

**BROOME COUNTY LEGISLATURE
REGULAR SESSION
OCTOBER 15, 2020**

The Legislature convened at 5:02 p.m. with a call to order by the Chairman, Daniel J. Reynolds. The Clerk, Aaron M. Martin, read the fire exit announcement and called the Attendance Roll, Present-14, Absent-1 (Wildoner).

Andrew and Cora Martin led the members of the Legislature in the Pledge of Allegiance to the Flag. The Clerk, Aaron M. Martin offered the invocation followed by a moment of silence.

ANNOUNCEMENTS FROM THE CHAIR

Mrs. O'Brien and Mrs. Kaminsky were designated with Chairman Reynolds as participants in the "Short Roll Call".

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY EXECUTIVE

- A. Letters from the County Executive, Jason T. Garnar:
1. State of Emergency Declaration – COVID-19 Outbreak
 2. Emergency Order #3 Prioritize Childcare Services
 3. Order of Succession
 4. Office for Aging Advisory Board Appointments

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY LEGISLATURE

- A. Letters from the Chair, Daniel J. Reynolds:
1. Finance Committee Budget Review Schedule
 2. Notice of Public Hearing 2021 Recommended Budget

Mrs. Ryan made a motion, seconded by Mr. Baldwin that the Session minutes of September 17, 2020 be approved as prepared and presented by the Clerk.

Carried. Ayes-14, Nays-0, Absent-1 (Wildoner)

Mr. Reynolds noted that the committee minutes from September 21, 2020 through October 8, 2020 had been distributed to the members of each committee for review and that they are also on file in the Clerk's Office. Mr. Reynolds asked for corrections to the committee minutes. Seeing none, a motion to approve the committee minutes was made by Mrs. Kaminsky, seconded by Mr. Pasquale.

Carried. Ayes-14, Nays-0, Absent-1 (Wildoner)

PRESENTATION OF PETITIONS, COMMUNICATIONS, NOTICES & REPORTS

1. SUNY Broome - Above Minimum Hire Report
2. SUNY Broome - Quarterly Income Statements
3. SUNY Broome - 2019-2020 Annual Report
4. BING Visit Binghamton - September 2020 Monthly Report
5. NYS Agriculture and Markets - Certification of Agricultural Districts
6. Thomas, Collison & Meagher - BC IDA 159 Washington Holding LLC Lease/Leaseback Transaction
7. Management & Budget – Q3 Fiscal Status Report

RESOLUTIONS HELD OVER OR TABLED FROM A PREVIOUS MEETING

RESOLUTION NO. 341

By All Members

Seconded by Mr. Weslar

RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST FOR THE OFFICE OF EMERGENCY SERVICES

Mrs. O'Brien made a motion to Table the Resolution to a date uncertain, seconded by Mr. Pasquale.

Motion to Table carried. Ayes-11, Nays-3 (Ryan, Weslar, Kaminsky), Absent-1 (Wildoner)

RESOLUTIONS INTRODUCED AT THIS SESSION

RESOLUTION NO. 344

By: All Members

Seconded by Mr. Flagg

RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH CINGULAR WIRELESS FOR LEASE OF SPACE FOR THE DEPARTMENT OF AVIATION FOR 2006-2026

WHEREAS, this County Legislature, by Resolution 1 of 2006, authorized an agreement with Cingular Wireless for lease of space at the Greater Binghamton Airport with revenue to the County in the amount of \$1,400 per month with a one and a half percent (1.5%) annual increase every year following year one (1), for the period January 1, 2006 through December 31, 2015 with four (4) five (5) year mutual renewal options to follow, and

WHEREAS, this County Legislature, by Resolution 169 of 2012, authorized the amendment of said agreement to extend the lease to March 31, 2017 with the option of five (5) five-year renewals and commencing on April 1, 2012 revenue to the County shall be in the amount of \$15,600 annually and commencing on April 1, 2022 the annual amount shall increase by fifteen percent (15%) and every five years thereafter, and

WHEREAS, said services are necessary to provide space, consisting of 170 square feet adjacent to the Water Tower for a small electrical building along with space on the water tower structure for an antenna and support accessories, and

WHEREAS, it is necessary to authorize the amendment of said agreement to reflect a new extension term of five years commencing on April 1, 2021, with the option for four separate five-year renewals, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Cingular Wireless PCS, LLC, 12555 Cingular Way, Suite 1300, Alpharetta, Georgia 30004, to reflect a new extension term of five years commencing on April 1, 2021, with the option of four separate five-year renewals, for lease of space from the Department of Aviation, and be it

FURTHER RESOLVED, that in consideration of said agreement, the Contractor shall pay the County \$14,000 annually commencing on April 1, 2021 and commencing on April 1, 2026 the annual amount shall increase by five percent (5%) and every five years thereafter, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 28010005.5000460 (Rental Real Property), and be it

FURTHER RESOLVED, that Resolutions 1 of 2006 and 169 of 2012, to the extent consistent herewith, shall remain in full force and effect, and be it

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

Carried. Ayes-14, Nays-0, Absent-1 (Wildoner)

RESOLUTION NO. 345

By All Members

Seconded by Mr. Flagg

RESOLUTION AUTHORIZING AN AGREEMENT WITH THE BINGHAMTON CITY SCHOOL DISTRICT FOR STUDENT TRANSPORTATION SERVICES FOR 2020-2023

WHEREAS, the Commissioner of Public Transportation requests authorization for an agreement with the Binghamton City School District for student transportation services during the 2020-2021, 2021-2022 and 2022-2023 school calendars, and

WHEREAS, said agreement is necessary to provide transportation for eligible students to and from school, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the Binghamton City School District, 164 Hawley Street, Binghamton, New York 13901 for student transportation services for the 2020-2021, 2021-2022, and 2022-2023 school calendars, and be it

FURTHER RESOLVED, that in consideration of said services, the School District shall pay the County \$266,142.10 in ten monthly installments of the first day of each month beginning with October 1, 2020, except that the last installment will be paid on June 30, 2023, and be it

FURTHER RESOLVED, that the School District will pay the County the sum adjusted from the previous school-year term, based on the Consumer Price Index (C.P.I.) as provided by the New York State Education Department in ten equal monthly installments on the first day of each month beginning October 1, 2020, except that the last installment for year two will be paid on June 30, 2022; the School District will pay the County the sum adjusted from the 2021 school year term, based on the C.P.I., as provided by the New York State Education Department, in ten equal monthly installments beginning on October 1, 2020, except that the last installment for year three will be paid on June 30, 2023, and, be it

FURTHER RESOLVED, the School District shall pay the County for additional afternoon bus service the sum of \$40,009.90 in ten monthly installments of the first day of each month beginning with October 1, 2020, except that the last installment will be paid on June 30, 2023, and, be it

FURTHER RESOLVED, that the School District will pay the County the sum adjusted from the pervious school-year term based on the C.P.I. as provided by the New York State Education Department, in ten equal monthly installments on the first day of each month beginning October 1, 2020, except that the last installment for year two will be paid on June 30, 2022; the School District will pay the County the sum adjusted from the 2021 school year term, based on the C.P.I., as provided by the New York State Education Department, in ten equal installments beginning on October 1, 2020, except that the last installment for year three will be paid on June 30, 2023, and, be it

FURTHER RESOLVED, the payments hereinabove authorized shall be credited to budget line 31010105.5000421 (Binghamton School District Contract), and be it

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

Carried. Ayes-14, Nays-0, Absent-1 (Wildoner)

RESOLUTION NO. 346

By All Members

Seconded by Mr. Flagg

RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH GREYHOUND BUS LINES, INC. FOR SPACE AT THE GREATER BINGHAMTON TRANSPORTATION CENTER FOR THE DEPARTMENT OF PUBLIC TRANSPORTATION FOR 2020-2025

WHEREAS, the Commissioner of Public Transportation requests authorization for a lease agreement with Greyhound Bus Lines, Inc., for space at the Greater Binghamton Transportation Center for the Department of Public Transportation with revenue to the County in the amount of \$2,607.59 per month for the period September 1, 2020 through August 31, 2021, \$2,607.59 per month plus a Common Area Maintenance Charge of 8.5% of the total charges for the period September 1, 2021 through August 31, 2022, \$2,685.82 per month

plus a Common Are Maintenance Charge of 8.5% of the total charges, for the period September 1, 2022 through August 31, 2023, \$2,766.39 per month plus a Common Area Maintenance Charge of 8.5% of the total charges for the period September 1, 2023 through August 31, 2024, and \$3,067.75 per month plus a Common Area Maintenance Charge of 8.5% of the total charges, for the period September 1, 2024 through August 31, 2025, and

WHEREAS, said lease agreement will provide office space, common area space, a portion of public restroom space, sidewalk area and bus slips, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a lease agreement with Greyhound Bus Lines, Inc., 350 North St. Paul Street, Dallas, Texas 75210 for space at the Greater Binghamton Transportation Center for the Department of Public Transportation for the period September 1, 2020 through August 31, 2023, and be it

FURTHER RESOLVED, that in consideration of said services, the Contractor shall pay the County \$2,607.59 per month for the period September 1, 2020 through August 31, 2021, \$2,607.59 per month plus a Common Area Maintenance Charge of 8.5% of the total charges for the period September 1, 2021 through August 31, 2022, \$2,685.82 per month plus a Common Area Maintenance Charge of 8.5% of the total charges, for the period September 1, 2022 through August 31, 2023, \$2,766.39 per month plus a Common Area Maintenance Charge of 8.5% of the total charges for the period September 1, 2023 through August 31, 2024, and \$3,067.75 per month plus a Common Area Maintenance Charge of 8.5% of the total charges, for the period September 1, 2024 through August 31, 2025,, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 31010305.5000137 (Space Rental-Other), and be it

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

Carried. Ayes-14, Nays-0, Absent-1 (Wildoner)

RESOLUTION NO. 347

By All Members

Seconded by Mr. Flagg

RESOLUTION AUTHORIZING CANCELLATION OF SCHOOL TAXES PLUS ACCRUED INTEREST AND PENALTIES ON COUNTY OWNED PARCELS

WHEREAS, the Director of Real Property Tax Service is requesting authorization to cancel school taxes plus accrued interest and penalties on County owned parcels as listed on Exhibit "A", now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the cancellation of school taxes plus accrued interest and penalties on County owned parcels as listed on Exhibit "A", and be it

FURTHER RESOLVED, that the Director of Real Property Tax Service and the Director of the Office of Management and Budget are hereby authorized to execute any and all adjustments to tax bills, tax records and property tax records as may be necessary to implement the intent of this Resolution.

Carried. Ayes-14, Nays-0, Absent-1 (Wildoner)

RESOLUTION NO. 348

By All Members

Seconded by Mr. Flagg

RESOLUTION AUTHORIZING REVISION OF THE TITLE III-B SUPPORTIVE SERVICES PROGRAM GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET FOR 2020

WHEREAS, this County Legislature, by Resolution 596 of 2019, authorized and approved renewal of the Title III-B Supportive Services Program Grant for the Office for Aging

and adopted a program budget in the amount of \$937,335 for the period January 1, 2020 through December 31, 2020, and

WHEREAS, said program grant provides for a variety of services, including transportation, information and referral, mandated legal assistance, the "Senior News" monthly newsletter, shopping services, caregiver services and case management, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$25,186 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Title III-B Supportive Services Program Grant to reflect an increase of \$25,186 for the period January 1, 2020 through December 31, 2020, 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 \$962,521, and be it

FURTHER RESOLVED, that Resolution 596 of 2019, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

Carried. Ayes-14, Nays-0, Absent-1 (Wildoner)

RESOLUTION NO. 349

By All Members

Seconded by Mr. Flagg

RESOLUTION AUTHORIZING REVISION OF THE TITLE III-C-1 CONGREGATE MEALS PROGRAM GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET FOR 2020

WHEREAS, this County Legislature, by Resolution 597 of 2019, authorized and approved renewal of the Title III-C-1 Congregate Meals Program Grant for the Office for Aging and adopted a program budget in the amount of \$1,036,744 for the period January 1, 2020 through December 31, 2020, and

WHEREAS, said program provides support for congregated meals, senior center operation health and wellness activities, nutrition education and recreation activities at the senior centers, and

WHEREAS, it is necessary at this time to revise said program to reflect a decrease in the amount of \$85,580 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Title III-C-1 congregated Meals Program Grant to reflect a decrease of \$85,580 for the period January 1, 2020 through December 31, 2020, 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 \$951,164, and be it

FURTHER RESOLVED, that Resolution 597 of 2019, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

Carried. Ayes-14, Nays-0, Absent-1 (Wildoner)

RESOLUTION NO. 350

By All Members

Seconded by Mr. Flagg

RESOLUTION AUTHORIZING REVISION OF THE TITLE III-C-2 HOME DELIVERED MEALS PROGRAM GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET FOR 2020

WHEREAS, this County Legislature, by Resolution 598 of 2019, authorized and approved renewal of the Title III-C-2 Home Delivered Meals Program Grant for the Office for Aging and adopted a program budget in the amount of \$691,452 for the period January 1, 2020 through December 31, 2020, and

WHEREAS, said program provides support for home delivered meals (Meals on Wheels) to individuals age 60 and over in accordance with standards established by the Older Americans Act and the New York State Office for Aging, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$104,969 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Title III-C-2 Home Delivered Meals Program Grant to reflect an increase of \$104,969 for the period January 1, 2020 through December 31, 2020, 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 \$796,421, and be it

FURTHER RESOLVED, that Resolution 598 of 2019, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

Carried. Ayes-14, Nays-0, Absent-1 (Wildoner)

RESOLUTION NO. 351

By All Members

Seconded by Mr. Flagg

RESOLUTION AUTHORIZING REVISION OF THE EXPANDED IN-HOME SERVICES FOR THE ELDERLY PROGRAM (EISEP) GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET FOR 2020-2021

WHEREAS, this County Legislature, by Resolution 72 of 2020, authorized and approved renewal of the Expanded In-Home Services for the Elderly Program (EISEP) Grant for the Office for Aging and adopted a program budget in the amount of \$1,005,158 for the period April 1, 2020 through March 31, 2021, and

WHEREAS, said program grant provides personal care and housekeeper/chore services as well as PERS and consumer directed services, case management of clients and other ancillary services, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$80,773 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Expanded In-Home Services for the Elderly Program (EISEP) Grant to reflect an increase of \$80,773 for the period April 1, 2020 through March 31, 2021, 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 \$1,085,931, and be it

FURTHER RESOLVED, that Resolution 72 of 2020, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

Carried. Ayes-14, Nays-0, Absent-1 (Wildoner)

RESOLUTION NO. 352

By All Members

Seconded by Mr. Flagg

RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH OPPORTUNITES FOR BROOME, INC., FOR PROFESSIONAL SERVICES FOR THE DEPARTMENT OF HEALTH'S PRESCHOOL EDUCATION PROGRAM FOR 2020-2022

WHEREAS, this County Legislature, by Resolution 233 of 2020, authorized an agreement with various vendors, including Opportunities for Broome, Inc., for professional services for the Department of Health's Preschool Education Program, for the period July 1, 2020 through June 30, 2022, and

WHEREAS, said agreement, is necessary to provide evaluations, services and tuition-based preschool for the 3-5 Preschool Program, and

WHEREAS, it is necessary to authorize the amendment of the agreement with Opportunities for Broome, Inc., to reflect a corporate merger and subsequent name change to Greater Opportunities for Broome and Chenango, Inc., now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement Opportunities for Broome, Inc., 5 W. State Street, Binghamton, New York 13901 to reflect a corporate merger and subsequent name change to Greater Opportunities for Broome and Chenango, Inc., for professional services for the Department of Health's Preschool Education Program for the period July 1, 2020 through June 30, 2022, and be it

FURTHER RESOLVED, that Resolution 233 of 2020, to the extent consistent herewith, shall remain in full force and effect, and be it

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

Carried. Ayes-14, Nays-0, Absent-1 (Wildoner)

RESOLUTION NO. 353

By All Members

Seconded by Mr. Flagg

RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME COUNTY OFFICE FOR AGING ADVISORY BOARD

WHEREAS, Jason T. Garnar, Broome County Executive, pursuant to the authority vested in him by Resolution 165 of 1973 of the Broome County Charter and Administrative Code, has duly designated and appointed the following named individuals to membership on the Broome County Office for Aging Advisory Board, for the terms indicated, subject to confirmation by this County Legislature:

<u>NAME</u>	<u>TERM EXPIRING</u>
Amy Pessarchick 579 Kent Street Windsor, NY 13865	12/31/2024 New Appointment
Maria Motsavage 14 Market Place Binghamton, NY 13905	12/31/2024 New Appointment

and

WHEREAS, it is desired at this time to confirm said appointments pursuant to the provisions of Resolution 165 of 1973 of the Broome County Charter and Administrative Code, now, therefore, be it

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

Carried. Ayes-14, Nays-0, Absent-1 (Wildoner)

RESOLUTION NO. 354

By All Members

Seconded by Mr. Flagg

RESOLUTION AUTHORIZING AN AGREEMENT WITH PREMIER CONSULTING ASSOCIATES FOR PROFESSIONAL HEALTH BENEFITS PLAN CONSULTANT SERVICES FOR THE OFFICE OF RISK AND INSURANCE FOR 2020-2023

WHEREAS, the Manager of Risk and Insurance requests authorization for an agreement with Premier Consulting Associates for professional health benefits plan consultant services for the Office of Risk and Insurance at a cost not to exceed \$10 per employee per month for the period October 15, 2020 through October 31, 2023, and

WHEREAS, said agreement is necessary to monitor, develop and design the medical plan or other mutually agreed upon customized programs for the County, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Premier Consulting Associates, 1416 Sweet Home Road, Suites 5-6, Amherst, New York 14228 for professional health benefits plan consultant services for the Office of Risk and Insurance for the period October 15, 2020 through October 31, 2023, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$10 per employee per month for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 18010001.6004569 (Claims Administration), and be it

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

Carried. Ayes-14, Nays-0, Absent-1 (Wildoner)

RESOLUTION NO. 355

By All Members

Seconded by Mr. Flagg

RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST FOR THE DISTRICT ATTORNEY.

RESOLVED, that in accordance with a request from the District Attorney, this County Legislature hereby reclasses the position Secretary- DA, Grade 14, Admin 9, minimum salary of \$35,075, 37.5 hours weekly, Full-time, budget line 6001000.06000001.1010 to Secretary, Grade 14, Admin 9, minimum salary \$35,075, 37.5 hours weekly, Full-time, budget line 6001000.06000001.1010 effective October 1, 2020.

Carried. Ayes-14, Nays-0, Absent-1 (Wildoner)

RESOLUTION NO. 356

By All Members

Seconded by Mr. Flagg

RESOLUTION AUTHORIZING THE ADOPTION OF THE RETENTION AND DISPOSITION SCHEDULE FOR NEW YORK LOCAL GOVERNMENT RECORDS (LGS-1) AS THE OFFICIAL RETENTION SCHEDULE OF BROOME COUNTY

WHEREAS, the Broome County Clerk, in the capacity of Records Management Officer for the County, as designated by the New York State Department of Education - State Archives Division, requests to authorize the Retention and Disposition Schedule for New York Local Government Records (LGS-1) as the official records retention schedule of Broome County, and

WHEREAS, the LGS-1 was issued pursuant to Article 57-A of the Arts and Cultural Affairs Law of New York State, and

WHEREAS, the LGS-1 contains the legal minimum retention periods for local government records and replaces the CO-2 retention schedule, and

WHEREAS, the Records Management Office will work with all Departments that utilize the Broome County Records Storage Center to update the record disposition dates of all stored records, now, therefore, be it

RESOLVED, that the Broome County Legislature hereby authorizes that the Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Law of New York State, and containing legal minimum retention periods for local government records is hereby adopted for use by all officers in legally disposing of records listed therein, and be it

FURTHER RESOLVED, that the only records to be disposed of in connection therewith shall be those that have met the minimum retention periods and have no sufficient administrative, fiscal, legal or historical value to merit retention beyond established legal minimum periods.

Carried. Ayes-14, Nays-0, Absent-1 (Wildoner)

RESOLUTION NO. 357

By All Members

Seconded by Mrs. O'Brien

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENTS WITH CONTRACT AGENCIES SUPPORTED BY BROOME COUNTY FOR 2021

WHEREAS, the County has contributed financial support to numerous agencies and organizations involved in various fields of endeavor which benefit, aid or assist with the many needs of the broad spectrum of the Broome County community, and

WHEREAS, it is the desire of this Legislature to give approval for the execution of the contracts with such agencies, said contracts to be in general form heretofore used, subject to and conditioned upon the financial allocations made and accounting procedure prescribed by the County Law Department to each respective contract agency in the 2021 Broome County Budget, and

WHEREAS, said financial support shall be distributed in the following manner:

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

RESOLVED, that this County Legislature hereby authorizes the County Executive or his duly authorized representative to execute such agreement, approved as to form by the Department of Law, with the contract amount authorized in the 2021 Broome County Budget as follows:

<u>Agency</u>	<u>Amount</u>	<u>Department</u>	<u>Account</u>
Broome County Soil & Water Conservation District	\$ 72,970	37000007	6005017
BCC Foundation	\$ 15,000	40000008	6004138

and be it

FURTHER RESOLVED, that said contract shall be in form substantially similar to those used in prior years for each specific agency conditioned upon and limited to the monetary amount and funding distribution criteria as set forth herewith and/or as approved in the 2021 County Budget, and to be subject to any necessary approvals required by the State or Federal Government or for any other valid reason which may require the approval of Federal or State government and to be conditioned upon the submission and filing with the Clerk of this Legislature and the County Executive a written annual report, detailing the agency's use of these funds received from the County during the previous calendar year, and be it

FURTHER RESOLVED, that the agency receiving funds from Broome County Government shall be subject to annual audits by the County Comptroller and shall provide, upon the request of the County Executive, all documents pertaining to or dealing with current and/or past individual program funding, and be it

FURTHER RESOLVED, said annual report shall be filed prior to the release of the second payment provided for by said contract and such payments are further subject to the provisions of Resolutions 262 of 1978 and 243 of 1979.

Heldover Under the Rules

RESOLUTION NO. 358

By All Members

Seconded by Mr. Baker

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENTS WITH SEVERAL CONTRACT AGENCIES SUPPORTED BY BROOME COUNTY FOR 2021

WHEREAS, the County has contributed financial support from occupancy tax receipts to numerous agencies and organizations involved in various fields of endeavor which benefit, aid or assist with the many needs of the broad spectrum of the Broome County community, and

WHEREAS, it is the desire of this Legislature to give approval for the execution of the contracts with such agencies, said contracts to be in general form heretofore used, subject to and conditioned upon the financial allocations made and accounting procedure prescribed by the County Law Department to each respective contract agency in the 2021 Broome County Budget, and

WHEREAS, said financial support shall be distributed in the following manner:

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

now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the County Executive or her duly authorized representative to execute such agreements, approved as to form by the Department of Law, with the contract amounts authorized in the 2021 Broome County Budget as follows:

<u>Agency</u>	<u>Amount</u>	<u>Department</u>	<u>Account</u>
Broome County Arts Council	\$103,794	90000099	6005000
Broome County Historical Society	\$14,008	90000099	6005015
Broome County Convention Bureau	\$303,148	90000099	6005022
Four County Library System	\$10,000	90000099	6005023
Southern Tier Zoological Society	\$259,000	90000099	6005025
GiGi's Playhouse	\$10,000	90000099	6005044
Discovery Center	\$5,000	35020006	6005003
Broome County Cooperative Extension	\$444,940	35020006	6005016
Total	1,149,890		

and be it

FURTHER RESOLVED, that \$37,348 of the amount appropriated for Broome County Cooperative Extension Association will be reimbursed by New York State Zoos Botanical Gardens and Aquariums (ZBGA) Grant, and be it

FURTHER RESOLVED, that said contracts shall be in form substantially similar to those used in prior years for each specific agency conditioned upon and limited to the monetary amount and funding distribution criteria as set forth herewith and/or as approved in the 2021 County Budget, and to be subject to any necessary approvals required by the State or Federal Government or for any other valid reason which may require the approval of Federal or State government and to be conditioned upon the submission and filing with the Clerk of this Legislature and the County Executive a written annual report, detailing the agency's use of these funds received from the County during the previous calendar year, and be it

FURTHER RESOLVED, that each agency receiving funds from Broome County Government shall be subject to annual audits by the County Comptroller and shall provide, upon the request of the County Executive, all documents pertaining to or dealing with current and/or past individual program funding, and be it

FURTHER RESOLVED, that any contract that provides for payment on a single lump sum basis, said annual report shall be filed before the lump sum payment is released and any contract which provides for two or more periodic payments during the contract term, said annual report shall be filed prior to the release of the second payment provided for by said

contract and such payments are further subject to the provisions of Resolutions 262 of 1978 and 243 of 1979.

Heldover Under the Rules

RESOLUTION NO.359

By All Members

Seconded by Mr. Baldwin

RESOLUTION AUTHORIZING THE HOURLY RATE SCHEDULE FOR NON-UNION, TEMPORARY AND SEASONAL EMPLOYEES

WHEREAS, the County Legislature authorized and approved the hourly rate schedule for non-union, temporary and seasonal employees, last amended by Resolution 20 of 2020, and

WHEREAS, it is necessary at this time to authorize and approve the hourly rate schedule for non-union, temporary and seasonal employees, effective January 1, 2021, as shown on Exhibit "A", now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves the hourly rate schedule for non-union, temporary and seasonal employees, effective January 1, 2021 as shown on Exhibit "A".

Heldover Under the Rules

RESOLUTION NO. 360

By All Members

Seconded by Mrs. Kaminsky

RESOLUTION ESTABLISHING THE RATE OF COMPENSATION FOR NON-UNION ADMINISTRATIVE PERSONNEL FOR FISCAL YEAR 2021

RESOLVED, that this County Legislature hereby authorizes a stipend for the Commissioner of Mental Health and Social Services, and the Deputy County Executive in the amount of \$8,000 per annum for each position, while they perform additional duties due to the vacancy of the second Deputy County Executive position, and be it

FURTHER RESOLVED, that the salary increase authorized by this Resolution shall be rescinded if, at any time a second Deputy County Executive is hired, and be it

FURTHER RESOLVED, all non-union Administrative I personnel will receive a zero percent (0.0%) salary increase, effective January 1, 2021 and be it

FURTHER RESOLVED, all non-union Administrative II personnel will receive a zero percent (0.0%) salary increase, effective January 1, 2021 and be it

FURTHER RESOLVED, all non-union Attorney personnel AT-1 through AT-6, will receive a zero percent (0.0%) salary increase, effective January 1, 2021, and be it

FURTHER RESOLVED, that all non-union Administrative I, Administrative II and Attorney position minimums are established pursuant to the schedule attached hereto as Exhibit "A", and be it

FURTHER RESOLVED, that other Broome County appointed, elected and miscellaneous officials salaries are established pursuant to the schedule attached hereto as Exhibit "A", and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes the upgrade of Chief Assistant District Attorney from AT-4 to AT-5 and the salary for Mark Loughran at \$116,100, which is above the minimum salary of \$104,929, budget line 06000001.6001000,1010 effective January 1, 2021, based on his experience, and be it

FURTHER RESOLVED, that the Director of Management and Budget is hereby authorized, empowered and directed to correct any modifications, changes, additions and/or typographical errors not affecting the substance of the budget and that the Director of Management and Budget is further directed, after making such corrections, to file same with the Clerk of the County Legislature and to furnish said Clerk with sufficient copies thereof for the members of the County Legislature.

Heldover Under the Rules

RESOLUTION NO. 361

By All Members

Seconded by Mr. Hilderbrant

RESOLUTION APPROVING THE 2021-2026 CAPITAL IMPROVEMENT PROGRAM

RESOLVED, that the 2021 Capital Budget and the 2021-2026 Capital Improvement Program as accompanying the tentative budget for 2021, and as corrected and amended, is hereby approved and adopted as the 2021 Capital Budget and the 2021-2026 Capital Improvement Program for the County of Broome, and be it

FURTHER RESOLVED, that the Director of the Office of Management and Budget be and hereby is authorized, empowered, and directed to correct any modifications, changes, additions, and/or typographical errors not effecting the substance of the capital budget and capital program, and that the Director of the Office of Management and Budget is further directed, after making such corrections, to file the same with the Clerk of the County Legislature and to furnish said Clerk with copies thereof for the members of the County Legislature.

Heldover Under the Rules

RESOLUTION NO. 362

By All Members

Seconded by Mr. Flagg

RESOLUTION ADOPTING THE BROOME COUNTY BUDGET FOR FISCAL YEAR 2021

RESOLVED, that the tentative budget of the County of Broome, including the County's 2021 Capital Budget, as corrected and amended to \$ _____ be and is hereby adopted as the budget for the County of Broome, for the year commencing January 1, 2021 and ending December 31, 2021, and be it

FURTHER RESOLVED, that the Director of the Office of Management and Budget is hereby authorized, empowered, and directed to correct any modifications, changes, additions and/or typographical errors not effecting the substance of the budget and that the Director of the Office of Management and Budget is further directed, after making such corrections, to file same with the Clerk of the County Legislature and to furnish said Clerk with sufficient copies thereof for the members of the County Legislature.

Heldover Under the Rules

RESOLUTION NO. 363

By All Members

Seconded by Mrs. O'Brien

RESOLUTION MAKING APPROPRIATIONS FOR THE CONDUCT OF THE BROOME COUNTY GOVERNMENT FOR FISCAL YEAR 2021

WHEREAS, this County Legislature, by an accompanying Resolution _____ of 2020, has adopted a budget for fiscal year 2021, now, therefore be it

RESOLVED, that the several amounts specified in such budget under the various categories and the various objects of expense in the 2021 tentative budget under the recommended column, unless a specific change or correction has been made in the same, in which case such change or corrected figure shall apply, shall be the amount appropriated for such items, effective January 1, 2021, and be it

FURTHER RESOLVED, that the fee schedules changing, deleting or establishing certain fees for the purpose of offsetting operating expenses be adopted, and be it

FURTHER RESOLVED, that the Director of the Office of Management and Budget is hereby authorized, empowered and directed to correct any modifications, changes, additions and/or typographical errors not effecting the substance of the budget, and that the Director of the Office of Management and Budget is further directed, after making such corrections, to file same with the Clerk of the County Legislature and to furnish said Clerk with sufficient copies thereof for the members of the County Legislature.

Heldover Under the Rules

RESOLUTION NO. 364

By Finance Committee

Seconded by Mr. Balles

BOND RESOLUTION DATED

RESOLUTION AUTHORIZING THE ISSUANCE OF \$20,977,291 BONDS OF THE COUNTY OF BROOME, NEW YORK TO PAY THE COST OF VARIOUS CAPITAL PROJECTS

BE IT RESOLVED, by the County Legislature of the County of Broome, New York, as follows:

Section 1. The following are the classes of objects or purposes or specific objects or purposes to be financed by the County of Broome, New York, pursuant to this resolution, the maximum estimated costs thereof, and the subdivisions of Section 11.00(a) of the Local Finance Law of the State of New York and periods of probable usefulness applicable thereto:

<u>Project Name</u>	<u>PPU / LFL Sect 11</u>	<u>Estimated Maximum Cost</u>
Taxiway H & K Rehab and Extension (Construction)	30/15	\$ 3,400,000
Electrical Upgrade	10/13	500,000
Digitization of Departmental Records	5/72	150,000
County Regulatory/Environmental/Compliance Maint	5/35	100,000
County Building Renovations and Maintenance	5/35	150,000
Court Complex Renovations and Maintenance	10/13	200,000
Public Safety Renovations and Maintenance	5/35	150,000
Roof Repairs at County Facilities	15/12(a)(2)	200,000
Tripartite Equipment	15/28	75,000
Fleet Replacement	3/77	200,000
Highway Reconstruction/Rehabilitation	15/20(c)	2,500,000
Corrugated Metal Arch Bridge Maintenance Repairs	20/10	730,000
County Bridge and Culvert Repairs	20/10	500,000
North Sanford Rd Bridge (Construct)	20/10	1,392,000
Highway Equipment Replacement	15/28	900,000
Computer Equipment Replacement/Update Technology	5/32	1,000,000
Carpeting for Library	5/32	150,000
Parks Facilities Repairs and Renovations	15/19(c)	205,000
Parks Vehicle Replacement	3/77	210,000
Arena Improvements	5/35	150,000
Forum Improvements	5/35	85,000
6-14 Passenger Cutaway Buses	12/29-a	450,000
Purchase Five Transit Buses	12/29-a	3,070,491
Vehicle Replacement	3/77	200,000
Colesville Landfill Remediation	25/6	50,000
Landfill Equipment	10/6	500,000
Residential Convenience Center Improvement	5/35	400,000
Section I-Phase I Relocation Area Closure Construct	25/6	2,210,000
Section I Phase I Construction Review	5/63(a)	300,000
Betterments & Improvements	5/35	100,000
Equipment, Furnishings & Fixtures	5/32	75,000
Kitchen Dish Line Replacement	5/32	80,000
Residential Hospital Bed Replacement	5/32	159,800
Roofing & Chilling Tower Replacement	15/12(a)(2)	435,000
TOTAL		\$20,977,291

Section 2. SEQR DETERMINATION. It is hereby declared to be the intent of this County Legislature that the projects listed above shall not commence until all steps have been taken under the New York State Environmental Quality Review Act (SEQR), to the extent

applicable, to ensure that said proposed projects are in compliance with the provisions thereof and, to this end, it is hereby determined that, until such compliance has been accomplished, the only obligations which shall be issued pursuant to this resolution shall be to provide funds for engineering, architectural and legal fees, including studies, surveys and testing of the site thereof, which will, at least, assist in the SEQR compliance process.

Section 3. The aggregate maximum estimated cost of the aforesaid classes of objects or purposes is \$20,977,291 and the plan for the financing thereof is by the issuance of \$20,977,291 bonds of said County, hereby authorized to be issued therefor pursuant to the Local Finance Law and by the application of \$5,881,544 from the Federal government in the following monies and allocated in their entirety to the following projects \$3,060,000 for the Taxiway H & K Rehab and Extension (Construction) project, \$360,000 for the 6-14 Passenger Cutaway Buses project, \$2,461,544 for the Purchase Five Transit Buses project, there being anticipated \$2,164,374 received from State government in the following amounts and allocated entirely to the following projects: \$170,000 for the Taxiway H & K Rehab and Extension (Construction), \$250,000 for the Electrical Upgrade project, \$45,000 for the 6-14 Passenger Cutaway Buses project, \$351,974 for the Purchase Five Transit Buses, \$25,000 for the Tripartite Equipment project, \$1,322,400 for the North Sanford Rd Bridge Construction project however, that the amounts of bonds to be issued shall be reduced to the extent of Federal and/or State grants received in connection therewith.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes is hereby delegated to the Director of the Office of Management and Budget, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of the Office of Management and Budget, consistent with the provisions of the Local Finance Law.

Section 6. The faith and credit of said County of Broome, New York, are hereby irrevocably pledged for the payment of the principal of and interest of such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and any action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect upon its approval by the County Executive, shall be published in full in the Press & Sun Bulletin, which is the only newspaper having a general circulation in the County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. The Director of the Office of Management and Budget is hereby authorized to make a short term non-interest bearing interfund loan from the General Fund and other Enterprise Funds, Internal Service Funds, or Special Revenue Funds to provide sufficient cash to proceed with these Projects until the bonds authorized by this Resolution are sold.

Heldover Under the Rules

RESOLUTION NO. 365

By All Members

Seconded by Mr. Pasquale

RESOLUTION AMENDING THE 2020 CAPITAL IMPROVEMENT PROGRAM

RESOLVED, that the 2020 Capital Improvement Program is hereby amended as follows:

ADD:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>			<u>County</u>
			<u>State</u>	<u>Federal/Other</u>		
2320027	Security System Upgrade-Jail	\$736,500	\$0	\$0		\$736,500

<u>Local Finance Law Section 11</u>			<u>How Financed:</u>		
<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>	
2020	5	32	\$736,500	\$0	

ADD:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>			<u>County</u>
			<u>State</u>	<u>Federal/Other</u>		
1520093	Security System Upgrade – Family Courts	\$163,500	\$0	\$0		\$163,500

<u>Local Finance Law Section 11</u>			<u>How Financed:</u>		
<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>	
2020	5	32	\$163,500	\$0	

and be it

FURTHER RESOLVED, that the Director of the Office of Management and Budget is hereby authorized to make a short-term, non-interest bearing loan from the General Fund and/or the Enterprise Fund to provide sufficient cash to proceed, and be it

FURTHER RESOLVED, that the Director of the Office of Management and Budget and Comptroller are hereby authorized to process any paperwork necessary to implement the intent of this Resolution.

Carried. Ayes-14, Nays-0, Absent-1 (Wildoner)

RESOLUTION NO. 366

By All Members

Seconded by Mr. Flagg

RESOLUTION AUTHORIZING ACCEPTANCE OF THE STATE HOMELAND SECURITY PROGRAM (SHSP) GRANT FOR THE OFFICE OF EMERGENCY SERVICES AND ADOPTING A PROGRAM BUDGET FOR 2020-2023

WHEREAS, the Directory of Emergency Services requests authorization to accept a State Homeland Security Program Grant (SHSP) for the Office of Emergency Services and adopt a program budget in the amount of \$348,437 for the period September 1, 2020 through August 31, 2023, and

WHEREAS, said program grant assists in law enforcement terrorism prevention activities, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$348,437 from the New York State Division of Homeland Security and Emergency Services, 1220 Washington Avenue, Building 7A Suite 710, Albany New York, 12242, for the Office of Emergency Services Homeland Security Program Grant for the period September 1, 2020 through August 31, 2023, 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 \$348,437, and be it

FURTHER RESOLVED, the Office of Emergency Services is authorized to accept and allocate additional State Homeland Security Program funds for the period September 1, 2020 through August 31, 2023, provided there is no increase in employee head count, the County's financial contribution is not increased and the salary rate is not changed, and be it

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

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

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

Carried. Ayes-14, Nays-0, Absent-1 (Wildoner)

RESOLUTION NO. 367

By All Members

Seconded by Mr. Flagg

RESOLUTION AUTHORIZING ACCEPTANCE OF THE EARLY VOTING AID TO LOCALITIES PROGRAM GRANT FOR THE BOARD OF ELECTIONS AND ADOPTING A PROGRAM BUDGET FOR 2019-2020

WHEREAS, the Commissioners of the Board of Elections request authorization to accept an Early Voting Aid to Localities Program Grant for the Board of Elections and adopt a program budget in the amount of \$109,491 for the period April 12, 2019 through December 31, 2020, and

WHEREAS, said program grant provides funding towards implementing early voting in Broome County, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$109,491 from the New York State Board of Elections, 40 North Pearl Street, Suite 5, Albany, New York 12207 for the Board of Elections Early Voting Aid to Localities Program Grant for the period April 12, 2019 through December 31, 2020, 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 \$109,491, and be it

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

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

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

Carried. Ayes-14, Nays-0, Absent-1 (Wildoner)

RESOLUTION NO. 368

By All Members

Seconded by Mr. Baker

RESOLUTION AMENDING THE 2017 CAPITAL IMPROVEMENT PROGRAM

RESOLVED, that the 2017 Capital Improvement Program is hereby amended as follows:

FROM:

<u>Code</u>	<u>Project Name</u>	<u>Estimated Construction Cost:</u>			
		<u>Total</u>	<u>State</u>	<u>Federal</u>	<u>Other *</u>
28200 63	Runway 10/28 Rehabilitation Design	\$584,504	\$29,225	\$526,053	\$29,226

<u>Local Finance Law Section 11</u>			<u>How Financed:</u>	
<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
2017	5	62a	\$584,504	\$0

TO:

<u>Code</u>	<u>Project Name</u>	<u>Estimated Construction Cost:</u>			
		<u>Total</u>	<u>State</u>	<u>Federal</u>	<u>Other *</u>
28200 53	Runway 10/28 Rehabilitation Design	\$656,700	\$29,850	\$597,000	\$29,850

<u>Local Finance Law Section 11</u>			<u>How Financed:</u>	
<u>Year Start</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
2017	5	62a	\$656,700	\$0

*Denotes use of PFC funding.

FURTHER RESOLVED, that the Director of the Office of Management and Budget is hereby authorized to make a short term, non-interest bearing loan from the General Fund and/or the Enterprise Fund to provide sufficient cash to proceed, and be it

FURTHER RESOLVED, that the Director of the Office of Management and Budget and Comptroller are hereby authorized to process any paperwork necessary to implement the intent of this Resolution.

Carried. Ayes-14, Nays-0, Absent-1 (Wildoner)

RESOLUTION NO. 369

By All Members

Seconded by Mr. Flagg

RESOLUTION AUTHORIZING ACCEPTANCE OF THE CENTER FOR TECH AND CIVIC LIFE PROGRAM GRANT FOR THE BOARD OF ELECTIONS AND ADOPTING A PROGRAM BUDGET FOR 2020

WHEREAS, the Commissioners of the Board of Elections request authorization to accept a Center for Tech and Civic Life Program Grant for the Board of Elections and adopt a

program budget in the amount of \$107,398 for the period June 15, 2020 through December 31, 2020, and

WHEREAS, said program grant provides funding for the public purpose of planning and operationalizing safe and secure election administration in Broome County in 2020, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$107,398 from the Center for Tech and Civic Life, 233 N. Michigan Avenue, Suite 1800, Chicago, Illinois 60601 for the Board of Elections Center for Tech and Civic Live Program Grant for the period June 15, 2020 through December 31, 2020, 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 \$107,398, and be it

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

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

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

Carried. Ayes-14, Nays-0, Absent-1 (Wildoner)

RESOLUTION NO. 370

By All Members

Seconded by Mr. Weslar

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 3 OF 2020, ENTITLED: "A LOCAL LAW CREATING CHAPTER 306 OF THE BROOME COUNTY CHARTER AND CODE REGARDING PROHIBITING ILLICIT DISCHARGES, ACTIVITIES"

RESOLVED, that Local Law Intro. No. 3 of 2020, entitled: "A Local Law Creating Chapter 306 of the Broome County Charter and Code Regarding Prohibiting Illicit Discharges, Activities," be and the same hereby is adopted and approved in accordance with the Broome County Charter and Code and all the applicable statutes and laws pertaining thereto.

LOCAL LAW INTRO. NO. 3 Of 2020

A Local Law Creating Chapter 306 of the Broome County Charter and Code
Regarding Prohibiting Illicit Discharges, Activities

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

Section 1 Chapter 306 of the Broome County Charter and Code is created as follows:

Prohibit Illicit Discharges, Activities and Connections to the Broome County Separate Storm Sewer System

Section 306-1. Purpose/Intent. The purpose of this Local Law is to provide for the health, safety, and general welfare of the citizens of the County of Broome through the regulation of stormwater and non-stormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This law establishes methods for controlling the introduction of pollutants into the MS4 in order for the County of Broome to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this Local Law are:

1.1 To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit no. GP-15-003 or as amended or revised;

- 1.2 To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge non-stormwater wastes;
- 1.3 To prohibit Illicit Connections, Activities and Discharges to the MS4;
- 1.4 To establish legal authority to carry out all inspection, monitoring and enforcement procedures necessary to ensure compliance with this law; and
- 1.5 To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

This Local Law shall apply to all MS4 designated areas situated within the County of Broome.

Section 306-2. Definitions. Whenever used in this Local Law, unless a different meaning is stated in a definition applicable to only a portion of this Local Law, the following terms will be defined and have meanings set forth below:

- 2.1 **Agricultural Stormwater Runoff:** Any stormwater runoff from farm operations, and other non-point source agriculture and agricultural uses, but not discharges from concentrated animal feeding operations as defined in 40 CFR Section 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 CFR Section 122.24.
- 2.2 **Best Management Practices (BMPs):** Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- 2.3 **Clean Water Act:** The Federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*), and any subsequent amendments thereto.
- 2.4 **Construction Activity:** Activities requiring authorization under the SPDES permit for stormwater discharges from construction activity, GP-0-20-001, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
- 2.5 **County-Owned Municipal Separate Storm Sewer System (MS4):** A conveyance or system of conveyances (including roads/streets, facility parking lots & drives, and parks with drainage systems including; catch basins, curbs, manholes, gutters, ditches, culverts, man-made channels, or storms drains) owned or operated by the County of Broome, which includes roads, infrastructure and facilities, designed and used for collecting or conveying stormwater, that is not a combined sewer, and which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2. A listing of all County owned roads and properties within the defined MS4 boundary shall be included as Exhibit "A" and said listing shall include any and all new roadways and County-owned properties as required under the MS4 Regulations.
- 2.6 **Department:** The New York State Department of Environmental Conservation.
- 2.7 **Department of Public Works:** The Broome County Department of Public Works is the County Department that is responsible for managing, monitoring, and reporting on the County's Stormwater Management Program in accordance with the general MS4 Permit and this Local Law.
- 2.8 **Design Professional:** New York State licensed professional engineer or licensed architect.
- 2.9 **Discharge:** Means any addition or introduction of any pollutant, stormwater, or any other regulated substance whatsoever into the municipal separate storm sewer system (MS4) or into the waters of the United States.

- 2.10** **Discharger:** Means any person or entity who causes, allows, permits, or is otherwise responsible for a discharge into a municipal storm sewer.
- 2.11** **Facility:** Any lands and appurtenances, including but not limited to, construction sites, required by the Federal Clean Water Act to have a permit to discharge stormwater associated with industrial activity and/or any other regulated activity.
- 2.12** **Farm Operation:** The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and managing of crops, livestock, and livestock products as a commercial enterprise. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or non-contiguous to each other.
- 2.13** **Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- 2.14** **Illicit Connections.** Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the County-owned MS4, including but not limited to:
- A. Any conveyances as regulated under this Local Law which allow any non-stormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the County-owned MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
 - B. Any drain or conveyance connected from a commercial or industrial land use to the County-owned MS4 which has not been (1) documented in plans, maps, or equivalent records, and (2) lawfully approved by an authorized enforcement agency.
- 2.15** **Illicit Discharge.** Any direct or indirect regulated non-stormwater discharge to the County-owned MS4, except as exempted in Section 6 of this Local Law.
- 2.16** **Illicit Discharge Board of Appeals:** A Broome County appeals board consisting of, at minimum, one representative of each of the County Departments: 1) Health Department – Environmental Health, 2) Planning Department – Environment Management Council, 3) Department of Public Works – Engineering, and which representatives shall be appointed by the Department Head of each Department. Said board shall follow the procedure set forth within Section 15 of this Local Law.
- 2.16** **Industrial Activity.** Activities requiring the SPDES permit for discharges from industrial activities except construction, GP-98-03, as amended or revised.
- 2.17** **Municipal Separate Storm Sewer System (MS4).** The system of conveyances (including but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
- A. Owned and/or operated by Broome County;
 - B. Designed or used for collecting or conveying stormwater;
 - C. Which is not a combined sewer; and
 - D. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2
- 2.18** **Non-Stormwater Discharge.** Any discharge to the County-owned MS4 that is not composed entirely of stormwater.
- 2.19** **Operator.** Party or parties that either individually or taken together meet the following two criteria: (1)they have operational control over the site activities(including the ability to make modifications in activities); and (2) they have

- such operational control to those activities at the site necessary to ensure compliance with SWPPP requirements and any related permit conditions.
- 2.20 **Person.** Any individual, association, organization, partnership, firm, company, corporation, trust, estate, government entity (including the County of Broome), or other entity recognized by law and acting as either the owner or as the owner's agent. This term shall also include owners, operators, dischargers and all other entities as set forth within this Local Law.
- 2.21 **Point Source.** Means any discernable, confined, and discrete conveyance, including but not limited to , any pipe, ditch, channel, tunnel, conduit, well, fissure, container, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged and as regulated under this Local Law and/or the Clean Water Act.
- 2.22 **Pollutant.** Includes, but is not limited to, dredged spoil; filter backwash; solid waste; incinerator residue; treated or untreated sewage; garbage; sewage sludge; munitions; hazardous wastes; chemical wastes; biological materials; toxic materials; radioactive materials; heat, wrecked or discarded equipment; rock; sand; cellular dirt; and industrial, municipal, recreational, agricultural waste and other regulated waste discharged into the MS4 which may cause or might reasonably be expected to cause pollution of the waters of the State in contravention of the standards as set forth in this Local Law and the Clean Water Act.
- 2.23 **Premises.** Any building, structure, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips, parking lots, roadways, and other appurtenances.
- 2.24 **Release.** Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing of illicit discharges into surface water, ground water, subsurface soils, surface soils and/or by any other direct or indirect discharge which is made to the County-owned MS4, the water of New York State and/or the Waters of the United States.
- 2.25 **Special Condition - Discharge Compliance with Water Quality Standards.** The condition that applies where Broome County has been notified that the discharge of stormwater authorized under its County-owned MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition the County must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.
- 2.26 **Special Condition - 303(d) Listed Waters.** The condition in the County-owned MS4 permit that applies where the County-owned MS4 discharges to a 303(d) listed water. Under this condition the County Stormwater Management Program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.
- 2.27 **Special Condition - Total Maximum Daily Load (TMDL) Strategy.** The condition in the County-owned MS4 permit where a TMDL, including requirements for control of stormwater discharges, has been approved by EPA for a waterbody or watershed into which the County-owned MS4 discharges.
- 2.28 **Special Condition - The condition in the County-owned MS4 permit that applies if a TMDL is approved in the future by EPA for any waterbody or watershed into which a County-owned MS4 discharges.** Under this condition the County must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If a County-owned MS4 is not meeting the TMDL stormwater allocations, the County must, within six (6) months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

- 2.29** **State Pollutant Discharge Elimination System (SPDES) Stormwater Discharge Permit.** A permit issued by the Department that authorizes the discharge of pollutants to waters of the State.
- 2.30** **Stormwater.** Rainwater, surface runoff, snowmelt and drainage.
- 2.31** **Stormwater Management Office.** The County Office that is responsible for administering, enforcing and promulgating regulations and fees pursuant to this Local Law, upon adoption of this Local Law, and said office shall be designated by the County Legislature as being a part of the Engineering Division and under the County of Broome Department of Public Works.
- 2.32** **Stormwater Management Officer (SMO).** The Stormwater Management Officer responsibilities are designated under this Local Law to the Deputy Commissioner of Engineering – Department of Public Works. The SMO shall have the responsibility to enforce this local law, and may also be designated to accept, review, and inspect stormwater pollution prevention plans, and inspect stormwater management practices.
- 2.33** **Stormwater Pollution Prevention Plan.** A plan required by a SDES permit to discharge stormwater associated with regulated activities, including but not limited to industrial activities and construction, and which describes and provides for pollution in stormwater discharges associated with regulated activities.
- 2.34** **303(d) List.** A list of all surface waters in the State for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of State surface water quality standards and are not expected to improve within the next two years.
- 2.35** **Total Maximum Daily Load (TMDL).** The maximum amount of a pollutant to be allowed to be released into a waterbody so as not to impair uses of the water, allocated among the sources of that pollutant.
- 2.36** **Wastewater.** Any water that is not stormwater, is contaminated with pollutants and is or will be discarded. This term shall not include stormwater which is not contaminated by pollutants.

Section 306-3. Applicability

This Local Law shall apply to all water entering the County-owned municipal separate storm sewer system within MS4 designated areas as generated on any developed and undeveloped lands unless explicitly exempted by the Department acting as the authorized enforcement agency.

Section 306-4. Responsibility for Administration.

The Stormwater Management Officer (SMO) shall administer, implement, and enforce the provisions of this Local Law. Such powers granted or duties imposed upon and granted to the authorized enforcement official may be delegated in writing by the Stormwater Management Officer as may be authorized by the Stormwater Management Office. Such written delegation shall be kept and maintained within the County's MS4 program files in the Stormwater Management Office, and copies shall be provided to the County Attorney. The Stormwater Management Office shall possess the authority to promulgate rules and regulations as necessary to administer, enforce and forward this Local Law and its purpose, including but not limited to, the institution and use of permits, forms, fees and other regulatory mechanisms to advance the purposes of this Local Law.

Section 306-5. Discharge Prohibitions.

5.1 Prohibitions of Illegal Discharges.

No person shall discharge or cause to be discharged into the County-owned MS4 any materials other than lawful discharges of stormwater, except as provided in Section 6.2.1. The commencement, conduct, or continuance of any illegal

discharge to the County-owned MS4 is prohibited except as described in Section 6.2.

5.2 Discharge Exemptions:

- 5.2.1 The following discharges are exempt from discharge prohibitions established by this Local Law, unless the Department or the County has, pursuant to law, officially determined such discharges to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising ground water, uncontaminated ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, crawl space or basement sump pumps, air conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from firefighting activities, agricultural stormwater runoff from lawful agricultural practices and any other water source not containing pollutants. In no event shall this Local Law be read to create, permit or authorize agriculture discharge exemptions beyond those which are in effect pursuant to the Clean Water Act. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.
- 5.2.2 Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that, such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this Local Law.
- 5.2.3 Dye testing in compliance with applicable State and local laws is an allowable discharge but requires a verbal notification to the SMO prior to the time of the test.
- 5.2.4 The prohibition shall not apply to any discharge permitted under a SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the County-owned MS4. A lawfully issued SPDES permit shall constitute compliance with this sub-paragraph in all manner and respects, provided the person and/or discharge to which the permit is issued is fully compliant therewith.
- 5.2.5 Activities and uses essential to ensure emergency, police, fire, rescue functions and emergency response undertaken by either the County, or by a non-profit organization authorized by contract with the County to provide these public services. Essential activities to promote public health, safety, and well-being of persons and property therein, and to implement orders and regulations of the Broome County Department of Health, Broome County Office of Emergency Services, and/or the New York State Department of Health with notification to the County SMO and any actual and ongoing emergency activity which directly addresses an imminent threat to life, property or structures of any kind. Such emergency activities may include, but are not limited to: fire suppression operations, preventative or remedial activities related to mitigation, cleanup, or control of stormwater and/or the contamination or threatened contamination of ground and/or surface water; response to imminent

floods, hurricanes and all other storms that follow established emergency response plans, firefighting and public health emergencies.

5.3 Prohibition of Illicit Connections.

- 5.2.1 The construction, use, maintenance or continued existence of illicit connections to the County-owned MS4 is prohibited.
- 5.2.2 This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law and whether all lawful approvals were granted and/or regardless of whether the connection was previously unregulated pursuant to practices applicable or prevailing at the time of connection.
- 5.2.3 A person is considered to be in violation of this Local Law if the person illegally connects a line conveying sewage to the County-owned MS4 or allows such an illegal connection to continue.

Section 306-6. Prohibition Against Failing Individual Sewage Treatment Systems.

No persons shall operate a failing individual sewage treatment system in areas tributary to the County-owned MS4. A failing individual sewage treatment system is one which has one or more of the following conditions.

- 6.1 The backup of sewage into a structure.
- 6.2 Discharges of treated or untreated sewage onto the ground surface.
- 6.3 A connection or connections to a separate stormwater sewer system.
- 6.4 Liquid Level in the septic tank above the outlet invert.
- 6.5 Structural failure of any component of the individual sewage treatment system that could lead to any of the other failure conditions as noted in this section.
- 6.6 Contamination of off-site groundwater.

Section 306-7. Prohibition Against Activities Contaminating Stormwater.

- 7.1 Activities that are subject to the requirements of this section are those types of activities that:
 - 7.1.1 Cause or contribute to a violation of the County's MS4 SPDES permit.
 - 7.1.2 Cause or contribute to the County being subject to the Special Conditions as defined in Section 306-2 (Definitions) of this Local Law.
- 7.2 Such activities include failing individual sewage treatment systems as defined in Section 7, improper management of pet waste or any other activity that causes or contributes to violations of the County-owned MS4 SPDES permit authorization.
- 7.3 Upon written notification to a person that he/she/they are engaged in activities that cause or contribute to violations of the County's MS4 SPDES permit authorization, that person shall, upon receipt of such notice, immediately take all reasonable actions to correct such activities such that he/she/they no longer cause or contribute to violations of the County's MS4 SPDES permit authorization.

Section 306-8. Requirement to Prevent, Control, and Reduce Stormwater Pollutants by the Use of Best Management Practices.

- 8.1 **Best Management Practices.** Where the SMO has identified illicit discharges as defined in Section 306-2 or by way of activities contaminating stormwater as defined in Section 306-7 the County may, among other remedies as set forth in this Local Law, require implementation of Best Management Practices (BMP's) to control those illicit discharges and activities.
 - 8.1.1 The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the County-owned MS4 through the use of structural and non-structural BMPs.
 - 8.1.2 Any owner, discharger, or operator, or other person responsible for a property or premise, which is, or may be, the source of an illicit discharge as defined in Section 306-2 or an activity contaminating stormwater as

defined in this Local Law, may be required to implement, at said person's expense, additional structural and non-structural BMPs to reduce or eliminate the source of pollutant(s) to the County-owned MS4.

- 8.1.3 Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial and/or other regulated activities, to the extent practicable, shall be deemed compliant with the provisions of this section.

8.2 **Individual Sewage Treatment Systems;** Response to Special Conditions Requiring No Increase of Pollutants or Requiring a Reduction of Pollutants - Where individual sewage treatment systems are contributing to the County-owned MS4 being subject to the Special Conditions as defined in Section 306-2 of this Local Law, the owner or operator of such individual sewage treatment systems shall be required to follow Chapter 305 of the Broome County Charter and Code which stipulates that no persons shall discharge any sewage or sewage effluent into any watercourse or surface body of waters unless a permit has been issued under the provisions of the Public Health Law or State Sanitary Code for such discharge. If individual sewage treatment system discharges are found to exceed the limits of the County's MS4 permit, the owner or operator of such individual sewage treatment systems shall be required to implement best management practices to maintain and operate individual sewage treatment systems as follows:

- 8.2.1 Inspect the septic tank annually to determine scum and sludge accumulation. Septic tanks must be pumped out whenever the bottom of the scum layer is within three inches of the bottom of the outlet baffle or sanitary tee or the top of the sludge is within ten inches of the bottom of the outlet baffle or sanitary tee.
- 8.2.2 Avoid the use of septic tank additives.
- 8.2.3 Avoid the disposal of excessive quantities of detergents, kitchen wastes, laundry wastes, and household chemicals; and
- 8.2.4 Avoid the disposal of cigarette butts, disposable diapers, sanitary napkins, trash and other such items.

Section 306-9. Suspension of Access to County-Owned MS4. Illicit Discharges in Emergency Situations.

9.1 **Imminent Danger.** The SMO may, without prior notice, suspend County-owned MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and/or substantial danger to the environment, to the health or welfare of persons, or to the County-owned MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the County-owned MS4 or to minimize and abate any and all danger to persons.

9.2 **Suspension due to the detection of illicit discharge.** Any person discharging to the County-owned MS4 in violation of this Local Law may have their County-owned MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify an alleged violator in writing of the proposed termination of its County-owned MS4 access and the reasons therefor. Within fifteen (15) days of the issuance of such Notice, the alleged violator may petition the SMO for a reconsideration and hearing. Access to the County-owned MS4 may be granted by the SMO if he/she finds that the illicit discharge has ceased, and the discharger has taken steps to prevent its recurrence. Access to the County-owned MS4 may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person

reinstates County-owned MS4 access to premises terminated pursuant to this Section, without the prior approval of the SMO or a court of competent jurisdiction.

Section 306-10. Industrial or Construction Activity Discharges.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form reasonably acceptable to the SMO prior to the allowing of discharges to the County-owned MS4. Upon such proof being provided, the SMO shall render his/her determination as to acceptability and shall provide the person with a written confirmation of such determination.

Section 306-11. Access to Facilities and Monitoring of Discharges.

11.1 Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this Local Law, or whenever the authorized enforcement agency has probable cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Local Law.

11.2 Access to Facilities.

11.2.1 Upon compliance with the requirements of this Local Law, the SMO shall be permitted to enter and inspect facilities subject to regulation under this Local Law as often as may be necessary to determine compliance with this Local Law. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make reasonable and necessary arrangements to allow access to the SMO.

11.2.2 Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this Local Law.

11.2.3 Unreasonable delays in allowing the County access to a facility subject to this Local Law is a violation of this Local Law. A person who is the operator or owner or discharger of a facility subject to this Local Law commits an offense if the person denies the SMO reasonable access to the facility for the purpose of conducting any activity authorized or required by this Local Law.

11.2.4 If the SMO has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this Local Law, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Local Law or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

11.3 Monitoring.

11.3.1 The County shall have the right to set up on any facility subject to this Local Law such devices as are necessary in the reasonable determination of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.

11.3.2 In connection therewith, the County has the right to require the facilities subject to this Local Law to install monitoring equipment as is reasonably necessary to determine compliance with this Local Law. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger or the owner at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy, and proof of such calibration shall be furnished to the SMO per request.

Section 306-12. Notification of Spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into the County-owned MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services and/or the County SMO. In the event of a release of non-hazardous materials, said person shall notify the County SMO in person, or by telephone, email, or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the County within three (3) business days of the telephone or in-person notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be promptly provided to the SMO and shall be retained on-site for at least five (5) years.

Section 306-13. Enforcement.

13.1 Notice of Violation. When the County's SMO determines that a person has violated a prohibition or failed to meet a requirement of this Local Law, he/she may order compliance by written notice of violation to the owner and discharger, if different than the owner, as the alleged responsible person. Such notice and/or subsequent enforcement may require without limitation:

- 13.1.1 The elimination of illicit connections and/or discharges;
- 13.1.2 The violating discharges, practices, and/or operation shall cease and desist;
- 13.1.3 The abatement and/or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- 13.1.4 The performance of monitoring, analyses, and reporting;
- 13.1.5 Payment of a fine; and/or recoupment of all qualified County expenditures as necessary to abate the violation;
- 13.1.6 The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is ultimately required, written confirmation shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work may be undertaken and completed by a designated County governmental agency or a County retained contractor and all the expenses thereof shall be charged to the discharger and/or the owner as the violator.
- 13.1.7 Order that all permits, approvals and/or authorizations be obtained, if lawfully permitted by statute, for any continuing discharges, practices and/or operations. Prior notice shall not be required in the event the SMO reasonably determines that an imminent threat to life may exist as a result of the violation of the Local Law.

Section 306-14. Appeal of Notice of Violation.

14.1 Procedure. Any person receiving a Notice of Violation may appeal the determination of the SMO within fifteen (15) days of its issuance. Said appeal shall be filed with the SMO who shall transmit his/her original findings, and the appeal to the Illicit Discharge Board of Appeals, which shall consist of one representative of each of the County Departments: 1) Health Department – Environmental Health, 2) Planning Department – Environment Management Council, 3) Department of Public Works – Engineering. Such board members shall be appointed by the department heads of each of the foregoing agencies. The Illicit Discharge Board of Appeals

shall hear the appeal within thirty (30) days after the filing of the appeal, and within five (5) days of making its written decision, file its decision in the office of the County Clerk and mail a copy of its decision by certified mail to the discharger.

- 14.2 Relief.** Persons who may be individually, jointly, or severally aggrieved by any determination made by the SMO and/or the Appeals Board may apply to the Supreme Court of the State of New York for review of such decision under Article 78 of the Civil Practice Laws and Rules of the State of New York.

Section 306-15. Corrective Measures After Appeal.

- 15.1** If an appeal under this Local Law has been pursued and the violation has not been corrected pursuant to the requirement set forth in the Notice of Violation, which has been administratively adjudicated under this Local Law, then within five (5) business days of decision of the County authority upholding the decision of the SMO, the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.
- 15.2** If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property, and make any and all determinations which are authorized pursuant to this Local Law. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger as set forth in Section 14.
- 15.3** Nothing in this section shall be read to limit, abrogate, or otherwise affect the authority possessed by the SMO pursuant to Section 306-9.1 of this Local Law.

Section 306-16. Penalties.

- 16.1 Administrative Sanctions.** Any person who violates the provisions of this Local Law, including any provisions of any authorization issued, any condition set or fee required pursuant to this Local Law, shall be liable to Broome County for a civil penalty of not more than one thousand dollars (\$1000) for every such violation. Each consecutive day of the violation shall be considered a separate offense. Such civil penalty may be recovered in any action brought by the County at the request and in the name of the County in any court of competent jurisdiction. Such civil penalty may be released or compromised by action of the County and any action commenced to recover the same may be settled and discontinued by the County. Any such penalty of the County shall be enforceable in an action brought in any court of competent jurisdiction. Any civil penalty or order issued by the County pursuant to the criteria set forth herein shall be reviewable in a proceeding pursuant to Article 78 of the Civil Practice Laws and Rules of the State of New York.
- 16.2 Criminal Sanctions.** Any person who violates the provisions of this Local Law, including any provision of any authorization issued, any condition set or fee required pursuant to this Law, shall, in addition, for the first offense, be guilty of violation punishable by a fine of not less than Five Hundred Dollars (\$500), and not more than One Thousand Dollars (\$1000); for a second and each subsequent offense, he/she shall be guilty of a misdemeanor punishable by a fine of not less than One Thousand Dollars (\$1000) and not more than Two Thousand Dollars (\$2000), or a term of imprisonment of not less than Thirty (30) days or more than Six (6) months, or both. Each violation shall be deemed a separate and distinct offense, and in the case of a continuous violation, each day in a continuance thereof shall be deemed a separate and distinct offense.
- 16.3 Final Determination / Costs.** In addition to the forgoing remedies, any person who violates the provisions of this Local Law and is found guilty by a final administrative determination and/or a final adjudicated determination by a Court of competent

jurisdiction shall be responsible for paying over to and reimbursing the SMO for all qualified costs, penalties and/or fines as may result from, or be imposed by the Department, the EPA, and/or any other enforcement agency pursuant to the Clean Water Act, the SPDES Regulations and/or any other applicable statutory authority for such violation.

Section 306-17. Injunctive Relief. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Local Law. If a person has violated or continues to violate the provisions of this Local Law, the SMO may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement and/or remediation of the violation, and/or for such other further relief as any court of competent jurisdiction may order.

Section 306-18. Alternative Remedies.

18.1 Where a person has been charged with violations of this Local Law, and/or when a person has been determined to have violated a provision of this Local Law, he/she may be eligible for alternative remedies in lieu of a civil and/or criminal penalty, upon written recommendation of the County Attorney, where a written determination is made that:

- 18.1.1 The violation was unintentional;
- 18.1.2 The violator has no history of previous violations of this Local Law;
- 18.1.3 Environmental damage was minimal;
- 18.1.4 The violator acted quickly to remedy violation;
- 18.1.5 The violator cooperated in investigation and resolution.

18.2 Alternative remedies may consist of one or more of the following:

- 18.2.1 Attendance at Stormwater Management compliance workshops.
- 18.2.2 Storm drain stenciling and/or storm drain marking.
- 18.2.3 Participation in community outreach programs concerning stormwater management such as river, stream or creek cleanup activities.

In the event of non-compliance with the foregoing alternative remedies, the County reserves the right to enforce any and all provisions of this Local Law.

Section 306-19. Remedies Not Exclusive. The remedies listed in this Local Law are not exclusive of any other remedies available under any applicable Federal, State or Local Law and it is within the discretion of the SMO to seek cumulative remedies. Nothing in this Local Law shall be read to preclude the enforcement by Brome County of any other laws as may be applicable to illicit discharges, including but not limited to, statutory authorization as set forth within the New York State Highway Law, the New York State County Law, and the New York State Health Law.

Section 306-20. Conflict With Other Regulations. Where the standards and legal requirements of this Local Law are in conflict with other environmental and/or land use regulations and/or other environmental protective measures, the more restrictive standards and legal requirements shall apply.

Section 306-21. Severability. If any article, section, subsection, paragraph, phrase or sentence of this Local Law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereof.

Section 2. Adoption of Law. This Local Law shall take effect immediately upon filing with the Secretary of State.

Carried. Ayes-14, Nays-0, Absent-1 (Wildoner)

LEGISLATORS COMMENTS

Mr. Weslar stated that he thought there were good comments given at Wednesday's Public Hearing on the Recommended 2021 Budget.

Mr. Pasquale made a motion to adjourn, seconded by Mr. Whalen. **Motion to adjourn carried.** Ayes-14, Nays-0, Absent-1 (Wildoner). The meeting was adjourned at 5:23 p.m.

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