

---

**BROOME COUNTY LEGISLATURE  
REGULAR SESSION  
THURSDAY, JANUARY 22, 2004**

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-14, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).

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 Hudak.

Mr. Wike made a motion, seconded by Mr. Kolba, that the minutes of the December 29, 2003 Regular Session be approved as prepared and presented by the Clerk. **Carried**, Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).

Mr. Schofield noted that the committee minutes for the period December 29, 2003 through January 21, 2004 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. Kuzel, seconded by Mr. Kolba. **Carried**, Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).

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

Letters from the County Executive, Jeffrey P. Kraham:

- A. Appointment to the Broome County Youth Bureau Advisory Board
- B. Appointment to the Broome County Arena Board of Directors

County Executive Kraham came before the body to announce that the New York State Department of Environmental Conservation had changed the IBM Hazardous Spill site classification from a Level 4 to a Level 2.

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

- A. Petitions: None
- B. Communications:
  - 1. 2004 Legislative Meeting Schedule
  - 2. 2004 Town of Chenango Officers
  - 3. Broome County Association of Municipal Clerks Minutes – 12/18/03
  - 4. Employment Contract Between County of Broome and Broome Administrative and Professional Association 2002-2005
- C. Notices: None
- D. Reports:
  - 1. Town of Union 2004 Budget
  - 2. BCC Above Minimum Hire Report 12/03
  - 3. Broome County Health Department 2002 Annual Report
  - 4. Audit and Control Payroll Audit-Elections & STOP DWI
  - 5. Broome County Legislature/Clerk of the Legislature 2003 Annual Report
  - 6. Audit & Control-Cash Verification Audits
  - 7. Department of Finance-Dog License Report 1/1/03-12/31/03

---

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

Letters from the Chair, Daniel A. Schofield:

1. Designation for Mr. Pasquale - Special Finance Committee Meeting 12/29/03
2. Designations for Mr. Mather & Mr. Marinich-week of January 12, 2004
3. Designations for Mr. Shafer & Mr. Miller-week of January 12, 2004

Mr. Kuzel made a motion, seconded by Mr. Brunza, to receive and file the above referenced reports and to authorize and direct the Clerk to index said reports in the 2004 JOURNAL OF PROCEEDINGS and to publish pertinent portions of said reports as may be directed by the Chair. **Carried**, Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).

Mr. Brunza and Mr. Lindsey 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 INTRODUCED AT THIS SESSION**

**RESOLUTION NO. 1**

By Education, Culture & Recreation Committee

Seconded by Mr. Brunza

**RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME COUNTY ARENA BOARD OF DIRECTORS**

WHEREAS, Jeffery P. Kraham, Broome County Executive, pursuant to the authority vested in him by Article XXIV, Section 2408 of the Broome County Charter and Code, has duly designated and appointed the following named individuals to membership on the Broome County Arena Board of Directors, for the terms indicated, subject to confirmation by this County Legislature:

<u>NAME</u>	<u>TERM EXPIRING</u>
David Berger 813 Annabelle Street Vestal, New York 13850	Reappointment Term Expires 12/31/06
John Castelli 2429 Maria Boulevard Binghamton, New York 13903	Reappointment Term Expires 12/31/06
Gerald Hlopko 4501 Mansfield Road Vestal, New York 13850	Reappointment Term Expires 12/31/06
David Martin 198 Pleasant Hill Road Port Crane, New York 13833	New Appointment Term Expires 12/31/06
Stephen Sedlock 161 Clinton Street Binghamton, New York 13905	New Appointment Term Expires 12/31/06
Michael Kalinich 24 Oak Ridge Drive Binghamton, New York 13903	New Appointment Term Expires 12/31/06

---

Richard Allman  
83 Blackstone Avenue  
Binghamton, New York 13903

New Appointment  
Term Expires 12/31/06

Lou Santoni  
3357 Laurie Brook Drive  
Binghamton, New York 13903

New Appointment  
Term Expires 12/31/05

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 XXIV,  
Section 2408 of the Broome County Charter and Code, confirms the appointments of the above-  
named individuals to membership on the Broome County Arena Board of Directors for the terms  
indicated, in accordance with their appointment by the County Executive.

**Carried, Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).**

### RESOLUTION NO. 2

By Education, Culture & Recreation Committee

Seconded by Mr. Brunza

**RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH BC OPEN AND BROOME  
COUNTY COMMUNITY CHARITIES, INC. FOR VOLUNTEER AND HANDICAPPED PARKING  
AT GRIPPEN PARK FOR 2004**

WHEREAS, this County Legislature, by Resolution 165 of 2003, authorized an agreement  
with the BC Open and Broome County Community Charities, Inc. for volunteer and handicapped  
parking at Grippen Park at no cost to the County, for the period July 16, 2003 through July 20, 2003,  
and

WHEREAS, said services are necessary to provide volunteer and handicapped parking for  
spectators and participants during the BC Open Golf Tournament, and

WHEREAS, said agreement expired by its terms on July 20, 2003, and it is desired at this  
time to renew said agreement on substantially similar terms and conditions, for the period July 12,  
2004 through July 18, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with  
the BC Open and Broome County Community Charities, Inc., P.O. Box 5571, Union Station,  
Endicott, New York 13763-5571, for volunteer and handicapped parking services during the BC  
Open for the period July 12, 2004 through July 18, 2004, and be it

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

**Carried, Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).**

### RESOLUTION NO. 3

By Economic Development & Planning Committee

Seconded by Mr. Brunza

**RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME COUNTY  
ENVIRONMENTAL MANAGEMENT COUNCIL BOARD OF DIRECTORS**

WHEREAS, Jeffery P. Kraham, Broome County Executive, pursuant to the authority  
vested in him by Resolution 277 of 1971, Resolution 64 of 1973, Resolution 366 of 1976 and  
Resolution 366 of 1976, has duly designated and appointed the following named individuals to  
membership on the Broome County Environmental Management Council Board of Directors, for  
the terms indicated, subject to confirmation by this County Legislature:

<u>NAME</u>	<u>TERM</u>
Tony Lubanski 1403 Oakdale Road Johnson City, New York 13790	Reappointment Term 1/1/04-12/31/05

---

Andre LaClair  
131 Ballyhack Road  
Port Crane, New York 13833

Reappointment  
Term 1/1/04-12/31/05

Mary Cronk  
32 Jason Drive  
Binghamton, New York 13901

New Appointment  
Term 1/1/04-12/31/05

Lisa Hoffman  
833 Lehigh Avenue  
Vestal, New York 13850

New Appointment  
Term 1/1/04-12/31/05

Marion Percik  
29 Orchard Road  
Binghamton, New York 13905  
(Town of Dickinson CAC)

Reappointment  
Term 1/1/04-12/31/05

and

WHEREAS, it is desired at this time to confirm said appointments, now, therefore, be it  
RESOLVED, that this County Legislature, pursuant to the provisions of Resolution 277 of  
1971, Resolution 64 of 1973, Resolution 366 of 1976 and Resolution 341 of 1980 confirms the  
appointments of the above-named individuals to membership on the Broome County  
Environmental Management Council Board of Directors for the terms indicated, in accordance  
with their appointment by the County Executive.

**Carried**, Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).

#### **RESOLUTION NO. 4**

By County Administration, Economic Development & Planning and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION TO CHANGE THE NAME OF THE BROOME COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL'S JOYCE SMITH MEMORIAL FUND TRUST ACCOUNT TO THE JOYCE K. L. SMITH MEMORIAL FUND TRUST ACCOUNT**

WHEREAS, in 1999 the Broome County Environmental Management Council (EMC)  
established by Resolution 99-206 the Joyce Smith Memorial Fund Trust Account for use by the  
EMC in conducting environmental programs, and

WHEREAS, it was Mrs. Smith's family that made provisions for a memorial fund to be  
created in her name for the purposes of furthering environmental education and improving local  
environmental quality, and

WHEREAS, in conjunction with the establishment of the memorial trust fund account, the  
EMC named it's annual photography show and competition after Mrs. Smith, and

WHEREAS, the honorary photography show has become increasingly popular in scope  
and size that the family desired to see her name reflected as she was well known, and

WHEREAS, Mrs. Smith was well known as Joyce K. L. Smith, and

WHEREAS, that family, staff and volunteer members of the EMC request that the name of  
the Joyce Smith Memorial Fund trust Account be change to the Joyce K. L. Smith Memorial  
Trust Fund Account to reflect this name, and

WHEREAS, the Commissioner of Finance concurs with said request, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the name change of the  
Joyce Smith Memorial Trust Fund Account to the Joyce K. L. Smith Memorial Trust Fund  
Account, and be it

FURTHER RESOLVED, that the EMC will incorporate the name change in its honorary  
annual photography show and competition, and be it

---

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

**Carried**, Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).

### **RESOLUTION NO. 5**

By Public Works and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING THE RENEWAL OF AN INTERMUNICIPAL AGREEMENT WITH TIOGA COUNTY FOR THE COLLECTION OF HAZARDOUS WASTE GENERATED IN TIOGA COUNTY FOR 2004**

WHEREAS, this County Legislature, by Resolution 648 of 2002, authorized the renewal of an intermunicipal agreement with Tioga County allowing for the collection of hazardous waste from households and conditionally exempt small quantity generators at the Broome County Hazardous Waste Facility with revenue to the County for the period January 1, 2003 through December 31, 2003, and

WHEREAS, said agreement generates revenue to Broome County to offset a portion of the operating expenses at the Hazardous Waste Facility and, by providing this collection service to Tioga County, will enhance the regional economy and benefit the region's environment, and

WHEREAS, said agreement expired by its terms on December 31, 2003, and it is desired at this time to renew said agreement on substantially similar terms and conditions, with revenue to the County for the period January 1, 2004 through December 31, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of an intermunicipal agreement with Tioga County for the collection of hazardous waste from households and conditionally exempt small quantity generators of hazardous wastes located in Tioga County for the period January 1, 2004 through December 31, 2004, and be it

FURTHER RESOLVED, that Tioga County residents will be allowed access to the Broome County Hazardous Waste Facility during scheduled collection days during the months of April through November for the disposal of hazardous waste, following the facility's guidelines, and be it

FURTHER RESOLVED, the following charges will apply to Tioga County, its residents and businesses:

- Tioga County will pay an annual fee of \$3,200 plus a disposal fee of \$0.75 per pound for all wastes brought to the facility by Tioga County residents
- Tioga County businesses and institutions meeting the criteria of "conditionally exempt small quantity generators (CESQGs)" will be permitted access to the facility on a year-round basis, during all scheduled days of operation subject to an annual fee of \$80 and a disposal fee of \$0.75 per pound,

and be it

FURTHER RESOLVED, that the revenue hereinabove received shall be credited to budget line 230078.0609.206000 (Permits) and 230078.0621.206000 (Disposal Fees), and be it

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

**Carried**, Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).

### **RESOLUTION NO. 6**

By County Administration, Public Works and Finance Committees

Seconded by Mr. Kolba

#### **RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 1, 2004, ENTITLED: "A LOCAL LAW AMENDING CHAPTER 179 OF THE BROOME COUNTY CHARTER AND CODE, AS AMENDED, REGARDING LANDFILL FEES"**

RESOLVED, that Local Law Intro. No. 1, 2004, entitled: "A Local Law Amending Chapter 179 Of The Broome County Charter And Code, As Amended, Regarding Landfill Fees," be and the same

---

hereby is adopted and approved in accordance with the Broome County Charter the Municipal Home Rule Law and all the applicable statutes and laws pertaining thereto.

**LOCAL LAW INTRO. NO. 1, 2004**

**“A LOCAL LAW AMENDING CHAPTER 179 OF THE BROOME COUNTY CHARTER AND CODE, AS AMENDED, REGARDING LANDFILL FEES”**

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

Section 1. Chapter 179-9(A) (3) (g) of the Broome County Charter and Code, as amended, be and hereby is amended to read as follows:

Section 179-9 Fees and Charges

(3) Commencing April 1, 1994, the following separate charges shall apply at the [Nanticoke] Broome County Landfill:

(g) Auto Shredder Fluff: \$25 per ton. To be accepted from in-county and out-of-county processors on an as-needed basis and used as an alternative daily cover material subject to rules and regulations as may be promulgated by the Division of Solid Waste from time to time and provided the processor(s) furnish(es) documentation showing the fluff to have been tested and to be in compliance with applicable Department of Environmental Conservation requirements and/or the Environmental Conservation Law.

Section 2. This Local Law shall become effective upon filing with the Secretary of State.

Material in [brackets] deleted

Material underlined added

**Carried**, Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).

**RESOLUTION NO. 7**

By Public Works and Finance Committees

Seconded by Mr. Wike

**RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH BUCK ENVIRONMENTAL LABORATORIES, INC. FOR PROFESSIONAL LABORATORY SERVICES AT THE NANTICOKE LANDFILL FOR THE DIVISION OF SOLID WASTE MANAGEMENT FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 65 of 2003, authorized renewal of an agreement with Buck Environmental Laboratories, Inc. for professional laboratory services at the Nanticoke Landfill at a total cost not to exceed \$80,758.72 for the period March 1, 2003 through February 29, 2004, and

WHEREAS, said services are necessary for groundwater, leachate and soil monitoring at the Nanticoke Landfill, and

WHEREAS, it is necessary to authorize the amendment of said agreement to extend the contract term for an additional sixteen (16) months to allow for the completion of projects and data organization and transfer to the County, 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 of the agreement with Buck Environmental Laboratories, Inc., 3821 Buck Drive, P.O. Box 5150, Cortland, New York 13045 to extend the contract term for an additional sixteen (16) months to allow the completion of projects and data organization and transfer to the County, for the period March 1, 2003 through April 30, 2005, and be it

---

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at the rates listed in the attached Exhibit "A", which reflects a consumer price index increase of 2.89%, total cost not to exceed \$86,182.83 for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 230086.4457.206000 (Subcontracted Program), and be it

FURTHER RESOLVED, that Resolution 65 of 2003, 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.

Mr. Pasquale made a motion, seconded by Mr. Reynolds, to amend the RESOLVED paragraph to read "...sixteen (16) months to provide ongoing and additional testing and data organization with transfer to the County, for the period..." and the first FURTHER RESOLVED to read "...a consumer price index of 2.89% per contract, total cost...". **Amendment carried, Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer). Resolution as amended carried, Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).**

### RESOLUTION NO. 8

By Public Safety & Emergency Services Committee

Seconded by Mr. Brunza

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

WHEREAS, Jeffery P. Kraham, Broome County Executive, pursuant to the authority vested in him by Article XIX of the Broome County Charter and Code, has duly designated and appointed the following named individuals to membership on the Broome County Fire Advisory Board, for the terms indicated, subject to confirmation by this County Legislature:

<u>NAME</u>	<u>TERM EXPIRING</u>
George Seltzer 32 North Parsons Road Whitney Point, New York 13862	Reappointment Term Expires 12/31/04
Elwyn Eaton P.O. Box 68 Castle Creek, New York 13744	Reappointment Term Expires 12/31/04
Byon Reed 1208 Nanticoke Drive Endicott, New York 13760	Reappointment Term Expires 12/31/04
Fred Canniff 18 Sandy Brook Lane Castle Creek, New York 13744	Reappointment Term Expires 12/31/04
David Rickard 24 Riverview Road Kirkwood, New York 13795	Reappointment Term Expires 12/31/04
James Mitrowitz 217 Dorman Road Binghamton, New York 13902	Reappointment Term Expires 12/31/04

---

Clifford Colgan  
11 Timberland Drive  
Binghamton, New York 13903

New Appointment  
Term Expires 12/31/04

Christopher Lupold  
15 Knight Road  
Vestal, New York 13850

Reappointment  
Term Expires 12/31/04

Irving Soden  
113 Baker Road  
Windsor, New York 13865

Reappointment  
Term Expires 12/31/04

**Broome County Fire Fighter Association Board of Directors**

Robert Brady  
3114 Andover Road  
Endwell, New York 13760

Reappointment  
Term Expires 12/31/04

Larry Vesley  
3217 Wayne Street  
Endwell, New York 13760

Reappointment  
Term Expires 12/31/04

Peter Scarantino  
3370 Jackson Road  
Binghamton, New York 13903

Reappointment  
Term Expires 12/31/04

Wesley Tyler  
2127 NY Route 26  
Endicott, New York 13760

Reappointment  
Term Expires 12/31/04

Earl O'Brien  
409 South Street  
Chenango Forks, New York 13746

New Appointment  
Term Expires 12/31/04

Ellwyn VanVorce  
839 Park Avenue  
Binghamton, New York 13903

Reappointment  
Term Expires 12/31/04

Alice Fiacco  
3605 Royal Road  
Endwell, New York 13760

Reappointment  
Term Expires 12/31/04

Don Fender  
3127 Hance Road  
Binghamton, New York 13903

New Appointment  
Term Expires 12/31/04

James Cummings  
964 East Maine Road, Apt. 3  
Johnson City, New York 13790

Reappointment  
Term Expires 12/31/04

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 XIX of the  
Broome County Charter and Code, confirms the appointments of the above-named individuals to

---

membership on the Broome County Fire Advisory Board for the terms indicated, in accordance with their appointment by the County Executive.

**Carried**, Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).

### **RESOLUTION NO. 9**

By County Administration and Public Safety & Emergency Services Committees

Seconded by Mr. Brunza

#### **RESOLUTION REQUESTING THE NEW YORK STATE LEGISLATURE ADOPT APPROPRIATE LEGISLATION TO IMPOSE AN ADDITIONAL SURCHARGE ON VEHICLE AND TRAFFIC AND CRIMINAL FINES TO COVER RELATED COUNTY EXPENSES**

WHEREAS, New York State has established court surcharges for all traffic infractions, violations, misdemeanors and felonies committed in New York State, and

WHEREAS, all municipalities, towns and villages share in these surcharges if the violation were committed in their localities, and

WHEREAS, the County Sheriff maintains road patrols that issue approximately 8,000 Vehicle and Traffic tickets annually and makes approximately 800 penal law violation arrests every year, and

WHEREAS, the County owns and maintains a new courthouse that accommodates all County and Family Court facilities, and

WHEREAS, the County owns a new public safety facility and is responsible for processing all defendants into said facility, and

WHEREAS, the County provides Public Defenders and other assigned council for indigent cases as mandated by law, and

WHEREAS, the County provides said services and facilities at local taxpayers' expense, and

WHEREAS, the County does not receive any financial aid in the form of reimbursement from local court surcharges, now, therefore, be it

RESOLVED, that Broome County Legislature requests the New York State Legislature amend the appropriate laws of the State of New York to impose an additional surcharge on fines levied by the Courts in Broome County, and be it

FURTHER RESOLVED, the surcharge would be \$5 for all Vehicle and Traffic tickets; \$10 for all violations and misdemeanors; \$20 for all felonies and an additional \$10 processing fee for all defendants sent to the Broome County Public Safety Facility, and be it

FURTHER RESOLVED, that said surcharges be remitted to the County of Broome to help offset the costs to local taxpayers for related services and facilities, and be it

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

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

### **RESOLUTION NO. 10**

By Health & Human Services and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING AGREEMENT WITH AMERICAN HEALTH CARE, INC. FOR TUBE FEEDING SUPPLIES AND SERVICES FOR THE RESIDENTS AT THE WILLOW POINT NURSING HOME FOR 2004**

WHEREAS, the Administrator of the Willow Point Nursing Home requests authorization for an agreement with American Health Care, Inc. for tube feeding supplies and services for residents at the Willow Point Nursing Home at a cost not to exceed \$76,251.48, for the period January 1, 2004 through December 31, 2004, and

WHEREAS, said services are necessary to provide tube feeding supplies and services to Willow Point Nursing Home residents, now, therefore, be it

---

RESOLVED, that this County Legislature hereby authorizes an agreement with American Health Care, Inc., The Concourse Center, 4039 Genesee Street, Buffalo, New York 14225, for tube feeding supplies and services, for residents at the Willow Point Nursing Home for the period January 1, 2004 through December 31, 2004, with an option for three one-year renewals, by mutual consent, at the same cost and on the same terms and conditions, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$76,251.48 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 160101.4363.204000 (Medical, Lab & Clinic Supplies) and 160010.4725.204000 (Other Financial Services), and be it

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

**Carried,** Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).

### **RESOLUTION NO. 11**

By Economic Development & Planning and Finance Committees                      Seconded by Mr. Brunza  
**RESOLUTION AUTHORIZING ACCEPTANCE OF A PY 2001 STATEWIDE ACTIVITIES-ADULT PROGRAM GRANT FOR THE OFFICE OF EMPLOYMENT AND TRAINING AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004**

WHEREAS, the Director of Employment and Training requests authorization to accept a PY 2001 Statewide Activities-Adult Program Grant and adopt a program budget in the amount of \$184,246 for the period October 20, 2003 through June 30, 2004, and

WHEREAS, said grant program will provide training for eligible adults, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$184,246 from the New York State Department of Labor, Workforce Development and Training Division, State Office Building Campus, Albany, New York 12240 for the Office of Employment and Training's PY 2001 Statewide Activities-Adult Program Grant for the period October 20, 2003 through June 30, 2004, 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 \$184,246, 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 (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 his 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-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).

---

## RESOLUTION NO. 12

By Economic Development & Planning, Personnel and Finance Committees

Seconded by Mr. Brunza

### **RESOLUTION AUTHORIZING REVISION OF THE PY2002 WORKFORCE INVESTMENT ACT DISLOCATED WORKER PROGRAM GRANT FOR THE OFFICE OF EMPLOYMENT AND TRAINING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2002-2004**

WHEREAS, this County Legislature, by Resolution 278 of 2002, as amended by Resolutions 254 and 339 of 2003, authorized the PY2002 Workforce Investment Act Dislocated Worker, Adult, Youth and Shared Cost Program Grants for the Office of Employment and Training and adopted program budgets in connection therewith in the amount of \$392,045, \$559,439, \$512,560, and \$ 793,665, respectively, for the period July 1, 2002 through June 30, 2004, and

WHEREAS, said grant program provides customers with core employment services by providing job search assistance and labor market information as well as more intensive services including career training programs, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$178,274 in PY2002 WIA Dislocated Workers grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the PY2002 WIA Dislocated Workers Program Grant to reflect an increase in the amount of \$178,274 for the period July 1, 2002 through June 30, 2004, 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 \$570,319, and be it

FURTHER RESOLVED, that Resolution 278 of 2002 and Resolutions 254 and 339 of 2003, to the extent consistent herewith, shall remain in full force and effect, and be it

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

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby 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 his 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-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).

## RESOLUTION NO. 13

By County Administration and Finance Committees

Seconded by Mr. Brunza

### **RESOLUTION AUTHORIZING AGREEMENT WITH TIME WARNER TELECOM FOR INTERNET SERVICES FOR THE DIVISION OF INFORMATION TECHNOLOGY FOR 2004-2007**

WHEREAS, the Director of Information Technology requests authorization for an agreement with Time Warner Telecom for internet services for the Division of Information Technology at a cost not to exceed \$60,040, for the period April 1, 2004 through March 31, 2007, and

WHEREAS, said services are necessary to provide high-speed internet services for Broome County, including installation and maintenance, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Time Warner Telecom, 116 Clayton Avenue, Vestal, New York 13850, for high-speed internet services



---

RESOLVED, that this County Legislature, pursuant to the provisions of Resolution 165 of 1973, confirms the appointments of the above-named individuals to membership on the Broome County Office for Aging Advisory Council for the terms indicated, in accordance with their appointment by the County Executive.

**Carried**, Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).

#### **RESOLUTION NO. 16**

By Personnel, Health & Human Services and Finance Committees      Seconded by Mr. Brunza  
**RESOLUTION AUTHORIZING THE HIRING OF DR. GAYATRI S. KALBAG AS STAFF PSYCHIATRIST**

WHEREAS, the Commissioner of Mental Health has recommended the hiring of Dr. Gayatri S. Kalbag, as Staff Psychiatrist at an annual salary of \$126,136, and

WHEREAS, Dr. Gayatri S. Kalbag is qualified as Staff Psychiatrist and has experience and/or education which justify said salary, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the hiring of Dr. Gayatri S. Kalbag as Staff Psychiatrist, annual salary of \$126,136 at budget line 470013.1000.101000, effective 1/22/2004.

**Carried**, Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).

#### **RESOLUTION NO. 17**

By Finance Committee      Seconded by Mr. Brunza  
**RESOLUTION AUTHORIZING CANCELLATION OF REAL PROPERTY TAX PENALTIES ON A PARCEL IN THE TOWN OF CHENANGO**

WHEREAS, it is necessary to correct the tax record of the parcel of real property listed below by virtue of the reason stated, now, therefore, be it

RESOLVED, that 1998 penalties will be cancelled on the following parcel of real property:

Parcel ID:	093.02-1-11
Town/Village:	Chenango
Owner:	Roger Kadvekar
Amount to be Cancelled:	\$977.62
Reason:	Landowner not properly Notified of foreclosure

**Carried**, Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).

#### **RESOLUTION NO. 18**

By Health & Human Services, Personnel and Finance Committees      Seconded by Mr. Brunza  
**RESOLUTION AUTHORIZING RENEWAL OF THE TUBERCULOSIS ELIMINATION GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2004-2005**

WHEREAS, this County Legislature, by Resolution 13 of 2003, authorized the continued participation in the Tuberculosis Elimination Grant for the Department of Health and adopted a program budget in the amount of \$55,880 for the period February 1, 2003 through January 31, 2004, and

WHEREAS, said grant program provides enhanced screening, diagnosis, treatment and follow-up for tuberculosis to high risk target groups, and

WHEREAS, it is desired to renew said grant program in the amount of \$55,880 for the period February 1, 2004 through January 31, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$55,880 from New York State Department of Health, Bureau of Tuberculosis Control, GNARESP-Corning Tower, Room 840, Albany, New York 12237-0669 for the Department of Health's Tuberculosis Elimination Grant for the period February 1, 2004 through January 31, 2005, 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 \$55,880, 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 (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 his 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-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).**

### **RESOLUTION NO. 19**

By Health & Human Services, Personnel and Finance Committees      Seconded by Mr. Brunza  
**RESOLUTION AUTHORIZING REVISION OF THE DIABETES PREVENTION AND CONTROL PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 249 of 2003, authorized and approved renewal of the Diabetes Prevention and Control Program Grant for the Department of Health and adopted a program budget in connection therewith in the total amount of \$50,000 for the period April 1, 2003 through March 31, 2004, and

WHEREAS, said grant program provides diabetes awareness, education and screening to targeted populations in a five county region which includes Broome, Tioga, Chenango, Delaware and Otsego Counties, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$5,000 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Diabetes Prevention and Control Program Grant to reflect an increase of \$5,000 for the period April 1, 2003 through March 31, 2004, 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 \$55,000, and be it

FURTHER RESOLVED, that Resolution 249 of 2003, to the extent consistent herewith, shall remain in full force and effect, and be it

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

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby 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 his 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-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).**

---

## RESOLUTION NO. 20

By Health & Human Services and Finance Committees

Seconded by Mr. Brunza

### **RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENTS WITH VARIOUS VENDORS FOR PROFESSIONAL SERVICES FOR THE DEPARTMENT OF HEALTH'S DIABETES PREVENTION AND CONTROL GRANT FOR 2003-2004**

WHEREAS, this County Legislature, by Resolution 250 of 2003, authorized renewal of agreements with various vendors for professional services for the Departments of Health's Diabetes Prevention and Control Grant Program at a total cost not to exceed \$33,880 for the period April 1, 2003 through March 31, 2004, and

WHEREAS, said agreement provides project coordination, diabetes awareness, education and screening to targeted populations in a five-county region which includes Broome, Tioga, Chenango, Delaware and Otsego, and

WHEREAS, it is necessary to authorize the amendments said agreements with the Lourdes Foundation and Wilson Memorial Regional Medical Center to increase the amount of funds for each Diabetes subcontractor by \$1,500, total amounts not to exceed those shown on Exhibit "A", and

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

RESOLVED, that this County Legislature hereby authorizes amendments to the agreements with the Lourdes Foundation and Wilson Memorial Regional Medical Center to increase the amount of funds for each Diabetes subcontractor by \$1,500, total amounts not to exceed those shown on Exhibit "A" for the Department of Health's Diabetes Prevention and Control Grant for the period April 1, 2003 through March 31, 2004, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractors a total amount not to exceed \$36,880, for the term of the agreements, and be it

FURTHER RESOLVED, that Resolution 250 of 2003, to the extent consistent herewith, shall remain in full force and effect, and be it

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

**Carried**, Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).

## RESOLUTION NO. 21

By Health & Human Services and Finance Committees

Seconded by Mr. Brunza

### **RESOLUTION AUTHORIZING THE APPLICATION FOR STATE AID AND EXECUTION OF CONTRACTS FOR THE YOUTH BUREAU SPECIAL DELINQUENCY PREVENTION PROGRAMS (SDPP) FOR 2004**

WHEREAS, this County Legislature, by Resolution 22 of 2003, authorized the Youth Bureau State Aid Applications and established appropriations for the 2003 Youth Bureau Special Delinquency Prevention Programs (SDPP), and

WHEREAS, said programs expired by their terms on December 31, 2003 and it is desired at this time to renew said programs as listed on Exhibit "A" for the period January 1, 2004 through December 31, 2004, now, therefore, be it

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

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to sign any and all necessary applications for the New York State Office of Children and Family Services State Aid in connection with the County's Youth Services and Recreation Programs and the operation of the Broome County Youth Bureau for the period January 1, 2004 through December 31, 2004, and be it

---

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby authorized to sign any such agreements, documents, papers or contracts, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution and in the 2004 Budget, and be it

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

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

**Carried,** Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).

### **RESOLUTION NO. 22**

By Health & Human Services and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING AGREEMENT WITH ACS SERVICE BUREAU, INC. FOR MEDICAL RECORDS REVIEW FOR THE WILLOW POINT NURSING HOME FOR 2003**

WHEREAS, the Administrator of the Willow Point Nursing Home requests authorization for an agreement with ACS Service Bureau, Inc. for medical records review for the Willow Point Nursing Home at a cost not to exceed \$75,000, for the period October 1, 2003 through December 31, 2003, and

WHEREAS, said services are necessary to review resident medical records for glucose testing that may be billable/reimbursable, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with ACS Service bureau, Inc., 226 Lowell Street, Suite A2, Wilmington, Massachusetts 01887, for medical records review, for the Willow Point Nursing Home for the period October 1, 2003 through December 31, 2003, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$75,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 160010.4725.204000 (Other Financial Services), and be it

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

**Carried,** Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).

### **RESOLUTION NO. 23**

By Public Safety & Emergency Services, County Administration and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING RENEWAL OF THE LOCAL ENHANCED WIRELESS 911 PROGRAM GRANT FOR THE OFFICE OF EMERGENCY SERVICES AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 1993-2006**

WHEREAS, this County Legislature, by Resolution 129 of 2003 authorized and approved the Local Enhanced Wireless 911 Program Grant in the amount of \$260,462, adopted a program budget in the amount of \$130,231 for the period January 1, 1993 through March 31, 2005 and credited the remaining \$130,231 to the General Fund, and

WHEREAS, said grant program provides funding to reimburse the County for funds expended during the phases of implementing wireless 911 including but not limited to computer hardware, software, lease of phone lines, language lines and TDD equipment, and

WHEREAS, it is desired to renew said grant program in the amount of \$123,732 for the period January 1, 1993 through March 31, 2006, now, therefore, be it

---

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$123,732 from the New York State Department of State, 41 State Street, Albany, NY 12231-0001 for the Office of Emergency Services' Local Enhanced Wireless 911 Program for the period January 1, 1993 through March 31, 2006, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the amount of \$68,053 and authorizes crediting the remaining \$68,053 of said funds to budget line 460072.0619.101000 (State Aid), 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 (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 his 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-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).

#### **RESOLUTION NO. 24**

By Personnel Committee

Seconded by Mr. Wike

#### **RESOLUTION AMENDING PERSONNEL RULES AND ESTABLISHING A FORMAL SICK BANK RULES DOCUMENT FOR BROOME COUNTY ADMINISTRATIVE PERSONNEL**

WHEREAS, this County Legislature, by Resolution 220 of 1977, as thereafter amended, adopted Personnel Rules for Administrative Personnel which included references to the Sick Bank, and

WHEREAS, the Personnel Officer has proposed corrections and amendments to various articles of the Personnel Rules for Administrative Personnel summarized on Exhibit "A", more specifically amending Article 11 – Sick Leave, Article 13 – Longevity Service Pay, and Article 16 – Health Insurance, and

WHEREAS, the Personnel Officer also proposes to establish the Sick Bank Rules as a separate document (shown as Exhibit "C"), more clearly defining the requirements and guidelines of the Sick Bank, now, therefore, be it

RESOLVED, that this County Legislature hereby approves and adopts the corrections and amendments to the articles of the Personnel Rules for Administrative Personnel (Exhibit "B") as summarized on Exhibit "A", effective January 1, 2004, and be it

FURTHER RESOLVED, that the Sick Bank Rules shown as Exhibit "C" be established as a separate document more clearly defining the requirements and guidelines of the Sick Bank, effective July 1, 2004, 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.

Mr. Whalen made a motion, seconded by Mr. Brunza, to replace Exhibit "B". **Amendment carried**, Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer). **Held over 'under the rules'** by Mr. Kolba.

---

## RESOLUTION NO. 25

By County Administration and Finance Committees

Seconded by Mr. Brunza

**RESOLUTION AWARDING A CONTRACT FOR THE LEASING OF TWO DIGITAL COPY MACHINES AND AUTHORIZING AN AGREEMENT WITH SOUTHERN TIER COPY PRODUCTS, INC., D/B/A CMS IMAGING SOLUTIONS, FOR THE LEASE AND RELATED SERVICE AGREEMENT FOR SAID DIGITAL COPY MACHINES FOR THE BROOME COUNTY DEPARTMENT OF SOCIAL SERVICES FOR 2004-2009**

WHEREAS, the Director of Purchasing has advertised and received bids for lease and related service agreements for the placement and replacement of two digital copy machines in the Department of Social Services, and

WHEREAS, following a review of all bids received, the Director of Purchasing on behalf of the Department of Social Services requests authorization for leases and related service agreements with Southern Tier Copy Products, Inc., d/b/a CMS Imaging Solutions, for digital copy machines for 2004 to 2009, to expire on June 30, 2009 as outlined, now, therefore, be it

RESOLVED, that this County Legislature hereby awards a Broome County Copy Machine Leasing Contract to the following bidder, and approves lease agreements with:

Southern Tier Copy Products, Inc., d/b/a CMS Imaging Solutions, 1  
Lewis Street, Binghamton, New York 13901; for digital copiers and  
related service agreements, for the following digital copy machines:

Department And Machine Model (Base Model plus attachments)	Vendor and Lease/Service Period	Copies Per Month	Monthly Rate	X 60 Months Plus Lump Sum Pricing between 3/8/09-6/30/09
Bid Item # 6 DSS – 2 <sup>nd</sup> Floor Staff Development CANON iR5000 NETWORKED	CMS March 8, 2004 - March 7, 2009	28,000	\$313.94	\$18,836.40 + 483.00 Total: \$19,319.40 Overage of: .0047
Bid Item # 8 DSS – 4 <sup>th</sup> Floor Accounting CANON iR5000 NETWORKED	CMS March 8, 2004 thru March 7, 2009	21,000	\$282.44	\$16,946.40 + 362.25 Total: \$17,308.65 Overage of: .0047

and be it

FURTHER RESOLVED, that in consideration of said leases and service agreements, the County shall pay the Contractor an amount not to exceed \$36,628.05 for the term of the agreements, and be it

FURTHER RESOLVED, that the payments herein above authorized shall be made from budget lines various.4518.various (Copy Machine Rentals), and be it

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

**Carried, Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).**

---

## RESOLUTION NO. 26

By County Administration

Seconded by Mr. Lindsey

### **RESOLUTION REQUESTING THE NEW YORK STATE LEGISLATURE NAME THE NEW YORK STATE PARK AT CHENANGO VALLEY THE LESTER R. STONE, JR. STATE PARK**

WHEREAS, Lester R. Stone, Jr. of Harpursville, New York at the age of 22 years paid the supreme sacrifice for his Country as an infantryman with the US Army in Vietnam, and

WHEREAS, Lester R. Stone, Jr., inducted into the Army of the United States on January 16, 1968, carried the badge of Combat Infantryman with honor and distinction, and

WHEREAS, Lester R. Stone, Jr. rose to the rank of Sergeant and served his Country well, earning numerous medals, including this Country's highest military recognition of services and valor in combat, the Medal of Honor, as well as the Bronze Star, the Purple Heart, the National Defense Service Medal, the Vietnam Service Medal, the Vietnam Campaign Medal (Vietnamese) and the Good Conduct Medal, and

WHEREAS, the President of the United States awarded Sergeant Stone the Medal of Honor posthumously for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty:

**“Sergeant Lester R. Stone, Jr., distinguished himself on 3 March 1969 while serving as squad leader of the 1<sup>st</sup> Platoon, Company B 1<sup>st</sup> Battalion, 20<sup>th</sup> Infantry, 11<sup>th</sup> Infantry Brigade, 23<sup>rd</sup> Infantry Division (America). On this date, the 1<sup>st</sup> Platoon was on a combat patrol mission just west of Landing Zone Liz when it came under intense automatic weapons and grenade fire from a well-conceal company-size force of North Vietnamese regulars. Observing the platoon machine gunner fall critically wounded, Sergeant Stone rushed into the open area to the side of his injured comrade. Utilizing the machine gun, Sergeant Stone remained in the exposed area to provide cover fire for the wounded soldier who was being pulled to safety by another member of the platoon. With enemy fire impacting all around him, Sergeant Stone had a malfunction in the machine gun, preventing him from firing the weapon automatically. Displaying extraordinary courage under the most adverse conditions, Sergeant Stone repaired the weapon and continued to place on the enemy positions effective suppressive fire, which enabled the rescue to be completed. In a desperate attempt to overrun his position, an enemy force left its cover and charged Sergeant Stone. Disregarding the danger involved, Sergeant Stone rose to his knees and began placing intense fire on the enemy at pointblank range, killing six of the enemy before falling mortally wounded. His actions of unsurpassed valor were a source of inspiration to his entire unit, and he was responsible for saving the lives of a number of his fellow soldiers. His actions were in keeping with the highest traditions of the military professions and reflect great credit on him, his unit, and the United States Army.”**

and

WHEREAS, the Broome County Legislature, in its great respect and admiration for our young men and women who serve this Nation in time of need, wishes to honor the memory and the bravery of Sergeant Lester R. Stone, Jr., now, therefore, be it

RESOLVED, that this County Legislature request that the Legislature of the State of New York name the New York State Park at Chenango Valley in honor of Lester R. Stone, Jr., recipient of our Nation's highest military honor, the Medal of Honor, and be it

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

**Carried, Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).**

---

### RESOLUTION NO. 27

By Health & Human Services Committee

Seconded by Mr. Brunza

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

WHEREAS, Jeffery P. Kraham, Broome County Executive, pursuant to the authority vested in him by Resolution 163 of 1971 and Resolution 133 of 1976, has duly designated and appointed the following named individuals to membership on the Broome County Youth Bureau Advisory Board, for the terms indicated, subject to confirmation by this County Legislature:

<u>NAME</u>	<u>TERM EXPIRING</u>
Gabrielle Xlander 3765 Brady Hill Road Binghamton, New York 13903	New Appointment Term Expires 12/31/06
Thomas Gray 125 Elaine Drive Binghamton, New York 13905	New Appointment Term Expires 12/31/06
Darlene Cacialli 627 Zimmer Avenue Endicott, New York 13760	New Appointment Term Expires 12/13/06

and

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

**Carried**, Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).

### RESOLUTION NO. 28

By Public Safety & Emergency Services Committee

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING THE BROOME COUNTY SHERIFF'S OFFICE TO ENTER INTO AN INTER-AGENCY AGREEMENT WITH THE CITY OF BINGHAMTON'S POLICE DEPARTMENT ESTABLISHING A JOINT SPECIAL INVESTIGATIONS TASK FORCE**

WHEREAS, the Broome County Sheriff wishes to enter into an inter-agency agreement with the Binghamton Police Department to establish a Joint Special Investigations Task Force, and

WHEREAS, the mission of the task force shall be to effectively address threats arising from, but not limited to, the following areas: narcotics, prostitution, gambling, vice, gang activity, ABC (Alcoholic Beverage Commission) violations, and

WHEREAS, the task force will work in a joint cooperative manner to be responsive to the needs of each participating agency and the public that each serve, and

WHEREAS, for purposes of defense and indemnification, each participating agency shall be responsible for the actions of its respective officers, and

WHEREAS, each participating agency will fund their respective special investigations units, and will continue to provide salary to their respective officers, who are assigned to the task force, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement between the Broome County Sheriff and the City of Binghamton establishing a Joint Special Investigations Task Force to effectively address threats arising from, but not limited to, the following areas: narcotics, prostitution, gambling, vice, gang activity, ABC (Alcoholic Beverage Commission) violations, and be it

---

FURTHER RESOLVED, that the task force will work in a joint cooperative manner to be responsive to the needs of each participating agency and the public that each serves, and that for purposes of defense and indemnification, each participating agency shall be responsible for the actions of its respective officers, and be it

FURTHER RESOLVED, that each participating agency will fund their respective special investigations units, and will continue to provide salary to their respective officers, who are assigned to the task force, now, therefore, be it

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

**Carried,** Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).

### **RESOLUTION NO. 29**

By Public Works Committee

Seconded by Mr. Brunza

#### **RESOLUTION DESIGNATING THE BROOME COUNTY LEGISLATURE AS LEAD AGENCY WITH RESPECT TO BROOME COUNTY LANDFILL TIPPING FEES AND RENDERING A "NEGATIVE DECLARATION" WITH RESPECT THERETO**

WHEREAS, it is necessary to amend the Broome County Charter and Code with respect to the tipping fee for the disposal of auto shredder residue (fluff) at the Broome County Landfill, and

WHEREAS, it has been determined that such Project is subject to the requirements of the State Environmental Quality Review Act and it is therefore necessary to initiate procedures with respect thereto, and

WHEREAS, this County Legislature has determined that it is the agency with the broadest governmental powers for investigation of the impact of the proposed action and has the greatest capability for providing the most thorough environmental assessment of the project, and

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

WHEREAS, said Project may have an impact on the environment, now, therefore, be it

RESOLVED, that this County Legislature hereby declares its intention to seek lead agency status with respect to the environmental review of the modification of tipping fees at the Broome County Landfill for the disposal of auto shredder residue (fluff), and be it

FURTHER RESOLVED, that this County Legislature, based on the Short Environmental Assessment Form annexed hereto as Exhibit "A", hereby determines and declares that said modification will not have a significant effect on the environment, and be it

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

**Carried,** Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).

### **RESOLUTION NO. 30**

By Health & Human Services and Finance Committees

Seconded by Mr. Brunza

#### **RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH F. KEITH KENNEDY, M.D., P. C. FOR MEDICAL DIRECTOR SERVICES FOR WILLOW POINT NURSING HOME FOR 2004**

WHEREAS, this County Legislature, by Resolution 542 of 2002, authorized the renewal of an agreement with F. Keith Kennedy, M.D., P.C. for Medical Director Services for Willow Point Nursing Home at an amount not to exceed \$65,236, for the period January 1, 2003 through December 31, 2003, and

WHEREAS, said services are necessary as New York State requires that a Medical Director be part of the medical staff at Willow Point Nursing Home, and

WHEREAS, said agreement expired by its terms on December 31, 2003, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount

---

not to exceed \$67,193, for the period January 1, 2004 through December 31, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with F. Keith Kennedy, M.D., P.C., 21 Mitchell Avenue, Binghamton, New York 13903 for medical director services for Willow Point Nursing Home for the period January 1, 2004 through December 31, 2004, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$67,193 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 160044.4712.204000 (Physician Services), and be it

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

**Carried,** Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).

### RESOLUTION NO. 31

By Finance and Public Safety & Emergency Services Committees      Seconded by Mr. Brunza  
**RESOLUTION AUTHORIZING THE BUDGET TRANSFER REQUESTS FOR PUBLIC DEFENDER AND DISTRICT ATTORNEY**

RESOLVED, that in accordance with a request from the Public Defender and the District Attorney to move funding to cover the amount of the salary adjustment (merit Money) of a transferring Sr. Assistant District Attorney to a Sr. Asst Public Defender as requested in BF# 0001474 for 2004, 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</u>	<u>Title</u>	<u>Amount</u>
FROM:	330001	1950	101000	Salary Adjustments	980
TO:	530006	1950	101000	Salary Adjustments	980

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

**Carried,** Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).

### RESOLUTION NO. 32

By Personnel, Health & Human Services and Finance Committees      Seconded by Mr. Brunza  
**RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUESTS FOR THE DEPARTMENTS OF HEALTH AND SOCIAL SERVICES**

RESOLVED, that in accordance with a request from the Director of Health as contained in PCR#04-50, this County Legislature hereby authorizes the change of (1) Account Clerk position, Part Time (without Benefits), at budget line 480301.1000.104817, minimum salary \$20,291 FTE, Grade 07, CSEA, to (1) Account Clerk position, Part Time (with benefits), at budget line 480301.1000.104817, minimum salary \$20,291 FTE, Grade 7, CSEA, effective date 1/1/04, and be it

FURTHER RESOLVED, that in accordance with a request from the Commissioner of Social Services as contained in PCR#03-432, this County Legislature hereby authorizes the abolishment of (1) Caseworker position, Full Time, at budget line 670455.1000.104729, minimum salary \$30,670, Grade 16, CSEA, effective date 12/31/03, and be it

FURTHER RESOLVED, that in accordance with a request from the Commissioner of Social Services as contained in PCR#03-434, this County Legislature hereby authorizes the

---

abolishment of (1) Senior Social Services Examiner position, Full Time, at budget line 670455.1000.104729, minimum salary \$26,388, Grade 13, CSEA, effective date 12/31/03, and be it

FURTHER RESOLVED, that in accordance with a request from the Commissioner of Social Services as contained in PCR#03-433, this County Legislature hereby authorizes the abolishment of (1) Senior Caseworker position, Full Time, at budget line 670455.1000.104729, minimum salary \$33,939, Grade 18, CSEA, effective date 12/31/03, and be it

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

**Carried**, Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).

### **RESOLUTION NO. 33**

By Health & Human Services and Finance Committees Seconded by Mr. Brunza  
**RESOLUTION AUTHORIZING AGREEMENT WITH TECHNOLOGY SOLUTIONS FOR THE PURCHASE OF HARDWARE, SOFTWARE AND PROFESSIONAL SERVICES FOR THE DEPARTMENT OF SOCIAL SERVICES FOR 2004**

WHEREAS, the Commissioner of Social Services requests authorization for an agreement with Technology Solutions for purchase of hardware, software and professional services for the Department of Social Services' Daycare Unit at a cost not to exceed \$132,500, for the period February 1, 2004 through September 30, 2004, and

WHEREAS, said services are necessary for the installation of scanners, services and storage, software with licenses and professional services in the Daycare Unit of Social Services, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Technology Solutions, 5820 Main Street, Suite 102, Williamsville, New York 14221, for purchase of hardware, software and professional services for the Department of Social Services' Daycare Unit for the period February 1, 2004 through September 30, 2004, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$132,500 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 670455.various.104XXX, and be it

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

**Carried**, Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).

### **RESOLUTION NO. 34**

By Health & Human Services and Finance Committees Seconded by Mr. Brunza  
**RESOLUTION AUTHORIZING AGREEMENT WITH DOCUMENT AND DIGITAL PRESERVATION SERVICES, INC. FOR PROFESSIONAL SERVICES FOR THE DEPARTMENT OF SOCIAL SERVICES FOR 2004**

WHEREAS, the Commissioner of Social Services requests authorization for an agreement with Document and Digital Preservation Services, Inc. for professional services for the Department of Social Services at a cost not to exceed \$29,976, for the period January 25, 2004 through June 25, 2004, and

WHEREAS, said agreement will provide consulting services to the Department of Social Services with regard to the installation of a component-based imaging system in the Daycare Unit, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Document & Digital Preservation Services, Inc., 100 Sterling Place, Suite 2A, Brooklyn, New York 11217 for

---

professional services for the Department of Social Services Daycare Unit, for the period January 25, 2004 through June 25, 2004, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$29,976 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 670455.4747.104816 (Other Fees for Services), and be it

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

**Carried**, Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).

### **RESOLUTION NO. 35**

By Finance Committee

Seconded by Mr. Brunza

#### **RESOLUTION APPROVING SALE OF COUNTY-OWNED PROPERTY IN VARIOUS TOWNS AND VILLAGES IN BROOME COUNTY**

WHEREAS, the County of Broome now owns certain parcels of real property as listed on Exhibit "A" and Exhibit "B", and

WHEREAS, in conformity with the procedures established by this County Legislature and in accordance with all applicable laws, the Director of Real Property Tax Services requests authorization to sell properties to the individuals listed on Exhibit "A", and

WHEREAS, the Director of Real Property Tax Services requests authorization to sell properties to the previous owners listed on Exhibit "B", now, therefore, be it,

RESOLVED, that this County Legislature hereby authorizes the sale of County property as indicated on Exhibit "A" and Exhibit "B" attached herewith, and be it

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

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

**Carried**, Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer).

#### **LEGISLATORS COMMENTS**

Chair Schofield informed the body that he would be calling a Committee of the Whole for February 19, 2004. The purpose of the meeting will be to discuss the proposal of building a new nursing home versus the cost of doing business with the current facility. It was agreed by the body that the meeting would take place immediately following the regularly scheduled Legislative Session.

Chair Schofield also invited Legislators to a meeting he has scheduled with Supervisors and Mayors on January 29, 2004, at 5:00 p.m. to discuss the libraries.

Mr. Brunza made a motion to adjourn, seconded by Mr. Howard. **Motion to adjourn carried**, Ayes-14, Nays-0, Absent-5 (Burger, Marinich, Mather, Miller, Shafer). The meeting was adjourned at 5:32 p.m.

