
**BROOME COUNTY LEGISLATURE
REGULAR SESSION
THURSDAY, JANUARY 20, 2005**

The Legislature convened at 5:00 p.m. with a call to order by the Chair, Daniel A. Schofield. The Clerk, Louis P. Augustini, read the fire exit announcement and called the Attendance Roll, Present-18, Absent-1 (Hull).

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

Mr. Mather made a motion, seconded by Mr. Marinich, that the minutes of the December 28, 2004 Regular Session and the January 3, 2005 Organizational Session be approved as prepared and presented by the Clerk. **Carried**, Ayes-18, Nays-0, Absent-1 (Hull).

Mr. Schofield noted that the committee minutes for the period January 1, 2005 through January 19, 2005 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. Howard, seconded by Mr. Brunza. **Carried**, Ayes-18, Nays-0, Absent-1 (Hull).

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY EXECUTIVE:

- A. Letters from the County Executive, Jeffrey P. Kraham:
 - 1. Declaration of State of Emergency-Hale Eddy Road
- B. Letters from the County Executive, Barbara Fiala
 - 1. Appointment of Claudia Edwards as Acting Public Health Director
 - 2. Appointment of Jerome Z. Knebel as Acting Commissioner of Finance
 - 3. Appointment of Henry D. Weissmann as Commissioner of Public Works and Parks and Recreation
 - 4. Appointment of Susan S. DiBenedetto as Director of Employment and Training
 - 5. Appointment of Joseph J. Sluzar as County Attorney
 - 6. Appointment of Patrick J. Brennan as Deputy County Executive
 - 7. Appointment of Rita M. Petkash as Commissioner of Planning and Economic Development
 - 8. Appointment of Beth Saxton as Executive Director of Youth Bureau
 - 9. Reappointment of Brian Vojtisek as Veterans Director
 - 10. Reappointment of James May as STOP DWI Coordinator
 - 11. Reappointment of John Demske as Nursing Home Administrator
 - 12. Reappointment of Kathleen A. Bunnell as Director of Office for Aging
 - 13. Reappointment of Kim S. McKinney as Director of Information Technology
 - 14. Reappointment of Michael F. Aswad as Director of Emergency Services/Fire Coordinator
 - 15. Reappointment of Carl G. Olson as Commissioner of Transportation
 - 16. Reappointment of Art Johnson as Commissioner Mental Health Services

PRESENTATION OF PETITIONS, COMMUNICATIONS, NOTICES & REPORTS:

- A. Petitions: None
- B. Communications:
 - 1. Broome County Association of Municipal Clerks Minutes 12/16/04
 - 2. Broome County Environmental Management Council Minutes 12/2/04
 - 3. ByLaws of Greater Binghamton Coalition, Inc.
 - 4. Memo from Chief Assistant County Attorney Regarding Acting Appointments

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5. Letter from Broome County Board of Ethics Regarding Ethics Opinion-Joseph Sluzar
 6. Memo from Louis P. Augostini Regarding Staff Appointments
- C. Notices:
1. Special Public Works Committee Meeting 1/20/05
- D. Reports:
1. Agreement Between County Of Broome and Broome County Sheriff and Broome County Sheriff's Law Enforcement Officers Association 1/102-12/31/04
 2. Broome County Department of Audit & Control Pharmacy Controls Audit 1/05
 3. Broome County Department of Audit & Control Leased Space-Square Footage Audit 12/04
 4. Broome Community College Above Minimum Hire Report 11/04
 5. Broome Community College Above Minimum Hire Report 12/04
 6. Personnel Monthly Attrition 11/04
 7. Town of Barker 2005 Budget
 8. Town of Union 2005 Budget
 9. Town of Dickinson 2005 Budget
 10. Broome County Adopted 2005 Budget
 11. Broome County Adopted Capital Improvements Program 2005-2010
 12. Broome County Board of Elections Official Election Results 11/2/04 General Election

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY LEGISLATURE

Letters from the Chair, Daniel A. Schofield

1. Designation for Mr. Materese 1/10/05
2. Designation for Mr. Schafer 1/10/05
3. Designation for Mr. Whalen 1/11/05

Mr. Kuzel made a motion, seconded by Mr. Whalen, to receive and file the above referenced reports and to authorize and direct the Clerk to index said reports in the 2005 JOURNAL OF PROCEEDINGS and to publish pertinent portions of said reports as may be directed by the Chair. **Carried**, Ayes-18, Nays-0, Absent-1 (Hull).

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

RESOLUTION RECALLED FROM PREVIOUS SESSION

Mr. Brunza, a member who voted on the prevailing side on the action on Resolution No. 2 of 2005 (passed at the January 3, 2005 Organizational Session), made a motion to reconsider said Resolution for the purpose of a revote. Mr. Shafer seconded the motion. **Motion to reconsider carried**, Ayes-18, Nays-0, Absent-1 (Hull).

RESOLUTION NO. 2

By the Hon. Daniel A. Schofield

Seconded by Mr. Shafer

RESOLUTION ADOPTING THE RULES OF ORDER FOR THE COUNTY LEGISLATURE FOR THE PRESENT LEGISLATIVE TERM (2005-2006)

Carried, Ayes-14, Nays-4 (Materese, Hutchings, Whalen, Buchta), Absent-1 (Hull).

RESOLUTIONS INTRODUCED AT THIS SESSION

RESOLUTION NO. 11

By Public Safety & Emergency Services and Finance Committees Seconded by Mr. Miller
RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH TIOGA COUNTY FOR HOUSING OF PRISONERS FOR THE OFFICE OF THE SHERIFF FOR 2004- 2005

WHEREAS, this County Legislature, by Resolution 397 of 2003, authorized renewal of agreements with Fulton County at \$80 per day per prisoner and Tioga County at \$75 per day per prisoner for the housing of prisoners to relieve overcrowding at the Public Safety Facility for the period August 14, 2003 through August 13, 2004, and

WHEREAS, overcrowding constitutes an unsafe condition within the meaning of Section 504 of the Corrections Law and, from time to time, other New York State Counties are willing to house Broome County prisoners on a per diem basis, and

WHEREAS, said agreements expired by their terms on August 13, 2004, and it is desired at this time to renew said agreement with Tioga County on substantially similar terms and conditions for the period August 14, 2004 through August 13, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with Tioga County, 103 Corporate Drive, Owego, New York 13827 103 Corporate Drive, Owego, New York 13827 to house Broome County prisoners to relieve overcrowding at the Public Safety Facility for the period August 14, 2004 through August 13, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, Broome County shall pay Tioga County an amount not to exceed \$75 per day per prisoner, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 450023.4435.101000 (Inmate Expense-Other Facility), and be it

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

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

RESOLUTION NO. 12

By Public Safety & Emergency Services and Finance Committees Seconded by Mr. Miller
RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH ELMIRA FAMILY MEDICINE, P. C. FOR PHYSICIAN AND MEDICATION SERVICES FOR BROOME COUNTY INMATES HOUSED IN THE TIOGA COUNTY JAIL FOR THE OFFICE OF THE SHERIFF FOR 2005

WHEREAS, this County Legislature, by Resolution 455 of 2003, authorized renewal of agreement with Elmira Family Medicine, P.C. for physician and medication services to Broome County inmates housed in the Tioga County Jail for the Office of the Sheriff at a cost not to exceed \$4,000 for the period January 1, 2004 through December 31, 2004, and

WHEREAS, said services are necessary to provide physician and medication services for Broome County inmates housed in the Tioga County Jail, and

WHEREAS, said agreement expired by its terms on December 31, 2004, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$4,000, for the period January 1, 2005 through December 31, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with Elmira Family Medicine, P.C., P.O. Box 224, Breesport, New York 14816-0224 for physician and medication services to Broome County inmates housed in the Tioga County Jail for the Office of the Sheriff for the period January 1, 2005 through December 31, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$4,000 for the term of the agreement, and be it

access, telephone, fax and mail service in the Office of Emergency Services at the Public Safety Facility for the period January 1, 2005 through December 31, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the Contractor shall pay the County an amount not to exceed \$6,444 per year, plus telephone, fax and mail service for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 460006.0068.101000 (Other Public Safety Departmental Revenue), and be it

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

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

RESOLUTION NO. 15

By Transportation, Economic Development & Planning and Finance Committees

Seconded by Mr. Miller

RESOLUTION AUTHORIZING AN AGREEMENT WITH RENAISSANCE PLANNING GROUP FOR PROFESSIONAL SERVICES FOR BMTS FOR 2005

WHEREAS, the Director of the Binghamton Metropolitan Transportation Study (BMTS) requests authorization for an agreement with Renaissance Planning Group for professional services for BMTS at a cost not to exceed \$53,755, for the period January 1, 2005 through July 31, 2005, and

WHEREAS, said services are necessary in order to develop the BMTS federally required regional transportation plan, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Renaissance Planning Group, 100 East Pine Street, Suite 401, Orlando, FL 32801, for professional services for BMTS for the period January 1, 2005 through July 31, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$53,755 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 440115.4747.104901 (Other Fees for Services), and be it

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

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

RESOLUTION NO. 16

Human Services, Personnel and Finance Committees

Seconded by Mr. Miller

RESOLUTION AUTHORIZING REVISION OF THE FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004

WHEREAS, this County Legislature, by Resolution 395 of 2003, as amended by Resolution 322 of 2004, authorized and approved renewal of the Food Stamp Employment and Training Program Grant for the Department of Social Services and adopted a program budget in connection therewith in the total amount of \$120,940 for the period October 1, 2003 through September 30, 2004, and

WHEREAS, said grant program provides job readiness and job search activities to non-public assistance and safety net food stamp recipients, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$5,109 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Food Stamp Employment and Training Program Grant to reflect an increase of \$5,109 for the period October 1, 2003 through September 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 \$126,049, and be it

FURTHER RESOLVED, that Resolution 395 of 2003 and Resolution 322 of 2004, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

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

RESOLUTION NO. 17

By Human Services and Finance Committees

Seconded by Mr. Miller

RESOLUTION AUTHORIZING RENEWAL OF THE FOOD STAMP NUTRITION EDUCATION PROJECT GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES, ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH AND AUTHORIZING AN AGREEMENT WITH CORNELL COOPERATIVE EXTENSION OF BROOME COUNTY TO ADMINISTER SAID PROGRAM FOR 2004-2005

WHEREAS, this County Legislature, by Resolution 427 of 2004, authorized and approved renewal of the Food Stamp Nutrition Education Project Grant for the Department of Social Services, adopted a program budget in the amount of \$161,500 and authorized an agreement with Cornell Cooperative Extension of Broome County to administer said program for the period October 1, 2003 through September 30, 2004, and

WHEREAS, said grant program provides funding for nutrition education, food purchase and preparation instruction and life skills training to pregnant, parenting and at-risk teens and young adult food stamp recipients, and

WHEREAS, it is desired to renew said grant program in the amount of \$126,500, adopt a program budget and renew the agreement with Cornell Cooperative Extension of Broome County to continue to administer said program for the period October 1, 2004 through September 30, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$126,500 from the New York State Office of Temporary and Disability Assistance, for the Department of Social Services Food Stamp Nutrition Education Program Grant for the period October 1, 2004 through September 30, 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 \$126,500, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with Cornell Cooperative Extension of Broome County, 840 Upper Front Street, Binghamton, New York 13905 to administer said program grant for the period October 1, 2004 through September 30, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$126,500 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 670455.4747.104XXX (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, 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 her duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) is hereby authorized to make any transfers of funds required within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

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

RESOLUTION NO. 18

By Human Services, Personnel and Finance Committees

Seconded by Mr. Miller

RESOLUTION AUTHORIZING REVISION OF THE TANF SERVICES BLOCK GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES, AMENDING THE AGREEMENT WITH THE SOS SHELTER FOR SERVICES AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2005

WHEREAS, this County Legislature, by Resolution 245 of 2003, as amended by Resolutions 61, 321 and 619 of 2004, authorized and approved renewal of the Temporary Assistance for Needy Families (TANF) Services Block Grant for the Department of Social Services, authorized agreements with various vendors and adopted a revised program budget in connection therewith in the total amount of \$1,980,269 for the period January 1, 2003 through June 30, 2005, and

WHEREAS, said grant program is designed to assist TANF recipients to achieve self-sufficiency and transition from welfare to work and focuses on families, youth, domestic violence and drug and alcohol screening rehabilitation, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$25,000 in grant appropriations and amend the agreement with the SOS Shelter for the period January 1, 2003 through June 30, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the TANF Services Block Grant to reflect an increase of \$25,000 in grant appropriations and authorize an amendment to the agreement with the SOS Shelter, P.O. Box 393, Endicott, New York 13761, to provide services for an additional \$25,000 for the period January 1, 2003 through June 30, 2005, 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 \$2,005,269, and be it

FURTHER RESOLVED, that Resolution 245 of 2003 and Resolutions 61, 321 and 619 of 2004, 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 her duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) is hereby authorized to make any transfers of funds within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

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

RESOLUTION NO. 19

By Human Services, Personnel and Finance Committees

Seconded by Mr. Miller

RESOLUTION AUTHORIZING REVISION OF THE HOME ENERGY ASSISTANCE PROGRAM GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2004-2005

WHEREAS, this County Legislature, by Resolution 426 of 2004, authorized and approved renewal of the Home Energy Assistance Program Grant, adopted a program budget in the total amount of \$182,610, and authorized renewal of agreement with Opportunities for Broome in the amount of \$10,000 for services for the Department of Social Services for the period October 1, 2004 through September 30, 2005, and

WHEREAS, said grant program provides assistance with home heating fuel, winterization and fuel equipment, as well as emergency assistance such as utility shut-off and fuel, to eligible Temporary Assistance Food Stamp and low-income families, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$104,694 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Home Energy Assistance Program Grant to reflect an increase of \$104,694 for the period October 1, 2004 through September 30, 2005, 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 \$287,304, and be it

FURTHER RESOLVED, that Resolution 426 of 2004, 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 her duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) is hereby authorized to make any transfers of funds within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

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

RESOLUTION NO. 20

By Personnel and Finance Committees

Seconded by Mr. Miller

RESOLUTION AUTHORIZING AN AMENDMENT TO THE HOURLY RATE SCHEDULE FOR NON-UNION, TEMPORARY AND SEASONAL EMPLOYEES FOR 2005

WHEREAS, this County Legislature, by Resolution 607 of 2003, authorized an amendment to the hourly rates for various non-union, temporary and seasonal employees for 2004, and

WHEREAS, it is desired at this time to amend the hourly rate schedule for 2005 as indicated on the attached Exhibit "A", now, therefore, be it

WHEREAS, said agreement expired by its terms on December 31, 2004, 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, 2005 through December 31, 2005, 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, 2005 through December 31, 2005, 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 her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

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

RESOLUTION NO. 23

By Finance Committee

Seconded by Mr. Miller

RESOLUTION AUTHORIZING AN AGREEMENT WITH TIM SHEEHAN ADJUSTERS/APPRaiser FOR INSURANCE ADJUSTER SERVICES FOR THE OFFICE OF RISK AND INSURANCE FOR 2005-2006

WHEREAS, the Risk Manager requests authorization for an agreement with Tim Sheehan Adjusters/Appraiser for insurance adjuster services for the Office of Risk and Insurance at a rate of \$45 per hour, total cost not to exceed budget appropriations, for the period March 1, 2005 through February 28, 2006, and

WHEREAS, said services are necessary to investigate and accurately value liability claims against Broome County, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Tim Sheehan Adjusters/Appraiser, P.O. Box 2561, Binghamton, New York 13902-2561, for insurance adjuster services, for the Office of Risk and Insurance for the period March 1, 2005 through February 28, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at a rate of \$45 per hour, total amount not to exceed budgeted appropriations for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 050088.4747.254000 (Other Fees for Services), and be it

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

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

RESOLUTION NO. 24

By Finance Committee

Seconded by Mr. Miller

RESOLUTION AUTHORIZING RENEWAL OF AN AGREEMENT WITH J.J. SHEEHAN, INC. FOR INSURANCE ADJUSTER SERVICES FOR THE OFFICE OF RISK AND INSURANCE FOR 2005-2006

WHEREAS, this County Legislature, by Resolution 171 of 2000, authorized an agreement with J.J. Sheehan Adjusters, Inc. for adjusting services for the Office of Risk and Insurance Management at a rate of \$40 per hour, total annual cost not to exceed budgeted appropriations, for the period March 1, 2000 through February 28, 2005, and

WHEREAS, said services are necessary to investigate and accurately value liability claims against Broome County, and

WHEREAS, said agreement expires by its terms on February 28, 2005, and it is desired at this time to renew said agreement on substantially similar terms and conditions, at a rate of \$45 per hour (including expenses), total annual cost not to exceed budgeted appropriations, for the period March 1, 2005 through February 28, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with J.J. Sheehan Adjusters, Inc., P.O. Box 604, Binghamton, NY 13902 for adjusting services for the Office of Risk and Insurance for the period March 1, 2005 through February 28, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an a rate of \$45 per hour (including expenses), total amount not to exceed budgeted appropriations, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 050088.4747.254000 (Other Fees for Services), and be it

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

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

RESOLUTION NO. 25

By County Administration and Finance Committees

Seconded by Mr. Miller

RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH QS TECHNOLOGIES, INC. FOR SOFTWARE MAINTENANCE FOR THE DIVISION OF INFORMATION TECHNOLOGY FOR 2005

WHEREAS, this County Legislature, by Resolution 457 of 2004, authorized an renewal of agreement with QS Technologies, Inc. for software maintenance for the Division of Information Technology at a cost not to exceed \$14,369.07 for the period January 1, 2005 through December 31, 2005, and

WHEREAS, said services are necessary for software maintenance for the Health Department's Clinics AS/400 Patient Care Management System, and

WHEREAS, due to an error by QS Technologies, it is necessary to authorize the amendment of said agreement to increase the cost by an additional \$154.81 for software maintenance for the Health Department's Clinic AS/400 Patient Care Management System, and

WHEREAS, the Director of Information Technology 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 QS Technologies, Inc., Suite 1106 Bank of America Plaza, P.O. Box 847, Greenville, South Carolina 29602, to increase the cost by an additional \$154.81 for software

maintenance for the Health Department's Clinic AS/400 Patient Care Management System for the period January 1, 2005 through December 31, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor a total amount not to exceed \$14,523.88 for the term of the agreement, 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 457 of 2004, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

RESOLUTION NO. 26

By Health Services and Finance Committees

Seconded by Mr. Miller

RESOLUTION AUTHORIZING AN AGREEMENT WITH WIVT-TV & WBGH-TV FOR ADVERTISING FOR THE DEPARTMENT OF HEALTH'S BC WALKS CAMPAIGN FOR 2005

WHEREAS, the Director of Public Health requests authorization for an agreement with WIVT-TV & WBGH-TV for advertising for the Department of Health's BC Walks Campaign at a cost not to exceed \$15,000, for the period January 21, 2005 through September 21, 2005, and

WHEREAS, said agreement is necessary to promote one of the Steps to a Healthier US Initiative goals to increase activity and exercise, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with WIVT-TV & WBGH-TV, 203 Ingraham Hill Road, Binghamton, New York 13903 for advertising, for the Department of Health's BC Walks Campaign for the period January 21, 2005 through September 21, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$15,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480301.4448.104931 (Advertising & Promotion), and be it

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

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

RESOLUTION NO. 27

By Health Services and Finance Committees

Seconded by Mr. Miller

RESOLUTION AUTHORIZING RENEWAL OF AN AGREEMENT WITH THE RESEARCH FOUNDATION OF THE STATE UNIVERSITY OF NEW YORK ON BEHALF OF THE CLINICAL CAMPUS AT THE BINGHAMTON COMMUNITY FREE CLINIC FOR THE DEPARTMENT OF HEALTH FOR 2005

WHEREAS, this County Legislature, by Resolution 377 of 2004, authorized an agreement with the Research Foundation of the State University of New York on behalf of the Clinical Campus at the Binghamton Community Free Clinic for enhanced medical and dental services for the Department of Health at an amount not to exceed \$60,000, for the period July 1, 2004 through December 31, 2004, and

WHEREAS, said services are necessary to provide enhanced medical and dental services to the uninsured through the Community Free Clinic, to enable a core staff of physicians to be regularly present and to expand the volunteer base, thereby assuring consistency in the provision of medical care, and

WHEREAS, said agreement expires by its terms on December 31, 2004, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$100,000 for the period January 1, 2005 through December 31, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with Research Foundation of the State University of New York on behalf of the Clinical Campus at the Binghamton Community Free Clinic, for enhanced medical and dental services for the Department of Health for the period January 1, 2005 through December 31, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$100,000 for the term of the agreement, and be it

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

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

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

RESOLUTION NO. 28

By Health Services and Finance Committees

Seconded by Mr. Miller

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH THE RESEARCH FOUNDATION OF SUNY AT BINGHAMTON FOR THE WEST NILE VIRUS SURVEILLANCE PROGRAM FOR THE DEPARTMENT OF HEALTH FOR 2005

WHEREAS, this County Legislature, by Resolution 171 of 2004, authorized renewal of agreement with The Research Foundation of SUNY at Binghamton for the West Nile Virus Surveillance Program for the Department of Health at a cost not to exceed \$8,500 for the period April 22, 2004 through September 30, 2004, and

WHEREAS, said agreement is necessary for bird surveillance and the collection, identification and testing of adult mosquito/larva for the West Nile Virus throughout Broome County, and

WHEREAS, said agreement expired by its terms on September 30, 2004, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$12,300, and expand the scope of services to include Hearing Officer support from the BU School of Management for enforcement in the Tobacco Control and other program areas for the period January 21, 2005 through December 31, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with The Research Foundation of SUNY at Binghamton, Office of Research and Sponsored Programs, Cooper Administration Building-242, P.O. Box 6000, Binghamton, New York 13902-6000 for the West Nile Virus Surveillance Program and Hearing Officer support from the BU School of Management for enforcement in the Tobacco Control and other areas for the Department of Health for the period January 1, 2005 through December 31, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$12,300 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480137.4545.101000 (Contracted Services) and 480XXX.4545.101XXX (Contracted Services), and be it

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

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

RESOLUTION NO. 29

By Health Services, Personnel and Finance Committees

Seconded by Mr. Miller

RESOLUTION AUTHORIZING REVISION OF THE BE SAFE BROOME INJURY PREVENTION GRANT (F/K/A THE TRAFFIC SAFETY AWARENESS PROGRAM GRANT) FOR THE DEPARTMENT OF HEALTH AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2004-2005

WHEREAS, this County Legislature, by Resolution 435 of 2004, authorized and approved renewal of the Traffic Safety Awareness Program Grant for the Department of Health and adopted a program budget in connection therewith in the total amount of \$40,624 for the period October 1, 2004 through September 30, 2005, and

WHEREAS, said grant program supports local programs, public education events and activities designed to reduce mortality and morbidity related to traffic accidents, and

WHEREAS, it is necessary at this time to revise said program to reflect a decrease in the amount of \$997 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Be Safe Broome Injury Prevention Grant (f/k/a the Traffic Safety Awareness Program Grant) to reflect an decrease of \$997 for the period October 1, 2004 through September 30, 2005, 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 \$39,627, and be it

FURTHER RESOLVED, that Resolution 435 of 2004, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

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

RESOLUTION NO. 30

By Human Services, Personnel and Finance Committees

Seconded by Mr. Miller

RESOLUTION AUTHORIZING RENEWAL OF THE ROBERT WOOD JOHNSON FOUNDATION PROGRAM GRANT FOR THE OFFICE FOR AGING FUTURES II PROJECT AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2005-2006

WHEREAS, this County Legislature, by Resolution 50 of 2004, authorized and approved renewal of the Robert Wood Johnson Program Grant for the Office for Aging's Future II Project and adopted a program budget in the amount of \$275,576 for the period February 1, 2004 through January 31, 2005, and

WHEREAS, said grant program provides data for a comprehensive community needs assessment for the elderly, and

WHEREAS, it is desired to renew said grant program in the amount of \$262,325 for the period February 1, 2005 through January 31, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$245,000 from the Robert Wood Johnson Foundation, P.O. Box 2316, Princeton, New Jersey 18543-2316, for the Office for Aging's Futures II Project for the period February 1, 2005 through January 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 total amount of \$262,325, and be it

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

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

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

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

RESOLUTION NO. 31

By Human Services, Personnel and Finance Committees

Seconded by Mr. Miller

RESOLUTION AUTHORIZING REVISION OF COMMUNITY SERVICES FOR THE ELDERLY (CSE) PROGRAM GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2004-2005

WHEREAS, this County Legislature, by Resolution 90 of 2004, authorized and approved renewal of the Community Services for the Elderly (CSE) Program Grant for the Office for Aging and adopted a program budget in connection therewith in the total amount of \$455,648 for the period April 1, 2004 through March 31, 2005, and

WHEREAS, said grant program provides for a variety of services including social day care, transportation, rural shopping, in-home mental health counseling and the GROW Program, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$13,179 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Community Services for the Elderly (CSE) Program Grant to reflect an increase of \$13,179 for the period April 1, 2004 through March 31, 2005, 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 \$468,827, and be it

FURTHER RESOLVED, that Resolution 90 of 2004, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

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

RESOLUTION NO. 32

By Human Services, Personnel and Finance Committees

Seconded by Mr. Miller

RESOLUTION AUTHORIZING REVISION OF THE EXPANDED IN-HOME SERVICES FOR THE ELDERLY PROGRAM (EISEP) GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2004-2005

WHEREAS, this County Legislature, by Resolution 89 of 2004, authorized and approved renewal of the Expanded In-Home Services for the Elderly Program (EISEP) Grant for the Office for Aging and adopted a program budget in connection therewith in the total amount of \$530,588 for the period April 1, 2004 through March 31, 2005, and

WHEREAS, said grant program provides for personal care and housekeeper/chore services and case management of clients, and

WHEREAS, it is necessary at this time to revise said program to reflect a decrease in the amount of \$11,362 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Expanded In-Home Services for the Elderly Program (EISEP) Grant to reflect a decrease of \$11,362 for the period April 1, 2004 through March 31, 2005, 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 \$519,226, and be it

FURTHER RESOLVED, that Resolution 89 of 2004, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

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

RESOLUTION NO. 33

By Public Works Committee

Seconded by Mr. Miller

RESOLUTION DECLARING THE DEPARTMENT OF PUBLIC WORKS' LOUGHLIN ROAD CULVERT REPLACEMENT PROJECT IN THE TOWN OF KIRKWOOD TO BE EXEMPT FROM THE PUBLIC HEARING REQUIREMENT OF THE EMINENT DOMAIN LAW AND AUTHORIZING THE ACQUISITION OF NECESSARY REAL PROPERTY BY PURCHASE OR CONDEMNATION

WHEREAS, the Eminent Domain Law requires that a public hearing be held in connection with any proposed public project for which the acquisition of real property through the exercise of eminent domain may be required, except that a project is exempt from the public hearing requirement when in the opinion of the condemnor the acquisition is "de minimis" in nature so that the public interest will not be prejudiced by the construction of the project," and

WHEREAS, the Loughlin Road Culvert (CIN 69-0.85) Replacement Project in the Town of Kirkwood has been determined under the New York State Environmental Quality Review Act to have no substantial effect on the environment in that it involves only the replacement of the existing culvert, and

WHEREAS, the Department of Public Works desires to acquire the temporary land rights necessary to commence the aforesaid replacement project and is requesting authorization from this Legislature to acquire said land by purchase or condemnation, and

WHEREAS, the Public Works Committee has reviewed the scope of the aforesaid project and recommends that it be found to be exempt from the public hearing requirement because it is "de minimis" in nature, said determination being based upon the fact that the project involves only the replacement of an existing deficient culvert in its present location having no substantial effect on the environment, and at this time it appears that not more than two parcels shall be obtained from adjoining property owners, now, therefore, be it

RESOLVED, that this County Legislature hereby finds the Department of Public Works Loughlin Road Culvert (CIN 69-0.85) Replacement Project in the Town of Kirkwood to be "de minimis" in nature and therefore exempt from the public hearing requirement of the Eminent Domain Law, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes the acquisition by purchase or condemnation of the real property necessary to undertake and perform the aforesaid culvert replacement project in accordance with the design and specifications for said project.

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

RESOLUTION NO. 34

By Human Services and Finance Committees

Seconded by Mr. Miller

RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH LEGAL AID SOCIETY OF MID NEW YORK, INC. (F/K/A LEGAL AID FOR BROOME AND CHENANGO, INC.) FOR LEGAL SERVICES FOR THE ELDERLY FOR THE OFFICE FOR AGING FOR 2005

WHEREAS, this County Legislature, by Resolution 533 of 2004, authorized renewal of agreement with an agreement with Legal Aid Society of Mid New York, Inc. (f/k/a Legal Aid for Broome and Chenango, Inc.) for legal services for the elderly for the Office for Aging at a rate of \$45 per hour, total amount not to exceed \$27,000 for the period January 1, 2005 through December 31, 2005, and

WHEREAS, the Broome County Office for Aging is required by federal regulations to commit funds for legal services for the elderly (Title III-B, Older Americans Act), and

WHEREAS, it is necessary to authorize the amendment of said agreement to increase the rate to \$55 per hour, total amount not to exceed \$27,000, and

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

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Legal Aid Society of Mid New York, Inc. (f/k/a Legal Aid for Broome and Chenango, Inc.) 255 Genesee Street, 2nd Floor, Utica, New York 13502 to increase the rate to \$55 per hour for legal services for the elderly for the Office for Aging for the period January 1, 2005 through December 31, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor a rate of \$55 per hour, total amount not to exceed \$27,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 760751.4457.104961 (Subcontracted Program Expense), and be it

FURTHER RESOLVED, that Resolution 533 of 2004, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

RESOLUTION NO. 35

By Human Services and Finance Committees

Seconded by Mr. Miller

RESOLUTION AUTHORIZING RENEWAL OF AN AGREEMENT WITH UNITED HEALTH SERVICES FOR PROFESSIONAL SERVICES FOR THE OFFICE FOR AGING'S AGING FUTURES II PROJECT STROKE PREVENTION INITIATIVE FOR 2005-2006

WHEREAS, this County Legislature, by Resolution 371 of 2004, authorized an agreement with United Health Services for professional services for the Office of Aging's Futures II Project Stroke Prevention Initiative at an amount not to exceed \$19,920 for the period August 1, 2004 through January 31, 2005, and

WHEREAS, said agreement is necessary to conduct hypertension and stroke prevention management activities, and

WHEREAS, said agreement expires by its terms on January 1, 2005, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$31,480 for the period February 1, 2005 through January 31, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with United Health Services, 35-57 Harrison Street, Johnson City, New York 13790 for professional services for the Office of Aging's Futures II Project Stroke Prevention Initiative for the period February 1, 2005 through January 31, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$31,480 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 761114.4457.105010 (Subcontracted Program Services), and be it

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

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

RESOLUTION NO. 36

By Human Services and Finance Committees

Seconded by Mr. Miller

RESOLUTION AUTHORIZING AN AGREEMENT WITH UNITED HEALTH SERVICES FOR PROFESSIONAL SERVICES FOR THE OFFICE FOR AGING'S AGING FUTURES II QUALITY ASSURANCE INITIATIVE FOR 2005-2006

WHEREAS, the Director of the Office for Aging requests authorization for an agreement with United Health Services for professional services for the Office for Aging's Aging Futures II Quality Assurance Initiative at a cost not to exceed \$25,000, for the period February 1, 2005 through May 31, 2006, and

WHEREAS, said agreement is necessary to provide professional education with doctors at four sites dealing with geriatric hypertension, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with United Health Services, for professional services for the period February 1, 2005 through May 31, 2006, and be it

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

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 761114.4457.105010 (Subcontracted Program Services), and be it

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

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

RESOLUTION NO. 37

By Health Services Committee

Seconded by Mr. Miller

RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE BROOME COUNTY HEALTH DEPARTMENT AND THE CORTLAND COUNTY HEALTH DEPARTMENT TO PROVIDE MUTUAL AID IN THE EVENT OF A DISASTER

WHEREAS, the Director of Public Health requests authorization for an agreement between the Broome County Health Department and the Cortland County Health Department to provide mutual aid in the event of a disaster, at no cost to either County, and

WHEREAS, said agreement is necessary to respond to a natural or manmade disaster, widespread outbreak of a communicable disease, mass casualty incident or terrorist attack, and

WHEREAS, such mutual aid may take the form of providing prophylaxis medication or vaccination to non-residents of Broome County who are temporarily visiting or residing in Broome County, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement between the Broome County Health Department and the Cortland County Health Department to provide mutual aid in the event of a disaster, at no cost to either County, and be it

FURTHER RESOLVED, that each Department shall hold harmless and defend the other department from and against all claims and liability for loss, damage, or injury or death of third parties, caused by or attributable to its own employee, agent or officer engaged in activities related to this agreement, and be it

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

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

RESOLUTION NO. 38

By Health Services Committee

Seconded by Mr. Miller

RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE BROOME COUNTY HEALTH DEPARTMENT AND THE DELAWARE COUNTY HEALTH DEPARTMENT TO PROVIDE MUTUAL AID IN THE EVENT OF A DISASTER

WHEREAS, the Director of Public Health requests authorization for an agreement between the Broome County Health Department and the Delaware County Health Department to provide mutual aid in the event of a disaster, at no cost to either County, and

WHEREAS, said agreement is necessary to respond to a natural or manmade disaster, widespread outbreak of a communicable disease, mass casualty incident or terrorist attack, and

WHEREAS, such mutual aid may take the form of providing prophylaxis medication or vaccination to non-residents of Broome County who are temporarily visiting or residing in Broome County, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement between the Broome County Health Department and the Delaware County Health Department to provide mutual aid in the event of a disaster, at no cost to either County, and be it

FURTHER RESOLVED, that each Department shall hold harmless and defend the other department from and against all claims and liability for loss, damage, or injury or death of third parties, caused by or attributable to its own employee, agent or officer engaged in activities related to this agreement, and be it

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

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

RESOLUTION NO. 39

By Finance Committee

Seconded by Mr. Miller

RESOLUTION AUTHORIZING CANCELLATION OF REAL PROPERTY TAXES, INTEREST AND PENALTIES AND CORRECTION OF TAX BILL ON PARCEL IN THE TOWN OF FENTON

WHEREAS, it is necessary to correct the tax record of this parcel of real property and issue a corrected tax bill by virtue of the reason stated below, now, therefore, be it

RESOLVED, that taxes, interest and penalties will be cancelled on the following parcels of real property:

Parcel ID:	129.05-3-25
Town/Village:	Fenton
Owner:	Betty Jean Nickerson
Amount to be Cancelled:	Lawn Mowing - \$210.00 Returned Water - \$99.00 Returned Sewer - \$99.00
Total Amount	\$408.00
Corrected Tax Bill	\$425.76
Reason:	County will be Owner

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

RESOLUTION NO. 40

By Public Safety & Emergency Services and Finance Committees

Seconded by Mr. Miller

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH THE FEDERAL BUREAU OF INVESTIGATION FOR LEASE OF TOWER SPACE FOR EMERGENCY SERVICES COMMUNICATIONS SYSTEM FOR 2004-2005

WHEREAS, this County Legislature, by Resolution 427 of 2003, authorized renewal of an agreement with the Federal Bureau of Investigation of the United States Department of Justice for lease of the tower facility at Hawkins Hill, Site 66 Tower in the Town of Fenton, providing revenue to the County of \$125 per month, total revenue amount of \$1,500 for the period October 1, 2003 through September 30, 2004, and

WHEREAS, said agreement expired by its terms on September 30, 2004, and it is desired at this time to renew said agreement on substantially similar terms and conditions, with revenue to the County of \$125 per month, total revenue amount of \$1,500, for the period October 1, 2004 through September 30, 2005, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with the Federal Bureau of Investigation of the United States Department of Justice, ERF Building 27958A, Quantico, Virginia 22135 for lease of the Hawkins Hill, Site 66 Tower, for the period October 1, 2004 through September 30, 2005, and be it

FURTHER RESOLVED, that in consideration of said lease the United States Department of Justice shall pay the County \$125 per month, total revenue amount of \$1,500 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 460006.0464.101000 (Other Local Governments), and be it

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

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

RESOLUTION NO. 41

By Transportation and Finance Committees

Seconded by Mr. Miller

RESOLUTION AUTHORIZING AGREEMENT WITH NEXTEL WIP LEASE CORP. FOR LEASE OF PROPERTY AT THE GREATER BINGHAMTON AIRPORT FOR 2005-2010

WHEREAS, the Commissioner of Transportation requests authorization for an agreement with Nextel WIP Lease Corp. d/b/a Nextel Partners, for lease of property at the Greater Binghamton Airport with a revenue to the County at a rate of \$1,600 per month, for the period September 1, 2005 through August 31, 2010 (or upon commencement of construction and ending on the fifth anniversary of the commencement date), with three (3) additional five year options to renew and increased by 15 per cent at every renewal term, and

WHEREAS, said agreement enables the vendor to install, operate and maintain a radio communications facility in the location as shown on Exhibit "A" at the Binghamton Regional Airport, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Nextel WIP Lease Corp., d/b/a Nextel Partners, 3500 Winton Place, #1, Rochester, New York 14623, for lease of property at the Greater Binghamton Airport as shown on Exhibit "A", for the period September 1, 2005 through August 31, 2010, (or upon commencement of construction and ending on the fifth anniversary of the commencement date), with three (3) additional five year options to renew and increased by 15 per cent at every renewal term, and be it

FURTHER RESOLVED, that in consideration of said agreement, the Contractor shall pay the County \$1,600 per month, with an increase of 15 per cent at every renewal term, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 210195.0187.207000 (Rental Real Property), and be it

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

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

RESOLUTION NO. 42

Personnel, Human Services and Finance Committees

Seconded by Mr. Miller

RESOLUTION CONFIRMING THE APPOINTMENT OF BRIAN J. VOJTISEK AS BROOME COUNTY VETERANS' SERVICES DIRECTOR

WHEREAS, the County Executive, pursuant to the authority vested in her by Article XXIV, Section C2405 of the Broome County Charter and Administrative Code, has duly designated and appointed, pending confirmation by this Legislature, Brian J. Vojtisek, 517 Swartwood Avenue, Endicott, New York 13760 as Broome County Veterans' Services Director, at the 2004 annual base salary of \$44,842, Admin I, Grade 22, effective January 1, 2005, and

WHEREAS, Brian J. Vojtisek is fully qualified to fill the position of Veterans' Services Director, and

WHEREAS, it is desired at this time, pursuant to the provisions of Article XXIV, Section C2405 of the Broome County Charter and Administrative Code, to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature, confirms the appointment of Brian J. Vojtisek as Broome County Veterans' Services Director, at the 2004 annual base salary of \$44,842, Grade 22 Admin I, effective January 1, 2005, in accordance with his appointment by the County Executive.

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

RESOLUTION NO. 43

By Personnel, Health Services and Finance Committees Seconded by Mr. Miller
**RESOLUTION CONFIRMING THE APPOINTMENT OF JOHN F. DEMSKE AS
ADMINISTRATOR OF WILLOW POINT NURSING HOME**

WHEREAS, the County Executive, pursuant to the authority vested in her by Article XIV, Section C1401 of the Broome County Charter and Administrative Code and pending confirmation by this Legislature, has duly designated and appointed John F. Demske as Administrator of the Willow Point Nursing Home, at the 2004 annual base salary of \$106,268 Grade O Admin II, effective January 1, 2005, and

WHEREAS, John F. Demske is fully qualified to fill the position of Administrator of the Willow Point Nursing Home, and

WHEREAS, it is desired at this time, pursuant to the provisions of Article XIV, Section C1401 of the Broome County Charter and Administrative Code, to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature does hereby confirm the appointment of John F. Demske, 469 Echo Road, Vestal, New York 13850 as Administrator of Willow Point Nursing Home, at the 2004 annual base salary of \$106,268, Grade O Admin II, effective January 1, 2005, in accordance with his appointment by the County Executive.

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

RESOLUTION NO. 44

By Personnel, Human Services and Finance Committees Seconded by Mr. Miller
**RESOLUTION CONFIRMING THE APPOINTMENT OF KATHLEEN A. BUNNELL AS
DIRECTOR OF THE OFFICE FOR AGING**

WHEREAS, the County Executive, pursuant to the powers vested in her by Article III, Section C311 of the Broome County Charter and Administrative Code, has duly designated and appointed, pending confirmation by this Legislature, Kathleen A. Bunnell, 1112 Airport Road, Binghamton, New York, 13905, as Director of the Office for Aging at the 2004 annual base salary of \$71,594, Grade J Admin II, effective January 1, 2005, and

WHEREAS, Kathleen A. Bunnell is fully qualified to fill the position as Director of the Office for Aging, and

WHEREAS, it is desired at this time, pursuant to the provisions of Article III, Section C311 of the Broome County Charter and Administrative Code, to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature does hereby confirm the appointment of Kathleen A. Bunnell as Director of the Office for Aging, at the 2004 annual base salary of \$71,594, Grade J Admin II, effective January 1, 2005, in accordance with her appointment by the County Executive.

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

RESOLUTION NO. 45

By Personnel, County Administration and Finance Committees Seconded by Mr. Shafer
**RESOLUTION CONFIRMING APPOINTMENT OF KIM S. MCKINNEY AS DIRECTOR OF
INFORMATION TECHNOLOGY**

WHEREAS, the County Executive, pursuant to the powers vested in her by Article III, Section C310 of the Broome County Charter and Administrative Code, has duly designated and appointed, pending confirmation by this Legislature, Kim S. McKinney, 3849 Gardner Road, Binghamton, New York 13903 as Director of Information Technology at the 2004 annual base salary of \$71,379, Grade I Admin II, effective January 1, 2005, and

WHEREAS, Kim S. McKinney is fully qualified to fill the position of Director of Information Technology, and

WHEREAS, it is desired at this time, pursuant to the provisions of Article III, Section C310, of the Broome County Charter and Administrative Code, to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature hereby confirms the appointment of Kim S. McKinney as Director of Information Technology, at the 2004 annual base salary of \$71,379, Grade I Admin II, effective January 1, 2005, in accordance with her appointment by the County Executive.

Carried, Ayes-17, Nays-1 (Mather), Absent-1 (Hull).

RESOLUTION NO. 46

By Personnel, Public Safety and Emergency Services and Finance Committees

Seconded by Mr. Miller

RESOLUTION CONFIRMING APPOINTMENT OF MICHAEL F. ASWAD AS DIRECTOR OF EMERGENCY SERVICES/FIRE COORDINATOR

WHEREAS, the County Executive, pursuant to the authority vested in her by Article III, Section C311 of the Broome County Charter and Administrative Code, has duly designated and appointed, pending confirmation by this County Legislature, Michael F. Aswad, 92 Franklin Avenue Extension, Binghamton, New York 13901, as Director of Emergency Services/Fire Coordinator, at the 2004 annual base salary of \$59,019, Grade E Admin II, effective January 1, 2005, and

WHEREAS, Michael F. Aswad is fully qualified to fill the position of Director of Emergency Services, and

WHEREAS, it is desired at this time, pursuant to the provisions of Article III, Section C311 of the Broome County Charter and Administrative Code, to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of the Broome County Charter and Administrative Code, does hereby confirm Michael F. Aswad as Director of Emergency Services/Fire Coordinator, at the 2004 annual base salary of \$59,019, Grade E Admin II, effective January 1, 2005, in accordance with his appointment by the County Executive.

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

RESOLUTION NO. 47

By Personnel, Transportation and Finance Committees

Seconded by Mr. Miller

RESOLUTION CONFIRMING APPOINTMENT OF CARL G. OLSON AS COMMISSIONER OF TRANSPORTATION

WHEREAS, the County Executive, pursuant to the powers vested in her by Article X, Section C1001 and Article X-A, Section C1001-A, of the Broome County Charter and Administrative Code, has duly designated and appointed, pending confirmation by this Legislature, Carl G. Olson, 836 Oak Hill Avenue, Endicott, New York 13760 as Commissioner of Transportation at the annual 2004 base salary of \$79,104, Grade H Admin II, effective January 1, 2005, and

WHEREAS, Carl G. Olson is fully qualified to fill the position of Commissioner of Transportation, and

WHEREAS, it is desired at this time, pursuant to the provisions of Article X, Section C1001 and Article X-A, Section C1001-A, of the Broome County Charter and Administrative Code, to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature hereby confirms the appointment of Carl G. Olson as Commissioner of Transportation, at the annual 2004 base salary of \$79,104, Grade H Admin II, effective January 1, 2005, in accordance with his appointment by the County Executive.

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

RESOLUTION NO. 48

By Personnel, Health Services, and Finance Committees

Seconded by Mr. Miller

RESOLUTION CONFIRMING APPOINTMENT OF ARTHUR R. JOHNSON AS COMMISSIONER OF MENTAL HEALTH

WHEREAS, the County Executive, pursuant to the powers vested in her by Article VIII, Section C801 of the Broome County Charter and Administrative Code, has duly designated and appointed, pending confirmation by this Legislature, Arthur R. Johnson as Commissioner of Mental Health, at the 2004 annual base salary of \$100,219, which is the combined salary of the Commissioner of Social Services and the Commissioner of Mental Health, effective January 1, 2005, and

WHEREAS, Arthur R. Johnson is fully qualified to fill the position of Commissioner of Mental Health, and

WHEREAS, it is desired at this time, pursuant to the provisions of Article VIII, Section C801 of the Broome County Charter and Administrative Code, to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature hereby confirms the appointment of Arthur R. Johnson, 95 Phelps Street, Binghamton, New York 13901, as Commissioner of Mental Health, at the 2004 annual base salary of \$100,219, which is the combined salary of the Commissioner of Social Services and the Commissioner of Mental Health, effective January 1, 2005, in accordance with his appointment by the County Executive.

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

RESOLUTION NO. 49

By Personnel, County Administration and Finance Committees

Seconded by Mr. Miller

RESOLUTION CONFIRMING THE APPOINTMENT OF PATRICK J. BRENNAN AS DEPUTY COUNTY EXECUTIVE

WHEREAS, the County Executive, pursuant to the authority vested in her by Article III, Section C304 of the Broome County Charter and Administrative Code has duly designated and appointed, pending confirmation by this County Legislature, Patrick J. Brennan as Deputy County Executive, at the 2004 annual base salary of \$81,679, Grade K Admin II, effective January 1, 2005, and

WHEREAS, Patrick J. Brennan is fully qualified to fill the position of Deputy County Executive, and

WHEREAS, it is desired at this time, in accordance with the provisions of Article III, Section C304 of the Broome County Charter and Administrative Code, to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature does hereby confirm Patrick J. Brennan, 17 Rotary Avenue, Binghamton, New York, 13905 as Deputy County Executive, at the 2004 annual base salary of \$81,679, Grade K Admin II, effective January 1, 2005, in accordance with his appointment by the County Executive.

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

RESOLUTION NO. 50

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

Seconded by Mr. Miller

RESOLUTION CONFIRMING APPOINTMENT OF HENRY D. WEISSMANN AS COMMISSIONER OF PUBLIC WORKS AND COMMISSIONER OF PARKS AND RECREATION

WHEREAS, the Broome County Executive, pursuant to the powers vested in her by Article IX, Section C901 and Article XI, Section C1101 of the Broome County Charter and Administrative Code, has duly designated and appointed, pending confirmation by this Legislature, Henry D. Weissmann as Commissioner of Public Works and Commissioner of Parks and Recreation, at the combined 2004 annual base salary of \$81,679, and

WHEREAS, Henry D. Weissmann is fully qualified to fill the positions of Commissioner of Public Works and Commissioner of Parks and Recreation, and

WHEREAS, it is desired at this point in time, in accordance with the provisions of Article IX, Section C901 and Article XI, Section C1101 of the Broome County Charter and Administrative Code, to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature hereby confirms the appointment of Henry D. Weissmann, 665 Welton Street, Harpursville, New York 13787, as Commissioner of Public Works and Commissioner of Parks and Recreation, at the combined annual 2004 base salary of \$81,679, effective January 1, 2005, in accordance with his appointment by the County Executive.

Carried, Ayes-17, Nays-1 (Keibel), Absent-1 (Hull).

RESOLUTION NO. 51

By Personnel, Economic Development & Planning and Finance Committees

Seconded by Mr. Miller

RESOLUTION CONFIRMING APPOINTMENT OF SUSAN S. DIBENEDETTO AS EMPLOYMENT AND TRAINING DIRECTOR I, OFFICE OF EMPLOYMENT AND TRAINING

WHEREAS, the Broome County Executive, pursuant to the powers vested in her by Article III, Section C311 of the Broome County Charter and Administrative Code, has duly designated and appointed, pending confirmation by this Legislature, Susan S. DiBenedetto as Employment and Training Director I, Office of Employment and Training, at the 2004 annual base salary of \$61,594, Grade F Admin II, effective January 1, 2005, and

WHEREAS, Susan S. DiBenedetto is fully qualified to fill the position of Employment and Training Director I, Office of Employment and Training, and

WHEREAS, it is desired at this time, pursuant to the provisions of Article III, Section C311 of the Broome County Charter and Administrative Code, to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature hereby confirms the appointment of Susan S. DiBenedetto, 20 Westmore Place, Binghamton, New York 13905, as Employment and Training Director I, Office of Employment and Training, at the 2004 annual base salary of \$61,594, Grade F Admin II, effective January 1, 2005, in accordance with her appointment by the County Executive.

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

RESOLUTION NO. 52

By Personnel, Human Services and Finance Committees

Seconded by Mr. Miller

RESOLUTION CONFIRMING THE APPOINTMENT OF BETH SAXTON AS EXECUTIVE DIRECTOR OF THE YOUTH BUREAU

WHEREAS, the Broome County Executive, pursuant to the powers vested in her by Article III, Section C311 of the Broome County Charter and Administrative Code, has duly designated and appointed, pending confirmation by this Legislature, Beth Saxton as Executive Director of the Youth Bureau, at the 2004 annual base salary of \$48,719, Grade A Admin II, effective January 1, 2005, and

WHEREAS, Beth Saxton is fully qualified to fill the position of Executive Director of the Youth Bureau, and

WHEREAS, it is desired at this time, in accordance with the provisions of Article III, Section C311 of the Broome County Charter and Administrative Code, to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature does hereby confirm the appointment of Beth Saxton, 15 Rotary Avenue, Binghamton, New York 13905, as Executive Director of the Youth Bureau, at the 2004 annual base salary of \$48,719, Grade A Admin II, effective January 1, 2005, in accordance with her appointment by the County Executive.

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

RESOLUTION NO. 53

By Personnel, Economic Development & Planning and Finance Committees
Seconded by Mr. Materese

RESOLUTION CONFIRMING THE APPOINTMENT OF RITA M. PETKASH AS THE COMMISSIONER OF PLANNING AND ECONOMIC DEVELOPMENT

WHEREAS, the Broome County Executive, pursuant to the powers vested in her by Article XV, Section C1501 of the Broome County Charter and Administrative Code, has duly designated and appointed, pending confirmation by this Legislature, Rita M. Petkash as Commissioner of Planning and Economic Development, at the 2004 annual base salary of \$68,804, Grade H, Admin II, effective January 1, 2005, and

WHEREAS, Rita M. Petkash is fully qualified to fill the position of Commissioner of Planning and Economic Development, and

WHEREAS, it is desired at this time, in accordance with the provisions of Article XV, Section C1501 of the Broome County Charter and Administrative Code, to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature, does hereby confirm Rita M. Petkash, 608 Old Lane Road, Vestal, New York 13850, as Commissioner of Planning and Economic Development, at the 2004 annual base salary of \$68,804, Grade H, Admin II, effective January 1, 2005, in accordance with her appointment by the County Executive.

Carried, Ayes-16, Nays-2 (Keibel, Schafer), Absent-1 (Hull).

RESOLUTION NO. 54

By Personnel, Public Safety & Emergency Services and Finance Committees
Seconded by Mr. Miller

RESOLUTION CONFIRMING APPOINTMENT OF JAMES F. MAY AS STOP-DWI COORDINATOR

WHEREAS, the County Executive, pursuant to the powers vested in her by Article XXIV, Section C2405, of the Broome County Charter and Administrative Code, has duly designated and appointed, pending confirmation by this Legislature, James F. May as STOP-DWI Coordinator, at his current 2004 annual salary of \$50,684, Grade 22 Admin I, effective January 1, 2005, and

WHEREAS, the County Executive certifies that Mr. May is fully qualified to fill the position of STOP-DWI Coordinator, and

WHEREAS, it is desired at this time, pursuant to the provisions of Article XXIV, Section C2405, of the Broome County Charter, to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature hereby confirms the appointment of James F. May, 63 Park Street, Binghamton, New York 13905, as STOP-DWI Coordinator, at his current 2004 annual salary of \$50,684, Grade 22 Admin I, effective January 1, 2005, in accordance with his appointment by the County Executive.

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

RESOLUTION NO. 55

By Personnel, County Administration and Finance Committees
Seconded by Mr. Miller

RESOLUTION CONFIRMING THE APPOINTMENT OF JOSEPH J. SLUZAR AS THE COUNTY ATTORNEY

WHEREAS, the County Executive, pursuant to the powers vested in her by Article XVII, Section C1701 of the Broome County Charter and Administrative Code, has duly designated and appointed, pending confirmation by this Legislature, Joseph J. Sluzar as County Attorney, at the 2004 annual base salary of \$94,282, Grade AT-6, effective January 1, 2005, and

WHEREAS, Joseph J. Sluzar is fully qualified to fill the position of County Attorney, and

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

RESOLVED, that this County Legislature does hereby confirm the appointment of Joseph J. Sluzar, 408 Mersereau Avenue, Endicott, New York 13760 as County Attorney, at the 2004 annual base salary of \$94,282, Grade AT-6, effective January 1, 2005, in accordance with his appointment by the County Executive.

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

RESOLUTION NO. 56

By Human Services and Finance Committees

Seconded by Mr. Miller

RESOLUTION AUTHORIZING WILLOW POINT NURSING HOME TO CHARGE OFF BAD DEBTS

WHEREAS, from time to time residents at the Willow Point Nursing Home (the "Nursing Home") have outstanding balances on their accounts, and

WHEREAS, after due diligence it has been determined that the accounts listed on Exhibit "A" are uncollectible, and

WHEREAS, in 1988 the Nursing home set up a reserve for bad debt, and

WHEREAS, the Nursing Home Administrator has requested authority to write off the uncollectible accounts and adjust the reserve for bad debt accordingly, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the Administrator of the Willow Point Nursing Home to write off as uncollectible the accounts listed on Exhibit "A", and be it

FURTHER RESOLVED, that the Administrator of Willow Point Nursing Home, the Commissioner of Finance and Comptroller are authorized to make all necessary accounting entries, including adjustments to the 'bad debt' reserve account, to effectuate the intent and purpose of this Resolution.

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

RESOLUTION NO. 57

By Personnel, Health Services, Public Works and Finance Committees

Seconded by Mr. Miller

RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUESTS FOR THE DEPARTMENTS OF HEALTH AND PUBLIC WORKS

RESOLVED, that in accordance with a request from the Director of Public Health as contained in PCR#04-391, this County Legislature hereby authorizes the abolishment of (1) Public Health Educator position, Part Time, at budget line 480301.1500.104974, minimum salary of \$35,091 FTE, Grade 18, CSEA, effective date 12/06/04, and be it

FURTHER RESOLVED, that in accordance with a request from the Director of Health as contained in PCR#05-55, this County Legislature hereby authorizes the abolishment of (1) Health Program Specialist position, Part Time, at budget line 480301.1500.104939, minimum salary of \$21,778 FTE, Grade 8, CSEA, effective date 01/01/05, and be it

FURTHER RESOLVED, that in accordance with a request from the Director of Health as contained in PCR#05-56, this County Legislature hereby authorizes the abolishment of (1) Data Entry Machine Operator position, Part Time, at budget line 480301.1500.104941, minimum salary of \$21,778 FTE, Grade 08, CSEA, effective date 01/01/05, and be it

FURTHER RESOLVED, that in accordance with a request from the Commissioner of Public Works as contained in PCR#05-64, this County Legislature hereby authorizes the Title Change of (1) Director of Highway position, Full Time, at budget line 030122.1000.301000, minimum salary of \$63,442, Grade F, Admin, to (1) Deputy Commissioner of Public Works – Highways position, Full Time, at budget line 030122.1000.301000, minimum salary of \$63,442, Grade F, Admin, effective date 01/01/05, 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-18, Nays-0, Absent-1 (Hull).

RESOLUTION NO. 58

By Finance, Health Services and Human Services Committees Seconded by Mr. Miller
RESOLUTION AUTHORIZING BUDGET TRANSFERS FOR THE DEPARTMENT OF HEALTH AND THE OFFICE FOR AGING

RESOLVED, that in accordance with a request from the Director of Health to modify the appropriations to maximize the Dental Sealant Program Grant as requested in BF#005427 & 005428, 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:	480301	4319	104822	Office Supplies	300
	480301	4459	104822	Reserve for Program	3,807
	480301	4461	104822	Mileage and Parking	700
	480301	4462	104822	Travel, Hotel, Meals	100
	480301	4606	104822	Telephone Chargeback	200
	480301	4609	104822	Data Processing Chgbk	600
	480301	4610	104822	Personal Services Chgbk	5,234
	480301	4617	104822	Dup/Printing Chargeback	200
	480301	4627	104822	Single Audit Chargeback	10
	480301	8010	104822	State Retirement	293
	480301	8063	104822	Disability Insurance	34
TO:	480301	1000	104822	Salaries – Full Time	6,580
	480301	1500	104822	Salaries – Part Time	211
	480301	4363	104822	Med, Lab & Clinic	250
	480301	4411	104822	Postage and Freight	50
	480301	4457	104822	Subcontracted Exp.	3,000
	480301	4715	104822	Other Health & Medical	500
	480301	4618	104822	Office Supplies Chgbk	600
	480301	8030	104822	FICA	229
	480301	8040	104822	Workers' Compensation	58

FURTHER RESOLVED, that in accordance with a request from the Director of OFA to modify the appropriations to maximize the IIIB Support Services Grant as requested in BF#005388, 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:	760751	4610	104824	Personal Services Chgbk	3,000
TO:	760751	1500	104824	Salaries – Part Time	3,000

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-18, Nays-0, Absent-1 (Hull).

RESOLUTION NO. 59

By Economic Development and Planning Committee

Seconded by Mr. Miller

RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY BOARD OF DIRECTORS

WHEREAS, Daniel A. Schofield, Chair of the Broome County Legislature, pursuant to the powers vested in him by Resolution No. 78, adopted March 4, 1970, Resolution No. 46, adopted February 6, 1979, Resolution No. 223, adopted April 21, 1987 and Article 18-A of the New York State General Municipal Law, has duly designated and appointed, pending confirmation by this Legislature, the following named individuals to membership on the Broome County Industrial Development Agency Board of Directors for the terms indicated:

<u>Name</u>	<u>Term Expiring</u>	<u>Name</u>	<u>Term Expiring</u>
George Akel, Jr. 2165 E. Hamton Road Binghamton, NY 13903	Dec. 31, 2006 (Reappointment)	Peter Hankin 174 Brown Road Vestal, NY 13850	Dec. 31, 2006 (Reappoint.)
Patrick J. Brennan 17 Rotary Avenue Binghamton, NY 13905	Dec. 31, 2006 (New Appoint.)	Brian Kradjian 84 Court St. Suite 600 Binghamton, NY 13901	Dec. 31, 2006 (Reappoint.)
Louis J. Ciocca 2504 Foxwood Lane Vestal, NY 13850	Dec. 31, 2006 (Reappointment)	Howard W. Lucy 50 Ford Hill Road Whitney Point, NY 13862	Dec. 31, 2006 (New Appoint.)
Charles N. Griffiths, Jr. 3740 Cobblestone Court Binghamton, NY 13903	Dec. 31, 2006 (Reappointment)	Vincent A. Pasquale 30 Jerome Avenue Binghamton, NY 13905	Dec. 31, 2006 (New Appoint.)

and

WHEREAS, it is desired at this time, in accordance with the provisions of said Resolutions and Article 18-A of the New York State General Municipal Law, to confirm said appointments, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Resolution No. 78, adopted March 24, 1970, Resolution No. 46, adopted February 6, 1979, Resolution No. 223, adopted April 21, 1987 and Article 18-A of the New York State General Municipal Law, does hereby confirm the appointments of the above-mentioned individuals to membership on the Broome County Industrial Development Agency Board of Directors in accordance with their appointments by the Legislative Chair.

Mr. Schofield made a motion, seconded by Mr. Shafer, to replace Patrick J. Brennan with John F. Serino, 113 Highland Avenue, Binghamton, New York 13905. **Amendment carried**, Ayes-18, Nays-0, Absent-1 (Hull). **Resolution as amended carried**, Ayes-18, Nays-0, Absent-1 (Hull).

RESOLUTION NO. 60

By Personnel, County Administration and Finance Committees

Seconded by Mr. Miller

RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST FOR PURCHASING DEPARTMENT

RESOLVED, that in accordance with a request from the County Executive, as contained in PCR#05-69, this County Legislature hereby authorizes the creation of one Purchasing Agent position, at budget line 810010.1000.101000, minimum salary of \$42,410, Grade 20, BAPA, effective date January 31, 2005, 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-18, Nays-0, Absent-1 (Hull).

RESOLUTION NO. 61

By Public Works and Finance Committees

Seconded by Mr. Miller

RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH HAWK ENGINEERING, PC FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS IN ORDER TO PROVIDE EMERGENCY DESIGN SERVICES IN CONNECTION WITH THE HALE EDDY (RIVER) ROAD PROJECT

WHEREAS, this County Legislature by Resolution No. 283 of 2004 authorized an agreement with Hawk Engineering, PC for professional engineering services for the Department of Public Works at a cost not to exceed \$10,000 during the period July 1, 2004 through June 30, 2005, and

WHEREAS, a portion the Broome County Highway Route 249 (Hale Eddy (River) Road) slid into the West Branch of the Delaware River and the Broome County Executive declared a State of Emergency and prohibited travel on said County highway until further notice, and

WHEREAS, closing the highway has resulted in longer times for emergency service vehicles to reach residents along said highway, and

WHEREAS, it is necessary to employ the services of an engineering firm to design the necessary work to restore said County highway so that it is available for public use and time is of the essence, and

WHEREAS, Broome County has a standing contract with Hawk Engineering, PC for professional engineering services in connection with Public Works projects, and

WHEREAS, Hawk Engineering has the experience and expertise to do the design work for the Hale Eddy (River) Road restoration project, and

WHEREAS, the Commissioner of Public Works requests authorization to amend the existing contract with Hawk Engineering to increase the not to exceed amount to a total amount of \$40,000 (\$30,000 plus the present \$10,000 previously authorized) in order to cover the cost of the design work for the remediation of the washout of the Hale Eddy (River) Road and still provide for funding design work for other projects that may be required during the remainder of the term of this contract, now, therefore be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Hawk Engineering, PC, P.O. Box 427, Binghamton, New York 13902 dated September 3, 2004 as authorized by Resolution No. 283 of 2004 to amend the total cost during the initial term of July 1, 2004 through June 30, 2005 only from not to exceed \$10,000 to not to exceed \$40,000, and be it

FURTHER RESOLVED, that in all other respects Resolution No. 283 of 2004 and the said September 3, 2004 contract with Hawk Engineering, PC shall remain in full force and effect, and be it

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

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

RESOLUTION NO. 62

By Finance Committee

Seconded by Mr. Shafer

RESOLUTION AMENDING RESOLUTION 660 OF 2004 AUTHORIZING AN AMENDMENT TO CONTRACTS WITH VENDORS PROVIDING TRANSPORTATION SERVICES TO BROOME COUNTY TO PROVIDE FOR A FUEL SURCHARGE

WHEREAS, this County Legislature, by Resolution 660 of 2004, authorized an amendment to contracts with vendors providing transportation services to Broome County to provide for a fuel surcharge, and

WHEREAS, unforeseen and unanticipated market forces have caused the price of gasoline to rise dramatically in the past few months and these vendors use significant quantities of gasoline in providing these essential services, and

WHEREAS, this County Legislature authorized an amendment to these contracts to provide for a fuel surcharge for the remainder of the term of their contracts, and

WHEREAS, it is necessary to amend Resolution 660 of 2004 to change the references in paragraphs 1 and 2 of the RESOLVED clause from December 2004 to December 2003 for the CPI difference to calculate the fuel surcharge, now, therefore be it

RESOLVED, that this County Legislature hereby authorizes an amendment to Resolution 660 of 2004 to change the references in paragraphs 1 and 2 of the RESOLVED clause from December 2004 to December 2003 for the CPI difference to calculate the fuel surcharge, and be it

FURTHER RESOLVED, that Resolution 660 of 2004, 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.

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

Mr. Shafer made a motion to adjourn, seconded by Brunza. **Motion to adjourn carried**, Ayes-18, Nays-0, Absent-1 (Hull). The meeting was adjourned at 5:20 p.m.

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