
**BROOME COUNTY LEGISLATURE
REGULAR SESSION
THURSDAY, MARCH 23, 2006**

The Legislature convened at 5:10 p.m. with a call to order by the Chair, Daniel A. Schofield. The Clerk, Louis P. Augostini, read the fire exit announcement and called the Attendance Roll, Present-18, Absent-1 (Lindsey).

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 February 16, 2006 and February 27, 2006 Regular Sessions be approved as prepared and presented by the Clerk. **Carried**, Ayes-18, Nays-0, Absent-1 (Lindsey).

Mr. Schofield noted that the committee minutes for the period February 16, 2006 through March 22, 2006 had been distributed to the members of each committee for review and that they are also on file in the Clerk's Office. The Clerk indicated that a quorum of all committees were present. Mr. Schofield asked for corrections to the committee minutes. Seeing none, a motion to approve the committee minutes was made by Mr. Sanfilippo and seconded by Mr. Miller. **Carried**, Ayes-18, Nays-0, Absent-1 (Lindsey).

PUBLIC HEARING

Inclusion of Agricultural Parcels in a Certified Broome County Agricultural District in Various Towns in the County of Broome, New York.

Chair Schofield asked Mr. Augostini, Clerk of the Legislature, to begin the hearing. Mr. Augostini stated that the public hearing was concerning the inclusion of agricultural parcels in certified Broome County agricultural districts in the various towns in the County of Broome, New York. He then proceeded to read the legal notice and stated that it had been published in the Press and Sun Bulletin on March 14, 2006 and in the consortium of four (4) daily newspapers (the Deposit Courier, the Country Courier, the Vestal Town Crier, and the Windsor Standard) the week of March 15, 2006. The notice included a list of 22 parcels of land that will be included in Agricultural Districts #4 and #5. They are located in various towns in the County as shown in Resolution 116 in these minutes. Mr. Schofield asked if there was anyone here who wished to speak to the issue. Seeing none, Chair Schofield declared the public hearing closed.

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY EXECUTIVE:

- A. Letters from the County Executive, Barbara J. Fiala:
 - 1. Appointments to Health Advisory Board
 - 2. Appointment to Veterans Memorial Arena Board
- B. 2006 State of the County Address

PRESENTATION OF PETITIONS, COMMUNICATIONS, NOTICES & REPORTS:

- A. Petitions: BCC Communications Technology Building Support
- B. Communications:
 - 1. EMC Natural Resources Committee Minutes 1/19/06
 - 2. Broome County Industrial Committee Minutes 1/13/06
 - 3. Environmental Management Council Minutes 2/20/06
 - 4. Broome County Association of Municipal Clerks Minutes 2/16/06
 - 5. Cornell Cooperative Extension of Broome County Minutes 1/19/06
 - 6. Broome County Soil & Water Conservation District Minutes 2/7/06
 - 7. Broome County Industrial Committee Minutes 2/10/06

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8. EMC Natural Resources Committee Minutes 2/16/06
 9. EMC Recycling & Waste Management Committee 2/23/06
 10. Memo from County Attorney-Re: Broome Tobacco Asset Securitization Corporation
 11. Memo from Chairman Schofield-Re: New Committee Assignments
 12. County Attorney's Office-Re: Loan of Appointment Card of John L. Broome to Roberson Museum & Science Center

C. Notices:

1. Special Personnel Meeting 2/15/06
2. Special Public Safety & Emergency Services Committee Meeting 2/27/06
3. Special Committee of the Whole 2/27/06
4. Reminder State of the County Date Changed to 2/27/06
5. Special Public Works Committee Meeting 3/20/06
6. Public Hearing-Inclusion of Agricultural Parcels 3/23/06
7. Special Personnel Meeting 3/22/06

D. Reports:

1. Personnel Office Monthly Attrition 1/31/06
2. BCC January 2006 Budget Transfers
3. BCC Above Minimum Hires 1/06
4. Public Defender-Annual Statistical Report for Indigent Defendants for 2005
5. Broome County Legislature 2005 Annual Report
6. BCC Quarterly Income Statement 2/28/06

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY LEGISLATURE

- A. Letters from the Chair, Daniel A. Schofield:
1. Designation for Mr. Sanfilippo 2/15/06
 2. Designation for Mr. Brunza 2/15/06
 3. Designation for Mr. Hutchings 2/27/06
 4. Designation for Mr. Miller 3/14/06
 5. Designation for Mr. Brunza 3/16/06

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

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

RESOLUTIONS INTRODUCED AT THIS SESSION

RESOLUTION NO. 114

By Education, Culture and Recreation and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AN AGREEMENT WITH SPIEDIE FEST BALLOON RALLY EXPO, INC. FOR USE OF OTSININGO PARK FOR THE 2006 SPIEDIE FEST/BALLOON RALLY

WHEREAS, the Commissioner of Parks and Recreation requests authorization for an agreement with Spiedie Fest Balloon Rally Expo, Inc. for use of Otsiningo Park for the 2006 Spiedie Fest/Balloon Rally, and

WHEREAS, said Spiedie Fest is a community event that is enjoyed by many Broome County residents, attracts visitors from near and far, and enhances the quality of life in Broome County, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Spiedie Fest Balloon Rally Expo, Inc., P.O. Box 275, Binghamton, New York 13905, on the same terms and conditions as the previous year's agreement whereby the County will provide the use of Otsego Park for the Spiedie Fest during the period July 31, 2006 through August 9, 2006, including in-kind support from the Department of Parks and Recreation consisting of assistance with set up and refuse removal (the Spiedie Fest to pay tipping fees) up to a maximum value of \$20,000 and the Security Division providing security during the festival up to a maximum value of \$25,000, and be it

FURTHER RESOLVED, that in consideration of this agreement, the Spiedie Fest will provide, at its own expense, insurance, transportation to the site, programs, set up of tents, traffic coordination, traffic control on County highways in and around the festival site provided by the Office of the Sheriff, on-site emergency services and temporary restroom facilities, 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 (Lindsey).

RESOLUTION NO. 115

By Economic Development and Planning Committee

Seconded by Mr. Howard

RESOLUTION DESIGNATING THE BROOME COUNTY LEGISLATURE AS LEAD AGENCY WITH RESPECT TO BROOME COUNTY AGRICULTURAL DISTRICTS NO. 4 AND NO. 5 AND RENDERING A "NEGATIVE DECLARATION" WITH RESPECT THERETO

WHEREAS, pursuant to the Agricultural and Markets Law, this County Legislature heretofore established Agricultural Districts No. 4 and No. 5, and

WHEREAS, pursuant to Section 303-b of the Agriculture and Markets Law, county legislative bodies are directed to establish an annual 30-day period wherein landowners can request inclusion of their property in a certified agricultural district, and

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

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

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

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

RESOLVED, that this County Legislature hereby declares its intention to seek lead agency status with respect to the environmental review of Agricultural Districts No. 4 and No. 5, and be it

FURTHER RESOLVED, that this County Legislature, based on the Environmental Assessment Form annexed hereto as Exhibit "A", hereby determines and declares that a revision of Agricultural Districts No. 4 and No. 5 will not have a significant effect on the environment, and be it

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

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

RESOLUTION NO. 116

By Economic Development and Planning Committee
Seconded by Mr. Howard

RESOLUTION ADOPTING A PLAN FOR THE MODIFICATION OF BROOME COUNTY AGRICULTURAL DISTRICTS 4 AND 5 PURSUANT TO SECTION 303-b OF THE AGRICULTURE AND MARKETS LAW

WHEREAS, this County Legislature, by Resolution 496 of 2004, pursuant to Section 303-b of the Agriculture and Markets Law, established an annual 30-day period wherein landowners can request inclusion of viable land in a certified agricultural district, and

WHEREAS, during the statutory thirty-day period, commencing December 1, 2005, 21 parcels were submitted for inclusion in Broome County Agricultural Districts 4 and 5, and

WHEREAS, the Broome County Agricultural and Farmland Protection Board has reviewed the 21 applications and found that all parcels contained viable agricultural land that would strengthen the agricultural industry in their districts, and

WHEREAS, the Broome County Agricultural and Farmland Protection Board has recommended to the Broome County Legislature, that all 21 listed parcels below be included in their appropriate agricultural district, now, therefore, be it

RESOLVED, that this County Legislature hereby accepts the modification of the agricultural districts listed below in accordance with the recommendation of the Broome County Agricultural and Farmland Protection Board:

Agricultural District Number 4

<u>Town</u>	<u>Tax Parcel Number</u>	<u>Town</u>	<u>Tax Parcel Number</u>
Binghamton	176.14-1-1	Fenton	058.03-1-30.1
	176.14-1-3		
	191.04-1-5.1	Kirkwood	129.01-1-13
	191.04-1-27.2		129.15-1-10
	191.04-1-5.2		
	191.04-1-18	Windsor	197.00-2-32
	191.04-1-19		197.00-2-14
	191.04-1-6		197.00-2-16
	192.03-2-27		197.00-2-22.1
	225.00-1-39		197.00-3-14
			197.00-3-24

Agricultural District Number 5

<u>Town</u>	<u>Tax Parcel Number</u>
Barker	056.00-1-9
Lisle	004.00-1-35.11
Triangle	021.00-1-12

and said agricultural districts located within the County of Broome Is herein approved and modified in accordance with the provisions of Section 303-b of the New York State Agriculture and Markets Law, and be it

FURTHER RESOLVED, that the Clerk of this County Legislature, pursuant to Section 303-b of the Agriculture and Markets Law, is hereby directed on behalf of this County Legislature to submit to the Commissioner of Agriculture and Markets a certified copy of this Resolution and copy of the plan for the modification of Broome County Agricultural Districts 4 and 5, which proposal heretofore has been filed with the Clerk of the Legislature, the Broome County Clerk, the Broome County Planning Department and the Broome County Agricultural and Farmland

Protection Board, it being noted herein that less than 90 days have passed from the end of the statutory thirty-day period wherein land owners can request inclusion of their property in a certified agricultural district and said proposal was submitted to this body to the date of adoption of this Resolution.

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

RESOLUTION NO. 117

By Transportation, Personnel, County Administration and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING RENEWAL OF THE BINGHAMTON METROPOLITAN TRANSPORTATION STUDY (BMTS) GRANT AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2006-2007

WHEREAS, this County Legislature, by Resolution 76 of 2005, authorized and approved renewal of the Binghamton Metropolitan Transportation Study (BMTS) Grant and adopted a program budget in the amount of \$601,400 for the period April 1, 2005 through March 31, 2006, and

WHEREAS, it is desired to renew said grant program in the amount of \$548,000 for the period April 1, 2006 through March 31, 2007, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of Federal Highway Administration Grants in the amount of \$425,000 and Federal Transit Administration Grants in the amount of \$123,000, for the Binghamton Metropolitan Transportation Study Grant for the period April 1, 2006 through March 31, 2007, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$548,000, 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 (Lindsey).

RESOLUTION NO. 118

By Public Works and Finance Committee

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AN INTERMUNICIPAL AGREEMENT BETWEEN THE TOWN OF CHENANGO AND BROOME COUNTY FOR USE OF THE COUNTY HIGHWAY DIVISION VEHICLE FUEL SERVICE FOR 2006-2007

WHEREAS, the Commissioner of Public Works requests authorization for an intermunicipal agreement with the Town of Chenango to use the County's Highway Division vehicle fuel service at a cost to the Town equal to the actual cost of the fuel plus an administrative service fee of ten cents (10¢) per gallon for the period April 1, 2006 through December 31, 2007, and

WHEREAS, said agreement would allow the Town of Chenango to use the County's fuel farm at the Highway garage in Chenango Bridge instead of building a new Town fuel farm, resulting in a savings for the Town, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an intermunicipal agreement with the Town of Chenango to use the County's Highway Division vehicle fuel service in Chenango Bridge at no cost to the County for the period April 1, 2006 through December 31, 2007, and be it

FURTHER RESOLVED, that the Town of Chenango, in consideration of said use of the County's fuel farm, will pay the County the actual cost of the fuel plus an administrative service fee of ten cents (10¢) per gallon, and be it

FURTHER RESOLVED, that the payments hereinabove referenced shall be credited to budget line 030148.0191.302000 (Rental of Equipment - Other 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 (Lindsey).

RESOLUTION NO. 119

By Education, Culture and Recreation and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A PETTY CASH FUND FOR THE DEPARTMENT OF PARKS AND RECREATION FOR USE AT THE EN-JOIE GOLF COURSE

WHEREAS, the Commissioner of Parks and Recreation requests that this County Legislature establish a petty cash fund in the amount of \$800 in order to have funds sufficient to meet the daily needs of the Pro Shop (\$500), Driving Range (\$100) and the Maintenance Area (\$200) at the En-Joie Golf Course, and

WHEREAS, the Commissioner of Finance has determined that such petty cash fund is warranted, now, therefore, be it

RESOLVED, that this County Legislature hereby approves and authorizes the establishment of a petty cash fund in the amount of \$800 for the Department of Parks and Recreation in order to have funds sufficient to meet the daily needs of the Pro Shop (\$500), Driving Range (\$100) and the Maintenance Area (\$200) at the En-Joie Golf Course, and be it

FURTHER RESOLVED, that the Commissioner of Finance is authorized to transfer \$800 to said fund, and be it

FURTHER RESOLVED, that the administration of said funds shall be in accordance with those rules and procedures governing the use of petty cash funds created by the County Comptroller including, but not limited to, the requirement that at all times the petty cash allowance be fully accounted for in the form of cash on hand, receipts and records.

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

RESOLUTION NO. 120

By Public Safety and Emergency Services and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH CRIME VICTIMS ASSISTANCE CENTER, INC. CHILD ADVOCACY CENTER FOR SUPPORT SERVICES FOR THE DISTRICT ATTORNEY'S OFFICE FOR 2006-2007

WHEREAS, this County Legislature, by Resolution 150 of 2004, authorized renewal of the agreement with Crime Victims Assistance Center, Inc. Child Advocacy Center for support services for the District Attorney's Office in connection with the investigation of child abuse at an amount of \$8,000 per year, total amount not to exceed \$16,000 for the period January 1, 2004 through December 31, 2005, and

WHEREAS, said services are necessary to provide multi-disciplinary interviews of children who are alleged to have been physically or sexually abused and to provide support for the victims, and

WHEREAS, said agreement expired by its terms on December 31, 2005, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$8,000 per year, total amount not to exceed \$16,000, for the period January 1, 2006 through December 31, 2007, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with Crime Victims Assistance Center, Inc. Child Advocacy Center, 377 Robinson Street, P.O. Box 836, Binghamton, New York 13902 for support services for the District Attorney's Office in connection with the investigation of alleged physical and sexual child abuse cases, for the period January 1, 2006 through December 31, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor the amount of \$8,000 per year, total amount not to exceed \$16,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 330001.4457.101000 (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 (Lindsey).

RESOLUTION NO. 121

By Education, Culture and Recreation and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH BC OPEN AND BROOME COUNTY COMMUNITY CHARITIES, INC. FOR VOLUNTEER AND HANDICAPPED PARKING AT GRIPPEN PARK FOR 2006

WHEREAS, this County Legislature, by Resolution 110 of 2005, authorized an agreement with the BC Open and Broome County Community Charities, Inc. for volunteer and handicapped parking at Grippen Park at no cost to the County, for the period July 11, 2005 through July 17, 2005, and

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

WHEREAS, said agreement expired by its terms on July 17, 2005, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for the period July 17, 2006 through July 24, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with the BC Open and Broome County Community Charities, Inc., P. O. Box 5571, Union Station, Endicott, New York 13763-5571, for volunteer and handicapped parking services during the BC Open for the period July 17, 2006 through July 24, 2006, at no cost to the County, and be it

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

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

RESOLUTION NO. 122

By Transportation and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH THE VILLAGE OF ENDICOTT FOR TREATMENT AND DISPOSAL OF WASTE FLUIDS FROM THE GREATER BINGHAMTON AIRPORT FOR 2005-2006

WHEREAS, this County Legislature, by Resolution 610 of 2005, authorized an agreement with the Village of Endicott for treatment and disposal of waste fluids from the Greater Binghamton Airport at a rate of \$15 per 1,000 gallons of fluids plus laboratory analysis expenditures, total cost not to exceed \$3,000, for the period December 1, 2005 through November 30, 2006, and

WHEREAS, said agreement provides for the disposal of waste deice fluid and fuel farm rainwater, and

WHEREAS, it is necessary to authorize an amendment to said agreement to provide for an increase in the disposal rate from \$15 to \$35 per 1,000 gallons of fluids, effective January 16, 2006, plus laboratory analysis expenditures to reflect additional processing required for the discharge of contaminated water from the airport's deicing area and to increase the total cost from \$3,000 to a new total cost not to exceed \$7,000, and

WHEREAS, the Commissioner of Aviation 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 the Village of Endicott, Industrial Pretreatment Department, 1009 East Main Street, Endicott, New York 13760, for a new disposal rate of \$35 per 1,000 gallons of fluids for treatment and disposal of waste fluids from the Greater Binghamton Airport, effective January 16, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at the new rate of \$35 per 1,000 gallons of fluids plus laboratory analysis expenditures, total cost not to exceed \$7,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 210088.4449.207000 (Other Operational Expenses), and be it

FURTHER RESOLVED, that Resolution 610 of 2005, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

RESOLUTION NO. 123

By Health Services and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH RUSSELL PHILLIPS & ASSOCIATES, LLC FOR CONSULTING SERVICES FOR THE WILLOW POINT NURSING HOME FOR 2006-2008

WHEREAS, this County Legislature, by Resolution 612 of 2002, authorized an agreement with Russell Phillips & Associates, LLC for consulting services for the Willow Point Nursing Home at an amount not to exceed \$9,344, for the period January 1, 2003 through December 31, 2005, and

WHEREAS, said services are necessary to assure that staff members are trained and kept up to date on fire and disaster procedures, and

WHEREAS, said agreement expired by its terms on December 31, 2005, and it is desired at this time to renew said agreement on substantially similar terms and conditions, at the amount of \$3,303 for the year 2006, \$3,402 for the year 2007 and \$3,504 for the year 2008, total amount not to exceed \$10,209 for the period January 1, 2006 through December 31, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Russell Phillips & Associates, LLC, 1099 Jay Street, Building J, Suite 200, Rochester, New York 14611 for consulting services for the Willow Point Nursing Home for the period January 1, 2006 through December 31, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$3,303 for year 2006, \$3,402 for the year 2007 and \$3,504 for the year 2008, total amount not to exceed \$10,209 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 160085.4747.204000 (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 (Lindsey).

RESOLUTION NO. 124

By Health Services, Personnel and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING RENEWAL OF IMMUNIZATION ACTION PLAN GRANT FOR DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2006-2007

WHEREAS, this County Legislature, by Resolution 162 of 2005, authorized and approved the Immunization Action Plan Grant for the Department of Health and adopted a program budget in the amount of \$30,500 for the period April 1, 2005 through March 31, 2006, and

WHEREAS, said program grant provides funding to enable staff to conduct audits of provider offices, monitors and improves immunization rates for children through 24 months of age and enhances adult immunization activities, and

WHEREAS, it is desired to renew said program grant in the amount of \$32,025 for the period April 1, 2006 through March 31, 2007, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$32,025 from the New York State Department of Health, Corning Tower, Nelson A. Rockefeller Empire State Plaza, Albany, New York 12237 for the Department of Health's Immunization Action Plan Grant for the period April 1, 2006 through March 31, 2007, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$32,025, 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 (Lindsey).

RESOLUTION NO. 125

By Health Services Committee
Seconded by Mr. Howard

RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME COUNTY HEALTH ADVISORY BOARD

WHEREAS, Barbara J. Fiala, Broome County Executive, pursuant to the authority vested in her by Article VII, Section 703 of the Broome County Charter and Administrative Code, has duly designated and appointed the following named individuals to membership on the Broome County Health Advisory Board, for the terms indicated, subject to confirmation by this County Legislature:

<u>NAME</u>	<u>TERM EXPIRING</u>
Dr. John Harding 21 Murray Street Binghamton, New York 13905	Reappointment 12/31/09
Dr. Arthur Levy 15 Bennett Avenue Binghamton, New York 13905	New Appointment 12/31/09
Dr. Thomas Brown 2209 Acorn Drive Vestal, New York 13850	New Appointment 12/31/09

and

WHEREAS, it is desired at this time to confirm said appointments, now, therefore, be it
RESOLVED, that this County Legislature, pursuant to the provisions of Article VII, Section 703 of the Broome County Charter and Administrative Code, confirms the appointments of the above-named individuals to membership on the Broome County Health Advisory Board for the terms indicated, in accordance with their appointment by the County Executive.
Carried, Ayes-18, Nays-0, Absent-1 (Lindsey).

RESOLUTION NO. 126

By Health Services and Finance Committees
Seconded by Mr. Howard

RESOLUTION AUTHORIZING ACCEPTANCE OF A LEAD POISONING PREVENTION MENTORING PROJECT GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2006

WHEREAS, the Public Health Director requests authorization to accept a Lead Poisoning Prevention Mentoring Project Grant and adopt a program budget in the amount of \$8,000 for the period March 27, 2006 through May 31, 2006, and

WHEREAS, said program grant will expand the early childhood health initiatives under the "Building Brighter Futures for Broome" project and promote the Child Care Health Education mentoring model in other New York State counties, including participation in providing on-site training at four (4) one-day conferences and providing assistance in the development of a distance learning program or video training program, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$8,000 from the New York State Department of Health, Corning Tower Room 208, Empire State Plaza, Albany, New York 12237 for the Department of Health's Lead Poisoning Prevention Mentoring Project Grant for the period March 27, 2006 through May 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 \$8,000, 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 (Lindsey).

RESOLUTION NO. 127

By Health Services and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH PROFESSOR SURINDER KAHAI FOR PROFESSIONAL SERVICES FOR THE DEPARTMENT OF HEALTH FOR 2005-2006

WHEREAS, this County Legislature, by Resolution 229 of 2005, authorized an agreement with Professor Surinder Kahai for professional services for the Department of Health at a cost of \$100 per hour for 200 hours of service, total cost not to exceed \$20,000, for the period April 25, 2005 through April 24, 2006, and

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

WHEREAS, it is necessary to authorize the amendment of said agreement to provide for an additional 15 hours at \$100 per hour to complete the database being developed for the Preschool Program, and

WHEREAS, the Public Health Director 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 Professor Surinder Kahai, 1040 Glenwood Road, Vestal, New York 13850-3239, for an additional \$1,500 (15 hours at \$100 per hour) for the Department of Health for the period April 25, 2005 through April 24, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an additional \$1,500 (15 hours at \$100 per hour), total amount not to exceed \$21,500, for the term of the agreement, and be it

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

FURTHER RESOLVED, that Resolution 229 of 2005, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

RESOLUTION NO. 128

By Health Services, Personnel and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING RENEWAL OF THE HIV CARE NETWORK GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2006-2007

WHEREAS, this County Legislature, by Resolution 119 of 2005, authorized and approved the HIV Care Network Grant for the Department of Health and adopted a program budget in the amount of \$90,583 for the period April 1, 2005 through March 31, 2006, and

WHEREAS, said program grant provides funding for the administration of the NY-Penn Region HIV Care Network, a local coalition responsible for defining the local HIV/AIDS epidemic, planning and coordination of services and raising public awareness, and

WHEREAS, it is desired to renew said program grant in the amount of \$90,583 for the period April 1, 2006 through March 31, 2007, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$90,583 from the New York State Department of Health, Bureau of Community Support Services, Room 465, Corning Tower, Albany, New York 12273, for the Department of Health's HIV Care Network Grant for the period April 1, 2006 through March 31, 2007, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$90,583, 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 (Lindsey).

RESOLUTION NO. 129

By Health Services, Personnel and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING RENEWAL OF THE HEALTHY LIVING PARTNERSHIP INTEGRATED CANCER SERVICES PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2006-2007

WHEREAS, this County Legislature, by Resolution 165 of 2005, authorized and approved the Healthy Living Partnership Integrated Cancer Services Program Grant for the Department of Health and adopted a program budget in the amount of \$498,457 for the period April 1, 2005 through March 31, 2006, and

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

WHEREAS, it is desired to renew said program grant in the amount of \$255,460 for the period April 1, 2006 through March 31, 2007, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$255,460 from the New York State Department of Health, Bureau of Chronic Disease, Corning Tower, Empire Plaza, Albany, New York 12237, for the Department of Health's Healthy Living

Partnership Integrated Cancer Services Program Grant for the period April 1, 2006 through March 31, 2007, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$255,460, 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 (Lindsey).

RESOLUTION NO. 130

By Health Services and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH CHENANGO HEALTH NETWORK FOR THE DEPARTMENT OF HEALTH'S HEALTHY LIVING PARTNERSHIP INTEGRATED CANCER SCREENING SERVICES GRANT FOR 2006-2007

WHEREAS, this County Legislature, by Resolution 163 of 2005, authorized renewal of the agreements with various vendors for services for the Department of Health's Healthy Living Partnership Integrated Cancer Screening Services Grant at the amounts listed on Exhibit "A", total amount not to exceed \$16,000 for the period April 1, 2005 through March 31, 2006, and

WHEREAS, said agreements are necessary for screening, outreach, education, provider recruitment and follow up services for the Breast and Cervical Screening Program, and

WHEREAS, said agreements expire by their terms on March 31, 2006, and it is desired at this time to renew the agreement with Chenango Health Network on substantially similar terms and conditions, for an amount not to exceed \$5,000, for the period April 1, 2006 through March 31, 2007, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Chenango Health Network, 24 Conkey Avenue, Norwich, New York 13815 for services for the Department of Health' Healthy Living Partnership Integrated Cancer Screening Services Grant for the period April 1, 2006 through March 31, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$5,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480376.4457.105XXX (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 (Lindsey).

RESOLUTION NO. 131

By Finance Committee

Seconded by Mr. Howard

RESOLUTION AUTHORIZING RENEWAL OF AN AGREEMENT WITH JJ SHEEHAN ADJUSTERS, INC. FOR INSURANCE ADJUSTER SERVICES FOR THE DEPARTMENT OF RISK AND INSURANCE FOR 2006-2007

WHEREAS, this County Legislature, by Resolution 24 of 2005, authorized an agreement with J.J. Sheehan Adjusters, Inc. for insurance adjusting services for the Office of Risk and Insurance at a rate of \$45 per hour (including expenses), total amount not to exceed budgeted 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, and

WHEREAS, said agreement expired by its terms on February 28, 2006, and it is desired at this time to renew said agreement on substantially similar terms and conditions, at a rate of \$45 per hour, total amount not to exceed budgeted appropriations, for the period March 1, 2006 through February 28, 2007, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with J.J. Sheehan, P.O. Box 604, Binghamton, New York 13902 for insurance adjusting services for the Office for Risk and Insurance for the period March 1, 2006 through February 28, 2007, 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 (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 (Lindsey).**

RESOLUTION NO. 132

By Economic Development and Planning and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING ACCEPTANCE OF A GREATER BINGHAMTON CHAMBER OF COMMERCE ON THE JOB TRAINING PROJECT GRANT FOR THE OFFICE OF EMPLOYMENT AND TRAINING AND ADOPTING A PROGRAM BUDGET FOR 2006

WHEREAS, the Director of Employment and Training requests authorization to accept a Greater Binghamton Chamber On the Job Training Project Grant and adopt a program budget in the amount of \$7,500 for the period January 1, 2006 through December 31, 2006, and

WHEREAS, said program grant provides funding to establish individual assessment and develop Individual Employment Plans, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$7,500 from the Broome County Chamber of Commerce, 49 Court Street, Binghamton, New York 13901 for the Office of Employment and Training's Greater Binghamton Chamber of Commerce On the Job Training Project Grant for the period January 1, 2006 through December 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 \$7,500, 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 (Lindsey).

RESOLUTION NO. 133

By Finance Committee

Seconded by Mr. Howard

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

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

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

RESOLVED, that this County Legislature hereby authorizes the sale of the following County-owned property:

Town of Union.	Village of Endicott
Tax Map No.	157.05-3-54
	107 Carden Street, Rear (Landlocked)
	Endicott, New York 13790
Amount:	\$25.00
Purchaser:	Kenneth Gordon Zimmer and Betsy J. Zimmer
	107 Carden Street
	Endicott, New York 13790

and be it

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

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

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

RESOLUTION NO. 134

By Education, Culture and Recreation and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING PERMIT AGREEMENT WITH OTSININGO COMMUNITY GARDENERS ASSOCIATION, INC., FOR USE OF GARDEN PLOTS AT OTSININGO PARK FOR 2006-2016

WHEREAS, this County Legislature, by Resolution 616 of 1995, authorized a permit agreement with Otsiningo Community Gardens Association, Inc., c/o Marguerite Williams, Ely Park Apts. 8-5, Binghamton, New York, 13905, for the use of garden plots by community residents at Otsiningo Park in the Town of Dickinson, for the period April 1, 1996 through March 31, 2006, and

WHEREAS, said agreement was necessary to allow a nonprofit corporation to administer the use of garden plots by community residents, thereby relieving the Department of Parks and Recreation of the responsibility and expense of such administration, and

WHEREAS, said agreement expires by its terms on March 31, 2006, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for the period April 1, 2006 through March 31, 2016, with the exception of the County's preparation of the soil prior to management by said Association, and removal of reference to installation of water pipes and spigots, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with Otsiningo Community Gardeners Association, Inc., c/o Andrew Bakic, P.O. Box 262 Chenango Bridge, New York 13745, for the use of garden plots by community residents at Otsiningo Park in the Town of Dickinson, for the period April 1, 2006 through March 31, 2016, such permit agreement to include the following provisions:

1. that the Association will be responsible for the maintenance of the gardens, except that the County will be responsible for repairs to the water system other than damages caused by vandalism,
2. that the Association will be responsible for all water consumption charges in connection with water supply to the gardens,
3. that the Association shall maintain insurance as specified by the Manager of Risk and Insurance,

and be it

FURTHER RESOLVED, that no rent shall be payable to the County for the garden plots, 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 (Lindsey).

RESOLUTION NO. 135

By Education, Culture and Recreation and Finance Committees

Seconded by Mr. Howard

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

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

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

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

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

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

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

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

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

RESOLUTION NO. 136

By Education, Culture and Recreation and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH S. V. MOFFETT CO., INC. FOR MOWING EQUIPMENT FOR THE EN-JOIE GOLF COURSE FOR THE DEPARTMENT OF PARKS AND RECREATION FOR 2006-2010

WHEREAS, the Commissioner of Parks and Recreation requests authorization to enter into a lease agreement with the S. V. Moffett Co., Inc. for mowing equipment for the En-Joie Golf Course for the Department of Parks and Recreation at an annual cost of \$9,252.76, total amount not to exceed \$33,995, for the period April 1, 2006 through March 31, 2010, and

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

RESOLVED, that this County Legislature hereby authorizes a lease agreement with S. V. Moffett Co., Inc., 33 Thruway Park Drive, West Henrietta, New York 14586-9794 for mowing equipment to be used at the En-Joie Golf Course for the Department of Parks and Recreation, with an option to purchase said equipment for one dollar (\$1) at the conclusion of the lease period of April 1, 2006 through March 31, 2010, and be it

FURTHER RESOLVED, that in consideration of said lease, the County shall pay the Contractor an annual amount of \$9,252.76, total amount not to exceed \$33,995 for the term of the agreement, and be it

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

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

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

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

RESOLUTION NO. 137

By Human Services, Personnel and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING REVISION OF SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2005-2006

WHEREAS, this County Legislature, by Resolution 127 of 2005, as amended by Resolution 331 of 2005, authorized and approved renewal of the Supplemental Nutrition Assistance Program (SNAP) Grant for the Office for Aging and adopted a program budget in the total amount of \$311,887 for the period April 1, 2005 through March 31, 2006, and

WHEREAS, said program grant provides supplemental funding for congregate meals and home delivered meals, and

WHEREAS, it is necessary at this time to revise said program to reflect a decrease in the amount of \$11,965 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Supplemental Nutrition Assistance Program (SNAP) Grant to reflect a decrease of \$11,965 for the period April 1, 2005 through March 31, 2006, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$299,922, and be it

FURTHER RESOLVED, that Resolutions 127 and 331 of 2005, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

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

RESOLUTION NO. 138

By Human Services, Personnel and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING RENEWAL OF THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) GRANT FOR THE OFFICE FOR AGING AND ADOPTING A PROGRAM BUDGET FOR 2006-2007

WHEREAS, this County Legislature, by Resolution 127 of 2005, as amended by Resolution 331 of 2005 and companion resolution, authorized and approved the Supplemental Nutrition Assistance Program (SNAP) Grant for the Office for Aging and adopted a program budget in the amount of \$299,922 for the period April 1, 2005 through March 31, 2006, and

WHEREAS, said program grant provides supplemental funding for congregate meals and home delivered meals, and

WHEREAS, it is desired to renew said program grant in the amount of \$317,980 for the period April 1, 2006 through March 31, 2007, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$177,065 from the New York State Office for Aging, Empire State Agency Building 2, Albany, New York 12223-0001, for the Office for Aging's Supplemental Nutrition Assistance Program (SNAP) Grant for the period April 1, 2006 through March 31, 2007, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$317,980, 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 (Lindsey).

RESOLUTION NO. 139

By Human Services, Personnel and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING RENEWAL OF THE EXPANDED IN-HOME SERVICES FOR THE ELDERLY PROGRAM (EISEP) GRANT FOR THE OFFICE FOR AGING AND ADOPTING A PROGRAM BUDGET FOR 2006-2007

WHEREAS, this County Legislature, by Resolution 132 of 2005, as amended by Resolution 3323 of 2005, authorized and approved the Expanded In-Home Services for the Elderly Program (EISEP) Grant for the Office for Aging and adopted a program budget in the amount of \$632,962 for the period April 1, 2005 through March 31, 2006, and

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

WHEREAS, it is desired to renew said program grant in the amount of \$799,683 for the period April 1, 2006 through March 31, 2007, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$632,421 from the New York State Office for Aging, Empire State Agency Building 2, Albany, New York 12223-0001, for the Office For Aging's Expanded In-Home Services for the Elderly Program (EISEP) Grant for the period April 1, 2006 through March 31, 2007, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$799,683, 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 (Lindsey).

RESOLUTION NO. 140

By Human Services and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENTS WITH VARIOUS VENDORS FOR PERSONAL CARE/HOMEMAKER SERVICES FOR THE OFFICE FOR AGING'S EXPANDED IN-HOME SERVICES FOR THE ELDERLY PROGRAM FOR 2006-2007

WHEREAS, this County Legislature, by Resolution 121 of 2005, authorized agreements with various vendors for personal care/homemaker services for the Office for Aging's Expanded In-Home Services for the Elderly Program at the current approved Medicaid rate for Nursing Supervisor and \$14.25 per hour for the personal Care/Homemaker Service, for the period April 1, 2005 through March 31, 2006, and

WHEREAS, said agreements expire by their terms on March 31, 2006, and it is desired at this time to renew said agreements on substantially similar terms and conditions and at the current approved Medicaid rate for Nursing Supervisor and the current 2005 Medicaid fixed rates as stated below for the Personal Care/Homemaker Service, total amount not to exceed budgeted appropriations, for the Office for Aging's Expanded In-Home Services for the Elderly Program for the period April 1, 2006 through March 31, 2007, and

WHEREAS, because the Medicaid rate changes from time to time, Broome County will pay the contractor for the Personal Care/Homemaker Service the 2005 Medicaid rate for the period, unless the Medicaid rate decreases, then the County will pay the lower; should the Medicaid rates increase, the County will pay the 2005 rate for the duration of the program period. The Nurse Supervisor will be paid at the current approved Medicaid rate, whether it increases or decreases, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of agreements with the vendors listed below at the current approved State Medicaid rates for Nursing Supervisor and the current 2005 Medicaid fixed rates as stated below for the Personal Care/Homemaker Service, total amount not to exceed budgeted appropriations, for the Office for Aging's Expanded In-Home Care for the Elderly Program for the period April 1, 2006 through March 31, 2007:

Metro Interfaith Housing Management Corp.
21 New Street
Binghamton, NY 13903
Hourly Rate: \$14.50

Interim Healthcare Systems
38 Front Street, Suite D
Binghamton, NY 13905
Hourly Rate: \$15.50

Gentiva Health Services
41 Chenango Street
Binghamton, NY 13901
Hourly Rate: \$19.18

Homemakers of Broome County
DBA Caregivers
189 Riverside Drive
Johnson City, NY 13790
Hourly Rate: \$15.20

Staffings Healthcare Systems
P.O. Box 1015
Binghamton, NY 13902-1015
Hourly Rate: \$16.41

Family & Children's Society of Broome County
257 Main Street
Binghamton, NY 13905
Hourly Rate: \$17.92

and be it

FURTHER RESOLVED, that if the Medicaid rate for 2006 for Personal Care/Homemaker Service decreases, then the County shall pay the reduced rate, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 761122.4457.105151 (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 (Lindsey).

RESOLUTION NO. 141

By Human Services, Personnel and Finance Committees

Seconded by Mr. Howard

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 2005-2006

WHEREAS, this County Legislature, by Resolution 130 of 2005, 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 the total amount of \$458,897 for the period April 1, 2005 through March 31, 2006, and

WHEREAS, said program grant 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 \$30,169 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 \$30,169 for the period April 1, 2005 through March 31, 2006, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$489,066, and be it

FURTHER RESOLVED, that Resolution 130 of 2005, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

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

RESOLUTION NO. 142

By Human Services, Personnel and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING RENEWAL OF COMMUNITY SERVICES FOR THE ELDERLY (CSE) PROGRAM GRANT FOR THE OFFICE FOR AGING AND ADOPTING A PROGRAM BUDGET FOR 2006-2007

WHEREAS, this County Legislature, by Resolution 130 of 2005, as amended by companion resolution. authorized and approved continued participation in the Community Service for the Elderly (CSE) Program Grant for the Office for Aging and adopted a program budget in the amount of \$489,066 for the period April 1, 2005 through March 31, 2006, and

WHEREAS, said program grant 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 desired to renew said program grant in the amount of \$480,452 for the period April 1, 2006 through March 31, 2007, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$227,475 from the New York State Office for Aging, Empire State Agency Building 2, Albany, New York 12223-0001, for the Office for Aging's Community Services for the Elderly (CSE) Program Grant for the period April 1, 2006 through March 31, 2007, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$480,452, 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 (Lindsey).

RESOLUTION NO. 143

By Human Services, Personnel and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING ACCEPTANCE OF A FLEXIBLE FUND FOR FAMILY SERVICES PROGRAM FOR THE DEPARTMENT OF SOCIAL SERVICES, ADOPTING A PROGRAM BUDGET AND AUTHORIZING AGREEMENTS WITH LOURDES HOSPITAL AND COORDINATED CARE SERVICES, INC. TO ADMINISTER SAID PROGRAMS FOR 2006-2007

WHEREAS, the Commissioner of Social Services requests authorization to accept a Flexible Fund for Family Services Program, adopt a program budget in the amount of \$1,281,160 and to enter into an agreement with Lourdes Hospital and Coordinated Care Services, Inc. to administer said programs for the period April 1, 2006 through May 31, 2007, and

WHEREAS, said program funds can be tailored to local district needs to serve low-income families to assist them in achieving independence, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$86,161 from the NYS Office of Disability Assistance, AND \$1,108,838 from Temporary Assistance to Needy Families-Flexible Fund for Family Services for the period April 1, 2006 through May 31, 2007, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$1,281,160, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with Lourdes Hospital, 169 Riverside Drive, Binghamton, New York 13905 to administer the Home Visiting Program, at an amount not to exceed \$195,597, for the period April 1, 2006 through May 31, 2007, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with Coordinated Care Services, Inc., 1099 Jay Street, Rochester, New York 14611 to administer the Monitoring Management Program, at an amount not to exceed \$29,167 for the period April 1, 2006 through May 31, 2007, and be it

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

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

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

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

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

RESOLUTION NO. 144

By Human Services, Personnel and Finance Committees
Seconded by Mr. Howard

RESOLUTION AUTHORIZING RENEWAL OF THE MEDICAID OUTSTATIONED WORKER GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2006-2007

WHEREAS, this County Legislature, by Resolution 157 of 2005, authorized and approved continued participation in the Medicaid Outstationed Worker Grant for the Department of Social Services and adopted a program budget in the amount of \$101,050 for the period April 1, 2005 through March 31, 2006, and

WHEREAS, said program grant provides funding for staff personnel to conduct Medicaid assistance eligibility activities and process Medicaid applications at both Lourdes and UHS hospitals, enhancing the County's ability to serve indigent Broome County residents in need of assistance while hospitalized, and

WHEREAS, it is desired to renew said program grant in the amount of \$109,054 for the period April 1, 2006 through March 31, 2007, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$54,527 from the New York State Department of Health and \$54,527 from Miscellaneous Contributions, for the Department of Social Services' Medicaid Outstationed Worker Grant for the period April 1, 2006 through March 31, 2007, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$109,054, 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 (Lindsey).

RESOLUTION NO. 145

By Human Services and Finance Committees
Seconded by Mr. Howard

RESOLUTION AUTHORIZING RENEWAL OF THE FOOD STAMP NUTRITION EDUCATION PROJECT GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES, ADOPTING A PROGRAM BUDGET AND AUTHORIZING AN AGREEMENT WITH CORNELL COOPERATIVE EXTENSION OF BROOME COUNTY TO ADMINISTER SAID PROGRAM FOR 2005- 2006

WHEREAS, this County Legislature, by Resolution 17 of 2005, 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 \$126,500 and authorized an agreement with Cornell Cooperative Extension of Broome County to administer said program for the period October 1, 2004 through September 30, 2005, and

WHEREAS, said program grant 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 program grant in the amount of \$109,500, 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, 2005 through September 30, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$109,500 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, 2005 through September 30, 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 \$109,500, 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, 2005 through September 30, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$109,500 for the term of the agreement, and be it

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

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

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

FURTHER RESOLVED, that the County Executive or her duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) 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 (Lindsey).

RESOLUTION NO. 146

By Transportation and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AN AGREEMENT WITH McFARLAND-JOHNSON, INC. FOR DESIGN SERVICES FOR RUNWAY 10/28 IMPROVEMENTS FOR THE DEPARTMENT OF AVIATION FOR 2006

WHEREAS, the Commissioner of Aviation requests authorization for an agreement with McFarland-Johnson, Inc. for design services for Runway 10/28 improvements for the Department of Aviation at a cost not to exceed \$167,500, for the period March 1, 2006 through August 31, 2006, and

WHEREAS, said services are necessary to perform design services for the Runway 10/28 Safety Area Improvement Project which will consist of expanding the runway safety areas at both ends of the airport crosswind runway, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with McFarland-Johnson, Inc., 49 Court Street, P.O. Box 1980, Binghamton, New York 13902, for design services for Runway 10/28 improvement, for the Department of Aviation for the period March 1, 2006 through August 31, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$167,500 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 211011.2015.501436 (Runways), 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 (Lindsey).

RESOLUTION NO. 147

By Transportation and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION (FAA) WITH REGARD TO FUTURE AIRPORT IMPROVEMENT PROGRAM GRANTS

WHEREAS, this County Legislature, by Resolution 321 of 1997, as amended by Resolution 459 of 1998, authorized a master grant agreement between the County of Broome and the Federal Aviation Administration (FAA) which will be applicable to all future airport improvement program grants, and

WHEREAS, the FAA has amended said agreement to include various changes and it is recommended that the County authorize the amendment of this master grant agreement with the FAA, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the amendment of the master grant agreement with the Federal Aviation Administration for all future airport improvement program grants for the Greater Binghamton Airport, and be it

FURTHER RESOLVED, that Resolution 321 of 1997, as amended by Resolution 459 of 1998, 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 (Lindsey).

RESOLUTION NO. 148

By Transportation and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AN INCREASE OF THE PETTY CASH FUND FOR THE DEPARTMENT OF AVIATION

WHEREAS, the Department of Aviation currently has a petty cash fund in the amount of \$450 which is inadequate for its current needs, and

WHEREAS, the Commissioner of Aviation has requested an increase of \$50 of said petty cash fund in order to have funds sufficient to meet its daily needs, and

WHEREAS, the Commissioner of Finance has determined that the petty cash fund should be increased by \$50, now, therefore, be it

RESOLVED, that this County Legislature hereby approves and increases the petty cash fund for the Department of Aviation Parking Operations by \$50 to the total amount of \$500, and further authorizes the Commissioner of Finance to transfer \$50 to the petty cash fund previously established, and be it

FURTHER RESOLVED, that the administration of said funds shall be in accordance with those rules and procedures governing the use of petty cash funds created by the County Comptroller including, but not limited to, the requirement that at all times the petty cash allowance be fully accounted for in the form of cash on hand, receipts and records.

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

RESOLUTION NO. 149

By Transportation and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AN AGREEMENT WITH McFARLAND-JOHNSON, INC. FOR DESIGN SERVICES FOR THE AIRPORT ENTRANCE ROAD FOR THE DEPARTMENT OF AVIATION FOR 2006

WHEREAS, the Commissioner of Aviation requests authorization for an agreement with McFarland-Johnson, Inc. for design services for the airport entrance road for the Department of Aviation at a cost not to exceed \$209,940, for the period March 1, 2006 through August 31, 2006, and

WHEREAS, said services are necessary to perform design services for the airport entrance Road Improvement Project which will consist of improving the aesthetics, the usability and safety of the sole vehicle point of access to the passenger terminal building and other airport places of business, including signage, lighting upgrades, pavement replacement, sidewalks/curbs, utility enhancements and landscape improvements, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with McFarland-Johnson, Inc., 49 Court Street, P.O. Box 1980, Binghamton, New York 13902, for design services for the airport entrance road for the Department of Aviation for the period March 1, 2006 through August 31, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$209,940 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 211011.2013.501433 (Roadways), 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 (Lindsey).

RESOLUTION NO. 150

By Finance Committee

Seconded by Mr. Howard

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH MARSH USA, INC. FOR THE BROOME COUNTY SELF-INSURED WORKERS COMPENSATION PLAN FOR THE OFFICE OF RISK AND INSURANCE FOR 2006

WHEREAS, this County Legislature, by Resolution 663 of 2004, authorized renewal of the agreement with Marsh USA, Inc. for purchase of employer's liability (Type B) coverage for the Broome County Self-insured Workers Compensation Plan at an amount not to exceed \$205,000 for the period January 1, 2005 through December 31, 2005, and

WHEREAS, the purchase of said insurance is designed to protect the County, Towns and Villages that participate in the Workers Compensation Plan against third party lawsuits, and

WHEREAS, said agreement expired by its terms on December 31, 2005, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$205,000, for the period January 1, 2006 through December 31, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Marsh USA, Inc., 300 South State Street, Syracuse, New York 13221 for the purchase of employers' liability (Type B) coverage for the Broome County Self-Insured Workers Compensation Plan for the period January 1, 2006 through December 31, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$205,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 050070.4521.253000 (Insurance Premiums), 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 (Lindsey).

RESOLUTION NO. 151

By Public Safety and Emergency Services and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING APPLICATION FOR JUSTICE ASSISTANCE GRANT JOINTLY WITH THE CITY OF BINGHAMTON

WHEREAS, the City of Binghamton and the County of Broome are jointly eligible for a Justice Assistance Grant (JAG), offered through the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, and

WHEREAS, the Grant is the successor to two prior Bureau of Justice Assistance programs, the Local Law Enforcement Block Grant Program (LLEBG) and the Edward Byrne Memorial Formula Grant Program, and

WHEREAS, in past years the City of Binghamton has received 100% of the grants for the purpose of funding the City Parks and Substation Program, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the execution of an Interlocal Agreement between the City of Binghamton and the County of Broome to apply for the 2006 Justice Assistance Grant offered through the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, and be it

FURTHER RESOLVED, that the Interlocal Agreement will provide that the City of Binghamton retain 100% (\$13,454) from the JAG award and that there shall be no local match requirements to the Grant, 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 Broome County Department of Law, as may be necessary to implement the intent and purpose of this resolution

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 (Lindsey).

RESOLUTION NO. 152

By Public Safety and Emergency Services and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AN AGREEMENT WITH DELAWARE COUNTY SHERIFF'S OFFICE FOR THE HOUSING OF BROOME COUNTY INMATES FOR 2005-2006

WHEREAS, the Sheriff requests authorization for an agreement with the Delaware County Sheriff's Office for housing of Broome County inmates at a cost not to exceed \$75 per day, total amount not to exceed \$2,000 for the period November 23, 2005 through November 22, 2006, and

WHEREAS, said agreement is necessary to house inmates of Broome County, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Delaware County Sheriff's Office, 280 Phoebe Lane, Delhi, New York 13753 for the housing of Broome County inmates for the period November 23, 2005 through November 22, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$75 per day, total amount not to exceed \$2,000 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 (Lindsey).

RESOLUTION NO. 153

By Education, Culture and Recreation and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A TRUST ACCOUNT FOR THE BROOME COUNTY TRIATHLON

WHEREAS, the Commissioner of Parks and Recreation has requested that a trust account be established for the Broome County Triathlon, and

WHEREAS, said account is necessary to collect, administer and disburse revenues generated in connection with the Broome County Triathlon, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the establishment of a trust account for the administration of the Broome County Triathlon, and be it

FURTHER RESOLVED, that the Commissioner of Parks and Recreation is hereby authorized to expend said funds in accordance with the provisions of State and Local laws and the use of these funds shall be solely restricted to the administration of the Broome County Triathlon, and be it

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

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

RESOLUTION NO. 154

By Human Services, Personnel and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING REVISION OF HOME ENERGY ASSISTANCE PROGRAM (HEAP) GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES, ADOPTING A REVISED PROGRAM BUDGET AND AUTHORIZING AN AGREEMENT WITH OPPORTUNITIES FOR BROOME FOR SERVICES FOR 2005-2006

WHEREAS, this County Legislature, by Resolution 477 of 2005, as amended by Resolution 666 of 2005, authorized the continued participation in the Home Energy Assistance Program (HEAP) Grant for the Department of Social Services and adopted a program budget in the total amount of \$314,297 for the period October 1, 2005 through September 30, 2006, and

WHEREAS, said program grant 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 \$66,457 in grant appropriations and authorize an agreement with Opportunities for Broome for application filing services as required by New York State HEAP regulations for the period October 1, 2005 through September 30, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Home Energy Assistance Program (HEAP) Grant to reflect an increase in the amount of \$66,457 for the period October 1, 2005 through September 30, 2006, and be it

FURTHER RESOLVED, that this County legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$380,754, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with Opportunities for Broome, 56 Whitney Avenue, Binghamton, New York 13901 for application filing services as required by New York State HEAP regulations for an amount not to exceed \$10,000 for the period October 1, 2005 through September 30, 2006, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 670513.4561.105114 (Purchase of Services), and be it

FURTHER RESOLVED, that Resolutions 477 and 666 of 2005, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

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

RESOLUTION NO. 155

By Personnel and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING A LABOR AGREEMENT WITH AFSCME LOCAL 1883 FOR JANUARY 1, 2006 THROUGH DECEMBER 31, 2009

WHEREAS, the County of Broome, under the provisions of the Civil Service Law (Taylor Law), has heretofore recognized AFSCME Local 1883 as an employee organization for those certain Broome County employees represented by said Union, and

WHEREAS, this County Legislature, by Resolution 372 of 2003, authorized a written agreement with AFSCME Local 1883 setting forth the terms and conditions of employment for those employees represented by said Union for the period January 1, 2003 through December 31, 2005, and

WHEREAS a tentative agreement has been reached with AFSCME Local 1883 for the period January 1, 2006 through December 31, 2009, and

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

RESOLVED, that this County Legislature hereby authorizes an agreement with AFSCME Local 1883, setting forth the terms and conditions of employment for those employees represented by said Union for the period January 1, 2006 through December 31, 2009, and be it

FURTHER RESOLVED, that said agreement shall be upon substantially similar terms and conditions as the 2003-2005 written labor agreement with the exception of those changes listed on Exhibit "A" attached hereto, 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.

**AFSCME 1883-FACTS AND FIGURES
2006 NEGOTIATIONS**

<u>Division</u>	<u># Emp.</u>	<u>Base Salary (incl. long.)</u>	<u>Base Salary (less longevity)</u>	<u>Base Salary (less long.)</u>
Highways	10	\$465,966	\$456,166	\$45,617
Build. & Grounds	5	\$214,970	\$211,620	\$42,324
Solid Waste	1	\$50,695	\$49,945	\$49,945
Parks	6	\$278,868	\$271,168	\$45,195
Total # of Emp'ees	22			
Total Base Salary-less long.	\$988,899			
Avg. Salary	\$44,950			
Lowest Salary-less long.	\$37,480			
Highest Salary-less long.	\$51,114			
Longevity				
# of Emp'ees Rec.	19			
Cost	\$21,600			
2003-05 PRIOR AGREEMENT			COST	
1. 2%- 1/1/03			\$17,924	
2. 3%- 1/1/04			\$27,424	
3. 3%- 1/1/05			\$28,247	
2006-09 TENTATIVE AGREEMENT			COST	
1. 2006- 3%			\$29,667	
2. 2007- 3%			\$30,557	
3. 2008- 3%			\$31,474	
4. 2009- 3%			\$32,418	
Longevity service pay			COST	
1. 2006- increase to AFSCME 1912 levels- \$150/level			\$2,850	
2. 2008- increase to BAPA level - levels			\$2,350	
Shift Diff.- 4 emp'ees Nov-Mar			COST	
1. Increase \$.15/hr. \$.50/hr. to \$.65/hr.- 2nd shift \$.55/hr. to \$.70/hr - 3rd shift (all 4 emp'ees work 2nd shift)			\$480	
Shirts For Parks Spvrs.			\$400 max.	
Sick Leave Incentive \$100 inc. for using 3 or less sick days			\$1,500	

TENTATIVE AGREEMENT between COUNTY OF BROOME
and BROOME COUNTY PUBLIC EMPLOYEES LOCAL UNION NO. 1883 FOREMAN UNIT,
COUNCIL NO. 66,
AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO
2006 • 2009

1. ARTICLE 7 GRIEVANCE PROCEDURE
AMEND AS FOLLOWS:
STEP 1 - change two (2) working days to **five (5)** working days.
STEP 3(a) - change Public Employer to **Director of Employee Relations or designee.**

2. ARTICLE 21(8) LEAVE OF ABSENCE WITHOUT PAY
Change references of ten (10) working days to **five (5)** working days.
(References pertain to # of days AWOL or to return from leave of absence before it will be considered a resignation.)

3. ARTICLE 24(e) SICK LEAVE
AMEND LAST SENTENCE TO READ:
In addition, an employee who, in any one (1) calendar year, uses **eight (8)** or more -one (1) or two (2) illness days - for sick leave, may be required to submit proof of illness satisfactory to the Employer for each individual sick leave day taken thereof.
(Previous- ten (10) or more)

4. ARTICLE 24(t) SICK LEAVE
AMEND FIRST SENTENCE TO READ:
In the event that an employee uses the equivalent of three or fewer sick days (24 hours) in the calendar year he shall receive payment of **\$300.**
(Previous \$200)

5. ARTICLE 26 LONGEVITY SERVICE PAY AMEND SCHEDULE TO READ:

<u>Years of Service</u>	<u>Payment - Previous</u>
6 - 9	\$300 - new
10 - 14	900 - 750
15 - 19	1,050 - 900
20 - 24	1,350 - 1,200
25 - 29	1,450 - 1,300
30 +	1,750 - -1,600
Increase to equal AFSCME 1912	CME 1912, employee union supervised by AFSCME 1883.

Effective January 1, 2008:

<u>Years of Service</u>	<u>Payment – Incr. From 2006</u>
6 – 9	\$ 300 - no change
10 – 14	1,000 - + \$100
15 – 19	1,200 - + \$150
20 – 24	1,400 - + \$50
25 – 29	1,600 - +\$150
30 +	1,800 +\$50

Increase to equal BAPA

-
6. ARTICLE 27C WORKING HOURS AND WORK WEEK
 AMEND TO READ:
 The regular hours of work for Park Managers shall be from 7:00 a.m. to 3:30 p.m.
(To reflect current work schedules)
- a. REMOVE THE LAST SENTENCE (title- Park Services Manager - no longer exists).
- b. AMEND TO READ:
 The weekly schedule for the Parks Department shall be Monday through Friday inclusive, except for the "split-crews" during the period that begins with the pay period that includes Memorial Day weekend and ends with the Labor Day Monday.
 (Change from "weekend")
7. ARTICLE 27E WORKING HOURS AND WORK WEEK
 AMEND "(i)" TO READ:
 All employees who work the second and third shift shall receive in addition to their regular pay for the period, sixty-five cents (\$.65) per hour for second shift and seventy cents (\$.70) per hour for third shift...
Present- \$.50- second shift
\$.55- third shift
8. ARTICLE 29 VACATIONS
 AMEND SECOND SENTENCE IN "(b)" TO READ:
 After five (5) years of continuous full-time service an employee shall be entitled to a carryover of fifteen (15) days of accrued vacation and an additional two (2) days with department head approval. (new)
9. ARTICLE 31HEALTH INSURANCE AMEND AS FOLLOWS:
- 1/1/06
 Increase Employee Contribution - Health - **to 15%** (from 10%).
 An advisory committee will be established with goals of reducing future escalation of health care costs. AFSCME 1883 will be represented on such committee. Any savings realized through the efforts of this committee will be shared with the parties. This agreement may be re-opened to negotiate desired changes to the plan as the result of the County and Union's efforts.
- 1/1/07
 Increase Prescription Co-Pays
- | | | |
|------------------------------|--------------------------|-----------------|
| Brand | = \$15 per prescription- | Previous (\$10) |
| Generic | = \$10 per prescription | Previous (\$5) |
| Brand When Generic Available | = \$25 per prescription | Previous (\$10) |
-
- Mail Order Prescriptions - 2 Co-Pays for 3 month supply.
 Filled Prescriptions limited to a 30 day supply.
10. ARTICLE 37WAGES DELETE (a) AND (b)
 NEW:
 Effective January 1, 2006 increase all classifications by 3%.
 Effective January 1, 2007 increase all classifications by 3%.
 Effective January 1, 2008 increase all classifications by 3%.
 Effective January 1, 2009 increase all classifications by 3%.

-
11. ARTICLE 44(b) PROTECTIVE DEVICES AND CLOTHING
Effective 1/1/06 increase all clothing allowances by
\$50.00. AMEND LAST PARAGRAPH TO READ:
All employees will be supplied with laundered shirts. The color...

Previous "All non-parks employees will be..."

12. ARTICLE 53 MODIFICATION AND TERMINATION
AMEND AS FOLLOWS:
Change to **January 1, 2006 through December 31, 2009.**
Change thirty (30) days to **forty-five (45) days.**

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

RESOLUTION NO. 156

By Human Services and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING ACCEPTANCE OF A DETENTION ALTERNATIVE TEAM PROGRAM GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES, ADOPTING A PROGRAM BUDGET AND AUTHORIZING AN AGREEMENT WITH THE CHILDREN'S HOME OF WYOMING CONFERENCE TO ADMINISTER SAID PROGRAM FOR 2006

WHEREAS, the Commissioner of Social Services requests authorization to accept a Detention Alternative Team Program Grant, adopt a program budget in the amount of \$59,216 and to enter into an agreement with the Children's Home of Wyoming Conference to administer said program for the period March 1, 2006 through June 30, 2006, and

WHEREAS, said program grant is aimed at preventing detention use and foster care placement for prospective and adjudicated Persons in Need of Supervision and Juvenile Delinquents, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$59,216 from the New York State Office of Children and Family Services, Capital View Office Park, 52 Washington Street, Rensselaer, New York 12144-2796 for the Department of Social Services Detention Alternative Team Program Grant for the period March 1, 2006 through June 30, 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 \$59,216, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with the Children's Home of Wyoming Conference, 1182 Chenango Street, Binghamton, New York 13901 to administer said program grant, for the period March 1, 2006 through June 30, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$59,216 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 670513.4561.105XXX (Purchase of Service), and be it

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

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

FURTHER RESOLVED, that the County Executive or her duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) are hereby authorized to make any transfers of funds required within this grant budget provided that

employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.
Carried, Ayes-18, Nays-0, Absent-1 (Lindsey).

RESOLUTION NO. 157

By Transportation Committee

Seconded by Mr. Howard

RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH BAE SYSTEMS CONTROLS, INC. FOR RESEARCH AND DEVELOPMENT OF HYBRID BUSES FOR THE DEPARTMENT OF PUBLIC TRANSPORTATION

WHEREAS, the Commissioner of Public Transportation requests authorization to enter into a Memorandum of Understanding between Broome County and BAE Systems Controls, Inc., for the Hybrid Bus Living Laboratory Project for the research and development of hybrid buses for the Department of Public Transportation, and

WHEREAS, said Memorandum of Understanding is necessary to provide a "living laboratory" in which to monitor and test potential hybrid bus product enhancements with Broome County as the center for development and testing for the emerging hybrid bus market, and

WHEREAS, BAE Systems Controls, Inc. is a leading innovator in vehicle power management and hybrid propulsion technology for commercial transit buses and plans to develop new technology to improve its HybriDrive® propulsion control system for Orion VII hybrid buses, and

WHEREAS, participation in this "living laboratory," the County will become the center for development and testing with Broome County and New York State becoming the center for hybrid bus manufacturing, BAE Systems Control, Inc. and Orion Bus Industries, Oriskany, New York becoming the preeminent supplier of hybrid buses in the United States and Canada, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a Memorandum of Understanding between the Broome County Department of Public Transportation and BAE Systems Controls, Inc. for the research and development of hybrid buses for the Department of Public Transportation, 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 (Lindsey).

RESOLUTION NO. 158

By Transportation and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING ACCEPTANCE OF A FEDERAL TRANSIT ADMINISTRATION GRANT FOR THE DEPARTMENT OF PUBLIC TRANSPORTATION

WHEREAS, the Commissioner of Public Transportation requests authorization to accept a Federal Transportation Administration Grant in the amount of \$782,000 for the purchase of hybrid-electric buses, and

WHEREAS, it is the County's intention to replace aging diesel vehicles with new, cleaner hybrid technology and to participate in a "living laboratory" which will monitor and test potential hybrid bus product enhancements, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$782,000 from the Federal Transportation Administration for the purchase of hybrid-electric buses, 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 (Lindsey).

RESOLUTION NO. 159

By Transportation and Finance Committees

Seconded by Mr. Howard

RESOLUTION AMENDING RESOLUTION 408 OF 2005 AUTHORIZING SUPPLEMENT NO. 4 TO THE MASS TRANSPORTATION CAPITAL PROJECT AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR SEVERAL TRANSIT PROJECTS FOR THE DEPARTMENT OF PUBLIC TRANSPORTATION

WHEREAS, this County Legislature, by Resolution 242 of 2000, authorized a Mass Transportation Capital Project Agreement with the New York State Department of Transportation for several capital projects for the Department of Public Transportation, and

WHEREAS, pursuant to Resolution 408 of 2005, the County Executive was authorized to execute all necessary agreements, certifications, or reimbursement requests for Federal Aid and/or State Mass Transit Capital Aid on behalf of Broome County with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal aid and state aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and

WHEREAS, it is necessary at this time to revise Supplement No. 4 to the Mass Transportation Capital Project Agreement with the New York State Department of Transportation to eliminate the purchase of two (2) service vehicles (Pin No. 9820.64.01) from the list of eligible projects and reallocate the funding of \$34,000 to the replacement of buses (Pin No. 9820.63.01) for a new total cost of \$334,000, and

WHEREAS, the Commissioner of Transportation has requested authorization for said revision of the eligible list of projects as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature authorizes the revision of Resolution 408 of 2005 to reflect a change in the funding for the following projects for the Broome Transit Public Transportation Program as follows:

<u>Pin No.</u>	<u>Project</u>	<u>Total Cost</u>	<u>Federal Share</u>	<u>State Share</u>	<u>Local Share</u>
9820.63.001	Replacement Buses (6)	\$ 334,000	\$ 0	\$334,000	\$ 0
9820.64.001	Purchase Two (2) Service Vehicles	\$ 0	\$ 0	\$ 0	\$ 0
9820.65.001	2003 Preventive Maint.	\$1,250,000	\$1,000,000	\$125,000	\$125,000
9820.66.001	2004 Preventive Maint.	\$1,250,000	\$1,000,000	\$125,000	\$125,000
9820.67.001	Mobile Fare Collection Equipment	\$ 593,750	\$ 475,000	\$ 59,375	\$ 59,375
	TOTALS	\$3,427,750	\$2,475,000	\$643,375	\$309,375

and be it

FURTHER RESOLVED, that Resolution 408 of 2005, to the extent consistent herewith, shall remain in full force and effect, and be it

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

FURTHER RESOLVED, that this Resolution shall take effect immediately.

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

RESOLUTION NO. 160

By Public Safety and Emergency Services and County Administration Committees

Seconded by Mr. Howard

RESOLUTION REQUESTING THAT BROOME COUNTY RETAILERS REFUSE TO OFFER FOR SALE VIDEO GAMES THAT INVOLVE SHOOTING LAW ENFORCEMENT OFFICERS

WHEREAS, this County Legislature believes that gratuitous violence against law enforcement officials depicted in computer video games is harmful to our children and law enforcement officials, and

WHEREAS, a recently introduced to market computer game entitled "25 to Life" allows game players to shoot law enforcement officials, and

WHEREAS, this Legislature believes that such computer video games should not be offered for sale in Broome County, now, therefore, be it

RESOLVED, that this Legislature recommends that Broome County retailers not offer for sale computer video games which depict violence against law enforcement officials.

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

RESOLUTION NO. 161

By Finance Committee

Seconded by Mr. Howard

RESOLUTION AUTHORIZING CORRECTION OF TAX ROLLS/TAX BILLS FOR A PROPERTY IN THE TOWN OF MAINE

WHEREAS, the Director of Real Property is requesting authorization for the Commissioner of Finance to execute any and all adjustments to tax bills, tax records and property records in accordance with all applicable laws for the following properties and for the reasons stated, now, therefore, be it

RESOLVED, that this County Legislature hereby approves authorization for the Commissioner of Finance to execute any and all adjustments to tax bills, tax records and property records for the following properties and for the reasons stated as listed below:

		<u>Incorrect Tax</u>	<u>Correct Tax</u>
Town of Maine	County	\$9.45	\$ -
Tax Map # 074.01-2-1.1	Town	\$0.97	\$ -
Nanticoke Valley	Hwy	\$2.09	\$ -
Historical Society	Fire	\$2.79	\$ -
Wholly Exempt	Light		
	Total	\$15.30	\$0.0

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

RESOLUTION NO. 162

By Health Services and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING AN AGREEMENT WITH THE NEW YORK MEDICAL COLLEGE SCHOOL OF PUBLIC HEALTH, DEPARTMENT OF EPIDEMIOLOGY AND BIostatISTICS FOR PROFESSIONAL SERVICES FOR THE DEPARTMENT OF PUBLIC HEALTH'S BIOTERRORISM PROGRAM GRANT FOR 2006

WHEREAS, the Public Health Director requests authorization for an agreement with the New York Medical College School of Public Health, Department of Epidemiology and Biostatistics for professional services for Department of Health's Bioterrorism Program Grant at a cost not to exceed \$40,000, for the period March 23, 2006 through August 31, 2006, and

WHEREAS, said agreement is necessary to provide technical and administrative support, coordination and assessment for a Broome County Health Department Public Health Surveillance Unit and conduct research on vital statistics and communicable and chronic disease data, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with New York Medical College School of Public Health Department of Epidemiology and Biostatistics, Valhalla, New York 10595, for professional services, for the Department of Health's Bioterrorism Program Grant for the period March 23, 2006 through August 31, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$40,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480376.4457.105073 (Subcontracted Expenses), and be it

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

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

RESOLUTION NO. 163

By Public Safety and Emergency Services Committee

Seconded by Mr. Howard

RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME COUNTY TRAFFIC SAFETY BOARD

WHEREAS, Daniel A. Schofield, Chairman of the Broome County Legislature, pursuant to the authority vested in him by Local Law No. 4 of 1967, as amended by Local Law No. 1 of 1970, has duly designated and appointed the following named individuals to membership on the Broome County Traffic Safety Board, for the terms indicated, subject to confirmation by this County Legislature:

<u>NAME</u>	<u>TERM EXPIRING</u>
Daniel Gibbs 316 Cyprus Lane Endicott, New York 13760	12/31/08
Shaun Carnevale 58 Elizabeth Street Johnson City, New York 13790	12/31/08
Daniel Chambers 18 Schulte Avenue Johnson City, New York 13790	12/31/08

Sgt. Daniel Correll 64 Grand Avenue Binghamton, New York 13905	12/31/08
Sean Crouse 258 Smith Hill Road Binghamton, New York 13905	12/31/08
Joel Dunham 10 Beechknoll Road Binghamton, New York 13903	12/31/08
Donald Edwards 105 Park Avenue Binghamton, New York 13903	12/31/08
Richard Jacobs 1128 Arnold Drive Endwell, New York 13760	12/31/08
Callie Kavleski 5 Lennox Drive Binghamton, New York 13903	12/31/08
Lisa Leber 486 Dunham Hill Road Castle Creek, New York 13744	12/31/08
Craig Martindale 125 Sergeant Street Johnson City, New York 13790	12/31/08
James May 63 Park Street Binghamton, New York 13905	12/31/08
Joseph Nirchi, Sr. 322 Cypress Lane Endicott, New York 13760	12/31/08
Steve Noves 1101 Park Street Endicott, New York 13760	12/31/08
Cynthia Paddick 1 Jesse Drive Binghamton, New York 13901	12/31/08
Michael Restino 140 East Hamton Road Binghamton, New York 13903	12/31/08

Edward Roosa 12/31/08
909 Beechwood Lane
Vestal, New York 13850

Melody Solyian-Anderson 12/31/08
1 Gray Street
Binghamton, New York 13903

Eric Zenzel 12/31/08
168 North Broad Street
Johnson City, New York 13790

David L. Lindsey 12/31/06
12 Mulberry Street
Binghamton, New York 13901

and

WHEREAS, it is desired at this time to confirm said appointments, now, therefore, be it
RESOLVED, that this County Legislature, pursuant to the provisions of Local Law No. 4 of
1967, as amended by Local Law No. 1 of 1970, confirms the appointments of the above-named
individuals to membership on the Broome County Traffic Safety Board for the terms indicated, in
accordance with their appointment by the County Executive.

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

RESOLUTION NO. 164

By Finance and Health Services Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR HEALTH DEPARTMENT

RESOLVED, that in accordance with a request from the Director of Health, in order to provide
funds to close out the grant year 2005-2006 for the Immunization Action Plan Grant, as requested by
BF#005596 and BF#005597, this County Legislature hereby authorizes the Commissioner of
Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Subobject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	480376	1500	105035	Salaries, Part-Time	2,469
	480376	4448	105035	Advertising and Promotion	7
	480376	4462	105035	Travel, Education, Meals	350
	480376	4463	105035	Education & Training	150
	480376	4606	105035	Telephone Billing	150
	480376	4615	105035	Gasoline Chargeback	20
	480376	4616	105035	Fleet Service Chargeback	40
	480376	8010	105035	State Retirement	292
	480376	8040	105035	Workers Compensation	172
	480376	8050	105035	Life Insurance	4
	480376	8063	105035	Disability Insurance	13
	480376	8070	105035	Unemployment Insurance	126
TO:	480376	4363	105035	Medical, Lab, Clinic Supp.	1,065
	480376	4346	105035	Training & Education	1,000
	480376	4610	105035	Personal Service Chgbk	381
	480376	4617	105035	Duplicating/Printing Chgbk	350
	480376	8030	105035	Social Security	92
	480376	8060	105035	Health Insurance	905

and be it

FURTHER RESOLVED, that in accordance with a request from the Director of Public Health in order to provide funds to match the County budget with the HRI budget for the Steps to a Healthier US Program, as requested by BF#005515 & BF#005516, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Subobject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	480376	1000	105074	Salaries-Full-Time	7,577
	480376	1500	105074	Salaries-Part-Time	20,587
	480376	4319	105074	Office Supplies	1,141
	480376	8030	105074	Social Security	920
	480376	8040	105074	Workers Comp	238
	480376	8050	105074	Life Insurance	9
	480376	8060	105074	Health Insurance	1,331
	480376	8070	105074	Unemployment Insurance	118
TO:	480376	1600	105074	Salaries-Temporary	16,122
	480376	4363	105074	Medical & Nursing Suppl	141
	480376	4448	105074	Advertising	10,748
	480376	4462	105074	Travel, Hotel & Meals	1,200
	480376	4463	105074	Training & Education	145
	480376	4465	105074	Non-Employee Travel	1,000
	480376	8010	105074	State Retirement	2,494
	480376	8063	105074	Disability	71

and be it

FURTHER RESOLVED, that in accordance with a request from the Director of Public Health, in order to provide funds to maximize the use of 2005/2006 Healthy Living Partnership Integrated Cancer Services Grant funds as requested by BF# 005613, BF #005614, BF #005615, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Subobject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	480376	1000	105034	Salaries, Full-Time	2,300
	480376	1600	105034	Salaries, Temporary	2,000
	480376	4363	105034	Medical, Lab & Clinic	3,894
	480376	4411	105034	Postage & Freight	6,634
	480376	4419	105034	General Office Expense	519
	480376	4448	105034	Advertising & Promotion	61
	480376	4461	105034	Mileage & Parking	275
	480376	4463	105034	Education & Training	352
	480376	4466	105034	Advisory Board/Trustee	284
	480376	4606	105034	Telephone	1,957
	480376	4615	105034	Gas Chargeback	220
	480376	4617	105034	Duplication & Printing	150
	480376	4627	105034	Single Audit Charge	100
	480376	4715	105034	Other Health & Medical	632
	480376	8010	105034	State Retirement	661
	480376	8030	105034	Social Security	305
	480376	8040	105034	Workers Comp	43
	480376	8050	105034	Life Insurance	3
	480376	8063	105034	Disability	17

TO:	480376	4319	105034	Office Supplies	4,181
	480376	4346	105034	Training & Education	6,292
	480376	4462	105034	Travel, Hotel & Meals	300
	480376	4465	105034	Non-Employee Travel	8
	480376	4609	105034	Data Processing	6,200
	480376	4614	105034	Other Chgbk Expense	665
	480376	4616	105034	Fleet Service Chargeback	600
	480376	4618	105034	Office Supply CH	2,000
	480376	4619	105034	Bldg. Svc. CB	161

and be it

FURTHER RESOLVED, that in accordance with a request from the Director of Public Health, in order to move funds to match the County budget with the HRI budget for Public Health Emergency Preparedness & Response as requested by BF# 005605 & BF# 005606, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Subobject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	480376	1000	105073	Salary, Full-Time	1,090
	480376	1500	105073	Salary, Part-Time	13,128
	480376	4346	105073	Training & Education Supp	2,769
	480376	4359	105073	Computer Software	1,220
	480376	4363	105073	Medical, Clinic Supplies	2,818
	480376	4411	105073	Postage & Freight	50
	480376	4413	105073	Telephone Equipment	487
	480376	4463	105073	Education & Training	12,946
	480376	4466	105073	Advisory Board/Trustee	200
	480376	4601	105073	Indirect Costs	1,529
	480376	4609	105073	Data Processing Chgbk	5,346
	480376	4614	105073	Other Chargeback	50
	480376	4617	105073	Dup/Printing Chargeback	350
	480376	4618	105073	Office Supply Chargeback	300
	480376	4627	105073	Single Audit Chargeback	12
	480376	8010	105073	State Retirement	1,577
TO:	480376	1600	105073	Salary, Temporary	117
	480376	4457	105073	Subcontracted Expense	39,000
	480376	4462	105073	Travel, Hotel, Meals	3,515
	480376	4606	105073	Telephone Chargeback	1,240

and be it

FURTHER RESOLVED, that in accordance with a request from the Director of Public Health, in order to maximize funds and create a part time keyboard specialist position in the Youth Tobacco Enforcement and Prevention Grant, as requested by BF#005602, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Subobject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	480376	4609	105091	Data Proc. Chbk.	3,188
	480376	8060	105091	Health Insurance	4,027
	480376	8070	105091	Unemployment Insurance	150

TO:	480376	1500	105091	Salaries, Part-Time	5,876
	480376	8010	105091	State Retirement	904
	480376	8030	105091	Social Security	449
	480376	8040	105091	Workers Comp.	117
	480376	8050	105091	Life Insurance	3
	480376	8063	105091	Disability Insurance	16

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

RESOLUTION NO. 165

By Finance and Public Works Committees

Seconded by Mr. Shafer

RESOLUTION AMENDING THE 2005 CAPITAL IMPROVEMENT PROGRAM

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

FROM:

			Estimated Construction Cost:			
<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>State</u>	<u>Federal/Other</u>	<u>County</u>	
502380	Highway Reconstruction	605,692	98,587	507,105	0	

	Local Finance Law Section 11			How Financed:	
	<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
	2005	10	20	0	0

TO:

			Estimated Construction Cost:			
<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>State</u>	<u>Federal/Other</u>	<u>County</u>	
502380	Highway Reconstruction	708,705	113,303	595,402	0	

	Local Finance Law Section 11			How Financed:	
	<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
	2005	10	20	0	0

Description: Reconstruct various County roads as needed

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

and be it

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

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

RESOLUTION NO. 166

By Personnel, Health Services and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST FOR THE DEPARTMENT OF HEALTH

RESOLVED, that in accordance with a request from the Director of Public Health, this County Legislature hereby authorizes the establishment of one (1) part time Keyboard

Specialist, Grade 8, Union Code 08 CSEA, minimum salary \$21,778, at budget line 48376.4609.105091, effective 3/27/06.

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

RESOLUTION NO. 167

By Education, Culture and Recreation and Finance Committees

Seconded by Mr. Howard

RESOLUTION AUTHORIZING TIPERARY HILL, INC., TO OPERATE RESTAURANT AND CATERING AT EN-JOIE GOLF COURSE FOR 2006

WHEREAS, the County of Broome and Village of Endicott have executed a Joint Municipal Agreement authorizing the County to operate En-Joie Golf Course and related facilities, and

WHEREAS, En-Joie Golf Course includes a restaurant and facilities for catering services, and

WHEREAS, it is desired to obtain an independent vendor to operate the restaurant and catering facilities for the balance of 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a management agreement with Tiperary Hill, Inc., 331 Knapp Road, Binghamton, NY 13905 (Vendor) to manage the restaurant and catering facilities at En-Joie Golf Course, and be it

FURTHER RESOLVED, that the management agreement will commence April 1, 2006 and shall expire on December 31, 2006 with a right of first refusal given to Vendor for any renewal period, and be it

FURTHER RESOLVED, that Vendor shall pay the County the following: \$13,000 paid monthly on the first of each month in installments of \$1,444.44 plus 15% of gross revenues over \$200,000; gross revenues shall be defined to include food and beverage sales; Vendor shall supply the County with monthly financial statements showing gross revenues; upon reasonable request the Broome County Comptroller may audit the books and records of the Vendor, and be it

FURTHER RESOLVED, that the vendor be responsible for the cost of all electricity, gas, water and sewer, trash removal, telephone/cable/computer installation and service and all other utilities and services consumed or used at the facility, and be it

FURTHER RESOLVED, that the Vendor shall operate the restaurant on the second floor of the main club house and a grill for golfers in the single story white building adjacent to the clubhouse; at a minimum the restaurant shall be open one half hour before the golf course is open for play and shall close no earlier than one half hour after the golf course closes each day, and the grill shall be open from 11 AM to 3PM, and be it

FURTHER RESOLVED, that the Vendor shall promptly apply for and obtain a liquor license for full service liquor sales at the restaurant and catered events and beer sales on the course and the grill, and be it

FURTHER RESOLVED, that the County shall not be obligated to provide any new fixtures at the restaurant, and if the Vendor replaces any fixtures at the restaurant it may remove said fixtures at the end of the term of this agreement, and the restaurant shall be returned to its original condition, and be it

FURTHER RESOLVED, that the agreement between the County and the Vendor shall be subject to any existing contractual agreements regarding operations at En-Joie Golf Course, 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 (Lindsey).

Mr. Sanfilippo made a motion to adjourn, seconded by Mr. Miller. **Motion to adjourn carried,** Ayes-18, Nays-0, Absent-1 (Lindsey). The meeting was adjourned at 5:26 p.m.

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