

**BROOME COUNTY LEGISLATURE
REGULAR SESSION
AUGUST 17, 1995**

The Legislature convened at 4:15 P.M. with a call to order by the Chair, Arthur J. Shafer. The Chair dispensed with the Roll Call, the Pledge of Allegiance to the Flag, and the moment of silent meditation. Present-19.

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

REPORTS:

1. ACCORD: 1994-95 Annual Report; Financial Statements (March 31, 1995).

Mr. Cahill moved, seconded by Mr. Pasquale to receive and file the above referenced report and that the Clerk be directed to index said report in the Journal of Proceedings and to publish the pertinent portions of said report as may be directed by the Chair. **Carried.**

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY LEGISLATURE

1. Letter of Commendation - Fred Rothman

2. Comments by Thomas Jablonowski, Consumer Affairs Specialist. Mr. Jablonowski will be retiring from public service by the end of the month. He thanked the Legislature and the current and former County Executives for supporting his efforts over the years.

RESOLUTIONS HELD OVER FROM PREVIOUS SESSION of July 20, 1995

RESOLUTION NO. 278 held over by Mr. Shafer

ADOPTING LOCAL LAW INTRO. NO. 10, 1995 ENTITLED "A LOCAL LAW AMENDING THE BROOME COUNTY CHARTER AND ADMINISTRATIVE CODE TO INCREASE THE TERMS OF OFFICE OF COUNTY LEGISLATORS TO FOUR YEARS"

Carried.

RESOLUTION NO. 318 held over by Mr. Pasquale

AUTHORIZING A REDISTRIBUTION OF SALES TAX BETWEEN THE COUNTY OF BROOME AND THE TOWNS, VILLAGES AND CITY OF BINGHAMTON OF BROOME COUNTY

Lost.

Ayes-5 Coffey, Kavulich, Pasquale, Schofield & Whalen

REGULAR SESSION OF AUGUST 17, 1995

Nays-14Augustini, Burger, Cahill, Holley, Howard, Hudak, Hull, Lindsey, Mather,
Miller, O'Day, Sweet, Wike & Shafer

RESOLUTION NO. 342 held over by Mr. Burger

**AUTHORIZING RENEWAL OF THE MUNICIPAL COOPERATIVE
AGREEMENT WITH THE BROOME COUNTY SOIL & WATER
CONSERVATION DISTRICT FOR TEN YEARS**

Mr. Burger moved, seconded by Mr. Howard to substitute a new version of the resolution which included some minor technical changes and a new paragraph 5. The changes included:

Substitute as the final WHEREAS paragraph and the first RESOLVED paragraph:

WHEREAS, the authorized agreement period has expired, now therefore be it
RESOLVED, that the County Legislature hereby authorizes a municipal
cooperative agreement with the Broome County Soil and Water Conservation District,
pursuant to General Municipal Law §119-o, for a ten year period, under the following
conditions: The following numbered section are replaced as follows:

5.The Parks Department will have exclusive use of one of the two gas pumps and will
share the use of the diesel fuel pump with the District. Each party will be
responsible for its own fuel. The District shall contribute one-third of the cost of
the removal of the three underground fuel tanks on the property pursuant to the
County Capital Improvement Program and, if the three underground tanks are
replaced by above-ground tanks, one-third of the cost of such replacement. The
Parks Department will be responsible for pump and tank testing and maintenance.

9.The term of this agreement shall be for the period from July 1, 1992 through June 30,
2002.

10.At the expiration of said period, this agreement may be renewed upon such terms
and conditions as are mutually agreeable to the County and to the Broome County
Soil and Water Conservation District.

The amendment **carried**.

The resolution as amended, **carried**.

RESOLUTION HELD OVER FROM PREVIOUS SPECIAL SESSION of August 17,
1995

REGULAR SESSION OF AUGUST 17, 1995

RESOLUTION NO. 361 held over by Mrs. Coffey

**RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 16, 1995, ENTITLED:
"A LOCAL LAW AMENDING THE BROOME COUNTY CHARTER AND
ADMINISTRATIVE CODE TO ELIMINATE THE DEPARTMENT OF
GENERAL SERVICES AND TO DISTRIBUTE ITS FUNCTIONS TO THE
DEPARTMENT OF AUDIT & CONTROL, THE DIVISION OF BUDGET AND
RESEARCH AND THE DIVISION OF COMPUTER SERVICES (RENAMED
DIVISION OF INFORMATION SERVICES)."**

Mr. Lindsey moved, seconded by Mr. Wike to **call the question** on the resolution. The call of the question **carried**.

The resolution **carried**. Ayes-17, Nays-2 (Coffey & Pasquale)

RESOLUTIONS INTRODUCED AT THIS SESSION

RESOLUTION NO. 362

by TRANSPORTATION and FINANCE COMMITTEES

Seconded by Mr. Lindsey

**RESOLUTION AUTHORIZING AGREEMENT WITH THE UNITED STATES
DEPARTMENT OF COMMERCE FOR STORAGE SPACE AT THE
BINGHAMTON REGIONAL AIRPORT FOR 1995 THROUGH 1998.**

WHEREAS, this County Legislature, by Resolution 94-543, authorized an agreement with the United States Department of Commerce for office space for the National Weather Service at the Binghamton Regional Airport for the period October 1, 1994 through September 30, 1995 with revenue to Broome County in the amount of \$29,242.92, and

WHEREAS, said agreement was terminated by the vendor on June 11, 1995, and it is desired at this time to authorize an agreement with the United States Department of Commerce for storage space only at the Binghamton Regional Airport for the period June 12, 1995 through September 30, 1995 with yearly renewals dependent on federal funding, through May 31, 1998 with annual revenue to Broome County in the amount of \$3,154.80, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the United States Department of Commerce for lease of storage space at the Binghamton Regional Airport for the period June 12, 1995 through September 30, 1995, with yearly renewals dependent on federal funding, through may 31, 1998, and be

REGULAR SESSION OF AUGUST 17, 1995

it

FURTHER RESOLVED, that in consideration of said lease, Broome County will receive revenue in the amount of \$3,154.80 per year, and be it

FURTHER RESOLVED, that the revenue hereinabove authorized shall be credited to budget line 210070.0108.207000 (Space Rental-Other), and be it

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

Carried.

RESOLUTION NO. 363

by EDUCATION, CULTURE & RECREATION and FINANCE COMMITTEE

Seconded by Mr. Lindsey

RESOLUTION AUTHORIZING CANCELLATION OF UNCOLLECTIBLE BROOME COUNTY VETERAN'S MEMORIAL ARENA BAD CHECK ACCOUNTS FROM 1991 THROUGH 1993.

WHEREAS, the Commission of Parks and Recreation has advised that for the calendar years 1991, 1992 and 1993, certain amounts owed to the Arena currently remain unpaid and uncollected, and

WHEREAS, repeated efforts have been made to collect these accounts by Broome County Security but have been unsuccessful, either because the individuals cannot be located or the cost involved to bring suit would exceed the potential recovery, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the cancellation and charge off of the uncollectible Arena bad check accounts as follows:

<u>Year</u>	<u>Amount</u>
1991	\$ 59.00
1992	\$263.00
1993	<u>\$ 42.50</u>
Total:	\$364.50

FURTHER RESOLVED, that the Commissioner of Finance and the Comptroller are hereby authorized to make the necessary accounting entries to implement the intent and purpose of this Resolution.

Carried.

RESOLUTION NO. 364

by COMMUNITY & SOCIAL SERVICES, and FINANCE COMMITTEES

Seconded by Mr. Lindsey

RESOLUTION AUTHORIZING REVISION OF THE FOOD STAMP EMPLOYMENT AND TRAINING GRANT FOR DEPARTMENT OF SOCIAL SERVICES AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1994 TO 1995.

WHEREAS, this County Legislature, by Resolution 403 of 1994, authorized the continued participation by the Department of Social Services in the Food Stamp Employment and Training Program for the period October 1, 1994 through September 30, 1995 in the amount of \$64,115.00; and

WHEREAS, it is necessary at this time to revise said program to reflect a decrease in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Food Stamp Employment and Training Grant Program for the period October 1, 1994 through September 30, 1995 in the total amount of \$63,057.00, 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 \$63,057.00 for the period October 1, 1994 through September 30, 1995, and be it

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

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

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

Carried.

RESOLUTION NO. 365

by COMMUNITY & SOCIAL SERVICES, and FINANCE COMMITTEES

Seconded by Mr. Lindsey

RESOLUTION AUTHORIZING RENEWAL OF BROOME COUNTY DEPARTMENT OF SOCIAL SERVICES SCHOOLS PREVENTION PARTNERSHIP PROGRAM GRANT FOR 1995-1996.

WHEREAS, this County Legislature, by Resolution 386 of 1994, authorized and

REGULAR SESSION OF AUGUST 17, 1995

approved participation by the Department of Social Services in the Preventive Partnership Program for the period September 1, 1994 through August 31, 1995 in the amount of \$275,885; and

WHEREAS, said grant program provides for preventive services and case management for at-risk children attending the Binghamton School District, and

WHEREAS, it is desired to renew said grant program for the period September 1, 1995 through June 30, 1996 in the amount of \$29,033; now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$29,033 from the Binghamton School District for the period September 1, 1995 through June 30, 1996, 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 \$29,033.00 for the period September 1, 1995 through June 30, 1996, and be it

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

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

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

Carried.

RESOLUTION NO. 366

by PUBLIC SAFETY & EMERGENCY SERVICES and FINANCE COMMITTEES

Seconded by Mr. Lindsey

RESOLUTION AUTHORIZING AGREEMENT WITH UNITED HEALTH SERVICES HOSPITALS FOR TRANSFER TO THE COUNTY OF TWO BASE STATION/ANTENNA FACILITIES FOR THE OFFICE OF EMERGENCY SERVICES.

WHEREAS, the Office of Emergency Services requests authorization for an agreement with United Health Services Hospitals for the transfer of two base station/antenna facilities to the County at no cost, and

WHEREAS, the acceptance of such facilities would contribute to establishment of

an effective microwave loop linking all Broome County and regional emergency medical services agencies and providers with hospital Emergency Department-based physician medical direction, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with United Health Services Hospitals, 33-37 Harrison Avenue, Johnson City, NY 13790, for transfer of two base station/antenna facilities in accordance with the following:

1. United Health Services Hospitals shall transfer ownership, maintenance and subsequent capital replacement responsibilities (following initial installation) of a brand new UHS Hospitals owned EMS (4 channel) hilltop base station/antenna to Broome County Ingraham Hill base/tower site. This system will be microwave looped by the County at its earliest opportunity.

2. United Health Services shall retain responsibility for the repair and/or replacement of the hospital based remote.

3. The current Wilson Hospital Emergency Department hilltop base (now located on Ingraham Hill) will also have ownership transferred to the County as above. This base/tower will be located at the new Western Broome County base/tower location and will be included in the microwave loop system. UHS Hospitals will be responsible for the hospital based remote. Ongoing base/tower maintenance and subsequent capital replacement cost responsibilities will be assumed by the County.

4. UHS Hospitals will provide and pay for two leased telephone lines (per location) necessary for each base station to operate and be linked to the hospitals.

5. The County 911 Center will manage the looped EMS Communication system from its new public safety complex and hilltop base stations.

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

Carried.

RESOLUTION NO. 367

by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING
and FINANCE COMMITTEES

Seconded by Mr. Lindsey

**RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH
KPMG PEAT MARWICK FOR "FAMIS" SOFTWARE
MAINTENANCE/SUPPORT FOR THE DIVISION OF COMPUTER
SERVICES FOR 1995.**

WHEREAS, this County Legislature, by Resolution 477 of 1994, authorized an

REGULAR SESSION OF AUGUST 17, 1995

agreement with KPMG Peat Marwick for "FAMIS" Software maintenance/support, at a cost of \$10,000.00, and

WHEREAS, it is necessary to authorize the amendment of said agreement to increase the amount to \$12,000.00, and

WHEREAS, the Division of Computer Services 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 KPMG Peat Marwick for "FAMIS" Software maintenance/support for the period 1995, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$12,000.00, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 370007.4513.101000 (Software Maintenance), and be it

FURTHER RESOLVED, that Resolution 477 of 1994, to the extent consistent herewith, shall remain in full force and effect, and be it

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

Carried.

RESOLUTION NO. 368

by PUBLIC WORKS and FINANCE COMMITTEES

Seconded by Mr. Lindsey

RESOLUTION AUTHORIZING THE COUNTY OF BROOME TO PARTICIPATE TO THE EXTENT OF 100% OF THE NON-FEDERAL SHARE IN THE COST OF A FEDERAL-AID PROJECT (1995 CAPITAL IMPROVEMENT PROGRAM G-344, OLD VESTAL ROAD) NOT ON THE STATE HIGHWAY SYSTEM ADMINISTERED BY THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION.

WHEREAS, a project for County Road 311, Old Vestal Road, Town of Vestal, Broome County P.I.N. 9751.68, funded for in Title 23 U.S. Code, as amended, calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Broome desires to advance the above project by making a commitment of 100% of the non-Federal share of the costs of Preliminary Engineering and R.O.W. Incidentals, now, therefore, be it

RESOLVED, that the Broome County Legislature hereby authorizes the County of Broome to pay 100% of the non-Federal share of the cost of Preliminary Engineering

and Right-Of-Way Incidentals work for the subject project or portions of the subject project that are not on the State Highway System; and be it

FURTHER RESOLVED, that the County shall pay an amount not to exceed \$60,400.00 to cover the cost of participation in the above phase of the project, and the County of Broome is hereby authorized and directed to deposit such sum with the State Comptroller prior to the award of the contract; and be it

FURTHER RESOLVED, that the payment hereinabove authorized shall be made from a budget line 035014.2013.501312 (Roads), and be it

FURTHER RESOLVED, that the County Executive of the County of Broome be and is hereby authorized to execute all necessary agreements on behalf of the County of Broome with the New York State Department of Transportation approving of the above subject project and providing for the municipality's participation in the cost in the local share of the subject project, and be it

FURTHER RESOLVED, that a copy of this resolution be filed with the New York State Commissioner of Transportation, it being understood that upon completion of the above project, the Commissioner shall transmit to the Commissioner of Public Works a statement showing the actual costs and expenses of such work and shall notify the County of Broome of the amount if any to be returned to the County of Broome.

Carried.

RESOLUTION NO. 369

by FINANCE COMMITTEE

Seconded by Mr. Lindsey

RESOLUTION AUTHORIZING REMOVAL OF CERTAIN PARCELS FROM THE 1992 IN REM FORECLOSURE.

WHEREAS, the Director of Real Property Tax Services advises that the parcels listed on the attached Exhibit A are presently included on the 1992 in rem property foreclosure action, and

WHEREAS, for the reasons indicated, it is necessary to authorize the removal of these parcels from the 1992 in rem foreclosure, now, therefore, be it

RESOLVED, that the parcels listed on the attached Exhibit A are removed from the 1992 in rem property foreclosure action for the reasons indicated.

Carried.

RESOLUTION NO. 370

by PERSONNEL and COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING COMMITTEES

Seconded by Mr. Lindsey

REGULAR SESSION OF AUGUST 17, 1995

RESOLUTION CONFIRMING APPOINTMENT OF ROBERT G. BEHNKE AS THE COUNTY ATTORNEY.

WHEREAS, Timothy M. Grippen, Broome County Executive, pursuant to the powers vested in him, by Article XVII, Section 1701 of the Broome County Charter, has duly designated and appointed, pending confirmation by this Legislature, Robert G. Behnke, 105 Gates Street, Binghamton, New York 13903, as the County Attorney, Effective September 15, 1995, and

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

RESOLVED, that this County Legislature, pursuant to the provisions of the Broome County Charter, does hereby confirm the name of Robert G. Behnke as County Attorney in accordance with his appointment by the County Executive.

Carried.

RESOLUTION NO. 371

by EDUCATION, CULTURE & RECREATION and FINANCE COMMITTEES

Seconded by Mr. Lindsey

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH COURT AND STATE COMPANY FOR LEASE OF SPACE FOR BROOME COUNTY PUBLIC LIBRARY FOR THE PERIOD 1995 THROUGH 1996.

WHEREAS, this County Legislature, by Resolution 441 of 1992, authorized an agreement with Court and State Company for lease of space at 122 State Street at a cost of \$49,229, and

WHEREAS, said services are necessary for continued need for additional property to house library operations, and

WHEREAS, said agreement expires by its terms on October 1, 1995, and it is desired at this time to renew said agreement for October 1, 1995 through September 30, 1996 on substantially similar terms and conditions, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Court and State Company for lease of space at 122 Court Street for the period October 1, 1995 through September 30, 1996, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor, Court and State Company, a total amount not to exceed \$48,320 (including heating cost) for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 841007.4422.304000/.304118 (Building and Land Rental), and be it

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

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

Carried.

RESOLUTION NO. 372

by HEALTH SERVICES and FINANCE COMMITTEES

Seconded by Mr. Lindsey

RESOLUTION AUTHORIZING RENEWAL OF STUDENT ASSISTANCE PROGRAM GRANT FROM DEPOSIT CENTRAL SCHOOL DISTRICT FOR THE DRUG AWARENESS CENTER AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1995 THROUGH 1996.

WHEREAS, this County Legislature, by Resolution 263 of 1994 as amended by Resolution 336 of 1995, authorized and approved the acceptance of a Comprehensive Prevention Services Program Grant (now renamed Student Assistance Program) from Deposit Central School District for the Drug Awareness Center and adopted a program budget in the amount of \$77,770 for July 1, 1994 through September 30, 1995, and

WHEREAS, the renewed grant program provides student assistance programs and counseling services for grades K-12, and

WHEREAS, it is desired to renew said grant program as redefined for September 1, 1995 through June 30, 1996 in the amount of \$25,700, now therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with and approves acceptance of \$25,700 from the Deposit Central School District for the Student Assistance Program for the period September 1, 1995 through June 30, 1996, 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 \$25,700 for the period September 1, 1995 through June 30, 1996, and be it

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

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

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

RESOLUTION NO. 373 by HEALTH SERVICES and FINANCE COMMITTEES

Seconded by Mr. Lindsey

RESOLUTION AUTHORIZING RENEWAL OF THE BROOME COUNTY DRUG AWARENESS CENTER STUDENT ASSISTANCE PROGRAM FOR THE UNION-ENDICOTT SCHOOL DISTRICT AUTHORIZING AN AGREEMENT WITH SAME AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1995 - 1996.

WHEREAS, this County Legislature, by Resolution 331 of 1994, authorized and approved the operation of the Broome County Drug Awareness Center Student Assistance program for the Union-Endicott School District for the period September 1, 1994 through August 31, 1995 and adopted a program budget in the amount of \$26,295, and

WHEREAS, it is desired to renew said grant program for the period September 1, 1995 through August 31, 1996 in the amount of \$26,945, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with and approves acceptance of \$26,945 from the Union-Endicott School District for the Broome County Drug Awareness Center Student Assistance Program for the period September 1, 1995 through August 31, 1996, 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 \$26,945 for the period September 1, 1995 through August 31, 1996, and be it

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

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

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

RESOLUTION NO. 374

by HEALTH SERVICES, PERSONNEL and FINANCE COMMITTEES

Seconded by Mr. Lindsey

RESOLUTION AUTHORIZING RENEWAL OF THE HEALTH DEPARTMENT HEALTHY NEIGHBORHOODS PROGRAM GRANT AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR

1995 THROUGH 1996.

WHEREAS, this County Legislature, by Resolution 94-379 and 94-618, authorized and approved the Health Department Healthy Neighborhoods Program Grant and adopted a program budget in connection therewith in the amount of \$44,037.00 for the period October 1, 1994 through September 30, 1995, and

WHEREAS, said grant program assesses unmet health needs by outreach and target areas in Broome County and also provides staff support to the lead paint, injury control, and community sanitation programs in Broome County, and

WHEREAS, it is desired to renew said grant program for the period October 1, 1995 through September 30, 1996 in the amount of \$44,037.00, now therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$44,037.00 from the New York State Health Department Bureau of Community Sanitation and Food Protection for the Health Department Healthy Neighborhoods Program Grant for the period October 1, 1995 through September 30, 1996, 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 \$44,037.00 for the period October 1, 1995 through September 30, 1996, and be it

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

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

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

RESOLUTION NO. 375

by HEALTH SERVICES, and FINANCE COMMITTEES

Seconded by Mr. Burger

RESOLUTION AUTHORIZING RENEWAL OF HEALTH DEPARTMENT COMPREHENSIVE TRAFFIC SAFETY PROGRAM GRANT AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1995 THROUGH 1996.

WHEREAS, this County Legislature, by Resolution 94-378 and 95-24, authorized and approved the Health Department Comprehensive Traffic Safety

REGULAR SESSION OF AUGUST 17, 1995

Program Grant and adopted a program budget in connection therewith in the amount of \$47,895.00 for the period October 1, 1994 through September 30, 1995, and

WHEREAS, said grant program supports local programs which reduce morbidity and mortality associated with traffic related accidents, and

WHEREAS, it is desired to renew said grant program for the period October 1, 1995 through September 30, 1996 in the amount of \$47,895.00, now therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$47,895.00 from the Governor's Traffic Safety Committee, NYS Department of Motor Vehicles for the Health Department Comprehensive Traffic Safety Program Grant for the period October 1, 1995 through September 30, 1996, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$47,895.00 for the period October 1, 1995 through September 30, 1996, and be it

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

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

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

Carried. Ayes-18, Nays-1 (Augustini)

RESOLUTION NO. 376

by HEALTH SERVICES, and FINANCE COMMITTEES

Seconded by Mr. Lindsey

RESOLUTION AUTHORIZING RENEWAL OF THE HEALTH DEPARTMENT INFANT MORTALITY REVIEW PROGRAM GRANT AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1995 THROUGH 1996.

WHEREAS, this County Legislature, by Resolution 94-414 and 95-120, authorized the Health Department Infant Mortality Review Program Grant for the period July 1, 1994 through June 30, 1995 and adopted a program budget in the amount of \$17,000.00, and

WHEREAS, said grant provides an Infant Mortality Review Program in Broome

County in an effort to reduce local infant mortality rates, and

WHEREAS, it is desired to renew said grant program for the period July 1, 1995 through June 30, 1996 in the amount of \$17,000.00, now therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$17,000.00 from the New York State Department of Health for the Health Department Infant Mortality Review Program for the period July 1, 1995 through June 30, 1996, 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 \$17,000.00 for the period July 1, 1995 through June 30, 1996, and be it

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

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

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

Carried.

RESOLUTION NO. 377

by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING COMMITTEE

Seconded by Mr. Lindsey

RESOLUTION ACCEPTING A GIFT OF A COMPUTER FROM THE TELECOMMUNICATIONS INITIATIVE FOR THE OFFICE OF THE BROOME COUNTY CLERK.

WHEREAS, the Office of the Broome County Clerk has received notification that the Telecommunications Initiative, a project funded by the state to give Internet access to local governments desires to gift the Broome County Clerk's Office with a computer capable of supporting Windows application and Internet access (also at no cost to Broome County), now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the Broome County Clerk to accept a computer from the Telecommunications Initiative, Hudson Valley Community College, HRC Room 523, 80 Vandenberg Avenue, Troy, New York

REGULAR SESSION OF AUGUST 17, 1995

12180 in order to access valuable resources throughout New York State and the United States, and be it

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

Carried.

RESOLUTION NO. 378

by PUBLIC SAFETY & EMERGENCY SERVICES, EDUCATION, CULTURE & RECREATION and FINANCE COMMITTEES

Seconded by Mr. Lindsey

RESOLUTION AUTHORIZING THE RENEWAL OF THE AGREEMENT WITH CHARLES TARRICONE FOR TOURNAMENT DIRECTOR SERVICES FOR THE BROOME COUNTY STOP-DWI HOLIDAY CLASSIC BASKETBALL TOURNAMENT FOR 1995.

WHEREAS, the Broome County STOP-DWI Program and the Broome County Parks and Recreation Department co-sponsor an annual late December STOP-DWI Holiday Classic Basketball Tournament, and

WHEREAS, this County Legislature, by Resolution 94-326, authorized an agreement with Charles Tarricone for tournament director services in connection with this tournament at a cost not to exceed \$5,000.00 for calendar year 1994, and

WHEREAS, said tournament director services are necessary to oversee planning, development and operation of the tournament which showcases some of Section IV's top high school basketball teams against top flight team from across the United States and promotes the STOP-DWI Program Drunk Driving Message during a holiday season, and

WHEREAS, it is desired to renew the agreement with Charles Tarricone for tournament director services for the 1995 STOP-DWI Holiday Classic Basketball Tournament, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Charles Tarricone, 1305 Campus Drive, Vestal, New York 13850 for tournament director services for the 1995 Broome County STOP-DWI Program Holiday Classic Basketball Tournament, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay Charles Tarricone an amount not to exceed \$5,000.00 plus authorized expenses as approved by the STOP-DWI Program Coordinator for the 1995 tournament, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from the Broome County STOP-DWI Program Holiday Classic Basketball Tournament Trust and Agency Account previously established, and be it

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

Carried.

RESOLUTION NO. 379

by PUBLIC SAFETY, EMERGENCY SERVICES, EDUCATION, CULTURE & RECREATION and FINANCE COMMITTEES

Seconded by Mr. Lindsey

RESOLUTION AUTHORIZING AN AGREEMENT WITH THE BROOME COUNTY ARENA FOR THE STOP-DWI HOLIDAY CLASSIC BASKETBALL TOURNAMENT FOR 1995.

WHEREAS, the Broome County STOP-DWI Program and Broome County Parks and Recreation Department co-sponsor an annual late December STOP-DWI Holiday Classic Basketball Tournament, and

WHEREAS, it is necessary to reserve the Broome County Arena for use and host of the majority of the game scheduled in connection with this tournament at a cost not to exceed \$9,000.00, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the Broome County Arena for use of its facility for the Broome County STOP-DWI Program Holiday Classic Basketball Tournament for late December, 1995, and be it

FURTHER RESOLVED, that in the consideration of said use, the Parks and Recreation Department shall receive an amount not to exceed \$9,000.00, and be it

FURTHER RESOLVED, that the payment hereinabove authorized shall be made from the Broome County STOP-DWI Program Holiday Classic Basketball Trust and Agency Account previously established, and be it

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

Carried.

RESOLUTION NO. 380

by PUBLIC SAFETY & EMERGENCY SERVICES, EDUCATION, CULTURE & RECREATION and FINANCE COMMITTEES Seconded by Mr. Lindsey

RESOLUTION AUTHORIZING CONTINUATION OF THE BROOME COUNTY STOP-DWI PROGRAM HOLIDAY CLASSIC BASKETBALL TOURNAMENT GRANT AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1995 THROUGH 1996.

WHEREAS, the Broome County STOP-DWI Program and Broome County Parks and Recreation Department co-sponsor an annual late December STOP-DWI Holiday Classic Basketball Tournament, and

WHEREAS, this County Legislature, by Resolution 94-325, authorized and approved the establishment of the Broome County STOP-DWI Holiday Classic Basketball Tournament Grant and adopted a program budget in connection therewith in the amount of \$74,500.00 for the period July 1, 1994 through March 1, 1995, and

WHEREAS, said grant program funds the Holiday Classic Basketball Tournament and it is desired to renew this grant program for the period July 1, 1995 through June 30, 1996, in the amount of \$74,300.00, now therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves the continuation of the Broome County STOP-DWI Program Holiday Classic Basketball Tournament Grant in the amount of \$74,300.00 for the period July 1, 1995 through June 30, 1996, 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 \$74,300.00 for the period July 1, 1995 through June 30, 1996, and be it

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

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

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

Carried.

RESOLUTION NO. 381

by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING

and FINANCE COMMITTEES

Seconded by Mr. Lindsey

RESOLUTION AUTHORIZING AGREEMENT WITH JOHN MACE, FOR JOB TRAINING SERVICES, WRITING AND MONITORING ON THE JOB TRAINING CONTRACTS FOR THE SOUTHERN TIER CAREER CENTER FOR 1995-1996.

WHEREAS, the Director of Office of Employment & Training requests authorization for an agreement with John Mace for job training services, writing and monitoring On The Job Training contracts for the Southern Tier Career Center for July 1, 1995 through June 30, 1996, at a cost not to exceed \$12,000, and

WHEREAS, said services are necessary to assist those of the staff of BCOET, BCOFA and BCOMH currently staffing the Southern Tier Regional Career Center by providing enhanced job placement services and OJT contracting expertise not yet possessed by Career Center staff, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with John Mace, for job training services, for the period July 1, 1995 through June 30, 1996, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$12,000 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 720722.4542.308000 (Contracted Training), and be it

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

Carried.

RESOLUTION NO. 382

by FINANCE COMMITTEE

Seconded by Mr. Lindsey

RESOLUTION AUTHORIZING AGREEMENT WITH COOPERS & LYBRAND FOR AUDITING SERVICES FOR 1995.

WHEREAS, the Manager of Risk and Insurance requests authorization for an agreement with Coopers & Lybrand for auditing services for 1995, at a cost not to exceed \$6,000, and

WHEREAS, said services are necessary to verify that Utica Mutual, the County's third party workers' compensation administrator, is performing its responsibility according to its contractual agreement, now, therefore, be it

REGULAR SESSION OF AUGUST 17, 1995

RESOLVED, that this County Legislature hereby authorizes an agreement with Coopers & Lybrand for auditing services for the period August 17, 1995 through September 15, 1995, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay Coopers & Lybrand, One Lincoln Center, Syracuse, New York 13202 an amount not to exceed \$6,000 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 050047.4724.601000 (Actuary Consultants), and be it

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

Carried.

RESOLUTION NO. 383

by FINANCE, PUBLIC SAFETY & EMERGENCY SERVICES and HEALTH SERVICES COMMITTEES

Seconded by Mr. Mather

RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR THE DISTRICT ATTORNEY, WILLOW POINT NURSING HOME, AND MENTAL HEALTH

RESOLVED, that in accordance with a request from the District Attorney, in order to correct the budget for the Aid to Prosecution Grant as adopted by Resolution No. 95-113. The wrong exhibit was attached. As requested by BT# 8129, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index</u>	<u>Sub-</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
	<u>Code</u>	<u>object</u>	<u>Code</u>		
FROM:	330035	4734	102931	Witness Expense	\$4,908
	330035	8060	102931	Health Insurance	695
TO :	330035	1000	102931	Salaries	\$3,919
	330035	8010	102931	State Retirement	\$1,078
	330035	8030	102931	Social Security	245
	330035	8040	102931	Workers' Comp.	361

and be it

FURTHER RESOLVED, that in accordance with a request from the Willow Point

Nursing Home, in order to provide funds for a temporary position in maintenance to assist management in preparing cost reports and time studies to increase the effectiveness and efficiency of the unit, as requested by BT# 8534, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Sub-object</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	160085	1000	204000	Salaries, Full-Time	\$4,000
TO :	160127	1600	204000	Salaries, Temporary	\$4,000

and be it

FURTHER RESOLVED, that in accordance with a request from Mental Health, in order to provide funds for temporary position needed to fill in for employee on disability. Grant position is federally funded. As requested by BT# 8255, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Sub-object</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	470112	1000	102906	Salaries, Full-Time	\$8,910
TO :	470112	1600	102906	Salaries, Temporary	\$8,910

Carried.

RESOLUTION NO. 384

by PERSONNEL, HEALTH SERVICES, and COMMUNITY & SOCIAL SERVICES COMMITTEES

Seconded by Mr. Cahill

RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUESTS FOR THE DEPARTMENTS OF MENTAL HEALTH, WILLOW POINT NURSING HOME, CASA, SOCIAL SERVICES AND DIVISION OF BUDGET AND RESEARCH.

RESOLVED, that in accordance with a request from the Department of Mental Health, as contained in PCR# 95-238, this County Legislature hereby authorizes the **creation** of two (2) part-time Keyboard Specialist positions at budget line

A470013.1500, minimum salary \$7.4769/hr (\$14,579), Grade 08, Union Code 08 (CSEA), effective July 31, 1995, and be it

FURTHER RESOLVED, that in accordance with a request from the Department of Mental Health, as contained in PCR# 95-237, this County Legislature hereby authorizes the **creation** of two (2) part-time Clinical Social Worker positions at budget line A470013.1500, minimum salary \$14.9964/hr (\$29,243), Grade 21, Union Code 08 (CSEA) and the **abolishment** of one (1) part-time Staff Psychologist position at budget line A470013.1500, minimum salary \$23.8103/hr (\$46,430), Grade 29, Union Code 07 (BAPA), effective July 31, 1995, and be it

FURTHER RESOLVED, that in accordance with a request from the Willow Point Nursing Home, as contained in PCR# 95-215, this County Legislature hereby authorizes the **change** of one (1) full-time Assistant Housekeeping Supervisor position at budget line WC160143.1000, minimum salary \$18,318, Grade 11, Union Code 04 (CSEA) to one (1) full-time Housekeeper position at budget line WC160143.1000, minimum salary \$18,318, Grade 11, Union Code 04 (CSEA) effective March 24, 1995, and be it

FURTHER RESOLVED, that in accordance with a request from the Willow Point Nursing Home, as contained in PCR# 95-256, this County Legislature hereby authorizes the **creation** of one (1) full-time Admissions Coordinator position at budget line WC160028.1000, minimum salary \$22,374, Grade 16, Union Code 04 (CSEA), and as contained in PCR# 95-258 to **freeze** one (1) full-time Social Work Assistant position at budget line WC160184.1000, minimum salary \$20,105, Grade 14, Union Code 04 (CSEA), effective August 17, 1995, and be it

FURTHER RESOLVED, that in accordance with a request from the Willow Point Nursing Home, as contained in PCR# 95-257, this County Legislature hereby authorizes the **creation** of one (1) full-time Physical Therapy Assistant position at budget line WC160226.1000, minimum salary \$18,318, Grade 11, Union Code 04 (CSEA), effective August 17, 1995, and be it

FURTHER RESOLVED, that in accordance with a request from the Willow Point Nursing Home, as contained in PCR# 95-259, this County Legislature hereby authorizes the **change** of one (1) full-time Rehabilitation Nurse Coordinator position at budget line WC160226.1000, minimum salary \$24,771, Grade 16, Union Code 07 (BAPA) to one (1) part-time Rehabilitation Nurse Coordinator position at budget line WC160077.1500, minimum salary \$11.9091/hr (\$24,771/annual), Grade 16, Union Code 07 (BAPA), effective July 3, 1995, and be it

FURTHER RESOLVED, that in accordance with a request from the Willow Point Nursing Home, as contained in PCR# 95-260, this County Legislature hereby authorizes the **freezing** of one (1) full-time CNA/NAT position at budget line WC160085.1000, minimum salary \$14,016, Grade 06, Union Code 04 (CSEA),

effective August 17, 1995, and be it

FURTHER RESOLVED, that in accordance with a request from the Willow Point Nursing Home, as contained in PCR# 95-262, this County Legislature hereby authorizes the **abolishment** of one (1) part-time Custodial Worker position at budget line WC160143.1500, minimum salary \$6,7169 (\$13,098/annual), Grade 06, Union Code 08 (CSEA) effective August 17, 1995, and be it

FURTHER RESOLVED, that in accordance with a request from the Willow Point Nursing Home, as contained in PCR# 95-265, this County Legislature hereby authorizes the **abolishment** of one (1) full-time Receptionist/Typist position at budget line WC160184.1000, minimum salary \$13,098, Grade 06, Union Code 04 (CSEA), effective August 17, 1995, and be it

FURTHER RESOLVED, that in accordance with a request from the Willow Point Nursing Home, as contained in PCR# 95-264, this County Legislature hereby authorizes the **abolishment** of one (1) full-time Receptionist/Typist position at budget line WC160028.1000, minimum salary \$13,098, Grade 06, Union Code 04 (CSEA), effective August 17, 1995, and be it

FURTHER RESOLVED, that in accordance with a request from the Willow Point Nursing Home, as contained in PCR# 95-268, this County Legislature hereby authorizes the **change** of two (2) full-time Physical Therapy Aide positions at budget line WC160226.1000, minimum salary \$13,820, Grade 07, Union Code 04 (CSEA) to two (2) full-time Rehabilitation Assistant positions at budget line WC160085.1000, minimum salary \$13,820, Grade 07, Union Code 04 (CSEA), effective August 17, 1995, and be it

FURTHER RESOLVED, that in accordance with a request from CASA as contained in PCR# 95-269, this County Legislature hereby authorizes the **upgrade** of one (1) full-time Caseworker position at budget line A680033.1000, minimum salary \$22,374, Grade 16, Union Code 04 (CSEA) to one (1) full-time Public Health Nurse position at budget line A680033.1000, minimum salary \$23,607, Grade 17, Union Code 04 (CSEA), effective August 28, 1995, and be it

FURTHER RESOLVED, that in accordance with a request from the Department of Social Services, as contained in PCR# 95-251, this County Legislature hereby authorizes the **abolishment** of one (1) full-time Senior Social Services Examiner position at budget line GA670430.1000, minimum salary \$19,057, Grade 13, Union Code 04 (CSEA), effective July 11, 1995, and be it

FURTHER RESOLVED, that in accordance with a request from the Division of Budget and Research , as contained in PCR# 95-271, this County Legislature hereby authorizes the **unfreezing** of one (1) full-time Budget Examiner position at budget line A230037.1000, minimum salary \$25,959, Grade 19, effective August 21, 1995.

Mr. Mather made the following amendment, seconded by Mr. Schofield:

I move to delete the following Further Resolved from RESOLUTION NO. 384

FURTHER RESOLVED, that in accordance with a request from the Division of Budget and Research , as contained in PCR# 95-271, this County Legislature hereby authorizes the **unfreezing** of one (1) full-time Budget Examiner position at budget line A230037.1000, minimum salary \$25,959, Grade 19, effective August 21, 1995.

and to substitute the following paragraphs':

FURTHER RESOLVED, that in accordance with a request from the Division of Budget and Research, this County Legislature hereby authorizes the **creation** of one (1) Budget Analyst position at budget line A230037.1000, minimum salary \$22,364, Grade 16, Union Code 09 (Admin), effective August 21, 1995, and be it

FURTHER RESOLVED, that in accordance with a request from the Legislature, this County Legislature hereby **rescinds** the creation of one (1) part-time Account Clerk Typist position at budget line A240028.1500, minimum salary \$7.8123/hr (\$15,234), Grade 08, and the abolishment of one (1) part-time Second Deputy Clerk of the Legislature position at budget line A240028.1500, minimum salary \$10.4041/hr (\$20,288), Grade 14, effective July 31, 1995, which was previously approved at the July 20, 1995 session, and be it

FURTHER RESOLVED, that in accordance with a request from the Legislature, this County Legislature hereby authorizes the retention of one (1) part-time Second Deputy Clerk of the Legislature position at budget line A240028.1500, minimum salary \$10.4041/hr (\$20,288), Grade 14, effective August 28, 1995, at 22.5 hours per week, (reduced from the previously authorized schedule of 30 hours per week). ***(See note)**

***LEGISLATIVE NOTE:**

The annual salary for this position at a 22.5 hour per week schedule is approximately \$12,175. The position is currently not filled. The salary for remaining quarter is approximately \$4,215. The budgeted amount was \$16,943, leaving an unexpended balance of \$12,728. A Transfer, of at least \$10,000 is expected to be made to the Discretionary Salary Savings line at the end of the year.

The amendment **carried**.

The resolution as amended **carried**.

RESOLUTION NO. 385

by FINANCE COMMITTEE

Seconded by Mr. Burger

RESOLUTION INCREASING THE RATE OF TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND ON CERTAIN SERVICES, AND ON OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES, PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK

Be it enacted by the Legislature of the County of Broome, as follows:

SECTION 1. The first sentence of section two of Resolution No. 180 of 1965, as amended, is amended to read as follows:

SECTION 2. Imposition of sales tax.

On and after June 1, 1974, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing March 1, 1994, and ending November 30, 1997, there is hereby imposed and there shall be paid an additional tax of one percent upon:

SECTION 2.A new subdivision (e) of section three of Resolution No. 180 of 1965, as amended, is added to read as follows:

(e) With respect to the additional tax of one percent imposed for the period commencing March 1, 1994, and ending November 30, 1997, the provisions of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to March 1, 1994, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to November 1, 1993, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to February 28, 1994. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to March 1, 1994, any transaction which may not be subject to the additional tax imposed effective on that date.

SECTION 3. Section four of Resolution No. 180 of 1965, as amended, is amended to read as follows:

SECTION 4. Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after March 1, 1994, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal

property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

- (b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing March 1, 1994, and ending November 30, 1997, the tax shall be at the rate of four percent, and on and after December 1, 1997, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.
- (c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing March 1, 1994 and ending November 30, 1997, the tax shall be at the rate of four percent, and on and after December 1, 1997, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.
- (d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing March 1, 1994, and ending November 30, 1997, the tax shall be at the rate of four percent, and on and after

December 1, 1997, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D), and (E) of subdivision (a) of this section, for the period March 1, 1994, and ending November 30, 1997, the tax shall be at the rate of four percent, and on and after December 1, 1997, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing March 1, 1994, and ending November 30, 1997, the tax shall be at the rate of four percent, and on and after December 1, 1997, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.

~~SECTION 4. Section six of Resolution No. 180 of 1965, as amended, is amended by~~

~~adding a new subdivision (k) to read as follows:~~

SECTION 4. Subdivision (k) of Section 6 of Resolution No. 180 of 1965, as amended, is amended to read as follows:

(k) Exemption of certain energy sources and related services from additional one percent rate of tax. Notwithstanding any inconsistent provision of this resolution, receipts from the retail sale or use of fuel oil and coal used for residential purposes; the receipts from the retail sale or use of wood used for residential heating purposes; and the receipts from every sale, other than for resale, or use of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be exempt from the additional one percent rate of sales and compensating use taxes imposed by section 2 and 4, respectively, of this resolution for the period commencing March 1, 1994, and ending November 30, 1997.

SECTION 5. Subdivision one of section eleven of Resolution no. 180 of 1965, as amended, is amended to read as follows:

(1)(A) In respect to the use of property used by the purchaser in this County prior to August 1, 1965.

(B) With respect to the additional tax of one percent imposed for the period beginning March 1, 1994, and ending November 30, 1997, in respect to the use of property used by the purchaser in this County prior to March 1, 1994.

~~SECTION 6. Subdivision (d) of section fourteen of Resolution No. 180 of 1965, as amended, is redesignated to be subdivision (f), subdivision (e) of such section is redesignated to be subdivision (d), and a new subdivision (e) is added to such section fourteen, to read as follows:~~

~~(e) Notwithstanding any other provision of this section to the contrary, one hundred percent of the net collections attributable to the additional one percent rate of sales and compensating use taxes imposed for the period March 1, 1994 through November 30, 1997, is hereby set aside for county purposes and shall be available for any county purpose. Provided, however, that where a city in the county imposes the same taxes described in section 1210 of the Tax law that the county imposes, then the provisions of subdivision (e) of this section shall apply.~~

SECTION 6. Subdivision (e) of section fourteen of Resolution No. 180 of 1965, as amended, is amended to read as follows:

(e)Notwithstanding any other provision of this section to the contrary, one hundred percent of the net collections attributable to the additional one percent rate of sales and compensating use taxes imposed for the period March 1, 1994 through November 30, 1997, is hereby set aside for county purposes and shall be available for any county purpose. Provided, however, that where a city in the county imposes, at the rate of two percent or higher, the same taxes described in section 1210 of the Tax law that the county imposes, then the provisions of subdivision (c) of this section shall apply.

SECTION 7. This enactment shall take effect on December 1, 1995.

Mr. Augustini moved, seconded by Mr. Pasquale to make the following technical amendments as requested by the Law Department:

Amend Section 4 to read as follows:

SECTION 4.Subdivision (k) of Section 6 of Resolution No. 180 of 1965, as amended, is amended to read as follows:

Amend Section 6 to read as follows:

SECTION 6.Subdivision (e) of section fourteen of Resolution No. 180 of 1965, as amended, is amended to read as follows:

(e)Notwithstanding any other provision of this section to the contrary, one hundred percent of the net collections attributable to the additional one percent rate of sales and compensating use taxes imposed for the period March 1, 1994 through November 30, 1997, is hereby set aside for county purposes and shall be available for any county purpose. Provided, however, that where a city in the county imposes, at the rate of two percent or higher, the same taxes described in section 1210 of the Tax law that the county imposes, then the provisions of subdivision (c) of this section shall apply.

The amendment(s) **carried.**

Ayes-12Augustini, Burger, Coffey, Holley, Howard, Kavulich, Lindsey, Mather, O'Day,
Pasquale, Sweet & Whalen

Nays-7Cahill, Hudak, Hull, Miller, Schofield, Wike & Shafer

The resolution as amended, **carried.**

Ayes-12 Augostini, Burger, Coffey, Holley, Howard, Kavulich, Lindsey, Mather, O'Day,
Pasquale, Sweet & Whalen

Nays-7 Cahill, Hudak, Hull, Miller, Schofield, Wike & Shafer

Note: Strikeout in resolution shows the original language which is now deleted. The underlined items in Section 4 and Section 6 indicate the new material.

RESOLUTION NO. 386 (WITHDRAWN BY PERSONNEL COMMITTEE)

by PERSONNEL COMMITTEE

Seconded by Mr. Augostini

RESOLUTION AUTHORIZING A LABOR AGREEMENT WITH AFSCME LOCAL 1912, FOR JANUARY 1, 1995 THROUGH DECEMBER 31, 1997.

WHEREAS, the County of Broome, under the provisions of the Civil Service law (Taylor Law) has heretofore recognized AFSCME Local 1912 as an employee organization for those certain Broome County employees represented by said union, and

WHEREAS, this County Legislature by Resolution NO. 617 of 1991, authorized a written agreement with AFSCME Local 1912 setting forth the terms and conditions of employment for those employees represented by said union for the period January 1, 1992 through December 31, 1994, and

WHEREAS, a tentative agreement has been reached with AFSCME Local 1912 for the period January 1, 1995 through December 31, 1997, and

WHEREAS, it is desired at this time to renew said Labor Agreement on the terms and conditions set forth in the memo of agreement on file with the Clerk of this Legislature, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with AFSCME Local 1912, setting forth the terms and conditions of employment for those employees represented by said union, for the period January 1, 1995 through December 31, 1997, and be it

FURTHER RESOLVED, that the said agreement shall be upon substantially similar terms and conditions as the 1992 and 1994 written Labor Agreement with the exception of those changes listed on Exhibit "A" attached hereto, and be it

FURTHER RESOLVED, that Resolution 95-228 be and the same hereby is repealed, and be it

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

implement the intent and purpose of this Resolution.

***LEGISLATIVE NOTE:** Following initial sponsorship by the Personnel Committee, the Legislature learned that the bargaining unit had rejected the settlement. Mr. Mather, Chair of the Personnel Committee requested that the resolution be withdrawn following a poll of the members of the Personnel Committee.

Withdrawn.

RESOLUTION NO. 387

by EDUCATION, CULTURE AND RECREATION COMMITTEE

Seconded by Mr. Hull

RESOLUTION REQUESTING THAT AQUA-TERRA BE REOPENED AS A COUNTY RECREATIONAL FACILITY.

WHEREAS, the County owns real property commonly known as Aqua-Terra which it operated as a recreational facility; and

WHEREAS, the County closed Aqua-Terra during 1995, and

WHEREAS, the Department of Parks and Recreation has determined that it is able to reopen Aqua-Terra as a recreational facility for the remainder of 1995 without a negative impact on its 1995 budget, and

WHEREAS, the County intends to keep Aqua-Terra open in 1996, now therefore, be it

RESOLVED, that this County Legislature requests that Aqua Terra be reopened as a county recreational facility for the remainder of 1995, and be it

FURTHER RESOLVED, that funding be requested in the County's proposed 1996 budget to operate Aqua-Terra as a county recreational facility.

Mrs. Coffey moved, seconded by Mr. Hull to **call the question** on the resolution. The call of the question **carried**.

The resolution **Carried**.

Ayes-12Burger, Cahill, Coffey, Holley, Howard, Hull, Lindsey, Mather, Miller, O'Day, Pasquale & Whalen

Nays-7Augustini, Hudak, Kavulich, Schofield, Sweet, Wike & Shafer

RESOLUTION NO. 388

by TRANSPORTATION AND FINANCE COMMITTEES

REGULAR SESSION OF AUGUST 17, 1995

Seconded by Mrs. Coffey

RESOLUTION AMENDING THE 1994 CAPITAL IMPROVEMENT PROGRAM.

WHEREAS, by Resolution 460 of 1993, the Broome County Legislature approved the 1994 Capital Improvement Program which included Capital Project Q-56 Transit Coach Replacement (17), and

WHEREAS, the Department of Public Transportation requests an amendment to Capital Project Q-56 Transit Coach Replacement (17) in order to provide additional funding required by the bid to be awarded, now, therefore, be it

RESOLVED, that the 1994 Capital Improvement Program is hereby amended as follows:

FROM:

Distribution of Costs:						
<u>Code</u>	<u>Project Title</u>	<u>Total</u>	<u>State</u>	<u>Federal</u>	<u>County</u>	
Q-56	Transit Coach Replacement (17)	\$3,400,000		\$340,000	\$2,720,000	\$340,000

Project Number
501292

County Sources:

<u>Year Start</u>	<u>YPU Bond</u>	<u>Transfer</u>	
1994	5	\$680,000	\$0

Description: Replacement of seventeen (17) 1982 Grumman Flexible coaches with full-size forty-five passenger transit coaches to maintain fleet reliability.

Project will be completed within the fiscal period and will also reduce annual operating costs by over \$100,000 in the following fiscal periods. Local share will be partly provided from a capital reserve.

TO:

Distribution of Costs:						
<u>Code</u>	<u>Project Title</u>	<u>Total</u>	<u>State</u>	<u>Federal</u>	<u>County</u>	
Q-56	Transit Coach Replacement (15)	\$3,910,000		\$391,000	\$3,128,000	\$391,000

Project Number
501292

County Sources:

<u>Year Start</u>	<u>YPU Bond</u>	<u>Transfer</u>	
1994	5	\$782,000	\$0

Description: Replacement of fifteen (15) 1982 Grumman Flexible Coaches with full size forty-five passenger transit coaches.

Project will be completed within next fiscal period and will also reduce annual operating costs by over \$100,000 in the following fiscal periods.

Carried.

RESOLUTION NO. 389

by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING COMMITTEE

Seconded by Mrs. Coffey

RESOLUTION ACCEPTING THE CENTER FOR GOVERNMENTAL RESEARCH, INC. STUDY OF SELECTED BROOME COUNTY DEPARTMENTS AND RECOMMENDING IMPLEMENTATION OF THE REPORT'S RECOMMENDATIONS

WHEREAS, the Broome County Legislature by Resolution No. 307 of 1994 authorized an agreement with the Center For Governmental Research, Inc. (CGR) for the purpose of conducting an efficiency and cost-savings study of selected aspects of Broome County Government, and

WHEREAS, CGR has issued a series of reports which indicate cost and labor savings in the following areas:

CLERK OF THE BROOME COUNTY LEGISLATURE
BROOME COUNTY GENERAL SERVICES DEPARTMENT
BROOME COUNTY LAW DEPARTMENT (COUNTY ATTORNEY)
BROOME COUNTY DEPARTMENT OF COMPUTER SERVICES
BROOME COUNTY DEPARTMENT OF PUBLIC TRANSPORTATION
BROOME COUNTY FINANCE DEPARTMENT
BROOME COUNTY DEPARTMENT OF AUDIT & CONTROL
(PROPOSED) BROOME COUNTY INFORMATION SERVICES

DEPARTMENT

and,

WHEREAS, these reports are now complete, and have been filed with the Clerk of the County Legislature, and

WHEREAS, the CGR Report has been reviewed by the appropriate committees of this Legislature for the purpose of recommending implementation of all or parts of the report, and

WHEREAS, this recommendation will be forwarded to the County Executive and the Budget Office with the request that the proposals contained in the CGR Report be included in the County Executive's Proposed 1996 Budget for implementation in 1996,

REGULAR SESSION OF AUGUST 17, 1995

now therefore be it

RESOLVED, that this County Legislature, having reviewed the CGR Reports noted above does hereby receive said reports and does recommend to the County Executive and Budget Office that all proposals be considered in the County Executive's Proposed 1996 Budget for implementation in 1996.

Carried.

RESOLUTION NO. 390

by FINANCE COMMITTEES

Seconded by Mr. Mather

RESOLUTION AMENDING THE 1995 CAPITAL IMPROVEMENT PROGRAM.

WHEREAS, by Resolution 454 of 1994, this County Legislature approved the 1995 Capital Improvement Program including capital project H-31 Highway Boiler Replacement, and

WHEREAS, the Deputy Commissioner of Public Works-Highways has requested an amendment to capital project H-31 Highway Boiler Replacement to cover additional costs because the low bid was higher than anticipated, now therefore, be it

RESOLVED, that the 1995 Capital Improvement Program is hereby amended as follows:

FROM:

		Distribution of Costs:			
<u>Code</u>	<u>Project Title</u>	<u>Total</u>	<u>State</u>	<u>Federal</u>	<u>County</u>
H-31	Highway Boiler Replacement	\$120,000	\$0	\$0	\$120,000
	<u>Project Number</u>				
	502254				
		County Sources:			
	<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Transfer</u>	
	1995	5	\$0	\$120,000	

TO:

		Distribution of Costs:			
<u>Code</u>	<u>Project Title</u>	<u>Total</u>	<u>State</u>	<u>Federal</u>	<u>County</u>
H-31	Highway Boiler Replacement	\$130,000	\$0	\$0	\$130,000

Project Number
502254

County Sources:

<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Transfer</u>
1995	5	\$0	\$130,000

and be it

FURTHER RESOLVED, that in order to provide funding for the amended capital project H-31 Highway Boiler Replacement, this County Legislature hereby authorizes the Commissioner of Finance to make a transfer of funds as requested by BT# 8297:

	<u>Index Code</u>	<u>Sub-object</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	030122	2017	301000	Bridges	\$10,000
TO :	030122	9004	301000	Transfer to Capital	\$10,000

Carried.

RESOLUTION NO. 391

by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING COMMITTEE

Seconded by Mr. Hull

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION AND ENTERING INTO A STATE CONTRACT FOR A STATE GRANT IN AIDE FOR HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAMS, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE.

WHEREAS, Chapter 610 of the Laws of 1993 provide state assistance for local government household hazardous waste collection programs; and

WHEREAS, the County of Broome having offices at the Edwin L. Crawford County Office Building, PO Box 1766, Binghamton, New York 13902, hereinafter called the municipality has examined and duly considered Chapter 610 of the laws of 1993 of the State of New York and the municipality deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a contract by and between the New York State

REGULAR SESSION OF AUGUST 17, 1995

Department of Environmental Conservation hereinafter called the Department and the municipality be executed for such state assistance; now, therefore, be it

RESOLVED, that the filing of an application in the form required by the State of New York and in conformity with Chapter 610 of the Laws of 1993 and rules and regulations promulgated thereunder is hereby authorized, including all understandings and assurances contained in said application, and be it

FURTHER RESOLVED, that the municipality agrees it will fund its portion of the cost of said household hazardous waste collection program, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby directed and authorized as the official representative of the municipality to sign said application, to provide to the department such information as may be required and to sign the resulting contract, if said application is approved by the department, and be it

FURTHER RESOLVED, that one certified original and four copies of this resolution be prepared and sent to the Director, Division of Solid and Hazardous Materials, New York State Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233-7250, accompanied by one original and two copies of the complete grant application package, and be it

FURTHER RESOLVED, that this resolution shall take effect immediately.

Carried.

Mr. Lindsey moved, seconded by Mr. Whalen to **adjourn** at 5:50 P.M. **Carried.**