
**BROOME COUNTY LEGISLATURE
REGULAR SESSION
THURSDAY, SEPTEMBER 18, 2003**

The Legislature convened at 5:06 p.m. with a call to order by the Chair, Daniel A. Schofield. The Clerk, Louis P. Augostini, read the fire exit announcement and called the Attendance Roll, Present-16, Absent-3 (Hudak, Mather, Shafer).

The Chair, Mr. Schofield, led the members of the Legislature in the Pledge of Allegiance to the Flag, followed by a moment of silence.

Mr. Howard made a motion, seconded by Ms. Nannery, that the minutes of the August 20, 2003 Regular Session be approved as prepared and presented by the Clerk. **Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

Mr. Schofield noted that the committee minutes for the period August 20, 2003 through September 17, 2003 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 Mr. Wike. **Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Mather, Shafer)

ANNOUNCEMENTS FROM THE CHAIR

Mr. Schofield announced that a public hearing will be held before the Economic Development and Planning Committee of the Broome County Legislature on October 7, 2003 at 4:30 p.m. in the Broome County Legislative Chambers pursuant to Section 303 of Article 25-AA of the New York State Agriculture and Markets Law, on the question of the continuation, by the Broome County Legislature, of the Broome County Agricultural District No. 5, located in the Towns of Barker Chenango, Lisle, Maine, Nanticoke and Triangle, for an additional eight (8) year period.

REPORT OF STANDING COMMITTEE

Ms. Nannery, Chair of the Education, Culture and Recreation Committee, announced that the tour of the Arena/Forum has been changed from Friday, September 19, 2003 to Friday, October 3, 2003 from 9:00 a.m. to noon.

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY EXECUTIVE:

Letters from the County Executive, Jeffrey P. Kraham:

- A. Power Disruption State of Emergency 8/14/03

PRESENTATION OF PETITIONS, COMMUNICATIONS, NOTICES & REPORTS:

- A. Petitions: None
- B. Communications:
 - 1. Minutes:
 - a. Broome County Association of Municipal Clerks 6/19/03
 - b. Landfill Citizens Advisory Committee 7/21/03
 - c. Broome County Soil & Water Conservation District 8/5/03
 - d. Broome County Fire Advisory Board 5/22/03
 - 2. NYS Board of Real Property Services-List of Certified 2003 State Equalization Rates 8/18/03
 - 3. NYS Board of Real Property Services-List of Certified 2003 Class Equalization Rates 8/18/03

-
4. NYS Governor George E. Pataki-Receipt of Resolution 03-328 "Requesting the State of New York To Amend the Penal Law, Social Services Law and applicable regulations to prevent the ongoing misuse of cash welfare benefits by eliminating and exploring alternative benefit distribution systems" and Resolution 03-329 "Requesting the State of New York amend the Social Services Law and applicable regulations to reform the Safety Net Assistance Welfare Program by prohibiting cash grants for non-disabled adults and assume full costs of this program"
 5. NYS Assemblyman Clifford W. Crouch- Receipt of Resolution 03-328 "Requesting the State of New York to amend the Penal Law, Social Services Law and applicable regulations to prevent the ongoing misuse of cash welfare benefits by eliminating and exploring alternative benefit distribution systems" and Resolution 03-329 "Requesting the State of New York amend the Social Services Law and applicable regulations to reform the Safety Net Assistance Welfare Program by prohibiting cash grants for non-disabled adults and assume full costs of this program"
 6. Legislature-Memo-Re: 2004 Budget Backup Material
- C. Notices:
1. Legislature-Regularly scheduled meeting of the Broome County Legislature on Thursday, August 21, 2003 changed to Wednesday, August 20, 2003
 2. Special Health and Human Services Committee meeting 8/20/03
- D. Reports:
1. BCC-Quarterly Income Statement
 2. Broome County Mental Health Department 2002 Annual Report
 3. Audit & Control-Sheriff's Department Commissary Administration Audit-September 2003
 4. Personnel-Monthly Attrition July 2003

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY LEGISLATURE

Letters from the Chair, Daniel A. Schofield:

1. Committee designations for M. Whalen and W. Miller during the week of August 11, 2003.

Mr. Kuzel made a motion, seconded by Mr. Wike, to receive and file the above referenced reports and to authorize and direct the Clerk to index said reports in the 2003 JOURNAL OF PROCEEDINGS and to publish pertinent portions of said reports as may be directed by the Chair. **Carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

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

RESOLUTIONS INTRODUCED AT THIS SESSION

RESOLUTION NO. 364

By County Administration and Finance Committees

Seconded by Mr. Wike

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 5 OF 2003 ENTITLED: "A LOCAL LAW AMENDING SECTION 185 OF THE BROOME COUNTY CHARTER AND ADMINISTRATIVE CODE WITH REGARD TO THE REDEMPTION PERIOD OF TAXES"

RESOLVED, that Local Law Intro. No. 5 of 2003 entitled "A Local Law Amending Section 185 of the Broome County Charter and Administrative Code with Regard to the Redemption Period on Taxes", 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. 5 OF 2003

“A Local Law Amending Section 185 of the Broome County Charter and Administrative Code with Regard to the Redemption Period on Taxes

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

SECTION 1. Chapter 185-79C of the Broome County Charter and Code, as amended, modifying the redemption period with regard to taxes becoming liens, be and hereby is amended to add a new section C to read as follows:

Section 185-79 Redemption Period

- C. With respect to taxes becoming a lien in 2003 and thereafter, the Redemption period shall be twenty-four (24) months after the lien date.

SECTION 2. This law shall be effective upon filing with the Secretary of State.

Note: Material underlined is added.
Material in [brackets] is deleted.

Carried, Ayes-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 365

By Economic Development & Planning Committee

Seconded by Mr. Pasquale

RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME-TIOGA WORKFORCE DEVELOPMENT BOARD

WHEREAS, Jeffery P. Kraham, Broome County Executive, pursuant to the authority vested in him by Resolution 499 of 2000, has duly designated and appointed the following named individuals to membership on the Broome-Tioga Workforce Development Board, for the terms indicated, subject to confirmation by this County Legislature:

<u>NAME</u>	<u>TERM EXPIRING</u>
JoAnne Civiletto 305 ½ E. Main Street, 2E Endicott, New York 13760	6/30/04 Private Sector
Kenneth C. Smith 58 Meadow Lane Kirkwood, New York 13795	6/30/04 Private Sector
Jim Short, 1718 Farm to Market Road Endwell, New York 13760	6/30/04 Private Sector
Helen C. Veres 311 Paul Street Endicott New York 13760	6/30/04 Regional Sector
Norman J. Sweeney 92 Riverside Drive Binghamton, New York 13905	6/30/04 Public Sector

RESOLUTION NO. 368

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

RESOLUTION AUTHORIZING ACCEPTANCE OF A ROAD TO RECOVERY PROGRAM GRANT FOR THE OFFICE OF THE DISTRICT ATTORNEY AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004

WHEREAS, the District Attorney requests authorization to accept a Road to Recovery Program Grant and adopt a program budget in the amount of \$72,195 for the period October 1, 2003 through September 30, 2004, and

WHEREAS, said grant program provides non-violent felony offenders with a history of drug and alcohol abuse a treatment alternative to incarceration, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$70,000 from the New York State Division of Criminal Justice Services, Office of Funding and Program Assistance, 3rd Floor, 4 Tower Plaza, Albany, New York 12203 for the District Attorney's Road to Recovery Program Grant for the period October 1, 2003 through September 30, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$72,195, 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.

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

RESOLUTION NO. 369

By Health & Human Services and Finance Committees

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH FOOD BANK OF THE SOUTHERN TIER FOR FOOD DISTRIBUTION SERVICES FOR THE DEPARTMENT OF SOCIAL SERVICES FOR 2003

WHEREAS, this County Legislature, by Resolution 231 of 2002, authorized an agreement with the Food Bank of the Southern Tier for food distribution services for the Department of Social Services at an amount not to exceed \$15,000, for the period January 1, 2002 through December 31, 2002, and

WHEREAS, said services are necessary to assist the Food Bank of the Southern Tier with providing emergency feeding programs for impoverished and vulnerable Broome County residents, and

WHEREAS, said agreement expired by its terms on December 31, 2002, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$10,000, for the period January 1, 2003 through December 31, 2003, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with Food Bank of the Southern Tier, 945 County Route 64, Elmira, New York 14903 for food distribution services for the Department of Social Services for the period January 1, 2003 through December 31, 2003, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$10,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 670018.4747.103000 (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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 370

By Health & Human Services, Personnel and Finance Committees Seconded by Mr. Pasquale
RESOLUTION AUTHORIZING RENEWAL OF WOMEN, INFANTS AND CHILDREN (WIC) PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004

WHEREAS, this County Legislature, by Resolution 343 of 2002, authorized and approved the renewal of the Women, Infants and Children (WIC) Program Grant for the Department of Health and adopted a program budget in the amount of \$749,047 for the period October 1, 2002 through September 30, 2003, and

WHEREAS, said grant program is a special supplemental food program for an assigned caseload of 4,750 women, infants and children, and

WHEREAS, it is desired to renew said grant program in the amount of \$808,353 for the period October 1, 2003 through September 30, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$808,353 from the New York State Department of Health-WIC Program, 217 South Salina Street, Syracuse, New York 13202 for the Department of Health's Women, Infants and Children (WIC) Program Grant for the period October 1, 2003 through September 30, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$808,353, 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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 371

By Health & Human Services, Personnel and Finance Committees Seconded by Mr. Pasquale
RESOLUTION AUTHORIZING RENEWAL OF A MEDICAL RESERVE CORPS DEMONSTRATION PROJECT PROGRAM GRANT FOR DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004

WHEREAS, this County Legislature, by Resolution 33 of 2003, authorized and approved the Medical Reserve Corps Demonstration Project Program Grant for the Department of Health and adopted a program budget in the amount of \$50,000 for the period September 30, 2002 through September 29, 2003, and

WHEREAS, said grant program helps communities prepare and respond in the event of a public health emergency, and

WHEREAS, it is desired to renew said grant program in the amount of \$50,000 for the period September 30, 2003 through September 29, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$50,000 from the U.S. Department of Health and Human Services, Public Health Service, OMH, Rockwall II Building, 5515 Security Lane, Suite 1000, Rockville, Maryland 20852 for the Department of Health's Medical Reserve Corps Demonstration Project Program Grant for the period September 30, 2003 through September 29, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$ 50,000, 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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 372

By Personnel and Finance Committees

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING A LABOR AGREEMENT WITH AFSCME LOCAL 1883 FOR JANUARY 1, 2003 THROUGH DECEMBER 31, 2005

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

WHEREAS, this County Legislature, by Resolution 452 of 1999, authorized a written agreement with the AFSCME Local 1883 setting forth the terms and conditions of employment for those employees represented by said Union for the period January 1, 1999 through December 31, 2002, and

WHEREAS, a tentative agreement has been reached with AFSCME Local 1883 for the period January 1, 2003 through December 31, 2005, and

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

RESOLVED, that this County Legislature hereby authorizes an agreement with AFSCME Local 1883, setting forth the terms and conditions of employment for those employees represented by said Union for the period January 1, 2003 through December 31, 2005, and be it

FURTHER RESOLVED, that said agreement shall be upon substantially similar terms and conditions as the 1999 to 2002 written labor agreement with the exception of those changes listed on Exhibit "A" attached hereto, and be it

FURTHER RESOLVED, that the County Executive or 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.

EXHIBIT "A"

TENTATIVE AGREEMENT
BETWEEN
BROOME COUNTY AND AFSCME LOCAL 1883

For the purposes of extending the current collective bargaining agreement which expired 12/31/02, the parties have agreed to the following:

1. Article 21- Leave of Absence Without Pay
Insert language outlining the provisions of the Family Medical Leave Act of 1993.
2. Article 24 (e)- Sick Leave
Provide ability to require proof of illness satisfactory to employer following **10-** one or two day illness absences in a year. (previous-12)
3. Article 25 (a)- Bereavement Leave
Provide for bereavement leave with pay, in the event of a death in the employee's immediate family, of the next 3 **scheduled** days with regular pay, if needed. (previous 3 calendar days)
4. Article 26 (a)- Longevity Service Pay
Amend schedule to read:

Years of service	Payment	Previous
10-14	\$750	\$450
15-19	\$900	\$600
20-24	\$1,200	\$900
25-29	\$1,300	\$1,000
30+	\$1,600	\$1,300
5. Article 27 – Working Hours and Work Week
(D)- Agreement reached between Union and County to allow the Landfill Supervisor and Department management to agree on a work schedule outside of the contractual restrictions as desired by the parties.
(E) (i)- Increase Shift Differential for 2nd and 3rd shifts to:
2nd- \$.50/hr. (previous- \$.35/hr.)
3rd- \$.55/hr. (previous- \$.40/hr.)
(last increase- 1990-92 contract term)

(k)- Reduce the number of days of unauthorized absence to constitute an employee's resignation from 10 workdays to **5** workdays. This includes the failure to return to work following the expiration of a leave of absence.
6. Article 28- Holidays
(a)- Add: Floating holidays must be taken as full days, not in hourly increments.
All employees must work or be covered by paid leave time on the workdays immediately preceding and following the holiday to receive payment for the day.
7. Article 29- Vacations
(a)- Increase the maximum carryover of vacation carryover to **15** days per year for employees with a minimum of five years of service. (previous- 10 days)

-
8. Article 31- Health Insurance
Effective January 1, 2004, institute a co-pay for mail order maintenance drugs- **\$5.00**
Effective January 1, 2005, increase the co-pay for mail order maintenance drugs to- **\$10.00**
(h)- delete sub-paragraph- outdated language on contract re-opener.
 9. Article 35- Jury Duty and Civic Duty
(a)- Add: Verification of jury duty shall be provided by the employee in order to receive payment for absences for jury duty.
 10. Article 36- Overtime and Standby
Add: The County and Union have agreed to provide option for compensatory time in lieu of overtime payment. Such compensatory time is limited to a total of **24** hours in a calendar year.
 11. Article 46- Use of Employee Automobiles
Amend mileage rate to the current IRS mileage rate. (previous- \$. 185/mile).
 12. New Article- Labor Management Committee
Institute option to schedule a Labor Management Meeting to seek solutions to workplace issues.
 13. Article 37- Wages
2003- 2%
2004- 3%
2005- 3%
Upgrade Park Manager and Park Operations Manager titles- 2004- \$.50/hr.
2005- \$.50/hr.

Carried, Ayes-15, Nays-1 (Kuzel), Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 373

By Health & Human Services, Personnel and Finance Committees Seconded by Mr. Pasquale
RESOLUTION AUTHORIZING RENEWAL OF THE CHILDREN WITH SPECIAL HEALTH CARE NEEDS PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004

WHEREAS, this County Legislature, by Resolution 526 of 2002, as amended by companion resolution, authorized and approved the continued participation in the Children with Special Health Care Needs Program Grant for the Department of Health and adopted a program budget in the amount of \$20,000 for the period October 1, 2002 through September 30, 2003, and

WHEREAS, said grant program provides aid in determining the children with special needs, identifies relevant issues and works with State agencies to resolve such issues, and

WHEREAS, it is desired to renew said grant program in the amount of \$26,456 for the period October 1, 2003 through September 30, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$26,456 from the New York State Department of Health, Division of Family and Local Health, Corning Tower, Empire State Plaza, Albany, New York 12237-0657, for the Department of Health's Children with Special Health Care Needs Program Grant for the period October 1, 2003 through September 30, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$26,456, 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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 374

By Public Works and Finance Committees

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING AGREEMENT WITH SCS ENGINEERS, PC FOR DESIGN SERVICES FOR THE DIVISION OF SOLID WASTE MANAGEMENT FOR 2003-2005

WHEREAS, the Commissioner of Pubic Works requests authorization for an agreement with SCS Engineers, PC for design services for the Division of Solid Waste Management at a cost not to exceed \$58,254, for the period October 6, 2003 through September 30, 2005, and

WHEREAS, said services are necessary for design services to modify and upgrade the Broome County Landfill Gas Recovery System, from a recovery system to a recovery and emissions control system in order to meet more stringent EPA and NYSDEC gas emission control regulations and to design and permit a new collection infrastructure for the vertical landfill expansion of Sections II and III, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with SCS Engineers, PC, 2 Crosfield Avenue, Suite 422, West Nyack, New York 10994, for design services, for the Division of Solid Waste Management for the period October 6, 2003 through September 30, 2005, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$58,254 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 230086.4746.206000 (Engineering 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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 375

By Health & Human Services, Personnel and Finance Committees

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING RENEWAL OF THE EARLY INTERVENTION ADMINISTRATION/CHILD FIND PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004

WHEREAS, this County Legislature, by Resolution 525 of 2002, as amended by companion resolution, authorized and approved the continued participation in the Early Intervention Administration/Child Find Program Grant for the Department of Health and adopted a program budget in the amount of \$129,450 for the period October 1, 2002 through September 30, 2003, and

WHEREAS, said grant program provides funding to identify and register infants and children with suspected disabilities and developmental delays and refers them to the Early Intervention Program to ensure they are provided with appropriate services, and

WHEREAS, it is desired to renew said grant program in the amount of \$129,450 for the period October 1, 2003 through September 30, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$129,450 from the New York State Department of Health, Division of Family and Local Health, Corning Tower, Empire State Plaza, Albany, New York 12237-0657 for the Department of Health's Early Intervention Administration/Child Find Program Grant for the period October 1, 2003 through September 30, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$129,450, 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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 376

By Health & Human Services, Personnel and Finance Committees Seconded by Mr. Pasquale
RESOLUTION AUTHORIZING RENEWAL OF THE TRAFFIC SAFETY AWARENESS PROGRAM GRANT FOR DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004

WHEREAS, this County Legislature, by Resolution 357 of 2002, as amended by Resolution 575 of 2002, authorized and approved continued participation in the Traffic Safety Awareness Program Grant for the Department of Health and adopted a program budget in the amount of \$40,624 for the period October 1, 2002 through September 30, 2003, and

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

WHEREAS, it is desired to renew said grant program in the amount of \$40,624 for the period October 1, 2003 through September 30, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$40,624 from the Governor's Traffic Safety Committee, Department of Motor Vehicles, 6 Empire State Plaza, Room 414, Albany, New York 12228, for the Department of Health's Traffic Safety Awareness Program Grant for the period October 1, 2003 through September 30, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$40,624, 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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 377

By Health & Human Services and Finance Committees Seconded by Mr. Pasquale
RESOLUTION AUTHORIZING RENEWAL OF THE HEALTHY LIVING PARTNERSHIP/HRI PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004

WHEREAS, this County Legislature, by Resolution 571 of 2002, authorized and approved continued participation in the Department of Health's Healthy Living Partnership/HRI Program Grant, adopted a program budget in the amount of \$129,200 and authorized an agreement with Health Research, Inc., to administer said program for the period September 30, 2002 through June 29, 2003, and

WHEREAS, said grant program provides a regional approach to breast and cervical cancer screening and diagnostic services for eligible women in a five-county region that includes Broome, Tioga, Chenango, Otsego and Delaware Counties, and

WHEREAS, it is desired to renew said grant program in the amount of \$127,561 for the period June 30, 2003 through June 29, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$127,561 from Health Research, Inc., One University Place, Rensselaer, New York 12144-3455 for the Department of Health's Healthy Living Partnership/HRI Program Grant for the period June 30, 2003 through June 29, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$127,561, 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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 378

By Economic Development & Planning and Finance Committees Seconded by Mr. Pasquale
RESOLUTION AUTHORIZING ACCEPTANCE OF A SKILLS GAP II PROGRAM GRANT FOR THE OFFICE OF EMPLOYMENT AND TRAINING AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004

WHEREAS, the Director of Employment and Training requests authorization to accept a Skills Gap II Program Grant and adopt a program budget in the amount of \$100,000 for the period July 1, 2003 through March 31, 2004, and

WHEREAS, said grant program provides funds to perform outreach and recruitment activities working toward facilitating e-learning courses for 100 individuals and initiating a computer skills training pilot for 100 participants as well as evaluation and performance outcomes of said program training activities, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$100,000 from the New York State Department of Labor, Workforce Development and Training Division, Building 12, Room 450, Governor W. Averell Harriman State Office Building Campus, Albany, New York 12240 for the Office of Employment and Training's Skills Gap II Program Grant for the period July 1, 2003 through March 31, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$100,000, 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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 379

By Economic Development & Planning and Finance Committees Seconded by Mr. Pasquale
RESOLUTION AUTHORIZING AGREEMENT WITH UNITED WAY OF BROOME COUNTY, INC. FOR CONSULTANT SERVICES FOR OFFICE OF EMPLOYMENT AND TRAINING'S WORKFORCE INVESTMENT ACT YOUTH PROGRAMS FOR 2003-2004

WHEREAS, the Director of Employment and Training requests authorization for an agreement with United Way of Broome County, Inc. for consultant services for Office of Employment and Training's Workforce Investment Act Youth Programs at a rate of \$50 per hour, total amount not to exceed \$5,000, for the period July 1, 2003 through June 30, 2004, and

WHEREAS, said services are necessary to provide program management and outcome evaluation for youth programs, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with United Way of Broome County, Inc., P.O. Box 550, Binghamton, New York 13902, for consultant services for the Office of Employment and Training's Workforce Investment Act Youth Programs for the period July 1, 2003 through June 30, 2004, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor a rate of \$50 per hour, total amount not to exceed \$5,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 720730.4747.308127 (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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 380

By Public Safety & Emergency Services and Finance Committees Seconded by Mr. Pasquale
RESOLUTION AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE OFFICE OF MENTAL HEALTH FOR LEASE OF SPACE FOR THE OFFICE OF THE SHERIFF FOR 2003-2004

WHEREAS, the Office for the Sheriff desires to lease space at 425 Robinson Street in Binghamton for the purpose of investigations for an annual payment of \$2,000 and with an option for two one-year renewals, for the period October 1, 2003 through September 30, 2004, now, therefore be it

RESOLVED, that this Legislature hereby authorizes an agreement with the New York State Office of Mental Health, 44 Holland Avenue, Albany, New York 12201 for lease of space at 425 Robinson Street, Binghamton, New York for an annual payment of \$2,000 and with an option for two one-year renewals at the same cost and on substantially similar terms and conditions for the period October 1, 2003 through September 30, 2004, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 996025.603000 Subsidiary Trust Account 525525029, 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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 381

By Public Works Committee Seconded by Mr. Pasquale
RESOLUTION ACCEPTING AS COMPLETE THE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED BROOME COUNTY LANDFILL PERMIT MODIFICATION, ESTABLISHING A TIME TABLE FOR THE STATE ENVIRONMENTAL QUALITY REVIEW ACT PUBLIC COMMENT PHASE, AND ASSIGNING TASK AND DUTIES IN CONNECTION THEREWITH.

WHEREAS, the Broome County Legislature pursuant to Resolution 280 of 2003, has heretofore designated itself to act as lead agency for the proposed Broome County Landfill 6NYCRR Part 360 Solid Waste Management Permit Modification, and

WHEREAS, pursuant to Resolution 310 of 2003, this Legislature has adopted a "Positive Declaration" with respect to the environmental review for a permit modification, and

WHEREAS, the Broome County Division of Solid Waste Management has submitted a proposed Draft Supplemental Environmental Impact Statement, and this Legislature has reviewed said document for its adherence to the scope of issues set forth in Resolution 310 of 2003, and its compliance with the requirements of SEQRA and 6 NYCRR part 617.14, and

WHEREAS, this Legislature has determined that said document is complete in scope and content, fulfills the requirements of the aforesaid statute and regulation, and is adequate for public review, circulation, and comment, and

WHEREAS, a public hearing could aid this Legislature's decision-making process by providing a forum for, and an efficient mechanism for the collection of public comment, and

WHEREAS, it is desired at this time to initiate the public comment phase of the SEQRA process, to establish a time table for certain events in connection therewith, and to assign various tasks and duties in connection therewith, now, therefore, be it

RESOLVED, that this Legislature hereby determines that the proposed Draft Supplemental Environmental Impact Statement for the Broome County Landfill Permit Modification is complete in scope and content and adequate for public review, and directs the same be circulated for public review and comment as provided in 6 NYCRR part 617, and be it

FURTHER RESOLVED, that this Legislature hereby fixes the public comment period on this draft environmental impact statement to commence immediately and to conclude on November 5, 2003, and be it

FURTHER RESOLVED, that all written comments on the Draft Supplemental Environmental Impact Statement shall be filed with the Clerk of the Broome County Legislature, 6th floor, Edwin L. Crawford County Office Building, Government Plaza, Box 1766, Binghamton, New York 13902 and the Clerk of the Legislature shall maintain a file of all such comments and transmit them to this Legislature, and be it

FURTHER RESOLVED, that this Legislature determines that based on the aforesaid factors and those set forth in 6 NYCRR part 617.8(d), a public hearing on the Draft Supplemental Environmental Impact Statement should be held, and be it

FURTHER RESOLVED, that said public hearing shall be held at the Legislative session commencing at 5:00 p.m. to be held on October 16, 2003, and be it

FURTHER RESOLVED, that the public hearing shall be held in the Legislative chambers, 6th floor, Edwin L. Crawford County Office Building, Government Plaza, PO Box 1766, Binghamton, New York 13901, and be it

FURTHER RESOLVED, that the Chair of the Legislature shall preside over the public hearing and shall make all necessary arrangements for said hearing, including having transcripts thereof, prepared and transmitted to this Legislature, and be it

FURTHER RESOLVED, that the Chair of the Legislature, in cooperation with the Department of Law, and the Division of Solid Waste Management; is hereby directed to prepare and file a "Notice of Completion and Hearing," as provided in 6 NYCRR part 617.10(c) and (e), and file and make available copies of the draft supplemental environmental impact statement, as provided in 6 NYCRR part 617.10(d), and be it

FURTHER RESOLVED, that the Division of Solid Waste Management shall coordinate the preparation of the final supplemental environmental impact statement (FSEIS), and in connection therewith shall together with the Department of Law prepare a proposed statement of SEQRA findings and decision for this Legislature's consideration.

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

RESOLUTION NO. 382

By Public Works Committee

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING A CONSERVATION EASEMENT AGREEMENT WITH THE BROOME COUNTY SOIL AND WATER CONSERVATION DISTRICT

WHEREAS, Commissioner of Public Works has requested that the Broome County Soil and Water Conservation District be granted a no-cost conservation easement for the wetlands at the County's Nanticoke Landfill, and

WHEREAS, said easement would allow the Broome County Soil and Water Conservation District access to the landfill wetlands to monitor and ensure that the wetlands, required by the Army Corps of Engineers in the County's Wetlands Permit, remain undisturbed and in compliance with the County's permit, now, therefore, be it

RESOLVED, that this County Legislature hereby grants a no-cost conservation easement for the wetlands at the County's Nanticoke Landfill, as more fully illustrated in the map attached to this Resolution as Exhibit "A," 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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 383

By Health & Human Services, Personnel and Finance Committees

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING RENEWAL OF CHILD CARE AND DEVELOPMENT BLOCK GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004

WHEREAS, this County Legislature, by Resolution 407 of 2002, authorized and approved the Child Care and Development Block Grant for the Department of Social Services and adopted

a program budget in the amount of \$5,070,651 for the period October 1, 2002 through September 30, 2003, and

WHEREAS, said grant program provides funds for child care subsidies to low income families and for activities related to improving the quality and availability of child day care services, and

WHEREAS, it is desired to renew said grant program in the amount of \$7,775,834 for the period October 1, 2003 through September 30, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$7,775,834 from the New York State Office of Children and Family Services, Bureau of Early Childhood Services, 52 Washington Street, Rensselaer, New York 12144-2796, for the Department of Social Services' Child Care and Development Block Grant for the period October 1, 2003 through September 30, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$7,775,834, 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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 384

By Health & Human Services and Finance Committees

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING ACCEPTANCE OF THE REAL CHOICE SYSTEM CHANGE PROGRAM GRANT FOR THE COMMUNITY ALTERNATIVE SYSTEMS AGENCY AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2005

WHEREAS, the Director of the Community Alternative Systems Agency (CASA) requests authorization to accept a Real Choice System Change Program Grant and adopt a program budget in the amount of \$179,147 for the period October 1, 2003 through September 30, 2005, and

WHEREAS, said grant program provides funding to develop a model to provide consumers, caregivers and health care professionals with comprehensive and unbiased information on available long-term care services and programs, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$179,147 from the New York State Department of Health, Office of Medicaid Management, Administration Division, Empire State Plaza, Corning Tower, Room 2019, Albany, New York 12237 for CASA's Real Choice System Change Program Grant for the period October 1, 2003 through September 30, 2005, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$179,147, 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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 385

By Health & Human Services, Personnel and Finance Committees Seconded by Mr. Pasquale
RESOLUTION AUTHORIZING RENEWAL OF THE HOME ENERGY ASSISTANCE PROGRAM GRANT FOR THE OFFICE FOR AGING AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004

WHEREAS, this County Legislature, by Resolution 393 of 2002, authorized and approved the Home Energy Assistance Program for the Office for Aging and adopted a program budget in the amount of \$30,000 for the period October 1, 2002 through September 30, 2003, and

WHEREAS, said grant program provides assistance to meet the cost of home heating for eligible homeowners and renters based on household size, income and type of heating, and

WHEREAS, it is desired to renew said grant program in the amount of \$15,083 for the period October 1, 2003 through September 30, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$15,083 from the Broome County Department of Social Services, 38 Main Street, Binghamton, New York 13905 for the Office for Aging's Home Energy Assistance Program (HEAP) for the period October 1, 2003 through September 30, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$15,083, 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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 386

By Health & Human Services, Personnel and Finance Committees
Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING REVISION OF TITLE IIIC-1 CONGREGATE MEALS PROGRAM GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003

WHEREAS, this County Legislature, by Resolution 632 of 2002, authorized continued participation in the Title IIIC-1 Congregate Meals Program Grant for the Office for Aging and adopted a program budget in connection therewith in the total amount of \$878,908 for the period January 1, 2003 through December 31, 2003, and

WHEREAS, said grant program provides senior center operations, including meals, health and educational programs and access to benefits and operates in accordance with the 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 a decrease in the amount of \$2,190 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Title IIIC-1 Congregate Meals Program Grant to reflect a decrease of \$2,190 for the period January 1, 2003 through December 31, 2003, 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 \$876,718, and be it

FURTHER RESOLVED, that Resolution 632 of 2002, 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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 387

By Health & Human Services, Personnel and Finance Committees Seconded by Mr. Pasquale
RESOLUTION AUTHORIZING REVISION OF TITLE IIIB SUPPORTIVE SERVICES PROGRAM GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003

WHEREAS, this County Legislature, by Resolution 631 of 2002, authorized the continued participation in the Title IIIB Supportive Services Program Grant for the Office for Aging and adopted a program budget in connection therewith in the total amount of \$604,109 for the period January 1, 2003 through December 31, 2003, and

WHEREAS, said grant program provides a variety of services, including transportation, information and assistance, legal assistance, shopping services and caregiver services, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$3,321 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Title IIIB Supportive Services Program Grant to reflect an increase of \$3,321 for the period January 1, 2003 through December 31, 2003, 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 \$607,430, and be it

FURTHER RESOLVED, that Resolution 631 of 2002, 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

York 12223-0001, for the Office for Aging's Foster Grandparents-SOFA Program Grant for the period April 1, 2003 through March 31, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$13,513, 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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 390

By Health & Human Services and Finance Committees

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING RENEWAL OF THE USDA SUBSIDY GRANT FOR THE OFFICE FOR AGING AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004

WHEREAS, this County Legislature, by Resolution 395 of 2002, authorized and approved continued participation in the United States Department of Agriculture (USDA) Subsidy Program Grant for the Office for Aging and adopted a program budget in the amount of \$157,575 for the period October 1, 2002 through September 30, 2003, and

WHEREAS, said grant program provides a per meal reimbursement for Congregate and Home Delivered meals served through the Office for Aging Nutrition Program, and

WHEREAS, it is desired to renew said grant program in the amount of \$167,005 for the period October 1, 2003 through September 30, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$167,005 from the New York State Office for Aging, Empire State Agency, Building 2, Albany, New York 12223-0001 for the Office for Aging's USDA Subsidy Program Grant for the period October 1, 2003 through September 30, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$167,005, 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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 391

By Health & Human Services Personnel and Finance Committees Seconded by Mr. Pasquale
RESOLUTION AUTHORIZING REVISION OF THE INTEGRATED SOCIAL DAY CARE PROGRAM GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003

WHEREAS, this County Legislature, by Resolution 558 of 2002, authorized continued participation in the Integrated Social Day Care Program Grant for the Office for Aging and adopted a program budget in connection therewith in the total amount of \$34,056 for the period January 1, 2003 through December 31, 2003, and

WHEREAS, said grant program provides a social day care setting for mentally-challenged individuals and other clients, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$1,625 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Integrated Social Day Care Program Grant to reflect an increase of \$1,625 in grant appropriations for the period January 1, 2003 through December 31, 2003, 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 \$35,681, and be it

FURTHER RESOLVED, that Resolution 558 of 2002, 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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 392

By Health & Human Services, Personnel and Finance Committees Seconded by Mr. Pasquale
RESOLUTION AUTHORIZING REVISION OF THE WEATHERIZATION REFERRAL AND PACKAGING PROGRAM GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2002-2003

WHEREAS, this County Legislature, by Resolution 394 of 2002, authorized continued participation in the Weatherization Referral and Packaging Program Grant for the Office for Aging and adopted a program budget in connection therewith in the total amount of \$46,556 for the period August 1, 2002 through December 31, 2003, and

WHEREAS, said grant program provides for screening and assessment of elderly, low-income housing to determine energy-related needs dealing with health and safety concerns and to determine if client's needs can be met by the weatherization program assistance with home repairs and provides for assessment and assisted referral to help offset costs, plans and monitors, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$2,885 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Weatherization Referral and Packaging Program Grant to reflect an increase of \$2,885 for the period August 1, 2002 through December 31, 2003, 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 \$49,441, and be it

FURTHER RESOLVED, that Resolution 394 of 2002, 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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 393

By Health & Human Services, Personnel and Finance Committees

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING RENEWAL OF THE WEATHERIZATION REFERRAL AND PACKAGING PROGRAM GRANT FOR OFFICE FOR AGING AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004

WHEREAS, this County Legislature, by Resolution 394 of 2002 as amended by companion resolution authorized and approved continued participation in the Weatherization Referral and Packaging Program Grant for the Office for Aging and adopted a program budget in the amount of \$49,441 for the period August 1, 2002 through December 31, 2003, and

WHEREAS, said grant program provides for screening and assessment of elderly, low-income housing to determine energy-related needs dealing with health and safety concerns and to determine if client's needs can be met by the weatherization program assistance with home repairs and provides for assessment and assisted referral to help offset costs, plans and monitors, and

WHEREAS, it is desired to renew said grant program in the amount of \$49,392 for the period August 1, 2003 through July 31, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$49,392 from the New York State Office for Aging, Empire State Plaza, Agency Building 2, Albany, New York 12223-0001 for the Office for Aging's Weatherization Referral and Packaging Program Grant for the period August 1, 2003 through July 31, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$49,392, 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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 394

By Health & Human Services, Personnel and Finance Committees Seconded by Mr. Pasquale
RESOLUTION AUTHORIZING REVISION OF THE ROBERT WOOD JOHNSON FOUNDATION PROGRAM GRANT FOR THE OFFICE FOR AGING'S AGING FUTURES II PROJECT AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2002-2004

WHEREAS, this County Legislature, by Resolution 374 of 2002, authorized the acceptance of the Robert Wood Johnson Program Grant for the Office for Aging's Aging Futures II Project, adopted a program budget in connection therewith in the total amount of \$196,411 and authorized agreements with various vendors to administer said program for the period August 1, 2002 through January 31, 2004, and

WHEREAS, said grant program is necessary to provide data for a comprehensive community needs assessment for the elderly, and

WHEREAS, it is necessary at this time to revise said program to reflect a decrease in the amount of \$13,276 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Robert Wood Johnson Program Grant to reflect a decrease of \$13,276 for the period August 1, 2002 through January 31, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the revised program budget annexed hereto as Exhibit "A" in the total amount of \$183,135, and be it

FURTHER RESOLVED, that Resolution 374 of 2002, 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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 395

By Health & Human Services, Personnel and Finance Committees Seconded by Mr. Pasquale
RESOLUTION AUTHORIZING RENEWAL OF THE FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES AND ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2003-2004

WHEREAS, this County Legislature, by Resolution 405 of 2002, as amended by Resolution 335 of 2003, authorized and approved participation in the Food Stamp Employment and Training Grant for the Department of Social Services and adopted a program budget in the amount of \$110,784 for the period October 1, 2002 through September 30, 2003, and

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

WHEREAS, it is desired to renew said grant program in the amount of \$62,628 for the period October 1, 2003 through September 30, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$62,628 from the New York State Department of Labor, Governor Averell Harriman State Office Building Campus, Albany, New York 12240, for the Department of Social Services' Food Stamp Employment and Training Program Grant for the period October 1, 2003 through September 30, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$ 62,628, 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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 396

By Health & Human Services and Finance Committees

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING REVISION OF THE QUALITY ASSURANCE AND ACCOUNTABILITY PROJECT GRANT FOR THE DEPARTMENT OF MENTAL HEALTH, ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH AND AMENDING AGREEMENT WITH COORDINATED CARE SERVICES, INC. TO ADMINISTER SAID PROGRAM FOR 2002-2003

WHEREAS, this County Legislature, by Resolution 402 of 2002, as amended by Resolution 652 of 2002, authorized the continued participation in the Quality Assurance and Accountability Project Grant for the Department of Mental Health, adopted a program budget in the amount of \$185,200 and authorized an agreement with Coordinated Care Services, Inc. to administer said program for the period October 1, 2002 through December 31, 2003, and

WHEREAS, said grant program provides stronger management and quality assurances capabilities as well as monitoring performance expectations, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$81,000 in grant appropriations and amend the agreement with Coordinated Care services, Inc. to administer said program, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Quality Assurance and Accountability Project Grant to reflect an increase of \$81,000 for the period October 1, 2002 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 \$266,200, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Coordinated Care Services, Inc., 1099 Jay Street, Rochester, New York 14611, to administer said Program grant for a total amount of \$266,200, for the Department of Mental Health for the period October 1, 2002 through December 31, 2003, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 470138.4747.104705 (Other Fees for Services), and be it

FURTHER RESOLVED, those Resolutions 402 and 652 of 2002, 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) 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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 397

By Public Safety & Emergency Services and Finance Committees Seconded by Mr. Pasquale
RESOLUTION AUTHORIZING RENEWAL OF AGREEMENTS WITH FULTON AND TIOGA COUNTIES FOR HOUSING OF PRISONERS FOR THE OFFICE OF THE SHERIFF FOR 2003-2004

WHEREAS, this County Legislature, by Resolution 249 of 2002, authorized renewal of agreements with Fulton County at \$80 per day per prisoner and Tioga County at \$75 per day per prisoner for the housing of prisoners to relieve overcrowding at the Public Safety Facility for the period August 14, 2002 through August 13, 2003, and

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

WHEREAS, said agreements expired by their terms on August 13, 2003, and it is desired at this time to renew said agreement on substantially similar terms and conditions for the period August 14, 2003 through August 13, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreements with Fulton and Tioga Counties to house Broome County prisoners to relieve overcrowding at the Public Safety Facility for the period August 14, 2003 through August 13, 2004, and be it

FURTHER RESOLVED, that in consideration of said services, Broome County shall pay Fulton County, 2712 State Highway 29, Johnstown, New York 12095 an amount not to exceed \$80 per day per prisoner and Tioga County, 103 Corporate Drive, Owego, New York 13827 an amount not to exceed \$75 per day per prisoner, for the term of the agreement, and be it

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

FURTHER RESOLVED, that the County Executive or 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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 398

By Finance Committee

Seconded by Mr. Pasquale

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, 2005, 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, 2005, 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, 2005, the tax shall be at the rate of four percent, and on and after December 1, 2005, 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, 2005, the tax shall be at the rate of four percent, and on and after December 1, 2005, 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, 2005, the tax shall be at the rate of four percent, and on and after December 1, 2005, 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, 2005, the tax rate shall be at the rate of four percent, and on and after December 1, 2005, 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, 2005, the tax rate shall be at the rate of four percent, and on and after December 1, 2005, 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, 2005.

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, 2005, 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, 2005, is hereby set aside for county purposes and shall be available for any county purpose.

SECTION 7. This enactment shall take effect on December 1, 2003.

Carried, Ayes-14, Nays-2 (Brunza, Whalen), Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 399

By Transportation and Finance Committees

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING AGREEMENT WITH MCFARLAND-JOHNSON, INC. FOR CONSTRUCTION OBSERVATION AND ADMINISTRATION SERVICES FOR THE DEPARTMENT OF AVIATION FOR 2003-2004

WHEREAS, the Commissioner of Aviation requests authorization for an agreement with McFarland-Johnson, Inc. for construction observation and administration services for the Department of Aviation at a cost not to exceed \$81,800, for the period September 18, 2003 through May 31, 2004, and

WHEREAS, said services are necessary to ensure that construction work on the Passenger Boarding Bridge Project is done correctly and within specification, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with McFarland-Johnson, Inc., 49 Court Street, Binghamton, New York 13901, for construction observation and administration services for the installation of four new passenger boarding bridges, for the Department of Aviation, for the period September 18, 2003 through May 31, 2004, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$81,800 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 211037.2019.501381 (Other Improvements), 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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 400

By Finance and Transportation Committees

Seconded by Mr. Miller

RESOLUTION AMENDING THE 2003 CAPITAL IMPROVEMENT PROGRAM

RESOLVED, that the 2003 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/Other</u>	<u>County</u>
501382	Purchase Snow Removal Equipment	550,000	27,500	495,000	27,500

<u>Year Start</u>	<u>Local Finance Law Sec. 11</u>		<u>How Financed:</u>	
	<u>YPU</u>	<u>Subd.</u>	<u>Bond</u>	<u>Current Revenue</u>
2003	NA	NA	0	27,500 *

Description: This project will involve the purchase of a piece of new snow removal equipment. The new equipment will supplement the existing vehicle fleet and replace aging equipment making snow removal operations more efficient and effective. The intent of this project is to enhance winter safety operations. This project would combine the 2003 and 2004 snow equipment purchase projects.

TO:

<u>Code</u>	<u>Project Name</u>	<u>Estimated Construction Cost:</u>			
		<u>Total</u>	<u>State</u>	<u>Federal/Other</u>	<u>County</u>
501382	Purchase Snow Removal Equipment	196,874	9,844	177,186	9,844

<u>Year Start</u>	<u>Local Finance Law Sec. 11</u>		<u>How Financed:</u>	
	<u>YPU</u>	<u>Subd.</u>	<u>Bond</u>	<u>Current Revenue</u>
2003	NA	NA	0	9,844 *

Description: This project will involve the purchase of a piece of new snow removal equipment. The new equipment will supplement the existing vehicle fleet and replace aging equipment making snow removal operations more efficient and effective. The intent of this project is to enhance winter safety operations. This project would combine the 2003 and 2004 snow equipment purchase projects.

* Local share paid entirely with PFC funding.

FURTHER RESOLVED, the Commissioner of Finance is hereby authorized to make a short-term non-interest bearing interfund loan from other operating funds to the above Capital Project to provide cash sufficient to complete the project until state aid is received, and be it

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

Carried, Ayes-15, Nays-0, Absent-4 (Hudak, Hutchings, Mather, Shafer).

RESOLUTION NO. 401

By Public Works and Finance Committees

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE OF THE FEDERAL AID AND STATE "MARCHISELLI" PROGRAM- AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS THEREFOR

WHEREAS, a Project for Hooper Road over the Norfolk Southern, Southern Tier Main Line (BIN 3349740) in the Town of Union, Broome County, P.I.N. 9752.51 (the " Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, the County of Broome desires to advance the Project by making a commitment of 100% of the Federal and non-Federal share of the Locally Administered costs and 100% of the non-Federal share of the State Administered costs of the Preliminary Engineering and Right-of-Way Incidentals work, now, therefore, be it

RESOLVED, that this County Legislature hereby approves the above-subject project; and be it

FURTHER RESOLVED, that the Broome County Commissioner of Finance is authorized to pay in the first instance 100% of the Federal and non-Federal share of the Locally Administered costs and 100% of the non-Federal share of the State Administered costs of the Preliminary Engineering and Right-of-Way Incidentals work for the Project or portions thereof, and be it

FURTHER RESOLVED, that the sum of \$339,200 as previously appropriated pursuant to the 2000 Capital Improvement Program (C.I.P.), Project 502358 (Federal Aid Bridge Program), is made available to cover the cost of participation in the above phase of the Project, and be it

FURTHER RESOLVED, that in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, this County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation (NYSDOT) thereof, and be it

FURTHER RESOLVED, that the County Executive is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal-Aid and/or Marchiselli-aid on behalf of the County of Broome with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the County's first instance funding of project costs and permanent funding of the local share of the 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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 402

By Public Works and Finance Committees

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING AGREEMENT WITH BARTON & LOGUIDICE, PC FOR PROFESSIONAL ENGINEERING SERVICES FOR THE HOOPER ROAD BRIDGE PROJECT IN THE TOWN OF UNION FOR THE DEPARTMENT OF PUBLIC WORKS FOR 2003-2006

WHEREAS, the Commissioner of Public Works requests authorization for an agreement with Barton & Loguidice, PC for professional engineering services for the Hooper Road bridge in the Town of Union (BIN 3349740, PIN 9752.51) for the Department of Public Works at a cost not to exceed \$311,300, for the period October 1, 2003 through September 30, 2006, and

WHEREAS, said services are necessary to provide professional engineering services for the rehabilitation of the Hooper Road Bridge on County Road 33 over the Norfolk Southern Railroad Southern Tier Main Line, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Barton & Loguidice, PC, 290 Elwood Davis Road, P.O. Box 3107, Syracuse, New York, 13220 for professional engineering services, for the Department of Public Works for the period October 1, 2003 through September 30, 2006, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$311,300 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 035050.4746.501358 (Architectural – Engineering 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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 403

By Finance, Public Works, Health & Human Services and Transportation

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING THE BUDGET TRANSFER FOR PUBLIC WORKS AND HEALTH AND AVIATION

RESOLVED, that in accordance with a request from the Commissioner of Public Works in order to accept additional State Highway CHIPS Funds as requested in BF# 004158 this County Legislature hereby authorizes the Commissioner of Finance to make the following adjustment for 2003:

	<u>Index code</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
Increase	030122	4449	301000	Other Operational	357,618
Approp:				Expenses	
Increase	030106	0294	301000	Consolidated Highway	357,618
Revenue:				Aid	

and be it

FURTHER RESOLVED, that in accordance with a request from the Director of Public Health in order to Maximize the WIC Grant as requested in BF# 004425,004426, 004427 and 004428 this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds for 2003:

	<u>Index code</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
FROM:	480301	1000	104689	Salaries – Full Time	16,157
	480301	1600	104689	Salaries – Temporary	873
	480301	1900	104689	Salaries – Shift Differential	100
	480301	4311	104689	Books and Subscriptions	100
	480301	4411	104689	Postage & Freight	950
	480301	4419	104689	General Office Expense	961
	480301	4459	104689	Reserve for Program	8,492
	480301	4461	104689	Miles & Parking, Local	200
	480301	4463	104689	Education & Training	10
	480301	4606	104689	Telephone Chargeback	1,907
	480301	4615	104689	Gasoline Chargeback	47
	480301	4616	104689	Fleet Svcs Chargeback	176
	480301	8030	104689	Social Security	806

	<u>Index code</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
	480301	8040	104689	Workers' Compensation	2,165
	480301	8060	104689	Health Insurance	3,996
	480301	8070	104689	Unemployment Insurance	3,663
TO:	<u>Index code</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
	480301	1500	104689	Salaries – Part Time	10,518
	480301	1700	104689	Salaries – Overtime	750
	480301	4319	104689	Office Supplies	10,344
	480301	4346	104689	Training and Education	4,573
	480301	4349	104689	Misc. Operational Supplies	290
	480301	4363	104689	Med, Lab , Clinics	1,403
	480301	4418	104689	Dues & Memberships	1
	480301	4462	104689	Travel, Hotels and Meals	2,487
	480301	4609	104689	Data Processing	1,800
				Chargeback	
	480301	4614	104689	Other Chargeback Exp.	595
	480301	4617	104689	Duplicating/Printing	166
	480301	4618	104689	Office Supply Chargeback	1,762
	480301	4619	104689	Building Svcs Chargeback	425
	480301	8010	104689	State Retirement	5,401
	480301	8063	104689	Disability Insurance	88

and be it

FURTHER RESOLVED, that in accordance with a request from the Director of Public Health in order to Maximize the EI/Child Find Grant as requested in BF# 004451 and 004452 this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds for 2003:

FROM:	<u>Index code</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
	480301	1000	104735	Salaries – Full Time	136
	480301	8010	104735	State Retirement	231
	480301	8030	104735	Social Security	144
	480301	8040	104735	Workers' Compensation	289
	480301	8050	104735	Life Insurance	11
	480301	8060	104735	Health Insurance	348
	480301	8063	104735	Disability Insurance	46
	480301	8070	104735	Unemployment Insurance	740
TO:	<u>Index code</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
	480301	1500	104735	Salaries – Part Time	852
	480301	4319	104735	Office Supplies	266
	480301	4606	104735	Telephone Chargeback	232
	480301	4617	104735	Duplicating/Printing	595

and be it

FURTHER RESOLVED, that in accordance with a request from the Director of Public Health in order to Maximize Children with Special Health Care Needs Grant as requested in BF# 004433 this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds for 2003:

	<u>Index code</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
FROM:	480301	4610	104736	Personal Svcs Chargeback	40
	480301	8010	104736	State Retirement	48
	480301	8030	104736	Social Security	36
	480301	8040	104736	Workers' Compensation	43
	480301	8050	104736	Life Insurance	2
	480301	8060	104736	Health Insurance	121
	480301	8063	104736	Disability Insurance	6
	480301	8070	104736	Unemployment Insurance	85
TO:	480301	1500	104736	Salaries – Part Time	381

and be it

FURTHER RESOLVED, that in accordance with a request from the Commissioner of Aviation in order to cover the expenses of unanticipated roof repair, as requested in BF# 003164 this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds for 2003:

	<u>Index code</u>	<u>Subobject</u>	<u>Project</u>	<u>Title</u>	<u>Amount</u>
FROM:	210203	1000	207000	Salaries – Full Time	32,515
	210203	8030	207000	Social Security	2,485
TO:	210096	4423	207000	Bldg, Grounds & Equip Repair	35,000

and be it

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

Carried, Ayes-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 404

By Public Works and Finance Committees

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING AGREEMENT WITH THE BROOME COUNTY SOIL AND WATER CONSERVATION DISTRICT FOR WETLAND MONITORING SERVICES FOR THE DIVISION OF SOLID WASTE MANAGEMENT FOR 2003-2007

WHEREAS, the Commissioner of Public Works requests authorization for an agreement with the Broome County Soil and Water Conservation District for wetland monitoring services at the County's Nanticoke Landfill for the Division of Solid Waste Management at a rate of \$26 per hour, total cost not to exceed \$4,000, for the period October 1, 2003 through December 31, 2007, and

WHEREAS, said services are necessary to provide wetland monitoring services as part of the wetland mitigation work being conducted at the Nanticoke Landfill as required by the Army Corp of Engineers in the County's Wetlands Permit, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the Broome County Soil and Water Conservation District, 1163 Upper Front Street, Binghamton, New York 13905 for wetland monitoring services at the Nanticoke Landfill, for the Division of Solid Waste Management for the period October 1, 2003 through December 31, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at the rate of \$26 per hour, total amount not to exceed \$4,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 230086.4457.206000 (Subcontracted Programs), 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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 405

By Health & Human Services and Finance Committees

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH COORDINATED CARE, INC. FOR CONSULTANT SERVICES FOR THE DEPARTMENT OF SOCIAL SERVICES FOR 2004

WHEREAS, this County Legislature, by Resolution 217 of 2003, authorized renewal of the agreement with Coordinated Care Services, Inc. for consultant services for the Department of Social Services at an amount \$10,000, for the period July 1, 2003 through December 31, 2003, and

WHEREAS, said services are necessary to provide the department with a comprehensive review of Medicaid expenditures and factors driving local Medicaid costs and to provide 2004 and 2005 local budget projections and supporting documentation with the purpose of developing an accurate projection of the impact of Medicaid on the 2004 and 2005 County budget, and

WHEREAS, said agreement expires by its terms on December 31, 2003, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$10,000, for the period January 1, 2004 through December 31, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with Coordinated Care Services, Inc., 1099 Jay Street Building J, Rochester, New York 14611-1153 for consultant services for the Department of Social Services for the period January 1, 2004 through December 31, 2004, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$10,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 670018.4747.103000 (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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 406

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

Seconded by Mr. Miller

RESOLUTION AMENDING THE 2002 CAPITAL IMPROVEMENT PROGRAM

RESOLVED, that the 2002 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>	
501378	Arena and Forum Renovations	2,415,000	2,000,000	0	415,000

<u>Year Start</u>	<u>Local Finance Law Sec. 11</u>		<u>How Financed:</u>	
	<u>YPU</u>	<u>Subd.</u>	<u>Bond</u>	<u>Current Revenue</u>
2002	5	35	2,415,000*	415,000

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>	
501378	Arena and Forum Renovations	3,415,000	3,000,000	0	415,000

<u>Year Start</u>	<u>Local Finance Law Sec. 11</u>		<u>How Financed:</u>	
	<u>YPU</u>	<u>Subd.</u>	<u>Bond</u>	<u>Current Revenue</u>
2002	5	35	2,415,000*	415,000

Description: General renovations to the Arena and Forum. Including but not limited to engineering/design/construction of locker room renovations, skyboxes, concessions and arena club, audio-video system and miscellaneous interior wall treatments.

* Authority to bond is granted as a contingency in the event the transfer to capital herein authorized does not take place prior to the date the funds are needed for the capital project.

NOTE: The additional \$1,000,000 is a special State allocation and does not have to flow through the County operating budget.

and be it

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

Carried, Ayes-15, Nays-0, Absent-4 (Hudak, Hutchings, Mather, Shafer).

RESOLUTION NO. 407

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

RESOLUTION ADOPTING LOCAL LAW INTRO NO. 6 OF 2003, ENTITLED "A LOCAL LAW IMPOSING A WIRELESS COMMUNICATION SURCHARGE"

WHEREAS, Broome County has adopted a local law designating the Broome County Emergency Services Center as the sole public service answering point (PSAP) for wireless emergency E911 communications originating within Broome County, and

WHEREAS, the New York State Legislature has enacted a new County Law Section 308-c which authorizes Broome County to adopt, amend or repeal local laws to impose a surcharge in an amount not to exceed thirty cents (\$.30) per month on wireless communications service in Broome County to help pay for the costs associated with the installation and maintenance of the equipment necessary to provide an enhanced wireless 911 service, now, therefore, be it

RESOLVED, that Local Law Intro. No. 6 entitled "A LOCAL LAW IMPOSING A WIRELESS COMMUNICATION SURCHARGE", be and the same hereby is adopted and approved in accordance with the Broome County Charter, the County Law, the Municipal Home Rule Law and all the applicable laws and statutes pertaining thereto.

LOCAL LAW INTRO NO. 6 OF 2003

A Local Law Imposing A Wireless Communication Surcharge

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

SECTION 1. Definitions.
a.) "Wireless communication device" means any equipment used to access wireless communication service.

-
- b) "Wireless Communication Service" means all commercial mobile services, as that term is defined in [section 332\(d\) of title 47, United States Code](#), as amended from time to time, including, but not limited to, all broadband personal communications services, wireless radio telephone services, geographic area specialized and enhanced specialized mobile radio services, and incumbent- wide area specialized mobile radio licensees, which offer real time, two-way voice or data service that is interconnected with the public switched telephone network or otherwise provides access to emergency communications services.
 - c) "Place of Primary Use" means the street address that is representative of where the customer's use of the wireless communications service primarily occurs which must be: (a) the residential street address or the primary business street address of the customer; and (b) within the licensed service area of the wireless communications service supplier.
 - d) "County" means the County of Broome.
 - e) "Eligible wireless 911 service costs" means the costs defined in Section 325(16) of the County Law.

SECTION 2. Effective January 1, 2004, a surcharge of \$.30 per month shall be imposed on each wireless communications device that is served by wireless communication service rendered to a customer whose place of primary use is located in Broome County.

SECTION 3. The surcharge imposed pursuant to Section 2 above shall be reflected and made payable on bills rendered for wireless communications service.

SECTION 4. (a) each wireless communications service supplier serving the County shall act as a collection agent for the county and shall remit the funds collected pursuant to a surcharge imposed under the provisions of this section to the chief fiscal officer of the county every month. such funds shall be remitted no later than thirty days after the last business day of the month.

(b) each wireless communications service supplier shall be entitled to retain, as an administrative fee, an amount equal to two percent of its collections of a surcharge imposed under the provisions of this section.

(c) any surcharge required to be collected by a wireless communications service supplier shall be added to and stated separately in its billings to customers.

(d) each wireless communications service customer who is subject to the provisions of this section shall be liable to the county for the surcharge until it has been paid to the county except that payment to a wireless communications service supplier is sufficient to relieve the customer from further liability for such surcharge.

(e) no wireless communications service supplier shall have a legal obligation to enforce the collection of any surcharge imposed under the provisions of this section, provided, however, that whenever the wireless communications service supplier remits the funds collected to the county, it

shall also provide the county with the name and address of any customer refusing or failing to pay a surcharge imposed under the provisions of this section and shall state the amount of such surcharge remaining unpaid.

- (f) each wireless communications service supplier shall annually provide to the county an accounting of the surcharge amounts billed and collected.

SECTION 5. All surcharge monies remitted to the county by a wireless communications service supplier shall be expended only upon authorization of the local county legislative body for payment of eligible wireless 911 service costs. the county shall separately account for and keep adequate books and records of the amount and source of all such monies and of the amount and object or purpose of all expenditures thereof. If, at the end of any fiscal year, the total amount of all such monies exceeds the amount necessary for payment of the above mentioned costs in such fiscal year, such excess shall be reserved and carried over for the payment of those costs in the following fiscal year.

SECTION 6. The Director of Emergency Services shall notify, in writing, wireless communication service providers who are subject to the provisions of this local law of their obligation to collect the surcharge provided for herein no less than forty-five days prior to the date such provider is to begin adding said surcharge to the billings of its customers.

SECTION 7. This local law shall take effect upon filing with the Secretary of State.
Carried, Ayes-13, Nays-2 (Brunza, Kuzel), Absent-4 (Hudak, Hutchings, Mather, Shafer).

RESOLUTION NO. 408

By Health & Human Services, Personnel and Finance Committees Seconded by Mr. Pasquale
RESOLUTION AUTHORIZING RENEWAL OF THE PREVENTIVE DENTISTRY/DENTAL SEALANT GRANT FOR THE DEPARTMENT OF HEALTH, ADOPTING A PROGRAM BUDGET IN CONNECTION THEREWITH AND RENEWING AGREEMENT WITH UNITED HEALTH SERVICES HOSPITALS TO PROVIDE DENTAL SERVICES FOR 2003-2004

WHEREAS, this County Legislature, by Resolution 435 of 2002, authorized renewal of the Preventive Dentistry/Dental Sealant Grant for the Department of Health, adopted a program budget in the amount of \$92,296 and authorized an agreement with United Health Services Hospitals for dental services for the Department of Health's Dental Sealant Program Grant for the period October 1, 2002 through September 30, 2003, and

WHEREAS, said grant program promotes good oral hygiene to Broome County school children by providing dental exams, cleanings, sealants and educational services, and

WHEREAS, said agreement with United Health Services Hospitals will provide oral health education, oral health screening and dental services to second and third grade students and Head Start children who qualify for free and reduced price school lunch in eleven school districts, and

WHEREAS, it is desired to renew said grant program in the amount of \$134,872, adopt a program budget and renew the agreement with United Health Services Hospitals for dental services for the period October 1, 2003 through September 30, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$95,000 from the New York State Department of Health, Bureau of Dental Health, Empire State Plaza, Corning Tower, Room 542, Albany, New York 12237-0619, and \$39,872 from the Broome County Department of Social Services, for the Department of Health's Preventive Dentistry/Dental Sealant Grant for the period October 1, 2003 through September 30, 2004, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$134,872, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with United Health Services Hospitals, Ambulatory Services, 10-42 Mitchell Avenue, Binghamton, New York 13903, for dental services, for the Department of Health's Preventive Dentistry/Dental Sealant Grant for the period October 1, 2003 through September 30, 2004, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$27,500 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480301.4457.104XXX (Subcontracted Program Expense), 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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 409

By Finance Committee

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING AGREEMENT WITH MARSH USA FOR CONSULTING SERVICES FOR THE OFFICE OF RISK AND INSURANCE FOR 2003-2006

WHEREAS, this County Legislature by Resolution 363 of 2000 authorized an agreement for health plan consulting services for the Broome County Health Plan with Pricewaterhousecoopers, LLP for an amount not to exceed \$40,000, and

WHEREAS, the Pricewaterhousecoopers office has been sold to Community Bank, and

WHEREAS, the Risk and Insurance Manager has requested that a new contract be authorized with MARSH USA for employee benefits consulting services for the period September 1, 2003 through August 31, 2006 for an amount not to exceed \$35,000 annually, total contract not to exceed \$105,000, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with MARSH USA, P.O. Box 4988, Syracuse, New York 13221-4988, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$35,000 annually, total contract amount not to exceed \$105,000, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 050005.4724.252000 (Actuary Consultant), 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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 410

By Finance Committee

Seconded by Mr. Pasquale

RESOLUTION FIXING THE DATE, TIME AND PLACE OF A PUBLIC HEARING BY THE BROOME COUNTY LEGISLATURE ON THE 2004 TENTATIVE BUDGET

WHEREAS, the County Executive will present a tentative 2004 Budget to the members of the County Legislature on Wednesday, October 1, 2003, including a proposed budget, a capital program, and the budget message, and

WHEREAS, Section C606 of the Broome County Charter requires that the County Legislature hold a public hearing on the proposed budget, the capital program and the budget message submitted by the County Executive, now, therefore, be it

RESOLVED, that a Public Hearing on the tentative Broome County Budget for 2004 will be held on Thursday, October 16, 2003 at 7:30 p.m. in the Legislative Chambers, Sixth Floor, Edwin L. Crawford County Office Building, Government Plaza, Hawley Street, Binghamton, New York, and the Clerk of this County Legislature is hereby authorized to publish notice of said public hearing in the official newspaper(s) of the County pursuant to the provisions of the Broome County Charter.

Carried, Ayes-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 411

By Health & Human Services and Finance Committees

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH THE TOWN OF UNION FOR A COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE OFFICE FOR AGING'S NUTRITION PROGRAM TITLE III-C-1 BROOME WEST SENIOR CENTER FOR 2003-2004

WHEREAS, this County Legislature, by Resolution 555 of 2002, authorized renewal of the agreement with the Town of Union for Community Development Block Grant revenue in the amount of \$26,700 for the Office for Aging's Nutrition Program, Title III-C-1 Greater Endicott Senior Community Center, for the period October 1, 2002 through September 30, 2003, and

WHEREAS, said funds partially offset operating expenses associated with the Greater Endicott Senior Community Center, and

WHEREAS, said agreement expires by its terms on September 30, 2003, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$28,000, for the period October 1, 2003 through September 30, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the agreement with the Town of Union, 3111 East Main Street, Endwell, New York 13760 for Community Block Grant revenue for the Office for Aging's Nutrition Program, Title III-C-1 Broome West Senior Center for the period October 1, 2003 through September 30, 2004, and be it

FURTHER RESOLVED, that in consideration of said services, the Contractor shall pay the County an amount not to exceed \$28,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 760736.0900.104691 (Other Federal Revenue), 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-16, Nays-0, Absent-3 (Hudak, Mather, Shafer).

RESOLUTION NO. 412

By Personnel and Finance Committees

Seconded by Mr. Pasquale

RESOLUTION AUTHORIZING LABOR AGREEMENT WITH AFSCME LOCAL 1912 FOR 2004-2005

WHEREAS, the County of Broome, under the provisions of the Civil Service Law (Taylor Law) has heretofore recognized AFSCME Local 1912 as an employee organization for those certain Broome County employees represented by said union, and

WHEREAS, this County Legislature by Resolution No. 122 of 2001, authorized a written agreement with AFSCME Local 1912 setting forth the terms and conditions of employment for those employees represented by said union for the period January 1, 2001 through December 31, 2003, and

WHEREAS, a new tentative agreement has been reached with AFSCME Local 1912 for the period January 1, 2004 through December 31, 2005, and

WHEREAS, it is desired at this time to renew said labor agreement on the terms and conditions set forth in the Executive Summary of Major Contract Changes in Exhibit "A" attached hereto, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with AFSCME Local 1912, setting forth the terms and conditions of employment for those employees represented by said union, for the period January 1, 2004 through December 31, 2005, and be it

FURTHER RESOLVED, that the said agreement shall be upon substantially similar terms and conditions as the 2001 to 2003 written labor agreement with the exception of those changes listed on Exhibit "A" attached hereto, and be it

FURTHER RESOLVED, that the County Executive or 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.

EXHIBIT "A" TENTATIVE AGREEMENT BETWEEN BROOME COUNTY AND AFSCME LOCAL 1912

For the purposes of extending the current collective bargaining agreement which expires 12/31/03, the parties have agreed to the following:

14. Article 7- Grievance Procedure
Step 1 and Step 2- increase the response time a Supervisor must respond to a grievance to **5** days. (previous- 2 days).
Step 3- If the grievance is not settled at Step 2, a meeting will be arranged within **10** days between the Union and the County. (previous- 5 days).
15. Article 17 –Promotion and Filling of Vacancies
(e) Notices of selected employees must be posted within **3** workdays. (previous 2 workdays)
16. Article 24- Leave of Absence Without Pay
Insert language outlining the provisions of the Family Medical Leave Act of 1993.
17. Article 27- Sick Leave
(e)-Reduce the number of one and two day sick absences taken by employees in a year before management can require a doctor's certification from **12** to **9**.
New- Employees may receive up to a maximum of **5** days of accrued sick leave upon layoff from County employment.

18. Article 29- Longevity Service Pay

Amend to read:

Years of service	Payment	Previous
6-9	\$300	0
Effective 1/1/05 - Amend as follows:		
6-9	\$300 (no change)	\$300
10-14	\$ 900	\$750
15-19	\$1,050	\$900
20-24	\$1,350	\$1,200
25-29	\$1,450	\$1,300
30+	\$1,750	\$1,600

19. Article 30- Working Hours and Work Week

(B)- Buildings and Grounds- change the regular hours of work- Janitors to:

6:30am to 3:00pm or 6:00am to 2:30pm- (previous 6:30am to 3:00pm)

3:00pm to 11:30pm or 3:30pm to midnight-(previous 3:00pm to 11:30pm)

(C) – Parks Department

1)- Change hours of work to 7:00am to 3:30pm during November-February for Park Technicians and Sr. Park Technicians- (previous 7:30am to 4:00pm).

5)-Change hours of work at the Arena during hockey season to the following to utilize staff more effectively:

Schedule A (Sr. Park Technician)- Mon- Fri 7:00am to 3:30pm

Schedule B (Park Technician)- Mon, Sat, Sun 7:00am to 3:30pm

Tues, Wed 3:00pm to 11:30pm

Schedule C (Park Technician)- Thurs- Mon 3:00pm to 11:30pm

(E) 12- Reduce the number of days of unauthorized absence to constitute an employee's resignation from 10 workdays to **7** workdays. This includes the failure to return to work following the expiration of a leave of absence.

7. Article 40- Overtime and Standby

i) Amend limits on compensatory time accruals to:

Building and Grounds- **56** hours (previous 80 hours)

Parks – **40** hours (no change)

Highways- **32** hours (previous 24 hours)

8. Article 42- Wages

2004- 3%

2005- 2%

10. Article 50- Protective Devices and Clothing

Increase clothing allowance in the Parks Department- \$50.00/year (to \$250.00)

11. Modification and Termination

2-year agreement- 1/1/04-12/31/05.

Carried, Ayes-15, Nays-1 (Kuzel), Absent-3 (Hudak, Mather, Shafer).

Mr. Howard made a motion to adjourn, seconded by Mr. Wike. **Motion to adjourn carried**, Ayes-16, Nays-0, Absent-3 (Hudak, Hutchings, Mather, Shafer).. The meeting was adjourned at 5:32 p.m.

