 2005, authorized renewal of agreements with various vendors for various services for the Department of Health's Healthy Living Partnership Integrated Cancer Screening Services Program Grant at rates not to exceed those listed on Exhibit "B" of said resolution for the period April 1, 2005 through March 31, 2006, and

WHEREAS, said services are necessary to provide a regional approach to breast, cervical, colorectal and prostate cancer screening, diagnostics, education, treatment and follow



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up to uninsured or underinsured women and men over fifty years of age in five counties (Broome, Tioga, Chenango, Otsego and Delaware), and

WHEREAS, said agreements expired by their terms on March 31, 2006, and it is desired at this time to renew various agreements on substantially similar terms and conditions, at rates not to exceed those listed on Exhibit "B", for the period April 1, 2006 through March 31, 2007, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with various Delaware County vendors for various services as shown on Exhibit "A" for the Department of Health's Healthy Living Partnership Integrated Cancer Service Program Grant for the period April 1, 2006 through March 31, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractors at rates not to not to exceed those listed on Exhibit " B" for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480376.4715.105092/105XXX (Other Health and Medical Services) and 480376.4707/4715.105176 (Medical and Hospital Services) and (Other Health and Medical Services), and be it

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

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

### **RESOLUTION NO. 217**

By Health Services and Finance Committees

Seconded by Mr. Mather

#### **RESOLUTION AUTHORIZING RENEWAL OF AGREEMENTS WITH VARIOUS VENDORS FOR VARIOUS SERVICES FOR THE DEPARTMENT OF HEALTH'S HEALTHY LIVING PARTNERSHIP INTEGRATED CANCER SERVICES PROGRAM GRANT FOR 2006-2007**

WHEREAS, this County Legislature, by Resolution 202 of 2005, authorized renewal of agreements with various vendors for various services for the Department of Health's Healthy Living Partnership Integrated Cancer Services Program Grant at rates not to exceed those listed on Exhibit "B" of said resolution for the period April 1, 2005 through March 31, 2006, and

WHEREAS, said agreements are necessary to provide a regional approach to breast, cervical, colorectal and prostate cancer screening, diagnostics, education, treatment and follow up to uninsured or underinsured women and men over fifty years of age in five counties (Broome, Tioga, Chenango, Otsego and Delaware), and

WHEREAS, said agreements expired by their terms on March 31, 2006, and it is desired at this time to renew various agreements on substantially similar terms and conditions, at rates not to exceed those listed on Exhibit "B", for the period April 1, 2006 through March 31, 2007, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of agreements with various vendors for various services as shown on Exhibit "A" for the Department of Health's Healthy Living Partnership Integrated Cancer Services Program Grant for the period April 1, 2006 through March 31, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractors at the rates not to exceed those listed on Exhibit "B" for the term of the agreements, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480376.4715.105092/105XXX (Other Health and Medical Services) and 480376.4707/4715.105176 (Medical and Hospital Services) and (Other Health and Medical Services), and be it

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

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

### **RESOLUTION NO. 218**

By Economic Development and Planning and Finance Committees

Seconded by Mr. Mather

**RESOLUTION AUTHORIZING AN APPLICATION FOR NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION ENVIRONMENTAL PROTECTION FUNDS FOR THE GEORGE HARVEY JUSTICE BUILDING PROJECT FOR THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT**

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) provides funding through the Environmental Protection Fund for the rehabilitation of historic resources, and

WHEREAS, several elements of the George Harvey Justice Building project would be eligible for said funding and a resolution from the Broome County Legislature authorizing an application for EPF funds is necessary to apply for the funds, and

WHEREAS, the Commissioner of Planning and Economic Development is requesting authorization to apply for a New York State Office of Parks, Recreation and Historic Preservation funds through the Environmental Protection Fund for the George Harvey Justice Building Project, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$350,000, and upon approval of said request to enter into and execute a Project Agreement with the State for such financial assistance to Broome County for the George Harvey Justice Building Project and, if appropriate, a Conservation Easement/Preservation Covenant to the deed of the assisted property, 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 (Whalen).

### **RESOLUTION NO. 219**

By Public Safety and Emergency Services and Finance Committees

Seconded by Mr. Mather

**RESOLUTION AUTHORIZING RENEWAL OF THE EMERGENCY MANAGEMENT PERFORMANCE GRANT FOR THE OFFICE OF EMERGENCY SERVICES FOR 2005-2006**

WHEREAS, this County Legislature, by Resolution 185 of 2005, authorized and approved continued participation in the Emergency Management Performance Grant for the Office of Emergency Services in the amount of \$43,803 for the period October 1, 2004 through September 30, 2005, and

WHEREAS, said program grant provides federal funds to offset costs for the Emergency Management Performance Program within Broome County, and

WHEREAS, it is desired to renew said program grant in the amount of \$43,319 for the period October 1, 2005 through September 30, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$43,319 from the New York State Emergency Management Office, 120 Washington Avenue, Building 22, Suite 101, Albany, New York 12226-2251, for the Office of Emergency Services'

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Emergency Management Performance Grant for the period October 1, 2005 through September 30, 2006, and be it

FURTHER RESOLVED, that the revenue hereinabove authorized shall be credited to budget line 460006.0369.101000 (Civil Defense-Federal Aid), 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 (Whalen).

### RESOLUTION NO. 220

By Finance Committee

Seconded by Mr. Mather

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

WHEREAS, the County Clerk and the Commissioner of Finance have presented their report concerning mortgage tax receipts for the period October 2005 through March 2006, pursuant to Section 261 of the New York State Tax Law, and the same has been apportioned to the various municipalities thereto, now, therefore, be it

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

#### Semi-annual Mortgage Tax Distribution October 2005 through March 2006

Dickinson	Village of Port Dickinson	4,651.29
	Outside	27,891.94
Lisle	Village of Lisle	703.50
	Outside	13,682.68
Sanford	Village of Deposit	1,511.22
	Outside	19,215.19
Triangle	Village of Whitney Point	3,061.83
	Outside	15,598.72
Union	Village of Johnson City	54,918.47
	Village of Endicott	36,939.09
	Outside	328,801.56
Windsor	Village of Windsor	3,454.85
	Outside	58,764.17
Barker		18,310.23
Binghamton (Town)		64,773.98
Chenango		100,158.20
Colesville		32,372.57
Conklin		48,841.23
Fenton		39,056.92
Kirkwood		46,777.79
Maine		41,494.16
Nanticoke		9,342.23
Vestal		215,489.72
City of Binghamton		238,576.93
	Total	\$1,424,388.47

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

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## RESOLUTION NO. 221

By County Administration and Finance Committees

Seconded by Mr. Mather

### **RESOLUTION AUTHORIZING AN AGREEMENT WITH MEL MANASSE & SON AUCTIONEERS FOR AUCTIONEER AND RELATED SERVICES AND ESTABLISHING PARTICIPATION RULES FOR THE ANNUAL COUNTY AUCTIONS FOR 2006 AND 2007**

WHEREAS, the Broome County Division of Purchasing requests authorization for an agreement with Mel Manasse & Son Auctioneers for auctioneer services for the annual auction of surplus supplies, equipment, materials and vehicles on September 16, 2006 and a date to be determined for the spring of 2007 auction, at a cost (per auction) of a maximum of \$3,000 for advertising expenses; \$1,500 for the Department of Parks and Recreation expenses; \$1,500 for Department of Public Works expenses; \$1,500 for Division of Security expenses; an option of a maximum of \$1,000 for Broome County Sheriff expenses related to management of the Trustee Program and 8% of the auctioneer's gross receipts, exclusive of sales taxes, for Broome County Government, with an option to renew through May 31, 2008 at the sole discretion of Broome County, and

WHEREAS, all political subdivisions and contract agencies of Broome County shall be eligible to offer surplus supplies, materials, equipment and vehicles for sale at the auction, and

WHEREAS, last year authorization for participation in the action was extended to Tioga County and all political subdivisions and contract agencies of Tioga County as well as adjacent Counties and all political subdivisions and contract agencies of those counties, and

WHEREAS, the Director of Purchasing recommends that a similar option be authorized for the 2006 and 2007 Broome County Auctions by authorizing participation from adjacent Counties and all political subdivisions and contract agencies of those counties, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Mel Manasse & Son Auctioneers, 2924 US Route 11, P.O. Box 738, Whitney Point, New York 13862, for auctioneer services for the September 16, 2006 and the Spring of 2007 auction, with an option to renew under the same terms and conditions through May 31, 2008 at the sole discretion of Broome County, and be it

FURTHER RESOLVED, that in consideration of auction services, the contractor shall retain from the sale of items attributed to Broome County Government: a maximum of \$3,000 for advertising, mailing and other expenses; \$1,500 for the Department of Parks and Recreation expenses; \$1,500 for the Department of Public Works expenses; \$1,500 for the Division of Security expenses; an option of a maximum of \$1,000 for Broome County Sheriff expenses related to management of the Trustee Program plus 8% of the auctioneer's receipts (less the expenses previously noted) for the term of the agreement, and be it

FURTHER RESOLVED, that in addition to collecting sales tax where applicable, the auctioneer is authorized to add an "up charge" of 3% for those items paid for with a credit card to cover the auctioneer's cost of offering a credit card payment option to the potential buyers, and be it

FURTHER RESOLVED, that authorization is hereby granted to allow participation from all political subdivisions and contract agencies of Broome County, all adjacent Counties and all political subdivisions and contract agencies of those adjacent Counties, and be it

FURTHER RESOLVED, the fee structure for all participating Counties, political subdivisions, and contract agencies, including Broome Community College, shall be as follows:

FURTHER RESOLVED, that Broome County Comptroller is hereby authorizing to review all revenues received from the auction and apportion those revenues to the appropriate departmental revenue budget lines, 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 intend and purpose of this Resolution.

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

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## RESOLUTION NO. 222

By Finance and County Administration Committees

Seconded by Mr. Mather

### **RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH ALLEN TUNNELL CORPORATION FOR SOFTWARE MAINTENANCE AND SUPPORT FOR THE TAX COLLECTION SYSTEM FOR THE OFFICE OF REAL PROPERTY TAX SERVICE FOR 2006**

WHEREAS, this County Legislature, by Resolution 230 of 2005, authorized an agreement with Allen Tunnell Corporation for software maintenance and support for the tax collection system for the Office of Real Property Tax Service, at an amount not to exceed \$6,100 for the period January 1, 2005 through December 31, 2005, and

WHEREAS, said agreement provides software maintenance and on-site support for the tax collection system used for town and county properties under the consolidation collection programs for the towns of Union, Conklin and Dickinson, and

WHEREAS, said agreement expired by its terms on December 31, 2005, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$6,100 for the period January 1, 2006 through December 31, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Allen Tunnell Corporation, 15 Charles Street, Binghamton, New York 13905 for software maintenance and support for the tax collection system for the Office of Real Property Tax Service for the period January 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 \$6,100 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 630004.4513.101000 (Software Maintenance), 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 (Whalen).**

## RESOLUTION NO. 223

By Health Services and Finance Committees

Seconded by Mr. Mather

### **RESOLUTION AUTHORIZING AN AGREEMENT WITH NEW YORK ASSOCIATION OF HOMES AND SERVICES FOR THE AGING/PROCARE FOR CONSULTING SERVICES FOR THE WILLOW POINT NURSING HOME FOR 2006**

WHEREAS, the Administrator of the Willow Point Nursing Home requests authorization for an agreement with New York Association of Homes and Services for the Aging/Procure for consulting services at the rate of \$185 per hour, total cost not to exceed \$10,360, plus out of pocket expenses, for the period April 1, 2006 through July 31, 2006, and

WHEREAS, said agreement is necessary for a New York State Department of Health mandated "Plan of Correction" associated with deficiencies during the facility's annual survey, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with New York Association of Homes and Services for the Aging/Procure, 150 State Street, Suite 301, Albany, New York 12207 for consulting services for the Willow Point Nursing Home for the period April 1, 2006 through July 31, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at the rate of \$185 per hour, total amount not to exceed \$10,360, plus out of pocket expenses, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 160077.4747.204000 (Other Fees for Services), and be it

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

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

#### **RESOLUTION NO. 224**

By Human Services and Finance Committees

Seconded by Mr. Mather

#### **RESOLUTION AUTHORIZING AN AGREEMENT WITH FAMILY AND CHILDREN'S SOCIETY FOR SERVICES FOR THE OFFICE FOR AGING'S SENIOR MOOD IMPROVEMENT THROUGH LIFESTYLE AND EDUCATION (SMILE) PROGRAM FOR 2006-2007**

WHEREAS, the Director of Office for Aging requests authorization for an agreement with Family and Children's Society for services for the Office for Aging's Senior Mood Improvement Through Lifestyle and Education (SMILE) Program at a cost not to exceed \$18,000, for the period May 1, 2006 through April 30, 2007, and

WHEREAS, said agreement is necessary to provide geriatric depression screenings and intervention services to seniors identified at risk for depression, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Family and Children's Society, 257 Main Street, Binghamton, New York 13905 for services for the Office for Aging's Senior Mood Improvement Through Lifestyle and Education (SMILE) Program 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 \$18,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 761114.4457.105135 (Subcontracted Program Expense), and be it

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

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

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

By Human Services and Finance Committees

Seconded by Mr. Mather

#### **RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH JEANNE STRACUZZI FOR NUTRITION COUNSELING FOR THE OFFICE FOR AGING'S SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) FOR 2006-2007**

WHEREAS, this County Legislature, by Resolution 122 of 2005, authorized renewal of agreement with Jeanne Stracuzzi for nutrition counseling for the Office for Aging's Supplemental Nutrition Assistance Program (SNAP) at the rate of \$33.45 per hour, total amount not to exceed \$23,482 for the period April 1, 2005 through March 31, 2006, and

WHEREAS, the Board of Acquisition and Contract on April 26, 2006 authorized the agreement with Jeanne Stracuzzi for nutrition counseling for the Office for Aging's Supplemental Nutrition Assistance Program (SNAP) at the rate of \$34.45 per hour, total amount not to exceed \$2,500 for the April 1, 2006 through April 30, 2006, and

WHEREAS, said agreement is necessary to provide professional nutritional counseling services required by the SNAP Program, and

WHEREAS, said agreement expired by its terms on April 30, 2006, and it is desired at this time to renew said agreement on substantially similar terms and conditions, at the rate of \$34.45 per hour, total amount not to exceed \$22,254 for the period May 1, 2006 through March 31, 2007, now, therefore, be it

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RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Jeanne Stracuzzi, R.D., 93 Riley Road, Windsor, New York 13865 for nutrition counseling services for the Office for Aging's Supplemental Nutrition Assistance Program (SNAP) for the period May 1, 2006 through March 31, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at the rate of \$34.45 per hour, total amount not to exceed \$22,254 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 761239.4741.105157 (Dietary Services), and be it

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

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

### **RESOLUTION NO. 226**

By Public Works Committee

Seconded by Mr. Mather

#### **RESOLUTION AUTHORIZING AN AGREEMENT WITH THE CITY OF BINGHAMTON FOR AN EASEMENT ON STATE STREET ADJOINING THE EAST SIDE OF THE BROOME COUNTY VETERANS MEMORIAL ARENA**

WHEREAS, the Commissioner of Public Works requests authorization to enter into an agreement with the City of Binghamton for a permanent easement on State Street adjoining the east side of the Broome County Veterans Memorial Arena for the construction of a handicapped access ramp to the Binghamton Senators locker room addition at the Arena, and

WHEREAS, said handicapped access ramp is required by the Building Codes and the ramp would encroach onto the State Street right-of-way, and

WHEREAS, the Council of the City of Binghamton, by resolution dated March 20, 2006, authorized the granting of a permanent easement to the County of Broome along a portion of State Street adjacent to the Veterans Memorial Arena as described in attached Exhibit "A", now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the City of Binghamton for a permanent easement along a portion of State Street adjacent to the Veterans Memorial Arena as described in the attached Exhibit "A", 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 (Whalen).

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### **RESOLUTION NO. 227**

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

#### **RESOLUTION AUTHORIZING THE ACCEPTANCE OF FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE/U.S. MARSHALLS AND THE ESTABLISHMENT OF A TRUST ACCOUNT FOR SERVICES PROVIDED BY THE SECURITY DIVISION'S COMPUTER ANALYSIS AND TECHNICAL SERVICES (CATS) UNIT**

WHEREAS, the Director of the Broome County Security Division has requested authorization to accept funding from the United States Department of Justice/U.S. Marshalls and to establish a Trust Account for these funds for services provided by the Broome County Security Division's Computer Analysis and Technical Services (CATS) Unit, and

WHEREAS, said account is necessary to receive said funds for the purchase of equipment, training and related travel for the assistance of the Security Division's Computer Analysis and Technical Services (CATS) Unit provided to the FBI, and

WHEREAS, said funds are to be used as specified by agreement between the Security Division and the United States Department of Justice, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the acceptance of funding from the United States Department of Justice/U.S. Marshalls and to establish a Trust Account for these funds for services provided by the Broome County Security Division's Computer Analysis and Technical Services (CATS) Unit, and be it

FURTHER RESOLVED, that the Director of Security is hereby authorized to expend said funds in accordance with the provisions of State and Local laws and the use of these funds shall be solely restricted to the provisions of the agreement between the United States Department of Justice and the Security Division, and be it

FURTHER RESOLVED, that the Commissioner of Finance, Director of Budget, County Comptroller, and the Director of Security are hereby authorized and directed to take any and all necessary steps required to effectuate the intent and purpose of this Resolution.

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

### **RESOLUTION NO. 228**

By Transportation Committee  
Seconded by Mr. Mather

#### **RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF AVIATION AND THE FEDERAL AVIATION ADMINISTRATION (FAA) TO COVER ALL NAVIGATIONAL AID (NAVAID) FACILITIES AT THE GREATER BINGHAMTON AIRPORT FOR 2006-2025**

WHEREAS, the Commissioner of Aviation requests authorization to enter into a Memorandum of Understanding between the Department of Aviation and the Federal Aviation Administration (FAA) to cover all Navigational Aid (NAVAID) facilities located at the Greater Binghamton Airport for the period June 1, 2006 through September 30, 2025, and

WHEREAS, the Greater Binghamton Airport currently has nine separate agreements with the FAA that cover leases of property where NAVAID is operated to assist aircrews in landing/departing the airport safely at no cost to Broome County, and

WHEREAS, the FAA is requesting the Memorandum of Understanding to combine said lease agreements into one agreement to improve the organizational efficiency and manageability of the NAVAID Program, now, therefore, be it

RESOLVED, this County Legislature hereby authorizes a Memorandum of Understanding between the Department of Aviation and the Federal Aviation Administration to cover all Navigational Aid facilities at the Greater Binghamton Airport for the period June 1, 2006 through September 30, 2025, and be it



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

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

### **RESOLUTION NO. 229**

By Transportation and Finance Committees

Seconded by Mr. Mather

#### **RESOLUTION ESTABLISHING ADMISSION AND PARKING FEES FOR THE 2006 AIR SHOW/AVIATION DAY OPEN HOUSE AT THE GREATER BINGHAMTON AIRPORT**

WHEREAS, the County proposes to conduct an Air Show/Aviation Day Open House at the Greater Binghamton Airport on June 30 and July 1, 2006, and

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

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

WHEREAS, to offset, in part, the costs associated with the 2006 Air Show/Aviation Day Open House, the Commissioner of Aviation proposes an entrance fee schedule, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an admission fee schedule for the Air Show/Aviation Day Open House Program at the Greater Binghamton Airport to be held on June 30 and July 1, 2006 as follows:

#### **Greater Binghamton Airshow 2006 Admission Fee Schedule**

##### **Admission Tickets Purchased on June 30 and July 1, 2006**

Adults (17 years and older)	\$9.00
Children (8 years to 16 years of age)	\$7.00
Children under 8 years of age	Free

##### **Admission Tickets Purchased Prior to June 30, 2006**

Adults (17 years and older)	\$8.00
Children (8 years to 16 years of age)	\$6.00
Children under 8 years of age	Free

##### **Parking Fee**

All Vehicles (Off Site and On Site)	\$2.00
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and be it

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

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

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

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### RESOLUTION NO. 230

By Economic Development and Planning and Finance Committees

Seconded by: Mr. Mather

#### **RESOLUTION AUTHORIZING ACCEPTANCE OF A FY06 STATEWIDE RAPID RESPONSE – TRADE ADJUSTMENT ASSISTANCE PROGRAM GRANT FOR THE OFFICE OF EMPLOYMENT AND TRAINING AND ADOPTING A PROGRAM BUDGET FOR 2006-2007**

WHEREAS, the Director of the Office of Employment and Training requests authorization to accept a FY06 Statewide Rapid Response – Trade Adjustment Assistance Program Grant and adopt a program budget in the amount of \$171,715 for the period March 1, 2006 through July 30, 2007, and

WHEREAS, said program grant provides federal FY2006 funds for staff services as well as training related to services for Trade Act impacted customers or other eligible Dislocated Workers, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$171,715 from the New York State Department of Labor, State Office Campus, Building 12, Room 450, Albany, New York 12240 for the Office of Employment and Training's FY06 Statewide Rapid Response – Trade Adjustment Assistance Program Grant for the period March 1, 2006 through July 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 \$171,715, and be it

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

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

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

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

### RESOLUTION NO. 231

By Economic Development and Planning and Finance Committees

Seconded by Mr. Mather

#### **RESOLUTION AUTHORIZING REVISION OF THE FY05 TRADE ADJUSTMENT ASSISTANCE PROGRAM GRANT FOR THE OFFICE OF EMPLOYMENT AND TRAINING AND ADOPTING A REVISED PROGRAM BUDGET FOR 2005-2006**

WHEREAS, this County Legislature, by Resolution 382 of 2005, authorized and approved acceptance of the FY05 Trade Adjustment Assistance Program Grant for the Office of Employment and Training and adopted a program budget in the total amount of \$4,969 for the period May 1, 2005 through April 30, 2006, and

WHEREAS, said grant program provided federal FY05 funding to support training for an individual from Tioga County identified on Notice of Obligational Authority (NOA) FY05-1, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$4,297 in grant appropriations to reflect funding for an additional individual from Tioga County identified on NOA FY05-2, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the FY05 Trade Adjustment Assistance Program Grant to reflect an increase of \$4,297 and extend said grant for the period May 1, 2005 through March 30, 2007, and be it

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FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$9,266, and be it

FURTHER RESOLVED, that Resolution 382 of 2005, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

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

### **RESOLUTION NO. 232**

By Human Services and Finance Committees

Seconded by Mr. Mather

#### **RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH FOOD BANK OF THE SOUTHERN TIER FOR FOOD DISTRIBUTION SERVICES FOR THE DEPARTMENT OF SOCIAL SERVICES FOR 2006**

WHEREAS, this County Legislature, by Resolution 158 of 2005, authorized renewal of agreement with the Food Bank of the Southern Tier for food distribution services for the Department of Social Services at an amount not to exceed \$10,000 for the period January 1, 2005 through December 31, 2005, and

WHEREAS, said agreement is necessary to assist the Food Bank of the Southern Tier with providing emergency feeding programs for impoverished and vulnerable Broome County residents, and

WHEREAS, said agreement expired by its terms on December 31, 2005, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$10,000, for the period January 1, 2006 through December 31, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Food Bank of the Southern Tier, 945 County Route 64, Elmira, New York 14903 for food distribution services for the Department of Social Services for the period January 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 \$10,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 670018.4747.103000 (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.

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

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### RESOLUTION NO. 233

By Human Services and Finance Committees

Seconded by Mr. Mather

#### **RESOLUTION AUTHORIZING RENEWAL OF AMY WATKINS CASEWORKER EDUCATION PROGRAM GRANT FOR DEPARTMENT OF SOCIAL SERVICES AND ADOPTING A PROGRAM BUDGET FOR 2005-2006**

WHEREAS, this County Legislature, by Resolution 335 of 2005, authorized and approved the Amy Watkins Caseworker Education Program Grant for the Department of Social Services and adopted a program budget in the amount of \$1,822 for the period April 1, 2004 through September 15, 2005, and

WHEREAS, said program grant provides reimbursement for costs incurred by a caseworker enrolled in the Master of Social Work Program at Marywood University, and

WHEREAS, it is desired to renew said program grant in the amount of \$5,902 for the period April 1, 2005 through September 15, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$5,902 from the New York State Office of Children & Family Services, 52 Washington Street, Rensselaer, New York 12144-2796, for the Department of Social Services Amy Watkins Caseworker Education Program Grant for the period April 1, 2005 through September 15, 2006, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$5,902, and be it

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

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

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

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

### RESOLUTION NO. 234

By Human Services and Finance Committee

Seconded by Mr. Mather

#### **RESOLUTION AUTHORIZING REVISION OF THE DSS/BCC CREDIT AND NON-CREDIT TRAINING PROGRAM GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES AND ADOPTING A REVISED PROGRAM BUDGET FOR 2005-2006**

WHEREAS, this County Legislature, by Resolution 286 of 2005, authorized and approved renewal of the DSS/BCC Credit and Non-Credit Training Program Grant for the Department of Social Services and adopted a program budget in the total amount of \$74,024 for the period August 1, 2005 through July 31, 2006, and

WHEREAS, said grant program provides for selected Department of Social Services employees with education opportunities and workshops geared toward enhancing their skills on the job and preparing them for promotional opportunities, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$2,323 in grant appropriations, now, therefore, be it

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RESOLVED, that this County Legislature hereby authorizes a revision of the DSS/BCC Credit and Non-Credit Training Program Grant to reflect an increase of \$2,323 for the period August 1, 2005 through July 31, 2006, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$76,347, and be it

FURTHER RESOLVED, that Resolution 286 of 2005, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

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

### **RESOLUTION NO. 235**

By Education, Culture and Recreation, Public Works and Finance Committees

Seconded by Mr. Sanfilippo

#### **RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH O'BRIEN & GERE ENGINEERS FOR ENVIRONMENTAL ENGINEERING SERVICES FOR THE DEPARTMENT OF PARKS AND RECREATION FOR 2005-2007**

WHEREAS, this County Legislature, by Resolution 40 of 2006, authorized an agreement with O'Brien & Gere Engineers for environmental engineering services for the Department of Parks and Recreation at a cost not to exceed \$325,000, for the period May 1, 2005 through December 31, 2007, and

WHEREAS, said services are necessary for hydrogeologic investigations and implementation of remedial measures to address the glycol leak from the Grippen Park Ice Rink, and

WHEREAS, it is necessary to authorize the amendment to said agreement to provide the investigation, reporting and design of remedial measures as directed by the New York State Department of Environmental Conservation (DEC) at a cost of \$475,000, and

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

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with O'Brien & Gere Engineers, 441 Commerce Road, Vestal, New York 13850, for environmental engineering services for the Department of Parks and Recreation, for the period May 1, 2005 through December 31, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an additional amount of \$475,000, total amount not to exceed \$800,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 545012.4746.501415 (Engineering and Architectural Services – Grippen Park Ice Rink Rehabilitation Capital Project), and be it

FURTHER RESOLVED, that Resolution 40 of 2006, to the extent consistent herewith, shall remain in full force and effect, and be it

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

Mr. Marinich made a motion, seconded by Mr. Shafer, to amend this resolution removing the amendment made in Education, Culture and Recreation, returning the agreement cost to \$275,000 with the total amount not to exceed to \$600,000. **Amendment carried**, Ayes-11 (Keibel, Schafer, Hull, Miller, Shafer, Nannery, Howard, Marinich, Lindsey, Mather, Schofield), Nays-7 (Materese, Hutchings, Sanfilippo, Brunza, Kuzel, Reynolds, Buchta), Absent-1 (Whalen). Mr. Shafer made a motion, seconded by Mr. Miller to call the question. **Motion to call the question carried**, Ayes-16, Nays-2 (Brunza, Kuzel), Absent-1 (Whalen). **Resolution as amended carried**, Ayes-18, Nays-0, Absent-1 (Whalen).

### **RESOLUTION NO. 236**

By Public Safety and Emergency Services and Finance Committees

Seconded by Mr. Mather

#### **RESOLUTION AUTHORIZING AN INTERMUNICIPAL AGREEMENT BETWEEN THE TOWN OF VESTAL AND BROOME COUNTY EMERGENCY SERVICES FOR REHABILITATION OF THE LIVE BURN FIRE TRAINING FACILITY IN VESTAL FOR 2006**

WHEREAS, the Director of Emergency Services requests authorization for an intermunicipal agreement between the Town of Vestal and Broome County Emergency Services to provide funding for the rehabilitation and refurbishing of the Live Burn Fire Training Facility at the Fred W. Singer Fire Training Facility in Vestal at a cost not to exceed \$50,000, for the period January 1, 2006 through December 31, 2006, and

WHEREAS, said agreement is necessary to allow the County to fund the cost of rehabilitating and refurbishing the fire training facility owned by the Town of Vestal, but is used by all fire departments in the county, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an intermunicipal agreement between the Town of Vestal and Broome County Emergency Services to allow the County to fund the cost of rehabilitating and refurbishing the Live Burn Fire Training Facility owned by the Town of Vestal, but is used by all fire departments in the County for the period January 1, 2006 through December 31, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Town of Vestal an amount not to exceed \$50,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 460006.4767.501454 (Other Government Payments), 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 (Whalen).

### **RESOLUTION NO. 237**

By Human Services and Finance Committee

Seconded by Mr. Mather

#### **RESOLUTION AUTHORIZING REVISION OF THE DSS/BU CREDIT AND NON-CREDIT TRAINING PROGRAM GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES AND ADOPTING A REVISED PROGRAM BUDGET FOR 2005-2006**

WHEREAS, this County Legislature, by Resolution 285 of 2005, authorized and approved renewal of the DSS/BU Credit and Non-Credit Training Program Grant for the Department of Social Services and adopted a program budget in the total amount of \$53,066 for the period August 1, 2005 through July 31, 2006, and

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WHEREAS, said grant program provides for selected Department of Social Services employees with education opportunities and workshops geared toward enhancing their skills on the job and preparing them for promotional opportunities, and

WHEREAS, it is necessary at this time to revise said program to reflect a decrease in the amount of \$2,323 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the DSS/BU Credit and Non-Credit Training Program Grant to reflect a decrease of \$2,323 for the period August 1, 2005 through July 31, 2006, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$50,743, and be it

FURTHER RESOLVED, that Resolution 285 of 2005, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

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

#### **RESOLUTION NO. 238**

By Education, Culture and Recreation and Finance Committees

Seconded by Mr. Mather

#### **RESOLUTION AUTHORIZING AN APPLICATION FOR NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION ENVIRONMENTAL PROTECTION FUNDS FOR THE WHITNEY POINT COMMUNITY AND LAKE WALKWAY/BIKEWAY PROJECT FOR THE DEPARTMENT OF PARKS AND RECREATION**

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) provides funding through the Environmental Protection Fund (EPF) for the development of park projects, and

WHEREAS, the development of a Whitney Point Community and Lake Walkway/Bikeway Project would be eligible for said funding, and a resolution from the Broome County Legislature authorizing an application for EPF funds is necessary to apply for the funds, and

WHEREAS, the Commissioner of Parks and Recreation is requesting authorization to apply for New York State Office of Parks, Recreation and Historic Preservation funds through the Environmental Protection Fund for the Whitney Point Community and Lake Walkway/Bikeway Project, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, or the Federal Land and Water Conservation Fund Act of 1965, in an amount not to exceed \$500,000, and upon approval of said request to enter into and execute a Project Agreement with the State for such financial assistance to Broome County for the Whitney Point Community and Lake Walkway/Bikeway Project and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property, 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 (Whalen).

**RESOLUTION NO. 239**

By Finance, Human Services, Health Services and Economic Development and Planning Committees

Seconded by Mr. Mather

**RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR THE DEPARMENTS OF SOCIAL SERVICES, HEALTH AND THE OFFICE OF EMPLOYMENT AND TRAINING**

RESOLVED, that in accordance with a request from the Commissioner of Social Services, in order to increase funds for BCC Credit and Non-Credit Training Program, as requested by BF#005663, 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:	670513	0308	105053	State Revenue	767
	670513	0392	105053	Federal Revenue	1,556
TO:	670513	4747	105053	Other Fees for Services	2,323

and be it

FURTHER RESOLVED, that in accordance with a request from the Commissioner of Social Services, in order to decrease funds for Binghamton University and Non-Credit Training Program, as requested by BF#005663, 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:	670513	0308	105051	State Revenue	767
	670513	0392	105051	Federal Revenue	1,556
TO:	670513	4747	105051	Other Fees for Services	2,323

and be it

FURTHER RESOLVED, that in accordance with a request from the Public Health Director, in order to appropriate sufficient funds to various accounts for the Children with Special Health Care Needs Grant, as requested by BF#005623 & 005624, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Subobject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	480376	4319	105095	Office Supplies	1,000
	480376	4606	105095	Telephone Chgbk	1,312
	480376	4617	105095	Duplicating & Printing	2,771
	480376	8070	105095	Unemploy. Insurance	130
	480376	8050	105095	Life Insurance	1
TO:	480376	1500	105095	Salaries – Part-Time	1,928
	480376	4359	105095	Computer Software	234
	480376	4610	105095	Personal Services Chgbk	2,071
	480376	8010	105095	State Retirement	128
	480376	8030	105095	Social Security	129
	480376	8040	105095	Worker's Compensation	13
	480376	8060	105095	Health Insurance	711

and be it



FURTHER RESOLVED, that in accordance with a request from the Director of Public Health, in order to appropriate sufficient funds to various account for the Early Intervention Administration Grant, as requested by BF#005625 & 005626, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Subobject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	480376	1500	105096	Salaries-Part Time	24,561
	480376	4462	105096	Travel, Hotel, Meals	170
	480376	4617	105096	Duplication & Printing	263
	480376	8010	105096	State Retirement	4,774
	480376	8030	105096	Social Security	1,867
	480376	8040	105096	Worker's Compensation	643
	480376	8050	105096	Life Insurance	13
	480376	8070	105096	Unemployment Insurance	874
TO:	480376	1600	105096	Salaries – Temporary	1,309
	480376	4319	105096	Office Supplies	668
	480376	4349	105096	Misc Operational Supplies	12,240
	480376	4359	105096	Computer Software	2,325
	480376	4463	105096	Education & Training	240
	480376	4606	105096	Phone Chargeback	360
	480376	4610	105096	Personal Services Chgbk	14,095
	480376	4615	105096	Gasoline Chargeback	75
	480376	4616	105096	Fleet Services Chgbk	175
	480376	8060	105096	Health Insurance	1,664
	480376	8063	105096	Disability Insurance	14

and be it

RESOLVED, that in accordance with a request from the Director of Employment and Training, in order to increase funds for Fiscal Year 2005 Training Adjustment Assistance Grant, as requested by BF#005759, 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:	720730	0460	308155	Other State Aid	4,297
TO:	720730	4538	308155	Tioga County	4,297

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

### **RESOLUTION NO. 240**

By Public Works, Education, Culture and Recreation and Finance Committees

Seconded by Mr. Schafer

#### **RESOLUTION AUTHORIZING RENEWAL OF AN AGREEMENT WITH SOUTHERN TIER CELEBRATES, INC. FOR USE OF COUNTY-OWNED FACILITIES FOR FIRST NIGHT PUBLIC EVENTS FOR 2006-2009**

WHEREAS, this County Legislature, by Resolution 362 of 2003, authorized an agreement with First Night Binghamton, Inc. d/b/a Southern Tier Celebrates, for use of County-owned facilities for celebratory public events (including the Government Plaza administered pursuant to the Tripartite Agreement) at no cost to the County and including a waiver of any rental fee of said County-owned facilities being used provided that Southern Tier Celebrates shall pay all related expenses associated with the use of said facilities, during the period July 1, 2003 through June 30, 2006, and

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

WHEREAS, said agreement expires by its terms on June 30, 2006, and it is desired at this time to renew said agreement on substantially similar terms and conditions, at no cost to the County, for the period July 1, 2006 through June 30, 2009, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with First Night Binghamton, Inc. d/b/a Southern Tier Celebrates, 1 Hawley Street, Binghamton, New York 13901, providing for the use of various County-owned facilities (including the Government Plaza administered pursuant to the Tripartite Agreement) for celebratory events, for the period July 1, 2006 through June 30, 2009, and be it

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

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

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. Kuzel.**

**RESOLUTION NO. 241**

By Finance and Public Works Committees

Seconded by Mr. Brunza

**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>State</u>	<u>Federal/Other</u>	<u>County</u>	
502380	Highway Reconstruction	708,705	113,303	595,402	0	
		<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	10	20	0	0

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>			
			<u>State</u>	<u>Federal/Other</u>	<u>County</u>	
502380	Highway Reconstruction	807,390	113,303	694,087	0	
		<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	10	20	0	0

Description: Reconstruct various County roads as needed

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NOTE: This is to increase appropriation for Parks monies received from Federal Emergency Management Office for reimbursement due to disaster FEMA 1589 for the term 4/2/05-4/4/05. They were received too late to be placed in 2005 appropriations.

and be it

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

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

#### **RESOLUTION NO. 242**

By Personnel, Health Services and Finance Committees

Seconded by Mr. Mather

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

RESOLVED, that in accordance with a request contained in PCR#06-155 from the Director of the Health Department, this County Legislature hereby authorizes the abolishment of the Director of Children with Special Health Care Needs, from Early Intervention Administrative Grant, Grade C, Union Code 02, minimum salary \$55,485, at budget line 480376.1500.105096, effective March 27, 2006 and establishes the position of Director of Children with Special Health Care Needs with the Children with Special Health Care Needs Grant, Grade C, Union Code 02, minimum salary \$55,485, at budget line 480376.1500.105095, effective March 27, 2006.

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

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

By Personnel, Health Services and Finance Committees

Seconded by Mr. Mather

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

RESOLVED, that in accordance with a request contained in PCR# 06-154 from the Director of the Health Department, this County Legislature hereby authorizes abolishing the Health Program Specialist position from Children with Special Health Care Needs Grant, Grade 8, Union Code 54, minimum salary \$21,778, at budget line 480376.1500.105095, effective March 27, 2006, and establishes the position of Health Program Specialist with the Early Intervention Administrative Grant, Grade 8, Union Code 54, minimum salary \$21,778, at budget line 480376.1500.105096, effective March 27, 2006.

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

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

By Personnel, Health Services and Finance Committees

Seconded by Mr. Mather

#### **RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST FOR THE HEALTH DEPARTMENT/EARLY INTERVENTION ADMINISTRATION GRANT**

RESOLVED, that in accordance with a request contained in PCR# 06-164 from the Director of Health Department, this County Legislature hereby authorizes the abolishment of the position of Secretary, Grade 13, Union Code 54, minimum salary \$27,887, at budget line 480376.1500.105096, effective March 27, 2006.

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

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**RESOLUTION NO. 245**

By Finance and Personnel Committees

Seconded by Mr. Schafer

**RESOLUTION AUTHORIZING AGREEMENT WITH CANUSA HEALTH, INC. FOR ADMINISTRATION OF A PORTION OF BROOME COUNTY'S HEALTH BENEFITS PRESCRIPTION DRUG PLAN FOR MAINTENANCE DRUGS.**

WHEREAS, the manager of Risk and Insurance requests authorization for an agreement with Canusa Health, Inc. an Ontario corporation having its main office at 2444 Alexandria Avenue, Windsor, Ontario N9E2J3 for the administration of a portion of Broome County's Health Benefits Program pertaining to maintenance prescription drug plan, and

WHEREAS, said services are designed to lessen the cost of maintenance prescription drugs for the County, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Canusa Health, Inc., an Ontario corporation having its main office at 2444 Alexandria Avenue, Windsor, Ontario N9E2J3 for the administration of a portion of Broome County's Health Benefits Maintenance Prescription Drug Plan, and be it

FURTHER RESOLVED, Canusa shall agree to use its best efforts to arrange for the sale of pharmaceuticals to members of the Broome County Health Insurance Plan, said pharmaceuticals shall be transmitted by mail, shall be maintenance type drugs, and shall be in 90 day prescriptions, and be it

FURTHER RESOLVED, that upon execution of an agreement with Canusa, the County shall deposit the sum of \$20,000 with Canusa to secure payment of pharmaceuticals purchased by members of Broome County Health Insurance Plan, and it will maintain an escrow account with Canusa of at least \$20,000, and be it

FURTHER RESOLVED, that the term of the agreement with Canusa shall be for five years, and be it

FURTHER RESOLVED, that the County may terminate immediately the agreement with Canusa in the event the County receives an order or directive from a Federal or State agency directing that it cease and desist from offering "Canadian Drugs" to its employees, and be it

FURTHER RESOLVED, that the County may cancel the agreement on ninety (90) days notice to Canusa, and be it

FURTHER RESOLVED, that upon termination of this contract by expiration of term or cancellation, Canusa shall return within ten days of demand the balance of the escrow account and shall forward to the County a complete and full record of all prescriptions filled during the term of the agreement, and be it

FURTHER RESOLVED, that this Legislature authorizes an amendment to the agreement between the County of Broome and Systemed, LLC, Broome County's current exclusive prescription benefit manager permitting the County to enter into an agreement with Canusa, and this resolution shall be contingent upon said amendment, and be it

FURTHER RESOLVED, that this resolution shall not apply to any Broome County employees who are represented by a recognized labor union, and be it

FURTHER RESOLVED, that employees who utilize Canusa for maintenance pharmaceuticals shall receive a \$50.00 one time rebate for their first 90-day refill of a brand drug, and be it

FURTHER RESOLVED, that the payments herein above authorized shall be made from budget line 050005.4527.252000 (Prescription Drugs), 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. Sanfilippo made a motion, seconded by Mr. Brunza to make the following amendments:

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**RESOLUTION AUTHORIZING AGREEMENT WITH CANUSA HEALTH, INC. FOR ADMINISTRATION OF A PORTION OF BROOME COUNTY'S HEALTH BENEFITS PRESCRIPTION DRUG PLAN FOR MAINTENANCE DRUGS.**

WHEREAS, the manager of Risk and Insurance requests authorization for an agreement with Canusa Health, Inc. an Ontario corporation having its main office at 2444 Alexandria Avenue, Windsor, Ontario N9E2J3 for the administration of a portion of Broome County's Health Benefits Program pertaining to maintenance prescription drug plan, and

WHEREAS, said services are designed to lessen the cost of maintenance prescription drugs for the County, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Canusa Health, Inc., an Ontario corporation having its main office at 2444 Alexandria Avenue, Windsor, Ontario N9E2J3 for the administration of a portion of Broome County's Health Benefits Maintenance Prescription Drug Plan, and be it

FURTHER RESOLVED, Canusa shall agree to use its best efforts to arrange for the sale of pharmaceuticals to members of the Broome County Health Insurance Plan, said pharmaceuticals shall be transmitted by mail, shall be maintenance type drugs, and shall be in 90 day prescriptions, and be it

FURTHER RESOLVED, that upon execution of an agreement with Canusa, the County shall deposit the sum of \$20,000 with Canusa to secure payment of pharmaceuticals purchased by members of Broome County Health Insurance Plan, and it will maintain an escrow account with Canusa of at least \$20,000, and **Canusa shall deposit the sum of \$2,500 with the County which amount shall be non-refundable, and** be it

**FURTHER RESOLVED, that the County shall utilize the \$2,500 deposit from Canusa as an additional rebate for the first 100 eligible persons to place their maintenance drug prescriptions with Canusa, and said additional rebate shall be offered to administrative employees, retirees and union members, as appropriate, and be it**

FURTHER RESOLVED, that the term of the agreement with Canusa shall be for five years, and be it

FURTHER RESOLVED, that the County may terminate immediately the agreement with Canusa in the event the County receives an order or directive from a Federal or State agency directing that it cease and desist from offering "Canadian Drugs" to its employees, and be it

FURTHER RESOLVED, that the County may cancel the agreement on ninety (90) days notice to Canusa, and be it

FURTHER RESOLVED, that upon termination of this contract by expiration of term or cancellation, Canusa shall return within ten days of demand the balance of the escrow account and shall forward to the County a complete and full record of all prescriptions filled during the term of the agreement, and be it

FURTHER RESOLVED, that this Legislature authorizes an amendment to the agreement between the County of Broome and Systemed, LLC, Broome County's current exclusive prescription benefit manager permitting the County to enter into an agreement with Canusa, and this resolution shall be contingent upon said amendment, and be it

FURTHER RESOLVED, that this resolution shall not apply to any Broome County employees who are represented by a recognized labor union **unless the Administration and respective recognized labor union shall arrive at an agreement regarding delivery of this benefit to union members,** and be it

FURTHER RESOLVED, that employees who utilize Canusa for maintenance pharmaceuticals shall receive a \$50.00 one time rebate for their first 90-day refill of a brand drug, and be it

FURTHER RESOLVED, that the payments herein above authorized shall be made from budget line 050005.4527.252000 (Prescription Drugs), and be it

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

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

### **RESOLUTION NO. 246**

By County Administration and Finance Committees

Seconded by Mr. Mather

#### **RESOLUTION AUTHORIZING AN AGREEMENT WITH LEVENE, GOULDIN & THOMPSON, LLP FOR LEGAL SERVICES WITH REGARD TO PENDING LITIGATION**

WHEREAS, on February 7, 2005, a Broome County Sheriff's Deputy, responding to a domestic disturbance call, was forced to discharge his service revolver in an attempt to stop a possible threat to his life, and

WHEREAS, as a result of this use of force the individual that created the domestic disturbance was seriously injured, and

WHEREAS, Broome County, Sheriff David E. Harder, and the aforementioned Deputy Sheriff, have been named as defendants in a lawsuit concerning this shooting filed in the United States District Court for the Northern District of New York, and

WHEREAS, the lawsuit involves catastrophic injuries, complex legal issues, and a plaintiff who will request a large money judgment, and

WHEREAS, the County Attorney's Office represents that the demands of a case of this magnitude and complexity could conceivably prevent the office from completing its other duties for many months, and

WHEREAS, it is recommended that outside counsel be retained to represent the County of Broome, and its employees, as appropriate, in all further proceedings in this matter, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the law firm of Levene, Gouldin & Thompson, LLP, 450 Plaza Drive, Vestal, New York 13850 to represent Broome County, Sheriff David E. Harder, and Deputy Sheriff Frederick J. Akshar II, in the civil action titled Scott Brothers v. Frederick J. Akshar, II, David E. Harder, Sheriff, Broome County Sheriff's Office and the County of Broome, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at the rate of \$130 per hour for an attorney and \$75 per hour for a paralegal, plus all reasonable and necessary expenses including, but not limited to, photocopy expense, long distance telephone expense, postage, filing fees, investigation and expenses for travel and accommodation subject to prior approval of the County Attorney, total amount not to exceed \$75,000 for the term of the agreement, and be it

FURTHER RESOLVED, that payments hereinabove authorized shall be made from budget line 390005.4736.101000 (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 (Whalen).

### **RESOLUTION NO. 247**

By Public Safety and Emergency Services and Finance Committees

Seconded by Mr. Shafer

#### **RESOLUTION AUTHORIZING REVISION OF OPERATION IMPACT PROGRAM GRANT FOR THE OFFICE OF THE DISTRICT ATTORNEY, ADOPTING A REVISED PROGRAM BUDGET AND AUTHORIZING AN ADDITIONAL AGREEMENT WITH DR. KATRI SIEBERG AND/OR THE RESEARCH FOUNDATION OF BINGHAMTON UNIVERSITY FOR 2004-2006**

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WHEREAS, this County Legislature, by Resolution 374 of 2004, authorized the acceptance of an Operation Impact Program Grant for the Office of the District Attorney, adopted a program budget in the total amount of \$126,459 and authorized agreements with the Binghamton Police Department in the amount of \$72,500, with the Broome County Sheriff in the amount of \$17,500 and with Binghamton University in the amount of \$23,270 for the period April 1, 2004 through March 31, 2005, and

WHEREAS, said grant program consists of a multi-agency approach to the development and implementation of a data-driven, multi-faceted strategy to reduce street violence in the City of Binghamton, involving the District Attorney, the Binghamton Police Department and the Broome County Sheriff, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase of \$35,497 in grant appropriations, extend said grant through September 30, 2006 and to authorize an additional agreement with Dr. Katri Sieberg and/or the Research Foundation of Binghamton University in the amount of \$35,497 for research and data analysis, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Operation Impact Program Grant to reflect an increase of \$35,497 in grant appropriations and an extension of said grant through September 30, 2006, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$161,956, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with Dr. Katri Sieberg, Assistant Professor, Department of Political Science, and/or the Research Foundation, Binghamton University, Binghamton, NY 13903 for research and data analysis related to the Operation Impact Grant for the Office of the District Attorney for the period April 1, 2004 through September 30, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$35,497 for the term of the agreement, and be it

FURTHER RESOLVED, that Resolution 374 of 2004, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

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

### **RESOLUTION NO. 248**

By Public Safety and Emergency Services and Finance Committees

Seconded by Mr. Lindsey

#### **RESOLUTION AMENDING RESOLUTION 486 OF 2005 REGARDING THE OPERATION IMPACT PROGRAM GRANT FOR THE OFFICE OF THE DISTRICT ATTORNEY FOR 2005-2006**

WHEREAS, this County Legislature, by Resolution 486 of 2005 authorized and approved renewal of the Operation Impact Program Grant in the amount of \$280,000, and authorized agreements with the Binghamton Police Department in the amount of \$157,250 and with the Broome County Sheriff's Office in the amount of \$55,000, for the period April 1, 2005 through March 31, 2006, and

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WHEREAS, said program grant funds a collaborative law enforcement effort to reduce violet crime in targeted areas in the City of Binghamton and Broome County, and

WHEREAS, it is desired at this time to amend said resolution reducing the allocation to the Broome County Sheriff by \$2,000 and reducing the allocation to the Binghamton Police Department by \$22,448, and extending said grant through July 31, 2006, and

WHEREAS, it is desired to enter into agreements with the Port Dickinson Police Department for an amount not to exceed \$1,000 and with the Endicott Police Department for an amount not to exceed \$1,000 for the period April 1, 2005 through July 31, 2006, and with the Binghamton Housing Authority in the amount of \$22,448 for the period April 1, 2006 through June 30, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves the amendment to Resolution 486 of 2005 to reflect the reduction of appropriations to the Broome County Sheriff by \$2,000 and reduction of allocation to the Binghamton Police Department by \$22,448, and an extension of the Operation Impact Program Grant through July 31, 2006, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes agreements with the Port Dickinson Police Department, 786 Chenango Street, Binghamton, New York 13901, and with the Endicott Police Department, 1101 Park Street, Endicott, New York 13760, for special patrols, overtime, undercover agents and associated expenses in connection with a special investigation unit combined task force, for the period April 1, 2005 through July 31, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay each Contractor an amount not to exceed \$1,000 for the term of the agreement, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with the Binghamton Housing Authority, 45 Exchange Street, Binghamton, New York 13901 relating to the Operation Impact Program, for the period April 1, 2006 through June 30, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$22,448 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 330050.4545.XXXXXX (Contracted Services), and be it

FURTHER RESOLVED, that Resolution 486 of 2005, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

Mr. Howard made a motion to adjourn, seconded by Mr. Sanfilippo. **Motion to adjourn carried.**  
The meeting was adjourned at 6:17 p.m.



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