
**BROOME COUNTY LEGISLATURE
REGULAR SESSION
THURSDAY, AUGUST 23, 2001**

The Legislature convened at 5:11p.m. with a call to order by the Chair, Daniel A. Schofield. The Clerk, Louis P. Augostini, read the fire exit announcement and called the Attendance Roll, Present-17, Absent-2 (Burger, Wike).

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

Mr. Mather made a motion, seconded by Mr. Miller, that the minutes of the July 19, 2001 Special Session, the July 19, 2001 Regular Session and the August 13, 2001 Special Session be approved as prepared and presented by the Clerk. **Carried**, Ayes-17, Nays-0, Absent-2 (Burger, Wike).

Mr. Schofield noted that the committee minutes for the period July 13 through August 16, 2001 had been distributed to the members of each committee for review and that they are also on file in the Clerk's Office. The Clerk indicated that a quorum of all committees were present. Mr. Schofield asked for corrections to the committee minutes. Seeing none, a motion to approve the committee minutes was made by Mr. Kolba, seconded by Ms. Sweet. **Carried**, Ayes-17, Nays-0, Absent-2 (Burger, Wike).

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY EXECUTIVE:

Letters from the County Executive, Jeffrey P. Kraham:

- A. Appointing John E. Cahill as Director of Real Property Tax Services III
- B. Declaration of Emergency re: processing of recyclable materials

PRESENTATION OF PETITIONS, COMMUNICATIONS, NOTICES & REPORTS:

- A. Petitions: None
- B. Communications:
 - 1. Telecommunications Tower Application in the Town of Sanford
 - 2. Application for Collocation of Cellular antenna in the Town of Dickinson
 - 3. Application to erect a telecommunications tower in the Town of Kirkwood
 - 4. State Equalization Rates for 2001
 - 5. Acknowledgement of receipt of Resolutions 01-351 and 01-276 from Governor Pataki's Office
 - 6. Acknowledgement of receipt of Resolution supporting Assembly Bill A6773 to establish boundaries of Broome and Chenango Counties from Assemblyman Clifford Crouch.
 - 7. Audit and Control:
 - a. Willow Point Nursing Home Payroll Audit
 - 8. Broome Community College:
 - a. Adopted Budget 2001-2002
 - b. Minutes of Public Hearing, July 12, 2001 re: proposed budget
 - 9. Minutes:
 - a. Nanticoke Landfill Citizens Advisory Committee
 - b. Soil and Water Conservation District
 - c. Environmental Management Council
 - 10. Completion of review of Agricultural District #4

B. Notices:

1. Special Meeting of Education, Culture & Recreation Committee on July 19, 2001 to accept Libous Children's Program Grant for the Public Library
2. Review of Agricultural District #4
3. Special Joint Meeting of County Administration, Public Works and Finance Committees on August 16, 2001 re: update on Broome County recycling

C. Reports:

1. Personnel: Monthly Attrition, June 2001, July 2001
2. Finance: Second Quarter 2001 Sales Tax Collection
3. Public Works: Quarterly Report of Pending Projects as of July 25, 2001
4. Broome Community College
 - a. June 2001 Budget Transfers
 - b. June 2001 Above Minimum Hires
5. Arena Box Office Control Review, August 2001
6. Mental Health: 2000 Annual Report

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY LEGISLATURE

Letters from the Chair, Daniel A. Schofield:

1. Appointing P. O'Day as Chair and A. Nannery as voting representative for T. Hull for Special Meeting of Education Culture & Recreation Committee on July 19, 2001
2. Appointing J. Holley as voting representative for D. Lindsey for Special Meeting of Education, Culture & Recreation Committee on July 19, 2001
3. Appointing J. Holley as Chair for P. O'Day for Special Meeting of Education, Culture & Recreation Committee on July 19, 2001
4. Appointing B. Mather as Legislative Representative to the Public Defender's Merit Selection Committee
5. Authorization to call Special Session on July 19, 2001 to consider Resolution #1-379 authorizing an agreement with RMSCO, Inc. for administration of Broome County Health and Flexible Benefits Plans

Mr. Holley made a motion, seconded by Mr. Lindsey, to receive and file the above referenced reports and to authorize and direct the Clerk to index said reports in the 2001 JOURNAL OF PROCEEDINGS and to publish pertinent portions of said reports as may be directed by the Chair. **Carried**, Ayes-17, Nays-0, Absent-2 (Burger, Wike).

Ms. Hudak and Mr. Kavulich were designated as participants with Chairman Schofield in the 'Short Roll Call'.

RESOLUTIONS RECALLED TO THIS SESSION

Mr. Howard made a motion, seconded by Mr. Shafer, to recall **Resolution No. 379**. **Motion to recall carried**, Ayes-15, Nays-2 (Kavulich, Whalen), Absent-2 (Burger, Wike).

Mr. Howard made a motion, seconded by Mr. Shafer, to amend the resolution as follows, the shaded text to be added, the strike out text to be deleted.

RESOLUTION NO. 379

By Finance and Personnel Committees

Seconded by Mr. Shafer

RESOLUTION AUTHORIZING AGREEMENT WITH RMSCO, INC. FOR ADMINISTRATION OF THE BROOME COUNTY HEALTH AND FLEXIBLE BENEFITS PLANS FOR RISK AND INSURANCE FOR 2001-2006

WHEREAS, the Manager of Risk and Insurance requests authorization for an agreement with RMSCO, Inc. for the administration of the Broome County Health and Flexible Benefits

Plans for Risk and Insurance at a cost not to exceed the budgeted appropriations, for the period ~~September 1, 2001 through August 31, 2006~~ commencing at 11:59 pm on December 31, 2001 through midnight December 31, 2006, and

WHEREAS, said services are necessary for the complete administration of the Medical and Flexible Benefits plans provided to Broome County employees, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with RMSCO, Inc., 115 Continuum Drive, Liverpool, New York 13088, for the administration of the Broome County Health and Flexible Benefits plans, for Risk and Insurance for the period ~~September 1, 2001 through August 31, 2006~~ commencing at 11:59 pm on December 31, 2001 through midnight December 31, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at the rates shown in the following table for the term of the agreement:

Contract Year	Health Plan per member/month	Flexible Medical per member/month	Flexible dependent care per member/month
9/1/01-8/31/02 12/31/01-12/31/02	\$11.00	\$3.20	\$3.20
9/1/02-8/31/03 12/31/02-12/31/03	\$11.00	\$3.20	\$3.20
9/1/03-8/31/04 12/31/03-12/31/04	\$11.00	\$3.20	\$3.20
9/1/04-8/31/05 12/31/04-12/31/05	\$11.00	\$3.20	\$3.20
9/1/05-8/31/06 12/31/05-12/31/06	\$11.00	\$3.20	\$3.20

♦ **Network Access will be billed monthly as a separate charge of \$6.00 per employee per month.**

♦ **"Run out" claims will be \$27,500 per month for ~~September through December 2001~~ January through April 2002, regardless of lag time or claim amounts.**

and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 050005.4743.252000 (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.

Motion to amend carried, Ayes-16, Nays-1 (Sweet), Absent-2 (Burger, Wike).

Mr. Pasquale made a motion, seconded by Mr. Howard, to add the following FURTHER RESOLVED paragraph [immediately following the second FURTHER RESOLVED paragraph]:

" FURTHER RESOLVED, that the County at its sole option may terminate the agreement authorized herein on thirty days written notice, and be it"

Motion to amend carried, Ayes-16, Nays-1 (Sweet), Absent-2 (Burger, Wike).

Mr. Pasquale made a motion, seconded by Mr. Howard, to add the following FURTHER RESOLVED paragraph [as the fourth FURTHER RESOLVED paragraph]:

“ FURTHER RESOLVED, that the Risk Manager is instructed, consistent with the law and existing collective bargaining agreements, to consult with County employees including at least seven (7) informational meetings and a distribution of printed literature outlining the change in health plan administration, and be it”

Motion to amend carried, Ayes-16, Nays-1 (Sweet), Absent-2 (Burger, Wike).

Resolution as amended carried, Ayes-14, Nays-3 (Kavulich, Sweet, Whalen), Absent-2 (Burger, Wike).

RESOLUTION TABLED TO A DATE CERTAIN AT A PREVIOUS SESSION

RESOLUTION NO. 300

By Health Services and Finance Committees

Seconded by Mr. Burger

RESOLUTION AUTHORIZING ACCEPTANCE OF A RESIDENTIAL PROGRAM GRANT FOR THE DEPARTMENT OF MENTAL HEALTH, ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH AND AUTHORIZING AN AGREEMENT WITH CATHOLIC CHARITIES TO ADMINISTER SAID PROGRAM FOR 2001

Carried, Ayes-16, Nays-1 (Hudak), Absent-2 (Burger, Wike).

RESOLUTIONS INTRODUCED AT THIS SESSION

RESOLUTION NO. 395

By Public Safety & Emergency Services and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING REVISION OF THE HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS GRANT FOR THE OFFICE OF EMERGENCY SERVICES AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2000-2001

WHEREAS, this County Legislature, by Resolution 562 of 2000, authorized and approved the renewal of the Hazardous Materials Emergency Preparedness Grant for the Office of Emergency Services and adopted a program budget in the amount of \$1,500 for the period April 1, 2000 through March 31, 2001, and

WHEREAS, said grant program provides for the support of ongoing development of hazardous materials response plans, and

WHEREAS, it is necessary at this time to reflect an increase of \$2,000 in grant appropriations and to extend the term of the grant through March 31, 2002, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Hazardous Materials Emergency Preparedness Grant in the total amount of \$2,000 and to extend the term of the Grant for the period April 1, 2000 through March 31, 2002, 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 \$3,500, and be it

FURTHER RESOLVED, that Resolution 562 of 2000, 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, and be it

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

FURTHER RESOLVED, that the County Executive or his duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) are hereby

authorized to make any transfers of funds required within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

Carried, Ayes-17, Nays-0, Absent-2 (Burger, Wike).

RESOLUTION NO. 396

By Public Works and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH CLOUGH, HARBOUR & ASSOCIATES, LLP FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS FOR 2000-2001

WHEREAS, this County Legislature, by Resolution 78 of 2000, as amended by Resolutions 125 and 205 of 2001, authorized an agreement with Clough, Harbour & Associates, LLP for professional engineering services relating to the design phase of the water system to serve the Binghamton Regional Airport and the Nanticoke Landfill, at a cost not to exceed \$619,913, for the period March 1, 2000 through July 1, 2001, and

WHEREAS, said services are necessary for the design phase, which includes plans, specifications and bid documents, and

WHEREAS, delays in the project caused by the New York State review process and in obtaining the necessary inter-municipal agreements require an extension of time to complete the design phase, and

WHEREAS, it is necessary to authorize an amendment to said agreement to provide for an extension of the contract period to December 31, 2001 at no additional cost to the County, and

WHEREAS, the Commissioner of Public Works has requested authorization for said amendment as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Clough, Harbour & Associates, LLP, The Galleries of Syracuse, 441 South Salina Street, Syracuse, New York 13202-4712 for an extension of time to December 31, 2001 to complete the design phase of the project at no additional cost to the County, and be it

FURTHER RESOLVED, that the new term of the agreement shall be from March 1, 2000 through December 31, 2001, and be it

FURTHER RESOLVED, that Resolutions 78 of 2000 and Resolutions 125 and 205 of 2001, 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-17, Nays-0, Absent-2 (Burger, Wike).

RESOLUTION NO. 397

By Transportation and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING SUPPLEMENT NO. 2 TO THE MASS TRANSPORTATION CAPITAL PROJECT AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR SEVERAL TRANSIT PROJECTS FOR THE DEPARTMENT OF PUBLIC TRANSPORTATION

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

WHEREAS, the Commissioner of Public Transportation requests authorization to enter into Mass Transportation Capital Project Supplemental Agreement Number 2 with respect to the following projects for the Broome Transit Public Transportation Program:

<u>PIN No.</u>	<u>Project</u>	<u>Total Cost</u>	<u>Federal Share</u>	<u>State Share</u>	<u>Local Share</u>
9820.42.001	Acquire 30 Bus Passengers Shelters	\$ 90,000	\$ 72,000	\$ 9,000	\$ 9,000
9H00.03.001	Preventive Maintenance	\$250,000	\$200,000	\$25,000	\$25,000
9H00.15.001	Purchase 3 Support Vehicles	\$ 63,000	\$0	\$63,000	\$0
9H00.21.001	Purchase 2 New Bus Lifts	\$ 65,000	\$0	\$65,000	\$0
9H00.41.001	Acquire 43 Mobile Fare Collection Equipment	\$150,000	\$120,000	\$15,000	\$15,000
	Agreement Total	\$618,000	\$392,000	\$177,000	\$49,000

and

WHEREAS, certain of these projects are eligible for funding under Title 23, United States Code, as amended, that calls for the apportionment of the costs thereof to be borne at the ratio of 80% federal funds and 20% non-federal funds, and

WHEREAS, State Mass Transportation Capital Aid is available to fund the non-federal aid-eligible portion of projects approved by the Commissioner of Transportation, provided such state funds shall not be used in substitution for the non-federal share of the federally funded portion thereof, and

WHEREAS, this County Legislature desires to advance said projects, now, therefore, be it RESOLVED, that the County Executive of the County of Broome be and is hereby authorized to execute all necessary agreements, certifications, or reimbursement requests for Federal Aid and/or State Mass Transit Capital Aid on behalf of Broome County with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal aid and state aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it

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

FURTHER RESOLVED, that this Resolution shall take effect immediately.

Carried, Ayes-17, Nays-0, Absent-2 (Burger, Wike).

RESOLUTION NO. 398

By Health Services and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH VARIOUS VENDORS FOR VARIOUS SERVICES FOR THE DEPARTMENT OF HEALTH'S HEALTHY LIVING PARTNERSHIP GRANT FOR 2001-2002

WHEREAS, this County Legislature, by Resolution 160 of 2001, authorized an agreement with various vendors for various services for the Department of Health's Healthy Living Partnership Grant at rates not to exceed the rates set by the New York State Department of Health, for the period April 1, 2001 through March 31, 2002, and

WHEREAS, said services are necessary to provide screening, diagnostic and follow up procedures for clients of the Department of Health's Healthy Living Partnership Program, and

WHEREAS, it is necessary to authorize the amendment to said agreement to include the updated New York State Department of Health's fee schedule shown as Exhibit "A" for the term of the agreement, and

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

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with various vendors to include the updated New York State Department of Health's fee schedule for various services shown in Exhibit "A" for the Department of Health's Healthy Living Partnership Grant for the period April 1, 2001 through March 31, 2002, and be it

FURTHER RESOLVED, that Resolution 160 of 2001, 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-17, Nays-0, Absent-2 (Burger, Wike).

RESOLUTION NO. 399

By Public Works and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH STRATEGIC POWER MANAGEMENT, LLC, FOR CONSULTING SERVICES FOR THE DIVISION OF SOLID WASTE MANAGEMENT FOR 2000-2001

WHEREAS, this County Legislature, by Resolution 103 of 2000, as amended by Resolutions 65 and 126 of 2001, authorized an agreement with Strategic Power Management, LLC, for consulting services for the Division of Solid Waste Management at a cost of \$21,000 (including out of pocket expenses), for January 1, 2000 through June 30, 2001, and

WHEREAS, said agreement provides consultant services to assist the County in determining the feasibility of using the power generated in County facilities and/or selling it to NYSEG or a power marketer and the feasibility of doubling the generating capacity of the landfill generator, and

WHEREAS, it is necessary to authorize an amendment to said agreement to continue consulting services in connection with the negotiations among and between Broome Energy Resources and NYSEG in regard to improving the economic benefits to the County of the landfill gas to electricity project at the Nanticoke Landfill at an additional cost of \$15,000, total cost not to exceed \$36,000, and to extend the term of the agreement to February 28, 2002, and

WHEREAS, the Commissioner of Public Works has requested authorization for said amendment as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Strategic Power Management, LLC, 51 Greenwich Avenue, Goshen, New York 10924, to continue consulting services associated with the negotiations with NYSEG and Broome Energy Resources regarding the production and purchase of electricity from the landfill gas to electricity project and to extend the term of the agreement to February 28, 2002, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an additional amount not to exceed \$15,000, total cost not to exceed \$36,000 for the term of the agreement, and be it

FURTHER RESOLVED, that Resolution 103 of 2000 and Resolutions 65 and 126 of 2001, 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-17, Nays-0, Absent-2 (Burger, Wike).

RESOLUTION NO. 400

By Finance and Public Works Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING SHORT TERM INTERFUND BORROWING FOR A PUBLIC WORKS PROJECT

WHEREAS, this County Legislature adopted the Capital Improvement Project 501353 to provide for the construction of a parking lot at the Willow Point Nursing Home, and

WHEREAS, said project is to be paid for through the County's bonding program, and

WHEREAS, it will be necessary to provide a temporary loan from other operating funds to provide sufficient cash to close out the project until the bond anticipation notes are sold to pay for the project, now, therefore, be it

RESOLVED, that the Commissioner of Finance is authorized to advance Capital Project 501353 (Willow Point Nursing Home Parking Lot Project) a short term interfund loan (at 0% interest) from other operating funds to provide sufficient cash until bond anticipation notes are sold.

Carried, Ayes-17, Nays-0, Absent-2 (Burger, Wike).

RESOLUTION NO. 401

By County Administration and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING AN AGREEMENT WITH IOS CAPITAL AND IKON OFFICE SOLUTIONS FOR THE LEASE AND RELATED SERVICE AGREEMENT FOR A DIGITAL COPY MACHINE FOR THE BOARD OF ELECTIONS FOR 2001-2006

WHEREAS, the Commissioners of the Board of Elections request authorization for an agreement with IOS Capital and IKON Office Solutions for a lease and related service agreement for a digital copy machine for the Board of Elections at a cost of \$139 per month plus an overage rate of .006 per copy when applicable, total amount not to exceed \$8,340, for the period August 31, 2001 through August 30, 2006, and

WHEREAS, said services are necessary to provide a copier at the Board of Elections, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a lease agreement with IOS Capital, P.O. Box 9115, Macon, Georgia 31208-9115 and related service agreement with IKON Office Solutions, 21 South Washington Street, Binghamton, New York 13903 to lease a digital copier for the Board of Elections for the period August 31, 2001 through August 30, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$139 per month, total amount not to exceed \$8,340 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 410001.4518.101000 (Copy Machine Rentals), 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-17, Nays-0, Absent-2 (Burger, Wike).

RESOLUTION NO. 402

By Community & Social Services and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING RENEWAL OF THE RUNAWAY AND HOMELESS YOUTH PROGRAM GRANT FOR THE YOUTH BUREAU, ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH AND ESTABLISHING AGREEMENTS WITH CATHOLIC CHARITIES AND THE BERKSHIRE FARM CENTER AND SERVICES FOR YOUTH TO ADMINISTER SAID PROGRAM FOR 2001

WHEREAS, this County Legislature, by Resolution 327 of 2000, authorized and approved the Runaway and Homeless Youth Program Grant for the Youth Bureau and adopted a program

budget in the amount of \$55,108 for the period January 1, 2000 through December 31, 2000, and

WHEREAS, this County Legislature, by Resolution 380 of 2000, authorized an agreement with Catholic Charities to administer the Transitional Living/Supported Residence portion of said grant program for an amount not to exceed \$30,000 for the period January 1, 2000 through December 31, 2000, and

WHEREAS, said grant program provides opportunities and support to teenagers who come from historically dysfunctional families by providing them with positive role models, a safe haven and support network to help them gain independence, and

WHEREAS, it is desired to renew said grant program in the amount of \$55,108, adopt a program budget, renew the agreement with Catholic Charities for an amount not to exceed \$30,000 to continue to administer the Transitional Living/Supported Residence portion of said grant for the period January 1, 2001 through December 31, 2001 and establish a new agreement with the Berkshire Farm Center and Services for Youth for the amount not to exceed \$17,273 to administer the Interim Family Host Homes portion of said grant for the period August 1, 2001 through December 31, 2001, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$55,108 from the Office of Children & Family Services, Suite 105, The Atrium, 2 Clinton Square, Syracuse, New York 13202, for the Youth Bureau's Runaway and Homeless Youth Program Grant for the period January 1, 2001 through December 31, 2001, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$55,108, and be it

FURTHER RESOLVED, that this County Legislature hereby approves renewal of the agreement with Catholic Charities of Broome County, 232 Main Street, Binghamton, New York 13905 for an amount not to exceed \$30,000 to administer the Youth Bureau's Transitional Living/Supported Residence portion of the Runaway Homeless Youth Grant Program for the period January 1, 2001 through December 31, 2001, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with Berkshire Farm Center and Services for Youth, 166 Water Street, Binghamton, New York 13901 to administer the Interim Family Host Homes portion of the Runaway and Homeless Youth Program Grant for the Youth Bureau for an amount not to exceed \$17,273 for the period August 1, 2001 through December 31, 2001, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 640052.4457.XXXXX (Subcontracted Program), and be it

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

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

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

Carried, Ayes-17, Nays-0, Absent-2 (Burger, Wike).

RESOLUTION NO. 403

By Health Services and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING ACCEPTANCE OF A JUVENILE ACCOUNTABILITY INCENTIVE PROGRAM GRANT FOR THE DEPARTMENT OF MENTAL HEALTH, ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH AND AUTHORIZING AN AGREEMENT WITH OUR LADY OF LOURDES HOSPITAL TO ADMINISTER SAID PROGRAM FOR 2001-2002

WHEREAS, the Commissioner of Mental Health requests authorization to accept a Juvenile Accountability Incentive Program Grant, to adopt a program budget in the amount of \$28,230 and to enter into an agreement with Our Lady of Lourdes Hospital to administer said program for the period September 1, 2001 through August 31, 2002, and

WHEREAS, said grant program's focus is to hold juveniles and their families accountable for abusive behaviors. The objectives are to reduce new offenses and court involvement by program participants who have successfully completed the family accountability program as well as reduce placements in non-secure detention facilities, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$28,230 from the Division of Criminal Justice Services, Four Tower Place, Albany, New York 12203-3764 for the Department of Mental Health's Juvenile Accountability Incentive Program Grant for the period September 1, 2001 through August 31, 2002, 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 \$28,230, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with Our Lady of Lourdes Hospital, 169 Riverside Drive, Binghamton, New York 13905 to administer said program grant for a total amount not to exceed \$28,230 for the period September 1, 2001 through August 31, 2002, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 470138.4718.104XXX (Contracted Services – Lourdes Hospital), and be it

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

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

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

Carried, Ayes-17, Nays-0, Absent-2 (Burger, Wike).

RESOLUTION NO. 404

By Health Services and Finance Committees

Seconded by Mr. Mather

RESOLUTION AUTHORIZING ACCEPTANCE OF REINVESTMENT FUNDS FROM THE NEW YORK STATE OFFICE OF MENTAL HEALTH FOR THE DEPARTMENT OF MENTAL HEALTH'S PEER RUN WEEKEND DROP-IN CENTER, ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH AND AUTHORIZING AN AGREEMENT WITH RECIPIENT AFFAIRS OFFICE TO IMPLEMENT THE PROGRAM FOR 2001

WHEREAS, the Commissioner of Mental Health requests authorization to accept reinvestment funds from the New York State Office of Mental Health for a peer run weekend drop-in center for the mentally ill chemical abuser (MICA) homeless population in the total

amount of \$38,940 and to enter into an agreement with the Recipient Affairs Office to implement the program for the period September 1, 2001 through December 31, 2001, and

WHEREAS, said funds will be used to establish a peer run weekend drop-in center to provide peer support, self-help, vocational services and informational/referral services to the MICA homeless population on weekends when many existing services are closed, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$38,940 from the New York State Office of Mental Health, 44 Holland Avenue, Albany, New York 12229 for the Department of Mental Health's Peer Run Weekend Drop-In Center for the MICA homeless population for the period September 1, 2001 through December 31, 2001, 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 \$38,940, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with the Recipient Affairs Office, 305 Clinton Street, Binghamton, New York 13905 to implement said program for a total amount not to exceed \$38,940 for the period September 1, 2001 through December 31, 2001, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 470138.5075.104XXX (Broome Recipient Affairs), and be it

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

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

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

Carried, Ayes-16, Nays-1 (Hudak), Absent-2 (Burger, Wike).

RESOLUTION NO. 405

By Health Services and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING AGREEMENT WITH REPORTERS TRANSCRIPTION CENTER FOR TRANSCRIPTION SERVICES FOR THE DEPARTMENT OF MENTAL HEALTH FOR 2001

WHEREAS, the Commissioner of Mental Health requests authorization for an agreement with Reporters Transcription Center for transcription services for the Department of Mental Health at a cost not to exceed \$20,000, for the period August 1, 2001 through December 31, 2001, and

WHEREAS, said services are necessary to provide transcription services via the telephone system as well as taped dictation with a guaranteed turnaround time of 24-36 hours, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Reporters Transcription Center, 71 State Street, Binghamton, New York 13901, for transcription services for the Department of Mental Health for the period August 1, 2001 through December 31, 2001, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$20,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 470013.4747.101000 (Other Fees for Services), and be it

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

Carried, Ayes-17, Nays-0, Absent-2 (Burger, Wike).

RESOLUTION NO. 406

By Health Services, Personnel and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING RENEWAL OF THE HIV/COUNSELING, TESTING, REFERRAL, PARTNER NOTIFICATION (f/k/a HIV/STD/TB OUTREACH) GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2001-2002

WHEREAS, this County Legislature, by Resolution 254 of 2000, authorized and approved the HIV/STD/TB Outreach and Education Grant for the Department of Health and adopted a program budget in the amount of \$51,200 for the period April 1, 2000 through March 31, 2001, and

WHEREAS, said grant program now provides HIV/STD/TB education, counseling and testing in the Broome County Correctional Facility, homeless shelters, drug rehabilitation residential units and community-based programs for high risk adolescents, and

WHEREAS, it is desired to renew said grant program in the amount of \$71,229 for the period May 1, 2001 through March 31, 2002, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$71,229 from the New York State Department of Health, STD Control Program, Empire State Plaza, Room 2523, Albany, NY 12237, for the Department of Health's HIV/Counseling, Testing, Referral, Partner Notification Program (f/k/a HIV/STD/TB Outreach and Education) Grant for the period May 1, 2001 through March 31, 2002, 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 \$71,229, and be it

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

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

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

Carried, Ayes-17, Nays-0, Absent-2 (Burger, Wike).

RESOLUTION NO. 407

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

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING AGREEMENT WITH NEW WORLD SYSTEMS FOR PROFESSIONAL SERVICES FOR THE OFFICE OF SHERIFF FOR 2001

WHEREAS, the Director of Information Technology requests authorization for an agreement with New World Systems for professional services for the Office of the Sheriff for an estimated 160 hours at a rate of \$140 per hour, plus \$6,000 for travel expenses, total cost not to exceed \$28,400 for the period July 23, 2001 through December 31, 2001, and

WHEREAS, said services are necessary to provide for installation and training for Mobile computing implementation for the Office of the Sheriff and other participating agencies and are being funded by the COPS MORE 1998 Program Grant, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with New World Systems, 888 West Big Beaver Road, Suite 1100, Troy, Michigan 48084, for professional services for the Office of the Sheriff for the period July 23, 2001 through December 31, 2001, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor for an estimated 160 hours at a rate of \$140 per hour, plus \$6,000 for travel expenses, total amount not to exceed \$28,400 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 450080.4726.104381 (Contracted Data Processing), 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-17, Nays-0, Absent-2 (Burger, Wike).

RESOLUTION NO. 408

By County Administration, Public Safety & Emergency Services and Finance Committees
Seconded by Mr. Brunza

RESOLUTION AUTHORIZING AGREEMENT WITH NEW WORLD SYSTEMS FOR PROFESSIONAL SERVICES FOR INFORMATION TECHNOLOGY FOR 2001

WHEREAS, the Director of Information Technology requests authorization for an agreement with New World Systems for professional services for Information Technology at a cost not to exceed \$11,000, for the period July 23, 2001 through December 31, 2001, and

WHEREAS, said services are necessary for installation, training and support for Bookings Module for the photo-imaging system at the Public Safety Facility, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with New World Systems, 888 West Big Beaver Road, Suite 1100, Troy, Michigan 48084, for professional services, for Information Technology for the period July 23, 2001 through December 31, 2001, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$11,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 370007.4726.101000 (Contracted Data Processing), 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-17, Nays-0, Absent-2 (Burger, Wike).

RESOLUTION NO. 409

By Health Services and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING REVISION OF COLORECTAL CANCER SCREENING AND PROSTATE CANCER EDUCATION PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2001-2002

WHEREAS, this County Legislature, by Resolution 161 of 2001, as amended by Resolution 306 of 2001, authorized the continued participation in the Colorectal Cancer Screening and Prostate Cancer Education Program Grant for the Department of Health and adopted a program budget in connection therewith in the total amount of \$90,000 for the period April 1, 2001 through March 31, 2002, and

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

WHEREAS, it is necessary at this time to revise said program to reflect an increase of \$9,205 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Colorectal Cancer Screening and Prostate Cancer Education Program Grant in the total amount of \$99,205 for the period April 1, 2001 through March 31, 2002, 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 \$99,205, and be it

FURTHER RESOLVED, that Resolution 161 and 306 of 2001, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

Carried, Ayes-17, Nays-0, Absent-2 (Burger, Wike).

RESOLUTION NO. 410

By Finance Committee

Seconded by Mr. Brunza

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

WHEREAS, the County of Broome now owns a certain parcel of real property in the Town of Union as a result of an in rem foreclosure, and

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

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

Town:	Union
Address:	14 Nebraska Avenue
Tax Map No.	157.07-2-7
Buyer:	David Holand and Sal Casaino 801 Bartholdi Street Bronx, New York 10467
Purchase Price:	\$300,000

and be it

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

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

Carried, Ayes-17, Nays-0, Absent-2 (Burger, Wike).

RESOLUTION NO. 411

By Finance and County Administration Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING AGREEMENT WITH SYSTEMS EAST, INC. FOR THE PURCHASE OF SOFTWARE FOR REAL PROPERTY TAX SERVICE FOR 2002

WHEREAS, the Director of Real Property Tax Service requests authorization for an agreement with Systems East, Inc. for the purchase of software for Real Property Tax Service at a cost not to exceed \$13,110, for the period January 1, 2002 through December 31, 2002, and

WHEREAS, said services are necessary to upgrade the printing and tax collection system used by the County, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Systems East, Inc, 64 Main Street, Suite 64, Cortland, New York 13045, for the purchase of software, for Real Property Tax Service for the period January 1, 2002 through December 31, 2002, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$13,110 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 630004.4359.101000 (Computer Software and Supplies), 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-17, Nays-0, Absent-2 (Burger, Wike).

RESOLUTION NO. 412

By Transportation, Personnel and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING ACCEPTANCE OF THE JOB ACCESS REVERSE COMMUTE/TEMPORARY ASSISTANCE FOR NEEDY FAMILIES GRANT FOR THE DEPARTMENT OF PUBLIC TRANSPORTATION AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2001-2003

WHEREAS, the Commissioner of Public Transportation requests authorization to accept the Job Access Reverse Commute/Temporary Assistance for Needy Families Program (JARC/TANF) Grant and adopt a program budget in the amount of \$1,227,100 for the period August 1, 2001 through December 31, 2003, and

WHEREAS, said grant program provides for the introduction of Sunday transit service as well as increased service on week nights and Saturdays, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$449,450 from the Federal Transit Administration (ADDRESS), and \$678,000 from New York State Department of Transportation (ADDRESS) for the Department of Public Transportation Job Access Reverse Commute/Temporary Assistance for Needy Families Program Grant for the period August 1, 2001 through December 31, 2003, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$1,227,100, and be it

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

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

FURTHER RESOLVED, that the County Executive or his duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) is hereby

authorized to make any transfers of funds required within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

Carried, Ayes-17, Nays-0, Absent-2 (Burger, Wike).

RESOLUTION NO. 413

By County Administration and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING AN AMENDMENT TO THE RESOLUTION ESTABLISHING RULES AND AUTHORIZING THE RENEWAL OF AN AGREEMENT WITH MEL MANASSE & SON, AUCTIONEERS FOR AUCTIONEER AND RELATED SERVICES FOR THE DIVISION OF PURCHASING'S ANNUAL AUCTION FOR 2001

WHEREAS, this County Legislature, by Resolution 198 of 2001, established the rules and authorized an agreement with Mel Manasse & Son, Auctioneers for auctioneer and related services for the Division of Purchasing's annual auction for 2001, for the period September 1, 2001 through October 31, 2001, and

WHEREAS, it is necessary to authorize an amendment to Resolution 198 of 2001 to include Tioga County and all its political subdivisions and contract agencies in the Division of Purchasing's annual auction for 2001 and to amend the agreement with the auctioneer for said auction, and

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

RESOLVED, that this County Legislature hereby authorizes an amendment to Resolution 198 of 2001 to include Tioga County and all its political subdivisions and contract agencies in the Division of Purchasing's annual auction for 2001, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Mel Manasse & Son, Auctioneers, 2924 U.S. Route 11, P. O. Box 738, Whitney Point, New York 13862 for auctioneer services to include Tioga County and all its political subdivisions and contract agencies for the period September 1, 2001 through October 31, 2001, and be it

FURTHER RESOLVED, that Resolution 198 of 2001, 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-17, Nays-0, Absent-2 (Burger, Wike).

RESOLUTION NO. 414

By Public Safety & Emergency Services and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING THE BROOME COUNTY SHERIFF TO DONATE UNCLAIMED BICYCLES HAVING NO VALUE TO THE COUNTY TO THE ROTARY CLUB OF NIMMONSBURG FOR USE AS AN INCENTIVE FOR A CHILDREN'S READING PROGRAM

WHEREAS, the Broome County Sheriff requests authorization to donate unclaimed bicycles having no value to the County to the Rotary Club of Nimmonsburg for use as an incentive to the Club's Children's Reading Program, at no cost to the County, and

WHEREAS, the Rotary Club of Nimmonsburg has offered to recondition the bicycles for use as an incentive for its Children's Reading Program, provide a safety helmet to recipients of the bicycles as well as a certificate of achievement for completion of the reading program, and

WHEREAS, under the authority of County Law Section 215, Subdivision 9, the Broome County Legislature may authorize the disposal of property having no value to the County, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the Sheriff of Broome County to donate unclaimed bicycles having no value to the County to the Rotary Club of Nimmonsburg

for use as an incentive for the Club's Children's Reading Program, at no cost to the County, and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately and shall continue in effect until rescinded or modified by this County Legislature, 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-17, Nays-0, Absent-2 (Burger, Wike).

RESOLUTION NO. 415

By Public Works and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR A STATE GRANT-IN-AID FOR A MUNICIPAL WASTE REDUCTION AND/OR RECYCLING PROJECT AND SIGNING OF THE ASSOCIATED STATE CONTRACT UNDER THE APPROPRIATE LAWS OF NEW YORK STATE

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects, and

WHEREAS, the County of Broome, herein called the Municipality, has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws, and

WHEREAS, it is necessary that a contract by and between the People of the State of New York, herein called the State, and the Municipality be executed for state aid, now, therefore, be it

RESOLVED, by the County Legislature of the County of Broome that the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized, and be it

FURTHER RESOLVED, that the Broome County Executive is directed and authorized as the official representative of the Municipality to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State, and be it

FURTHER RESOLVED, that the Municipality agrees that it will fund its portion of the cost of said Municipal Waste Reduction and/or Recycling project, and be it

FURTHER RESOLVED, that five (5) certified copies of this Resolution be prepared and sent to the New York State Department of Environmental Conservation, Albany, New York 12233-7253, together with one complete application, and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately.

Carried, Ayes-17, Nays-0, Absent-2 (Burger, Wike).

RESOLUTION NO. 416

By Finance Committee

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING AGREEMENT WITH KPMG, LLP FOR AUDITING SERVICES IN CONNECTION WITH THE SALE OF THE TOBACCO ASSET FOR 2001.

WHEREAS, this County Legislature, by Local Law 2 of 2001, authorized the creation of a Local Development Corporation (LDC) and the sale by the County to the LDC of the County's tobacco asset pursuant to the Master Settlement Agreement, and

WHEREAS, in connection with said sale it is necessary for an independent accounting firm to audit the transaction and render an opinion as to the validity thereof, and

WHEREAS, the Commissioner of Finance has recommended that the accounting firm of KPMG, LLP be retained to do this audit and render an opinion at a cost not to exceed \$10,000, now therefore be it

RESOLVED, that this County Legislature hereby authorizes an agreement with KPMG, LLP 113 South Salina Street, Syracuse, New York 13202 for auditing services in connection with

WHEREAS, the County Executive, pursuant to Article XXIV, Section 2409 of the Broome County Charter and Code and Section 1530 of the Real Property Tax Law, has appointed John E. Cahill as the Broome County Director of Real Property Tax Services III, subject to confirmation of said appointment by this County Legislature, and

WHEREAS, Mr. Cahill has completed all requirements for certification as a Director of Real Property Tax Services and is so duly certified, and

WHEREAS, the County Executive is requesting that the position of Director of Real Property Tax Services be upgraded from Grade G Admin to Grade I Admin with a minimum salary of \$65,294, and

WHEREAS, during Mr. Cahill's tenure additional duties have been assigned to the office of the Director of Real Property Tax Services, including the collection of taxes for municipalities within Broome County which generates significant revenue for the County, and

WHEREAS, during Mr. Cahill's tenure a program of installment payments has been implemented resulting in fewer tax foreclosures and increased revenue, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to Article XXIV, Section 2409 of the Broome County Charter and Code and Section 1530 of the Real Property Tax Law hereby confirms the appointment by the County Executive of John E. Cahill as Director of Real Property Tax Services III for a six year term commencing October 1, 2001 and expiring September 30, 2007 at Grade I Admin with a minimum salary of \$65,294.

Mr. Kavulich made a request that separate votes be taken on the appointment and the salary upgrade. The Chair granted the request. **Vote on the appointment carried**, Ayes-17, Nays-0, Absent-2 (Burger, Wike). **Vote on the upgrade carried**, Ayes-14, Nays-3 (Brunza, Kavulich, Pasquale), Absent-2 (Burger, Wike).

RESOLUTION NO. 419

By Finance Committee

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING THE SALE OF THE FORMER BROOME COUNTY LIBRARY PROPERTY TO STEVEN M. ANTLER

WHEREAS, the former Broome County Library facility on Exchange Street in the City of Binghamton is no longer needed for county purposes, and

WHEREAS, requests for proposals from those interested in purchasing the former library property have been solicited, and

WHEREAS, the only proposal was submitted by Steven M. Antler who proposes to purchase the premises for the sum of \$112,000, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the sale of the former Broome County Public Library property located at 78 Exchange Street and 5, 7 and 9 Congdon Place in the City of Binghamton to Steven M. Antler, One Main Street, Long Eddy, New York 12760 for the sum of \$112,000, and be it

FURTHER RESOLVED, that the sale proceeds shall be deposited in budget line 630004.0212.101000 (Sales of Real Property) and be it

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

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

RESOLUTION NO. 420

By County Administration and Finance Committees Seconded by Mr. Brunza
RESOLUTION AUTHORIZING AGREEMENT WITH IOS CAPITAL AND IKON OFFICE SOLUTIONS FOR A LEASE AND RELATED SERVICE AGREEMENT FOR A CANON IR 330 DIGITAL COPY MACHINE FOR THE DEPARTMENT OF CENTRAL FOODS FOR 2001-2006

WHEREAS, the Director of Central Foods requests authorization for an agreement with IOS Capital and IKON Office Solutions for a lease and related service agreement for a Canon IR 330 digital copy machine for the Department of Central Foods at a cost not to exceed \$139 per month for 5000 copies, plus an overage rate of .006 per copy when applicable, total amount not to exceed \$8,340, for the period September 1, 2001 through August 31, 2006, and

WHEREAS, said services are necessary to provide a copier for Central Foods, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with IOS Capital, P.O. Box 9115, Macon, Georgia 31208-9115 and related service agreement with IKON Office Solutions, 21 South Washington Street, Binghamton, New York 13905, for lease of a Canon IR 330 digital copier for the Department of Central Foods for the period September 1, 2001 through August 31, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$139 per month, total amount not to exceed \$8,340 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 230045.4518.251000, 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-17, Nays-0, Absent-2 (Burger, Wike).

RESOLUTION NO. 421

By Personnel, Finance and Health Services Committees Seconded by Mr. Brunza
RESOLUTION AUTHORIZING POSITION CHANGE REQUEST AND BUDGET TRANSFER FOR THE DEPARTMENT OF HEALTH

RESOLVED, that in accordance with a request from the Director of Health as contained in PCR#01-246, this County Legislature hereby authorizes the abolishment of (1) Public Health Nurse position, Part Time, at budget line 480301.1500.104564, minimum salary of \$30,559 FTE, Grade 17, Union CSEA, effective date 7/17/01.

FURTHER RESOLVED, that in accordance with a request from the Director of Health, in order to reallocate the funding for (1) PT Public Health Nurse position to the Personal Svcs Chargeback line in the PCI Grant as requested in BF# 003253, to fund an existing staff person as a Public Health Nurse, Grade 17, Union CSEA, through a chargeback in the grant, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
FROM:	480301	1500	104564	Salaries Part-time	36,603
	480301	8010	104564	NYS Retirement	220
	480301	8030	104564	Social Security	2,800
	480301	8040	104564	Workers' Comp.	732
	480301	8050	104564	Life Insurance	22
	480301	8060	104564	Health Insurance	8,075
	480301	8063	104564	Disability Insurance	140
	480301	8070	104564	Unemployment Insurance	366

TO: 480301 4610 104564 Personal Service Chargeback 48,958

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

Carried, Ayes-17, Nays-0, Absent-2 (Burger, Wike).

RESOLUTION NO. 422

By Finance, County Administration, Public Works, Education, Culture and Recreation and Transportation Committees Seconded by Mr. O'Day

RESOLUTION AUTHORIZING THE BUDGET TRANSFER FOR CENTRAL FOODS, PUBLIC WORKS, PARKS AND TRANSIT

RESOLVED, that in accordance with a request from the Commissioner of Public Works, in order to cover the cost of the purchase and installation of an additional battery cabinet and batteries for the 911 backup power as requested in BF#0002301, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index code</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
FROM:	900084	4752	101000	Contingency Fund	13,846
TO:	030114	4429	101000	Buildings & Grounds Expense	13,846

FURTHER RESOLVED, that in accordance with a request from the Commissioner of Public Works, in order to cover the unexpected steep rise in the price of Natural Gas as requested in BF#0002298, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index code</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
FROM:	900084	4752	101000	Contingency Fund	138,000
TO:	030031	4326	101000	Fuel & Heating Supplies	73,000
	** 030114	4326	101000	Fuel & Heating Supplies	65,000

* 030031 – Buildings and Grounds -Downtown Complex

** 030114 – Public Safety Facility

FURTHER RESOLVED, that in accordance with a request from the Commissioner of Parks, in order to cover the unexpected steep rise in the price of Natural Gas as requested in BF#0002299, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index code</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
FROM:	900084	4752	101000	Contingency Fund	55,620
TO:	650010	4326	101000	Fuel & Heating Supplies	14,500
	** 655027	4326	306000	Fuel & Heating Supplies	41,120

* 650010 – Forum Performing Art Theatre

** 655027 - Arena

FURTHER RESOLVED, that in accordance with a request from the Director of Central Foods, in order to cover the unexpected steep rise in the price of Natural Gas as requested in BF#0002298, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index code</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
FROM:	900084	4752	101000	Contingency Fund	6,100
TO:	230045	4326	251000	Fuel & Heating Supplies	6,100

FURTHER RESOLVED, that in accordance with a request from the Commissioner of Public Transportation, in order to cover the unexpected steep rise in the price of Natural Gas as requested in BF#0002300, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index code</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
FROM:	900084	4752	101000	Contingency Fund	10,900
TO:	220004	4326	203000	Fuel & Heating Supplies	10,900

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

Carried, Ayes-17, Nays-0, Absent-2 (Burger, Wike).

RESOLUTION NO. 423

By Personnel, Health Services, Economic Development & Planning, Public Safety & Emergency Services and Finance Committees

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUESTS FOR THE DEPARTMENT OF HEALTH (Title Change Only), PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT AND OFFICE OF THE SHERIFF

RESOLVED, that in accordance with a request from the Director of Health as contained in PCR#01-248, this County Legislature hereby authorizes the Title Change of (1) Education for Handicapped Children Program Coordinator position, Full Time, at budget line 480293.1000.101000, minimum salary of \$29,052, Grade 16, Union CSEA, to (1) Preschool Special Education Program Coordinator position, Full Time, at budget line 480293.1000.101000, minimum salary of \$29,052, Grade 16, Union CSEA, effective date 9/03/01, and be it

FURTHER RESOLVED, that in accordance with a request from the Commissioner of Planning as contained in PCR#01-250, this County Legislature hereby authorizes the abolishment of (1) Chief Planner position, Full Time, at budget line 440016.1000.101000, minimum salary of \$43,838, Grade 23, Union BAPA, and the creation of (1) GIS Administrator position, Full Time, at budget line 440016.1000.101000, minimum salary of \$46,165, Grade 24, Union BAPA, effective date 8/23/01, and be it

FURTHER RESOLVED, that in accordance with a request from the Commissioner of Planning as contained in PCR#01-243, this County Legislature hereby authorizes Creation of (1) Planner position, Temporary Full Time (75 Hrs), at budget line 440016.1600.101000, minimum salary of \$32,148, Grade 18, Union CSEA effective date 5/16/01, and be it

FURTHER RESOLVED, that in accordance with a request from the Sheriff as contained in PCR#01-230, this County Legislature hereby authorizes the abolishment of (8) Special Deputy positions, Temporary Full Time(80 Hrs), at budget line 450023.1600.101000, minimum salary of \$11/hour, Union AFSCME, and the creation of (8) Correction Officer positions, Full Time(80 Hrs), at budget line 450023.1000.101000, minimum salary of \$29,887, Union AFSCME, effective date 9/1/01.

Carried, Ayes-17, Nays-0, Absent-2 (Burger, Wike).

RESOLUTION NO. 424

By Finance and Transportation Committees Seconded by Mr. Shafer
RESOLUTION AMENDING THE 2000 CAPITAL IMPROVEMENT PROGRAM

RESOLVED, that the 2000 and 2001 Capital Improvement Program is hereby amended as follows:

FROM:

<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>		
502341	Purchase Buses/ Trolley and Expansion	457,021	457,021	0		0

<u>How Financed:</u>			
<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current Revenue</u>
2000	5	0	0

TO:

<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>		
502341	Purchase Buses/ Trolley	316,000	316,000	0		0

<u>How Financed:</u>			
<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current Revenue</u>
2000	5	0	0

Comments: Change of Title and a revision to remove the expansion portion of the project (\$141,021) and combine it in project 502355. (Previous resolution 00-234)

FROM:

<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>		
502355	State Dedicated Funds – Transit	500,000	500,000	0		0

<u>How Financed:</u>			
<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current Revenue</u>
2001	10	0	0

TO:

<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>		
502355	State Dedicated Funds – Transit Facilities Expansion	513,021	513,021	0		0

<u>How Financed:</u>			
<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current Revenue</u>
2001	10	0	0

Comments: Change of Title and a revision to add funds from project 502341 (\$141,021) and remove funds for Support Vehicle Replacement (\$63,000) and Purchase of Bus Lifts (\$65,000). A capital project for Support Vehicle Replacement has already been created (502338) and will be modified to show a total amount of \$63,000. A new capital project will be created for the Purchase of the Bus Lifts. (Previous resolution 01-348)

FROM:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>		
			<u>State</u>	<u>Federal/Other</u>	<u>County</u>
5012338	Transit Support Vehicle Replacement	55,000	44,000	5,500	5,500

<u>How Financed:</u>			
<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current Revenue</u>
2000	5	0	0

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>		
			<u>State</u>	<u>Federal/Other</u>	<u>County</u>
5012338	Transit Support Vehicle Replacement	63,000	63,000	0	0

<u>How Financed:</u>			
<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current Revenue</u>
2000	5	0	0

Comments: To modify this capital project to show a total amount of \$63,000. This is an increase of State funding of \$19,000 and a decrease of Federal and County funds of \$5,500 each. (previous resolution 2000 Capital Budget 99-515)

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Construction Cost:</u>		
			<u>State</u>	<u>Federal/Other</u>	<u>County</u>
502XXX	Purchase of Bus Lifts	65,000	65,000	0	0

<u>How Financed:</u>			
<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current Revenue</u>
2001	5	0	0

Description: To purchase 2 Bus Lifts for use in the maintenance garage (including dismantling and removal of existing bus lifts).

Comments: To create a separate project to capture the cost associated with the purchase of the bus lifts. (The funds are to be moved from CIP 502355)

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

Carried, Ayes-17, Nays-0, Absent-2 (Burger, Wike).

RESOLUTION NO. 425

By County Administration, Public Works and Finance Committees Seconded by Mr. Miller
RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 6, 2001, ENTITLED: "A LOCAL LAW AMENDING CHAPTER 179 OF THE BROOME COUNTY CHARTER AND CODE REGARDING LANDFILL FEES, AS AMENDED."

RESOLVED, that Local Law Intro. No. 6, 2001, entitled: "A LOCAL LAW AMENDING CHAPTER 179 OF THE BROOME COUNTY CHARTER AND CODE REGARDING LANDFILL

FEES, AS AMENDED," be and the same hereby is adopted and approved in accordance with the Broome County Charter, the Municipal Home Rule Law and all the applicable statutes and laws pertaining thereto.

LOCAL LAW INTRO. NO. 6, 2001

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

Section 1. Chapter 179 of the Broome County Charter and Code as amended, be and hereby is amended to read as follows:

A.) Section 179-25(B) is hereby amended to add the following definition:

"PARTICIPATING HAULER – an authorized agent of the County that utilizes the Nanticoke Landfill exclusively for the disposal solid waste it collects.

B.) Section 179-35 is hereby amended to add the following sentence at the end of said section:

"The tipping fee imposed shall be \$70.00 per ton provided, however, that the tipping fee shall be waived for participating haulers."

Section 2. Except as herein above amended, Chapter 179 of the Broome County Charter and Code, as amended, shall remain in full force and effect.

Section 3. This local law shall become effective upon the filing with the Secretary of State.

Material in [brackets] deleted

Material underlined added

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

RESOLUTION NO. 426

By County Administration Committee

Seconded by Mr. Brunza

RESOLUTION REQUESTING THE NEW YORK STATE LEGISLATURE SUPPORT AND ADOPT LEGISLATION THAT WOULD MANDATE LIFE-TIME PAROLE FOR CONVICTED SEX OFFENDERS

WHEREAS, this County Legislature believes that sex crimes committed against young people under the age of 14 or against any individual by force are among the most heinous of crimes in our society, and

WHEREAS, the innocent people of our society who are victims of such sex crimes are scarred for life, and

WHEREAS, said convicted sex offenders, following a period of good behavior, can be released from parole and often revert to a life of committing sex crimes, and

WHEREAS, every individual citizen of our community, especially our young children, are entitled to protection against convicted sex offenders, and

WHEREAS, if a convicted sex offender were on life-time parole, the individual could be returned to prison for violation of the terms of his/her parole, now, therefore, be it

RESOLVED, that the Broome County Legislature respectfully requests the New York State Legislature support and adopt legislation that would mandate all persons convicted of the following sex offences and released from prison be placed on life-time parole:

- Rape in the First and Second Degree
- Sodomy in the First and Second Degree
- Sexual Abuse in the First and Second Degree
- Aggravated Sexual Abuse in the First and Second Degree

and be it

FURTHER RESOLVED, that a copy of this resolution be sent to the Honorable George Pataki, Governor; Honorable Joseph Bruno, Majority Leader of the Senate; Honorable Sheldon Silver, Speaker of the Assembly; Honorable Thomas Libous, State Senator; Honorable Robert Warner, Member of the Assembly; and Honorable Jay Dinga, Member of the Assembly.

Ms. Hudak made a motion, seconded by Mr. Shafer, to amend the last FURTHER RESOLVED adding the New York State Association of Counties to the distribution. **Amendment carried**, Ayes-17, Nays-0, Absent-2 (Burger, Wike). **Resolution as amended carried**, Ayes-17, Nays-0, Absent-2 (Burger, Wike).

RESOLUTION NO. 427

By Finance and Public Works Committees

Seconded by Mr. O'Day

RESOLUTION AMENDING THE 2001 CAPITAL IMPROVEMENT PROGRAM

RESOLVED, that the 2001 Capital Improvement Program is hereby amended as follows:

TO:

			Estimated Construction Cost:		
<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>State</u>	<u>Federal/Other</u>	<u>County</u>
502XXX	Senior Citizen Centers	1,000,000	0	1,000,000	0

How Financed:					
<u>Year Start</u>	<u>YPU</u>	<u>Local Finance Law</u>	<u>Bond</u>	<u>Current Revenue</u>	
2001	15	11	0	0	

NOTE: Other Funds are Tobacco Funds

TO:

			Estimated Construction Cost:		
<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>State</u>	<u>Federal/Other</u>	<u>County</u>
501XXX	Road Reconstruction/ Rehabilitation	1,856,520	0	1,856,520	275,000

How Financed:					
<u>Year Start</u>	<u>YPU</u>	<u>Local Finance Law</u>	<u>Bond</u>	<u>Current Revenue</u>	
2001	15	20 (c)	275,000	0	

NOTE: Other Funds are Tobacco Funds. Breakdown as follows:

Rehabilitate CR 68, Old State Rd	=	525,000
Replace culvert CR 249 River Rd, Town of Sanford	=	200,000
Reconstruct CR 132 Dunham Hill Rd	=	1,406,250

TO:

<u>Code</u>	<u>Project Name</u>	<u>Estimated Construction Cost:</u>			<u>County</u>
		<u>Total</u>	<u>State</u>	<u>Federal/Other</u>	
502XXX	Bridge Reconstruction/ Rehabilitation	2,420,000	0	2,420,000	0

<u>How Financed:</u>				
<u>Year Start</u>	<u>YPU</u>	<u>Local Finance Law</u>	<u>Bond</u>	<u>Current Revenue</u>
2001	20	10	0	0

NOTE: Other Funds are Tobacco Funds. Breakdown as follows:
Remove overhead bridge structure over Vestal Rd = 170,000
Rehabilitate CR 177 structure over Susquehanna River = 850,000
Rehabilitation/Reconstruction of Bridge 3349180 = 750,000
Town of Colesville
Rehabilitation/Reconstruction of Bridges = 650,000
3350040 Town of Windsor
3349530 Town of Maine
3349200 Town of Colesville
3349190 Town of Colesville

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

Carried, Ayes-16, Nays-1 (Brunza), Absent-2 (Burger, Wike).

RESOLUTION NO. 428

By Finance Committee

Seconded by Mr. Howard

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

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

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

SECTION 2. Imposition of sales tax.

On and after June 1, 1974, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing March 1, 1994, and ending November 30, 2003, there is hereby imposed and there shall be paid an additional tax of one percent upon:

SECTION 2. Subdivision (e) of Section Three of Resolution No. 180 of 1965, as amended, is amended to read as follows:

(e) With respect to the additional tax of one percent imposed for the period commencing March 1, 1994, and ending November 30, 2003, the provisions of subdivision, (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to March 1, 1994, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to November 1, 1993, and the reference in subdivision

(b) to the date immediately preceding the effective date shall be read as referring to February 28, 1994. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to March 1, 1994, any transaction which may not be subject to the additional tax imposed effective on that date.

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

SECTION 4. Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after March 1, 1994, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (c) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing March 1, 1994, and ending November 30, 2003, the tax shall be at the rate of four percent, and on and after December 1, 2003, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) subdivision (a) of this section, for the period commencing March 1, 1994 and ending November 30, 2003, the tax shall be at the rate of four percent, and on and after December 1, 2003, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing March 1, 1994, and ending November 30, 2003, the tax shall be at the rate of four percent, and on and after December 1, 2003, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

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

(f) For purposes of clauses (C), (D), and (E) of subdivision (a) of this section, for the period March 1, 1994, and ending November 30, 2003, the tax rate shall be at the rate of four percent, and on and after December 1, 2003, the tax rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance for the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing March 1, 1994, and ending November 30, 2003, the tax rate shall be at the rate of four percent, and on and after December 1, 2003, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person

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

- (k) Exemption of certain energy sources and related services from additional one percent rate of tax. Notwithstanding any inconsistent provision of this resolution, receipts from the retail sale or use of fuel oil and coal used for residential purposes; the receipts from the retail sale or use of wood used for residential heating purposes; and the receipts from every sale, other than for resale, or use of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be exempt from the additional one percent rate of sales and compensating use taxes imposed by sections two and four, respectively, of this resolution for the period commencing March 1, 1994, and ending November 30, 2003.

SECTION 5. Subdivision One of Section Eleven of Resolution No. 180 of 1965, as amended, is amended to read as follows:

- (1) (A) In respect to the use of property used by the purchaser in the County prior to August 1, 1965.
- (B) With respect to the additional tax of one percent imposed for the period beginning March 1, 1994, and ending November 30, 2003, in respect to the use of property used by the purchaser in this County prior to March 1, 1994.

SECTION 6. Subdivision (e) of Section 14 of Resolution No. 180 of 1965, as amended, is amended to read as follows:

(e) Notwithstanding any other provision of this section to the contrary, one hundred percent of the net collection attributed to the additional one percent rate of sales and compensating use taxes imposed for the period March 1, 1994 through November 30, 2003, is hereby set aside for county purposes and shall be available for any county purpose. Provided, however, that where a city in the county imposes, at the rate of two percent or higher, the same taxes described in section 1210 of the Tax Law that the County imposes, then the provisions of subdivision (c) of this section shall apply.

SECTION 7. This enactment shall take effect on December 1, 2001.

Carried, Ayes-15, Nays-2 (Pasquale, Brunza), Absent-2 (Burger, Wike).

Mr. Howard made a motion to adjourn, seconded by Mr. Pasquale. **Motion to adjourn carried**, Ayes-17, Nays-0, Absent-2 (Burger, Wike). The meeting was adjourned at 5:54 p.m.

