
**BROOME COUNTY LEGISLATURE
REGULAR SESSION
September 20, 2007**

The Legislature convened at 6:00 p.m. with a call to order by the Chair, Mark R. Whalen. The Clerk, Eric S. Denk, read the fire exit announcement and called the Attendance Roll, Present-18, Absent-1(Hull).

The Chair, Mr. Whalen, led the members of the Legislature in the Pledge of Allegiance to the Flag, followed by an invocation by Ms. Buchta.

The Clerk, Eric S. Denk, announced corrections to the session minutes of August 23, 2007. Page 358 Resolution No. 428 in the third Whereas, first Resolved and first Further Resolved paragraphs the amount should be \$26,806 and on page 365 Resolution No. 441 the second Further Resolved paragraph should read "...Project 502358 (Federal Aid Bridge Program) and 2005 Capital Improvement Program Project 501408 (Airport Road Bridge Reconstruction Project)"

Mr. Gamar made a motion, seconded by Mr. Cleary, that the minutes of August 23, 2007, as corrected, and September 4, 2007 be approved as prepared and presented by the Clerk. **Carried.** Ayes-18, Nays-0, Absent-1 (Hull).

Mr. Whalen noted that the committee minutes for the period August 23, 2007 through September 19, 2007 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. Whalen asked for corrections to the committee minutes. Seeing none, a motion to approve the committee minutes was made by Mr. Gamar, seconded by Mr. Cleary. **Carried.** Ayes-18, Nay-0, Absent-1 (Hull).

ANNOUNCEMENTS FROM THE CHAIR

Chairman Whalen invited Black and Mr. LaBare to the podium. Mr. Black and Mr. LaBare presented a proclamation to the Maine Endwell Little League team and coaches.

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY EXECUTIVE:

- A. Letters from the County Executive, Barbara J. Fiala:
1. Appointment of Steven P. Reagan as Nursing Home Administrator

PRESENTATION OF PETITIONS, COMMUNICATIONS, NOTICES & REPORTS:

A. PETITIONS: NONE

B. COMMUNICATIONS:

1. Environmental Management Council Meeting Minutes 6/7/07
2. Environmental Management Council Meeting Minutes 7/12/07
3. Broome County Industrial Development Agency Meeting Minutes 7/20/07
4. Board of Acquisition and Contract Meeting Minutes 8/15/07
5. Board of Acquisition and Contract Meeting Minutes 8/22/07
6. Board of Acquisition and Contract Meeting Minutes 9/12/07
7. Broome County Soil & Water Conservation District Meeting Minutes 9/18/07
8. Town of Lisle Board Opposing the 2008 Election Chargeback
9. Office of the Sheriff- 2008 Budget Cuts
10. New York State Department of Environmental Conservation-Environmental Investigation Union/West Endicott
11. New York State Department of Environmental Conservation-Environmental Investigation North Endicott/Endwell

C. NOTICES:

1. Special Session September 4, 2007
2. Special Joint Personnel & County Administration Meeting September 12, 2007

D. REPORTS:

1. 2007-2008 Broome Community College Budget Public Hearing Minutes
2. Shumaker Consulting Engineering & Land Surveying, P.C.-Final Supplemental Environmental Impact Statement-Broome County Landfill Section IV Entrance Evaluation
3. Audit and Control-Quarterly Accounts Receivable Analysis 8/07
4. Personnel-Monthly Attrition 7/07
5. Broome Community College Quarterly Financial Reports 8/31/07
6. Testone Marshall Discenza CPA's-Independent Auditor's Reports 12/06

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY LEGISLATURE

- A. Letters from the Chair, Mark R. Whalen
1. Designations for Mr. Herz the week of 9/10/07

Chairman Whalen asked that Resolution 469 be presented at this time. Seeing no opposition Resolution 469 was acted on, but for the purpose of clarity, will be presented in numerical order.

Mr. Kuzel made a motion, seconded by Mr. Gamar, to receive and file the above referenced reports and to authorize and direct the Clerk to index said reports in the 2007 JOURNAL OF PROCEEDINGS and to publish pertinent portions of said reports as may be directed by the Chair. **Carried.** Ayes-17, Nays-0, Absent-1 (Hull, Materese).

Mr. Herz and Mr. Black were designated as participants with Chairman Whalen in the 'Short Roll Call'.

RESOLUTION RECALLED FROM A PREVIOUS SESSION

Mr. Howard made a motion, seconded by Mr. Marinich to recall Resolution No. 465. **Motion to recall carried.** Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 465

By Finance Committee

Seconded by Mr. Cleary

BOND RESOLUTION DATED AUGUST 23, 2007

RESOLUTION AUTHORIZING THE ISSUANCE OF \$566,676 BONDS OF THE COUNTY OF BROOME, NEW YORK TO PAY THE COST OF CAPITAL PROJECTS

The Clerk announced that the Finance Committee amended the resolution to \$566,676 throughout the resolution, and the amended resolution was approved by the Legislature on August 23, 2007. Due to a clerical error the resolution was published with the incorrect amounts. Mr. Howard made a motion, seconded by Mr. Herz to correct and republish the resolution with the correct amount of \$566,676. **Resolution as amended carried.** Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTIONS HELD OVER FROM PREVIOUS SESSION

RESOLUTION NO. 451

(Held over by Mr. Schofield)

By: County Administration and Finance Committee

Seconded by: Mr. Sanfilippo

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 8 OF 2007, ENTITLED "A LOCAL LAW AMENDING §106-5 OF THE BROOME COUNTY CHARTER AND CODE ESTABLISHING PENALTIES FOR LITTERING"

Mr. Gamar made a motion, seconded by Mr. Cleary for paragraph B to read "A violation of any provisions of Section 4. D of this Chapter shall be deemed a violation and any person found guilty thereof shall be liable to a fine not to exceed \$500 and/or 20 hours of community service or imprisonment not exceeding 30 days, or by any combination of such fine, community service, and imprisonment. The penalties for a second violation within a one-year period shall be a fine not to exceed \$750 and/or 40 hours of community service or imprisonment as set forth above. The penalties for more than two offenses within a one-year period shall be a fine not to exceed \$1000 or imprisonment or both such fine and imprisonment. Each day's violation shall constitute a separate offense." **Amendment carried.** Ayes-14, Nays-3 (Schofield, Shafer, Mather), Absent-2 (Hull, Materese). **Automatic hold over.**

RESOLUTION NO. 469

(Held over by Mr. Kuzel)

By: Education, Culture and Recreation and County Administration Committees

Seconded by:

RESOLUTION AUTHORIZING THE LEASE OF THE FORMER GRIPPEN PARK ICE RINK TO USABMX DURING THE PERIOD SEPTEMBER 1, 2007 THROUGH AUGUST 31, 2012

WHEREAS, USA BMX is a not-for-profit organization that operates Bicycle Motocross Tracks, and

WHEREAS, USA BMX wishes to lease the former Grippen Park Ice Rink for use as a BMX track, and

WHEREAS, a local group is in the process of incorporation as a not-for-profit corporation to be known as Grippen Park BMX, Inc. after which USA BMX would assign said lease of the former Grippen Park Ice Rink, and

WHEREAS the Commissioner of Parks and Recreation has requested authorization to enter into a lease agreement with USA BMX whereby USA BMX would lease the former Grippen Park Ice Rink for use as a BMX track during the period September 1, 2007 through August 31, 2012 with options to renew for two additional five year terms, now, therefore, be it

RESOLVED that this County Legislature hereby authorizes the lease of the former Grippen Park Ice Rink to USA BMX, P.O. Box 718, Chandler, AZ 85244 for the period September 1, 2007 through August 31, 2012 with options to renew said lease for two additional five year terms on the follows terms and conditions:

Broome County Will:

- restore utilities to the facility
- repair the enclosure fence.
- provide bleachers
- remove the refrigeration equipment associated with the former ice rink.
- repair and maintain the restrooms and the building exterior.

USA BMX Will:

- install a BMX track inside the facility
- pay all utility cost associated with the operation of the facility.

- repair and maintain the interior of the building with the exception of the restrooms
- provide insurance naming Broome County as an additional insured.

FURTHER RESOLVED, that in consideration of said lease USA BMX will, beginning September 1, 2008 pay Broome County annual rental in the amount of \$4,000 or ten (10%) percent of gross revenues received by USA BMX which ever is greater, and, be it

FURTHER RESOLVED, that said rental payments shall be credited to budget line 543017.0147.101005 (miscellaneous revenue), and, be it

FURTHER RESOLVED, that upon the incorporation and obtaining of an IRS 501(c)(3) determination by Grippen Park BMX, Inc. the County will consent to the assignment of said lease by USA BMX to Grippen Park BMX, Inc., and, be it

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

Mr. Marinich made a motion, seconded by Mr. Materese to add to the first Resolved paragraph under Broome County will: "Replace the concrete floor before USA BMX starts any work on the installation of the BMX track". **Amendment carried.** Ayes-18, Nays-0, Absent-1 (Hull) Mr. Black made a motion, seconded by Mr. Materese to add to the first Resolved paragraph under USA BMX will "not allow motorized use at the facility". **Amendment carried.** Ayes-18, Nays-0, Absent-1 (Hull). Mr. Kuzel made motion, seconded by Mr. Gamar to amend the first resolved paragraph to read under USA BMX will "repair and maintain the interior of the building with exception of the exterior restrooms". **Amendment carried.** Ayes-18, Nays-0, Absent-1 (Hull). **Resolution as amended carried.** Ayes-18, Nays-0, Absent-1 (Hull)

RESOLUTIONS INTRODUCED AT THIS SESSION

RESOLUTION NO. 471

By: Health and Human Services and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING REVISION OF HOME ENERGY ASSISTANCE PROGRAM GRANT FOR THE OFFICE FOR AGING AND ADOPTING A REVISED PROGRAM BUDGET FOR 2006-2007

WHEREAS, this County Legislature, by Resolution 417 of 2006, authorized and approved renewal of the Home Energy Assistance Program Grant for the Office for Aging and adopted a program budget in the total amount of \$30,000 for the period October 1, 2006 through September 30, 2007, and

WHEREAS, said program grant 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 necessary at this time to revise said program to reflect an increase in the amount of \$41,387, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Home Energy Assistance Program Grant to reflect an increase in the amount of \$41,387 for the period October 1, 2006 through September 30, 2007, 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 \$71,387, and be it

FURTHER RESOLVED, that Resolution 417 of 2006, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 472

By: Health and Human Services and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING RENEWAL OF HOME ENERGY ASSISTANCE PROGRAM GRANT FOR OFFICE FOR AGING AND ADOPTING A PROGRAM BUDGET FOR 2007-2008

WHEREAS, this County Legislature, by Resolution 417 of 2006, as amended by companion resolution, authorized and approved the Home Energy Assistance Program Grant for the Office for Aging and adopted a program budget in the amount of \$71,387 for the period October 1, 2006 through September 30, 2007, and

WHEREAS, said program grant 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 program grant in the amount of \$22,390 for the period October 1, 2007 through September 30, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$22,390 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 Grant for the period October 1, 2007 through September 30, 2008, 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 \$22,390, and be it

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

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

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 473

By: Health and Human Services, Personnel and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING RENEWAL OF WEATHERIZATION REFERRAL AND PACKAGING PROGRAM GRANT FOR OFFICE FOR AGING AND ADOPTING A PROGRAM BUDGET FOR 2007-2008

WHEREAS, this County Legislature, by Resolution 415 of 2006, authorized and approved the Weatherization Referral and Packaging Program Grant for the Office for Aging and

adopted a program budget in the amount of \$64,892 for the period August 1, 2006 through July 31, 2007, and

WHEREAS, said program grant 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 program grant in the amount of \$49,917 for the period August 1, 2007 through December 31, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$49,917 from the New York State Office for Aging, Empire State Plaza Agency Building 2, Albany, New York 12223-0001, for the Office for Agings Weatherization Referral and Packaging Program Grant for the period August 1, 2007 through December 31, 2008, 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 \$49,917, and be it

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

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

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 474

By: Health and Human Services and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING RENEWAL OF NUTRITION SERVICES INCENTIVE PROGRAM GRANT (NSIP) FOR THE OFFICE FOR AGING AND ADOPTING A PROGRAM BUDGET FOR 2007-2008

WHEREAS, this County Legislature, by Resolution 418 of 2006, authorized and approved the Nutrition Services Incentive Program Grant for the Office for Aging and adopted a program budget in the amount of \$169,727 for the period October 1, 2006 through September 30, 2007, and

WHEREAS, said program grant 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 program grant in the amount of \$174,817 for the period October 1, 2007 through September 30, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$174,817 from the Office for Aging's Nutrition Services Incentive Program for the period October 1, 2007 through September 30, 2008, 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 \$174,817, and be it

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

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

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 475

By: Health and Human Services and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING RENEWAL OF PERFORMANCE OUTCOMES MEASUREMENT PROJECT (POMP) PROGRAM GRANT FOR OFFICE FOR AGING AND ADOPTING A PROGRAM BUDGET FOR 2007-2008

WHEREAS, this County Legislature, by Resolution 409 of 2006, authorized and approved the Performance Outcomes Measurement Project (POMP) Program Grant for the Office for Aging and adopted a program budget in the amount of \$8,000 for the period September 30, 2006 through September 29, 2007, and

WHEREAS, said program grant provides funding for the Office for Aging to work with New York State Office for Aging and the Finger Lakes Geriatric Center of the University of Rochester in testing outcome measures developed under this project, and

WHEREAS, it is desired to renew said program grant in the amount of \$8,000 for the period September 30, 2007 through September 29, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$8,000 from the New York State Office for Aging, Empire State Agency Building 2, Albany, New York 12223-0001, for the Office for Aging's Performance Outcomes Measurement Project (POMP) Program Grant for the period September 30, 2007 through September 29, 2008, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$8,000, and be it

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

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

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 476

By: Health and Human Services and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING RENEWAL OF STEPS TO HEALTHIER US PROGRAM GRANT FOR THE OFFICE FOR AGING AND ADOPTING A PROGRAM BUDGET FOR 2007-2008

WHEREAS, this County Legislature, by Resolution 416 of 2006, authorized and approved the Steps to Healthier US Program Grant for the Office for Aging and adopted a program budget in the amount of \$8,000 for the period September 22, 2006 through September 21, 2007, and

WHEREAS, said program grant provides funding for the Office for Aging's Mission Meltaway Program, and

WHEREAS, it is desired to renew said program grant in the amount of \$8,000 for the period

September 22, 2007 through September 21, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$8,000 from the Broome County Department of Health, 225 Front Street, Binghamton, New York 13905, for the Office for Aging's Steps to Healthier US Program Grant for the period September 22, 2007 through September 21, 2008, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$8,000, and be it

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

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

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 477

By: Health and Human Services and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING RENEWAL OF THE 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 2007-2008

WHEREAS, this County Legislature, by Resolution 483 of 2006, authorized renewal of the agreement with the Town of Union for a Community Development Block Grant for the Office for Aging's Nutrition Program Title III-C-1 with revenue to the County in the amount of \$25,000 for the period October 1, 2006 through September 30, 2007, and

WHEREAS, said agreement is necessary to offset operating expenses associated with the Broome West Senior Center, and

WHEREAS, said agreement expires by its terms on September 30, 2007, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$25,000 for the period October 1, 2007 through September 30, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with the Town of Union, 3111 East Main Street, Endwell, New York 13760 for a Community Development Block Grant for the Office for Aging's Nutrition Program Title III-C-1 for the period October 1, 2007 through September 30, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the Town of Union shall pay the County \$25,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 761130.0900.105210 (Other Federal Revenue), and be it

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 478

By: Health and Human Services and Finance Committees

Seconded by: Mr. Cleary

RESOLUTION AUTHORIZING THE REIMBURSEMENT RATE FOR MILEAGE FOR THE OFFICE FOR AGING'S MEALS ON WHEELS VOLUNTEERS

WHEREAS, this County Legislature, by Resolution 177 of 2004 increased the rates to \$3.50 for meal routes departing from Binghamton and \$.37 per mile for meal routes more than 10 miles, for volunteers who use their own vehicles to deliver meals for the Office for Aging's Meals on Wheels Home Delivered Meals Program, and

WHEREAS, the Director of the Office for Aging requests authorization to increase the rate to \$4.00 for meal routes departing from Binghamton and \$.42 per mile for meal routes more than 10 miles, now, therefore, be it

RESOLVED, that the Broome County Office for Aging is hereby authorized to reimburse volunteers who use their own vehicles to deliver meals for the Office for Aging's Meals on Wheels Home Delivered Meals Program at the rate of \$4.00 for meal routes departing from Binghamton and \$.42 per mile for meal routes more than 10 miles, and be it

FURTHER RESOLVED, that the per mile reimbursement rate would change annually as the IRS rate changes, always staying at an amount of \$.065 below the IRS standard mileage rate, and be it

FURTHER RESOLVED, that the flat rate for routes departing from Binghamton would change by the same percentage (rounded to the nearest one hundredth) as the per mile rate charged, also based on the IRS mileage rate, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 761239.4465.105285 (& future projects) (Non-Employee Travel) and 761148.4465.105211 (& future projects) (Non-Employee Travel), and be it

FURTHER RESOLVED, that this Resolution shall take effect October 1, 2007 and be it

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

Carried. Ayes 17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 479

By: Health and Human Services, Personnel and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING REVISION OF THE MEDICAID TECHNOLOGIES ENHANCEMENT PROGRAM GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES AND ADOPTING A REVISED PROGRAM BUDGET FOR 2007

WHEREAS, this County Legislature, by Resolution 390 of 2007, authorized and approved renewal of the Medicaid Technologies Enhancement Program Grant for the Department of Social Services and adopted a program budget in the total amount of \$292,396 for the period January 1, 2007 through December 31, 2007, and

WHEREAS, said program grant provides for two full-time Clerk positions, two full-time Senior Clerk positions, one full-time Examiner and one Human Services Coordinator I position whose responsibility will be to perform Medicaid eligibility determinations, ensure quality control and image the Medicaid program records, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$15,020 in grant appropriations to fund one Senior Examiner position responsible for all Willow Point Nursing Home Medicaid applications, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Medicaid Technologies Enhancement Program Grant to reflect an increase in the amount of \$15,020 in grant appropriations to fund one Senior Examiner position responsible for all Willow Point Nursing Home Medicaid applications for the period January 1, 2007 through December 31, 2007, 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 \$307,416, and be it

FURTHER RESOLVED, that Resolution 390 of 2007, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 480

By: Health and Human Services and Finance Committees
Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING AGREEMENTS WITH LEVY, PHILLIPS & KONIGSBERG, LLP, DEPROSPO PETRIZZO & LONGO, and WEISER LLP TO RECOVER MEDICAID FUNDS FRAUDULENTLY PAID TO PROVIDERS

WHEREAS, there is the potential for Medicaid funds being fraudulently paid to providers, and

WHEREAS, the team of Levy, Phillips & Konigsberg, LLP, DeProspero Petrizzo & Longo, and Weiser LLP (the "Team") have developed expertise in forensic accounting, investigation, auditing, computer data mining and litigation and have proposed to evaluate Broome County's raw Medicaid claims data, investigate the data, identify targets, notify the targets and conduct compliance reviews and, if warranted, pursue litigation pursuant to Social Services Law §145-b or common law remedies to recover any funds paid to Medicaid providers based on fraudulent claims, and

WHEREAS, the New York State Association of Counties (NYSAC), based on publicly bid contracts entered into between the Team and Rockland and Orange Counties, has recommended the Team to the Counties of New York State, and

WHEREAS, The Team has offered to provide the above services to Broome County in connection with detection and recovery of Medicaid funds that may have been paid to Medicaid providers based on fraudulent claims on a contingent fee basis requiring no up front payments by the County, now, therefore be it

RESOLVED, that this County Legislature hereby authorizes agreements with Levy, Phillips & Konisberg, LLP, 800 Third Avenue, New York, NY 10022; DeProspero Petrizzo & Longo, 42 Park Place, Goshen, NY 10924; and Weiser LLP, 135 West 50th Street, New York, NY 10020 to provide forensic accounting, investigation, auditing, computer data mining and when warranted to identify targets, notify targets conduct compliance reviews and, if warranted pursue litigation on behalf of the County pursuant to Social Services Law §145-b and any common law remedies to recover any Medicaid funds that were paid by the County to Medicaid providers based on fraudulent claims, and be it

FURTHER RESOLVED, that as consideration for said services the County will pay the Team collectively thirty (30%) per cent of any recovery obtained by the Team on behalf of the County to be deducted from any recovery obtained by the Team plus the costs and disbursements incurred in said representation, to be paid from anticipated recoveries, and be it

FURTHER RESOLVED, that prior to incurring costs and disbursements the Team will obtain the written consent of the Broome County Attorney, and be it

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 481

By: Health and Human Services, Personnel and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING RENEWAL OF WOMEN, INFANTS AND CHILDREN (WIC) PROGRAM GRANT FOR DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2007-2008

WHEREAS, this County Legislature, by Resolution 371 of 2006, authorized and approved renewal of the Women, Infants and Children (WIC) Program Grant for the Department of Health and adopted a program budget in the amount of \$867,023 for the period October 1, 2006 through September 30, 2007, and

WHEREAS, said program grant is a supplemental food program for an assigned caseload of 4,812 women, infants and children, and

WHEREAS, it is desired to renew said program grant in the amount of \$959,085 for the period October 1, 2007 through September 30, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$959,085 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, 2007 through September 30, 2008, 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 \$959,085, and be it

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

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

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

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 482

By: Health and Human Services and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING AN AGREEMENT WITH VARIOUS VENDORS FOR SPEECH PATHOLOGY SERVICES FOR THE DEPARTMENT OF HEALTH'S EARLY INTERVENTION PROGRAM FOR 2007-2009 AND PRESCHOOL EDUCATION PROGRAM FOR 2007-2008

WHEREAS, the Director of Public Health requests authorization for an agreement with various vendors for services for the Department of Health's Early Intervention Program for the period October 1, 2007 through December 31, 2009 and the Preschool Education Program for the period October 1, 2007 through June 30, 2008 at rates set by the New York State Department of Health and the Broome County Health Department, and

WHEREAS, said agreements are necessary to provide speech pathology services for children with disabilities, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Shannon Stark, 205 Crocker Hill Road, Binghamton, New York 13904 and Carolyn VanHousen, 46 Davis Street, Binghamton, New York 13905 for speech pathology services for the Department of Health's Early Intervention Program for the period October 1, 2007 through December 31, 2009 and the Preschool Education Program for the period October 1, 2007 through June 30, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractors at the rates set by the New York State Department of Health and the Broome County Health Department as listed on Exhibit "B", and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 480293.various.101081 (Early Intervention Services and Evaluations), and 480293.various.101082 (Preschool Services), and be it

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 483

By: Health and Human Services Committee

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING A CLINICAL AFFILIATION AGREEMENT BETWEEN THE STATE UNIVERSITY OF NEW YORK, DECKER SCHOOL OF NURSING AND THE BROOME COUNTY HEALTH DEPARTMENT FOR 2007-2008

WHEREAS, the Director of Public Health requests authorization for a clinical affiliation agreement between the State of University of New York, Decker School of Nursing and the Broome County Health Department at no cost to the County for the 2007-2008 school year, and

WHEREAS, said agreement is necessary to provide a clinical site for the training of graduate and undergraduate nursing students, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a clinical affiliation agreement between the State University of New York at Binghamton, Decker School of Nursing, Vestal Parkway East, Vestal, New York 13850 and the Broome County Health Department for the 2007-2008 school year, at no cost to the County, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers,

approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 484

By: Health and Human Services, Personnel and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING REVISION OF PREVENTIVE DENTISTRY/DENTAL SEALANT PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A REVISED PROGRAM BUDGET FOR 2006-2007

WHEREAS, this County Legislature, by Resolution 382 of 2007, authorized and approved renewal of the Preventive Dentistry/Dental Sealant Program Grant for the Department of Health and adopted a program budget in the total amount of \$43,580 for the period July 1, 2006 through June 30, 2007, and

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

WHEREAS, it is necessary at this time to revise said program to reflect an increase in the amount of \$610 in grant appropriations, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Preventive Dentistry/Dental Sealant Program Grant to reflect an increase in the amount of \$610 for the period July 1, 2006 through June 30, 2007, 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 \$44,190, and be it

FURTHER RESOLVED, that Resolution 382 of 2007, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 485

By: Finance and Public Safety and Emergency Services Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR THE PUBLIC DEFENDER AND THE DISTRICT ATTORNEY

RESOLVED, that in accordance with a request from the Public Defender, in order to appropriate sufficient funds to various accounts to employ a temporary Intake Specialist as current employee is on disability as requested by BT# 0001486, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Subobject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	530006	1000	101000	Salaries – Full Time	4,000
TO:	530006	1600	101000	Salaries – Temp	4,000

and be it

FURTHER RESOLVED, that in accordance with a request from the District Attorney, in order to appropriate sufficient funds to various accounts as requested by BF#006542, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Subobject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	330001	1000	101000	Salaries- Full Time	19,537.67
TO:	330001	4449	101000	Other Operational	19,537.67

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 486

By: Public Safety and Emergency Services and County Administration Committees

Seconded by: Chairman Whalen

RESOLUTION REQUESTING NAMING THE THIRD FLOOR WAITING AREA WITHIN THE COUNTY AND FAMILY COURT BUILDING THE JOHN D. GENTILE FOYER

WHEREAS, John D. Gentile was a life long resident of Broome County, graduating Johnson City High School in 1938, and

WHEREAS, John D. Gentile was a veteran of World War II, serving in the U.S. Army as a Technical Sergeant throughout the Asian Pacific Theatre, and

WHEREAS, John D. Gentile had a long and distinguished career working for the Binghamton Press & Sun-Bulletin from 1948 to 1982, and

WHEREAS, John D. Gentile was the Chief Court Attendant for the New York State Courts of Broome County for the past 24 years until his death, be it

RESOLVED, that the Third Floor waiting area within the County and Family Court Building in Binghamton, New York, be and hereby named and shall be called the John D. Gentile Foyer, and be it

FURTHER RESOLVED, that the Clerk of the Legislature prepare a copy of this resolution suitable for presentation to Mrs. John D. Gentile.

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 487

By: Public Safety and Emergency Services and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE WEAPONS OF MASS DESTRUCTION TASK FORCE TO ACCEPT HAZARDOUS RESPONSE EQUIPMENT FOR THE DEPARTMENT OF EMERGENCY SERVICES

WHEREAS, the Director of Emergency Services requests authorization for an agreement with the New York State Weapons of Mass Destruction Task Force to accept hazardous response equipment for the Department of Emergency Services, and

WHEREAS, the State received a Federal Domestic Preparedness Equipment Program Grant to enable the distribution of special equipment for responding to acts of terrorism involving chemical, biological, radiological, nuclear or explosive devices, and

WHEREAS, the County is eligible for the receipt of hazardous response equipment through this program, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the New York State Weapons of Mass Destruction Task Force, 4 Tower Place, Albany, New York 12203, to accept hazardous response equipment, for the Department of Emergency Services, and be it

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 488

By: Public Safety and Emergency Services, Personnel, and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING ACCEPTANCE OF IMPACT IV PROGRAM GRANT FOR THE OFFICE OF THE SHERIFF AND ADOPTING A PROGRAM BUDGET FOR 2007-2008

WHEREAS, the Sheriff requests authorization to accept an Impact IV Program Grant and adopt a program budget in the amount of \$ 72,500 for the period July 1, 2007 through June 30, 2008, and

WHEREAS, said program grant provides an overall joint crime strategy, with an emphasis on gun related crime, and enhances the Partnership's ability to conduct crime analysis and develop criminal intelligence, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$72,500 from New York State Department of Criminal Justice Services, 4 Tower Place, Albany, NY 12203-3764 for the Office of the Sheriff's Impact IV Grant for the period July 1, 2007 through June 30, 2008, 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 \$72,500, and be it

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

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

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 489

By: Transportation and Rural Development and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH THE VILLAGE OF ENDICOTT FOR TREATMENT AND DISPOSAL OF WASTE FLUIDS FROM THE GREATER BINGHAMTON AIRPORT FOR 2007-2008

WHEREAS, this County Legislature, by Resolution 525 of 2006, authorized a renewal of an agreement with the Village of Endicott for treatment and disposal of waste fluids from the Greater Binghamton Airport at the rate of \$35 per 1,000 gallons of fluid plus laboratory analysis expenditures, total cost not to exceed \$7,500, for the period December 1, 2006 through November 30, 2007, and

WHEREAS, said services are necessary for the disposal of waste deice fluid and fuel farm rainwater, and

WHEREAS, said agreement expires by its terms on November 30, 2007, and it is desired at this time to renew said agreement on substantially similar terms and conditions, at the rate of \$35 per 1,000 gallons of fluid plus laboratory analysis expenditures, total cost not to exceed \$7,500, for the period December 1, 2007 through November 30, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Village of Endicott, Industrial Pretreatment Department, 1009 E. Main St., Endicott, New York 13760, for treatment and disposal of waste fluids from the Greater Binghamton Airport for the period December 1, 2007 through November 30, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$7,500 for the term of the agreement, and be it

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

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 490

By: Public Works Committee

Seconded by: Chairman Whalen

RESOLUTION REQUESTING NEW YORK STATE ELECTRIC & GAS (NYSEG) TO INCORPORATE INTO ALL EDUCATIONAL OUTREACH PROPER DISPOSAL INSTRUCTIONS FOR COMPACT FLUORESCENT LIGHT BULBS (CFL'S)

WHEREAS, the Commissioner of Public Works requests a resolution requesting New York State Electric and Gas (NYSEG) to incorporate into all educational outreach, proper disposal instructions for Compact Fluorescent Light Bulbs (CFL's), and

WHEREAS, NYSEG, among others, have promoted the use of CFL bulbs with no education on how to properly dispose of the bulbs, and

WHEREAS, the CFL's contain mercury which should be disposed of through the hazardous waste facility, and

WHEREAS, the Division of Solid Waste provides education on proper disposal, and requests corporations and entities promoting the use of the bulbs demonstrate due diligence and provide appropriate disposal information to consumers, now, therefore, be it

RESOLVED, that the Commissioner of Public Works requests that NYSEG include information on proper disposal methods in all publications and outreach materials concerning Compact Fluorescent Light Bulbs and include the information with customer bills from time to time, and be it

FURTHER RESOLVED, that the Clerk is directed to forward a copy of this resolution to NYSEG, and be it

FURTHER RESOLVED, that manufacturers and businesses which sell Compact Fluorescent Light Bulbs are also urged to assist in the education of consumers about proper disposal of Compact Fluorescent Light Bulbs.

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 491

By: Finance Committee

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING CANCELLATION OF REAL PROPERTY TAXES ON PARCELS IN THE TOWN OF MAINE

WHEREAS, it is necessary to clear the tax records of these parcels of real property by virtue of the reasons stated below, now, therefore, be it

RESOLVED, that taxes will be cancelled on the following parcel of real property:

Parcel ID:	109.09-1-11.111
Town:	Maine
Owner:	Reynolds, Steven & Maureen
Amount to be Cancelled:	\$777.48 plus penalty and interest
Reason:	Parcel does not exist

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 492

By: Public Safety and Emergency Services and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH WATCH SYSTEMS FOR A CENTRAL SEX OFFENDER REGISTRY FOR THE OFFICE OF THE SHERIFF FOR 2007-2008

WHEREAS, this County Legislature, by Resolution 420 of 2006, authorized a renewal of the agreement with Watch Systems for a Central Sex Offender Registry for the Office of the Sheriff at a cost of a license fee of \$9,000, and a fee of \$7,000 for postage, total amount not to exceed \$16,000, for the period September 1, 2006 through August 31, 2007, and

WHEREAS, said services provide for the registration, verification and a community tool for all sex offenders in Broome County, and

WHEREAS, said agreement expires by its terms on August 31, 2007, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$16,000, for the period September 1, 2007 through August 31, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Watch Systems, 516 E. Rutland St., Covington, LA 70433 for a Central Sex Offender Registry for the Office of the Sheriff for the period September 1, 2007 through August 31, 2008, and be it

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

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 450015.4515.101000 (Software Rental) and 450015.4411.101000 (Postage), total amount not to exceed \$16,000 for the term of the agreement, and be it

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 493

By: County Administration and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING AN AGREEMENT WITH STRATEGIC COMPUTER SOLUTIONS (SCS), INC. FOR A TAPE MANAGEMENT BACKUP SYSTEM FOR THE INFORMATION TECHNOLOGY DEPARTMENT FOR 2007

WHEREAS, the Director of Information Technology requests authorization for an agreement with Strategic Computer Solutions (SCS), Inc. for a tape management backup system, to include its use with the disaster site, at a cost not to exceed \$11,000, for the period August 1, 2007 through December 31, 2007, and

WHEREAS, said agreement is necessary to assist setting up the tape management backup system to include its use with the disaster site, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Strategic Computer Solutions (SCS), Inc., 5788 Widewaters Parkway, Syracuse, NY 13214, for services for the period August 1, 2007 through December 31, 2007, and be it

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

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 370007.4726.101000 (Contracted Data Processing Services), and be it

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 494

By: Health and Human Services and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING AN AGREEMENT WITH JUST SEDANS FOR TRANSPORTATION SERVICES FOR MEDICAID RECIPIENTS OF BROOME COUNTY FOR THE DEPARTMENT OF SOCIAL SERVICES FOR 2007-2008

WHEREAS, this County Legislature, by Resolution 480 of 2006, authorized renewal of agreements with various vendors for transportation services for Medicaid recipients for the period January 1, 2007 through December 31, 2008, and

WHEREAS, said agreements for transportation vendors enrolled in the NYS Medicaid Program are necessary for providing transportation to Medicaid recipients to medically covered services, and

WHEREAS, it is necessary to authorize an amendment to said resolution to allow flexibility in contracting with new vendors who are authorized by New York State to provide Medicaid transportation at the rates as listed in Exhibit A, not to exceed budgeted appropriations, for the period January 1, 2007 through December 31, 2008, and

WHEREAS, "Just Sedans", owned by Paul Ross, has recently obtained a Medical Provider ID number by New York State, and

WHEREAS, the Commissioner of Social Services has requested authorization for said amendment as approved by the Department of Law, and to contract with "Just Sedans", now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement for Medicaid transportation services for Broome County Medicaid recipients, for the Department of Social Services, for the period January 1, 2007 through December 31, 2008, to include Just Sedans, 692 State Street, Binghamton, New York 13901 as a vendor, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor at the State mandated rates as listed in Exhibit A for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 670083.4568.103000 (MMIS Medical Assistance), and be it

FURTHER RESOLVED, that Resolution 480 of 2006, to the extent consistent herewith, shall remain in full force and effect, and be it

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 495

By: Health and Human Services, Personnel and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING RENEWAL OF THE TRAFFIC SAFETY "STEPS TO SAFER BROOME ROADS" PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2007-2008

WHEREAS, this County Legislature, by Resolution 458 of 2006, as amended by Resolution 724 of 2006, authorized and approved the renewal of the Traffic Safety "Steps to Safer Broome Roads" Program Grant for the Department of Health and adopted a program budget in the amount of \$36,288 for the period October 1, 2006 through September 30, 2007, and

WHEREAS, said program grant 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 program grant in the amount of \$58,014 for the period

October 1, 2007 through September 30, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$58,014 from the New York State Department of Motor Vehicles, Governor's Traffic Safety Committee, 6 Empire State Plaza, Room 414, Albany, NY 12228, for the Traffic Safety "Steps to Safer Broome Roads" Program Grant for the period October 1, 2007 through September 30, 2008, 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 \$58,014, and be it

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

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

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 496

By: Health and Human Services and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING AN AGREEMENT WITH THE GENESIS CONSULTANTS, LLC FOR PROFESSIONAL SERVICES FOR THE DEPARTMENT OF HEALTH FOR 2007-2008

WHEREAS, the Director of Public Health requests authorization for an agreement with The Genesis Consultants, LLC for professional services at a cost not to exceed \$35,000, for the period August 1, 2007 through July 31, 2008, and

WHEREAS, said agreement is necessary to conduct media and public relation activities as specified in the strategic plan with the Tobacco Control and Insurance Initiatives Program Grant for 2007-2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with The Genesis Consultants, LLC, 541 Avellino Isles Circle, #30101, Naples, FL 34119, for professional services for the period August 1, 2007 through July 31, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$35,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 480376.4458.105331 (Other Program Expense), and be it

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 497

By: Health and Human Services, Personnel and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING RENEWAL OF THE YOUTH TOBACCO ENFORCEMENT AND PREVENTION PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2007-2008

WHEREAS, this County Legislature, by Resolution 457 of 2006, as amended by Resolution 149 of 2007, authorized and approved the renewal of the Youth Tobacco Enforcement and Prevention Program Grant for the Department of Health and adopted a program budget in the amount of \$63,667 for the period October 1, 2006 through September 30, 2007, and

WHEREAS, said program grant supports the Department of Health's activities in youth tobacco use enforcement and prevention, and

WHEREAS, it is desired to renew said program grant in the amount of \$62,788 for the period

October 1, 2007 through September 30, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$62,788 from the Bureau of Sanitation and Food Protection, NYSDOH Center for Environmental Health, Flanigan Square, 547 River St., Troy, New York 12180, for the Youth Tobacco Enforcement and Prevention Program Grant for the period October 1, 2007 through September 30, 2008, 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 \$62,788, and be it

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

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

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 498

By: Health and Human Services and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH WBNG-TV/WBXI-TV FOR AIR TIME FOR THE DEPARTMENT OF MENTAL HEALTH'S DRUG FREE COMMUNITIES SUPPORT PROGRAM FOR 2007-2008

WHEREAS, this County Legislature, by Resolution 437 of 2006, authorized renewal of an agreement with WBNG-TV/WBXI-TV for air time for the Department of Mental Health's Drug Free Communities Support Program at an amount not to exceed \$3,500, for the period October 1, 2006 through September 30, 2007, and

WHEREAS, said agreement is necessary to provide air time for communication of the goals of the Drug Free Communities Support Program, and

WHEREAS, said agreement expires by its terms on September 30, 2007, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$3,500, for the period October 1, 2007 through September 30, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with WBNG-TV/WBXI-TV, 560 Columbia Drive, Johnson City, NY 13790 for air time for the Department of Mental Health for the period October 1, 2007 through September 30, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$3,500 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 470153.4747.105360 (Other Fees for Services), and be it

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 499

By: Health and Human Services and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING RENEWAL OF THE SHELTER PLUS CARE PROGRAM GRANT FOR THE DEPARTMENT OF MENTAL HEALTH, ADOPTING A PROGRAM BUDGET AND RENEWING AGREEMENT WITH YWCA OF BINGHAMTON TO ADMINISTER SAID PROGRAM FOR 2008

WHEREAS, this County Legislature, by Resolution 438 of 2006, authorized and approved the Shelter Plus Care Program Grant for the Department of Mental Health, adopted a program budget in the amount of \$78,480 and authorized an agreement with YWCA of Binghamton to administer said program for the period January 1, 2007 through December 31, 2007, and

WHEREAS, said grant program provides funding to cover transitional housing costs for homeless women or women living in emergency shelters within the community, and

WHEREAS, it is desired to renew said grant program in the amount of \$78,480, adopt a program budget and renew the agreement with YWCA of Binghamton to continue to administer said program for the period January 1, 2008 through December 31, 2008 now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$78,480 from U.S. Department of Housing and Urban Development, Shelter Plus Care Program, Buffalo Office, 465 Main Street, Buffalo, New York 14203-1780 for the Department of Mental Health's Shelter Plus Care Program Grant for the period January 1, 2008 through December 31, 2008, 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 \$78,480, and be it

RESOLVED, that this County Legislature hereby authorizes an agreement with YWCA of Binghamton, 80 Hawley Street, Binghamton, New York 13901, to administer the Shelter Plus Care Program Grant for the Department of Mental Health for the period January 1, 2008 through December 31, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$78,480 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 470153.5081.105366, and be it

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

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

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 500

By: Personnel, Health and Human Services and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST FOR THE OFFICE FOR AGING AND THE DEPARTMENT OF HEALTH

RESOLVED, that in accordance with a request contained in PCR# 07-233 from the Director of the Office for Aging, this County Legislature hereby authorizes the position of Aging Services Program Coordinator, Grade 20, Union Code 07, at budget line 761296.1000.105183, at a salary of \$43,682 FTE, to be abolished effective July 1, 2007, as this grant funding has ended, and be it

FURTHER RESOLVED, that in accordance with a request contained in PCR# 07-234 from the Director of the Office for Aging, this County Legislature hereby authorizes two positions of Assistant Aging Services Program Coordinator, Grade 15, Union Code 04, at budget line 761296.1000.105183, at a salary of \$31,868 FTE, to be abolished effective July 1, 2007, as this grant funding has ended, and be it

FURTHER RESOLVED, that in accordance with a request contained in PCR# 07-235 from the Director of the Office for Aging, this County Legislature hereby authorizes the position of Field Supervisor, Grade 12, Union Code 04, at budget line 761296.1000.105183, at a salary of \$27,425 FTE, to be abolished effective July 01, 2007, as this grant funding has ended, and be it

FURTHER RESOLVED, that in accordance with a request contained in PCR# 07-237 from the Director of the Office for Aging, this County Legislature hereby authorizes the position of Senior Account Clerk, Grade 9, Union Code 04, at budget line 761296.1000.105183, at a salary of \$23,647 FTE, to be abolished effective July 01, 2007, as this grant funding has ended, and be it

FURTHER RESOLVED, that in accordance with a request contained in PCR# 07-252 from the Director of Public Health, this County Legislature hereby authorizes the position of Public Health Educator, Grade 18, Union Code 08, at budget line 480376.1500.105222, at a salary of \$37,095 FTE, to be changed effective October 1, 2007 to budget line 480376.1000.105359 at the same salary \$37,095 FTE, Union Code 08 and Grade 18, due to increased grant funding for the new grant year

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 501

By: Health and Human Services and Finance Committees

Seconded by: Mr. Hutchings

RESOLUTION AUTHORIZING REVISION OF THE CATHOLIC CHARITIES PROGRAM GRANT FOR THE DEPARTMENT OF MENTAL HEALTH AND ADOPTING A REVISED PROGRAM BUDGET FOR 2007

WHEREAS, this County Legislature, by Resolution 497 of 2006, authorized and approved renewal of the Catholic Charities Program Grant for the Department of Mental Health and adopted a program budget in the total amount of \$2,122,708, for the period January 1, 2007 through December 31, 2007, and

WHEREAS, said grant program provides psychiatric, financial, legal, medical, and other support and services needed to help clients live successfully in the community, and

WHEREAS, said services are based on the specific needs and desires of each client and are made available for as long as necessary, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase of \$234,825, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Catholic Charities Program Grant to reflect an increase of \$234,825, for a total not to exceed \$2,357,533 for the period January 1, 2007 through December 31, 2007, 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 not to exceed \$2,357,533, and be it

FURTHER RESOLVED, that Resolution 497 of 2006, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

Carried. Ayes-16, Nays-0, Absent-2 (Hull, Materese), Abstain-1 (Sanfilippo)

RESOLUTION NO. 502

By: Health and Human Services, Personnel and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING RENEWAL OF THE VOCATIONAL SUPPORT PROGRAM GRANT FOR DEPARTMENT OF MENTAL HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2008

WHEREAS, this County Legislature, by Resolution 436 of 2007, authorized and approved the Vocational Support Program Grant for the Department of Mental Health and adopted a program budget in the amount of \$116,094 for the period January 1, 2007 through December 31, 2007, and

WHEREAS, said program grant provides assistance to mentally ill individuals striving to achieve their vocational goals, and

WHEREAS, it is desired to renew said program grant in the amount of \$120,544 for the period January 1, 2008 through December 31, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$120,544 from the New York State Office of Mental Health, 44 Holland Avenue, Albany, New York 12229, for the Department of Mental Health's Vocation Support Program Grant for the period January 1, 2008 through December 31, 2008, 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 \$120,544, and be it

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

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

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 503

By: Health and Human Services and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH THE RESEARCH FOUNDATION, STATE UNIVERSITY OF NEW YORK, FOR INFORMATION MANAGEMENT AND RESEARCH SERVICES FOR THE DEPARTMENT OF MENTAL HEALTH'S DRUG FREE COMMUNITIES SUPPORT PROGRAM FOR 2007-2008

WHEREAS, this County Legislature, by Resolution 435 of 2006, authorized a renewal of an agreement with The Research Foundation, State University of New York, for information management and research services for the Department of Mental Health's Drug Free Communities Support Program at a cost not to exceed \$14,003, for the period October 1, 2006 through September 30, 2007, and

WHEREAS, said agreement is necessary to fund a team of Binghamton University graduate students to provide information management and research for the Broome County Youth Prevention Partnership funded by the Drug Free Communities Support Program, and

WHEREAS, said agreement expires by its terms on September 30, 2007, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$17,060, for the period October 1, 2007 through September 30, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with The Research Foundation, State University of New York, Office of Research & Sponsored Programs, PO Box 6000, Binghamton, New York 13902 for information management and research services for the Department of Mental Health's Drug Free Communities Support Program for the period October 1, 2007 through September 30, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$17,060 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 470153.4747.105360, and be it

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 504

By: Health and Human Services, Personnel and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING RENEWAL OF THE ROAD TO RECOVERY PROGRAM GRANT FOR DEPARTMENT OF MENTAL HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2008

WHEREAS, this County Legislature, by Resolution 434 of 2006, authorized and approved the Road to Recovery Program Grant for the Department of Mental Health and adopted a program budget in the amount of \$77,188 for the period January 1, 2007 through December 31, 2007, and

WHEREAS, said program grant provides non-violent felony offenders with a history of drug and alcohol abuse a treatment alternative to incarceration that combines both residential and outpatient treatment models, and

WHEREAS, it is desired to renew said program grant in the amount of \$82,233 for the period January 1, 2008 through December 31, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$82,233 from the New York State Office of Alcoholism and Substance Abuse Services, 1450 Western Avenue, Albany, New York 12203, for the Department of Mental Health's Road to Recovery Program Grant for the period January 1, 2008 through December 31, 2008, 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 \$82,233, and be it

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

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

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 505

By: Health and Human Services, Personnel and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING RENEWAL OF THE MENTALLY ILL CHEMICAL ABUSER (MICA) COORDINATOR PROGRAM GRANT FOR DEPARTMENT OF MENTAL HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2008

WHEREAS, this County Legislature, by Resolution 433 of 2006, authorized and approved the renewal of the Mentally Ill Chemical Abuser (MICA) Coordinator Program Grant for the Department of Mental Health and adopted a program budget in the amount of \$92,134 for the period January 1, 2007 through December 31, 2007, and

WHEREAS, said program grant provides a position of Program Coordinator to oversee a coordinated system to better serve individuals with co-occurring mental health and substance abuse disorders, and

WHEREAS, it is desired to renew said program grant in the amount of \$95,821 for the period January 1, 2008 through December 31, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$90,030 from the New York State Office of Alcoholism and Substance Abuse Services, 1450 Western Avenue, Albany, NY 12203-3526, and \$5,791 from the State Office of Mental Health, 44 Holland Street, Albany, NY 12229 for the Mentally Ill Chemical Abuser (MICA) Coordinator Program Grant for the period January 1, 2008 through December 31, 2008, 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 \$95,821, and be it

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

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

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 506

By: Health and Human Services, Personnel and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING RENEWAL OF THE MENTAL HEALTH ADMINISTRATIVE SUPPORT PROGRAM GRANT FOR DEPARTMENT OF MENTAL HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2008

WHEREAS, this County Legislature, by Resolution 432 of 2006, authorized and approved the renewal of the Mental Health Administrative Support Program Grant for the Department of Mental Health and adopted a program budget in the amount of \$63,113 for the period January 1, 2007 through December 31, 2007, and

WHEREAS, said program grant provides funding for a Principal Account Clerk responsible for monitoring the Office of Mental Health regulations and Broome County procedures, and

WHEREAS, it is desired to renew said program grant in the amount of \$66,454 for the period

January 1, 2008 through December 31, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$66,454 from the New York State Office of Mental Health, 44 Holland Avenue, Albany, New York 12229, for the Mental Health Administrative Support Program Grant for the period January 1, 2008 through December 31, 2008, 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 \$66,454, and be it

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

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

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 507

By: Health and Human Services, Personnel and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING RENEWAL OF THE DRUG FREE COMMUNITIES SUPPORT PROGRAM GRANT FOR DEPARTMENT OF MENTAL HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2007-2008

WHEREAS, this County Legislature, by Resolution 431 of 2006, authorized and approved the Drug Free Communities Support Program Grant for the Department of Mental Health and adopted a program budget in the amount of \$110,400 for the period October 1, 2006 through September 30, 2007, and

WHEREAS, said program's goal is to strengthen and expand capacity for systemic change by increasing community involvement and continuing to gather and use information regarding youth substance use to create change in the factors that have been demonstrated by research to influence alcohol and other drug use among youth, and

WHEREAS, it is desired to renew said program grant in the amount of \$100,000 for the period October 1, 2007 through September 30, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$100,000 from the United States Department of Justice, Office of the Justice Programs, 810 Seventh Street NW-5th floor, Washington, DC 20531, for the Department of Mental Health's Drug Free Communities Support Program Grant for the period October 1, 2007 through September 30, 2008, 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 her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution, and be it

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

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 508

By: Health and Human Services, Personnel and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING REVISION OF HOME ENERGY ASSISTANCE PROGRAM (HEAP) GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES AND ADOPTING A REVISED PROGRAM BUDGET FOR 2006-2007

WHEREAS, this County Legislature, by Resolution 285 of 2007, authorized and approved renewal of the Home Energy Assistance Program Grant (HEAP) for the Department of Social Services and adopted a program budget in the total amount of \$298,543 for the period October 1, 2006 through September 30, 2007, and

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

WHEREAS, it is necessary at this time to revise said program to reflect an increase in grant appropriations by \$48,694 to a total of \$347,237, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Home Energy Assistance Program (HEAP) Grant to reflect an increase of \$48,694 for the period October 1, 2006 through September 30, 2007, 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 \$347,237, and be it

FURTHER RESOLVED, that Resolution 285 of 2007, to the extent consistent herewith, shall remain in full force and effect, and be it

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

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

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

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 509

By: Health and Human Services, Personnel and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING RENEWAL OF THE CHILD CARE AND DEVELOPMENT BLOCK GRANT FOR DEPARTMENT OF SOCIAL SERVICES AND ADOPTING A PROGRAM BUDGET FOR 2007-2008

WHEREAS, this County Legislature, by Resolution 575 of 2006, authorized and approved the renewal of the Child Care and Development Block Grant for the Department of Social Services and adopted a program budget in the amount of \$3,972,325 for the period October 1, 2006 through September 30, 2007, and

WHEREAS, said program grant 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 program grant in the amount of \$4,166,761 for the period October 1, 2007 through September 30, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$4,166,761 from the New York State Office of Children and Family Services, Bureau of Early Childhood Services, 52 Washington Street, 3 North Building, Rensselaer, New York 12144-2796, for the Child Care and Development Block Grant for the period October 1, 2007 through September 30, 2008, 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 \$4,166,761, and be it

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

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

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 510

By: Health and Human Services, Personnel and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING RENEWAL OF HOME ENERGY ASSISTANCE PROGRAM (HEAP) GRANT FOR THE DEPARTMENT OF SOCIAL SERVICES, ADOPTING A PROGRAM BUDGET AND RENEWING AGREEMENT WITH OPPORTUNITIES FOR BROOME TO ADMINISTER SAID PROGRAM FOR 2007-2008

WHEREAS, this County Legislature, by Resolution 445 of 2006, as amended by Resolution 717 of 2006 and 285 of 2007, and companion resolution, authorized and approved renewal of the Home Energy Assistance Program (HEAP) Grant for the Department of Social Services, adopted a program budget in the amount of \$347,237 and authorized an agreement

with Opportunities for Broome to administer said program for the period October 1, 2006 through September 30, 2007, and

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

WHEREAS, it is desired to renew said grant program in the amount of \$250,861, adopt a program budget and renew the agreement with Opportunities for Broome for the period October 1, 2007 through September 30, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$250,861 from the New York State Office of Temporary and Disability Assistance, 40 North Pearl Street, Albany, New York 12243-0001 for the Department of Social Services Home Energy Assistance Program (HEAP) Grant for the period October 1, 2007 through September 30, 2008, 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 \$250,861, and be it

FURTHER RESOLVED, due to New York State's Office of Temporary and Disability Assistance allocating HEAP funds throughout the year, spending timeframes may not coordinate with legislative approval. So that the County is not placed at risk of losing HEAP funds, the Department requests this authorizing resolution permit the Department of Social Services to accept and allocate such additional administrative funding as may be allocated by New York State from October 1, 2007 through September 30, 2008, provided there is no increase in employee head count and that the County's financial contribution is not increased, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with Opportunities for Broome, 56 Whitney Avenue, Binghamton, New York 13901 for application filing services as required by New York State HEAP regulation for the period October 1, 2007 through September 30, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$20,000 for the processing of up to 1,176 applications for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 670513.4561.105355 (Purchase of Services), and be it

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

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

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 511

By: Finance Committee

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH BPA-HARBRIDGE FOR CONSULTING AND ACTUARIAL SERVICES FOR THE OFFICE OF RISK AND INSURANCE FOR 2006-2010

WHEREAS, this County Legislature, by Resolution 466 of 2006, authorized an agreement with BPA-Harbridge for consulting and actuarial services for the period September 1, 2006 through August 31, 2010, and

WHEREAS, said services are necessary to provide health and prescription benefits consulting and actuarial services, and

WHEREAS, it is necessary to authorize an amendment to said agreement to authorize the consultant to develop and conduct a request for proposal for a Medicare Advantage Program to be incorporated with the Broome County self-insured health plan, and

WHEREAS, the Risk Manager has requested authorization for said amendment as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with BPA-Harbridge, 1 Lincoln Center, 12th Floor, Syracuse, New York 13202, to authorize the consultant to develop and conduct a request for proposal for a Medicare Advantage Program for the Department of Risk and Insurance for the period 2006-2010, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay \$16,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 05005.4747.252000 (Other Fees for Services), and be it

FURTHER RESOLVED, that Resolution 466 of 2006, to the extent consistent herewith, shall remain in full force and effect, and be it

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 512

By: Finance Committee

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH MARSH USA FOR INSURANCE COVERAGE FOR BROOME COUNTY FOR 2007-2008

WHEREAS, this County Legislature, by Resolution 539 of 2006, authorized a renewal of an agreement with Marsh USA for insurance coverage for County-owned property, boiler and machinery, and inland marine at an amount not to exceed \$220,000 for the period October 2, 2006 through October 1, 2007, and

WHEREAS, said services are necessary to procure insurance for County-owned property, and

WHEREAS, said agreement expires by its terms on October 1, 2007, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$200,000, for the period October 2, 2007 through October 1, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Marsh USA, PO Box 4988, Syracuse, New York 13221-4988, for insurance coverage for County-owned property, boiler and machinery, and inland marine for the period October 2, 2007 through October 1, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$200,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 050088.4521.254000 (Insurance Premiums), and be it

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 513

By: Finance Committee

Seconded by: Chairman Whalen

RESOLUTION LEVYING THE COST OF WORKERS' COMPENSATION FOR 2008

WHEREAS, a budget for the operation of the Broome County Self-Insurance Plan for Workers' Compensation for the year 2008 has been prepared, now, therefore, be it

RESOLVED, that the estimated costs of the Broome County Self Insurance Plan for Workers' Compensation for the year 2008, as apportioned to the County and the towns and villages participating in the fund be approved, and be it

FURTHER RESOLVED, that the apportioned amounts as to the towns and County shall be included in the respective next succeeding tax levies by the County Legislature unless otherwise provided for and paid to the Commissioner of Finance, and be it

FURTHER RESOLVED, that the Commissioner of Finance is hereby authorized to bill the Villages of Lisle, Port Dickinson and Whitney Point for the amounts apportioned to them, and be it

FURTHER RESOLVED, that when said amounts are collected, they shall be deposited to the Workers' Compensation account as follows:

<u>Municipality</u>	<u>Amount</u>
Broome County	\$1,985,749
Barker	18,137
Binghamton (T)	58,312
Chenango	91,981
Colesville	67,282
Conklin	55,219
Lisle (T)	26,819
Lisle (V)	9,098
Maine	113,761
Nanticoke	5,600
Port Dickinson (V)	5,503
Sanford	42,604
Triangle	28,715
Whitney Point (V)	10,004
Windsor (T)	38,146

Total **\$2,556,930**

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 514

By: Finance and Personnel Committee

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH GUARDIAN FOR ADMINISTRATION OF BROOME COUNTY'S DENTAL INSURANCE PLAN FOR 2008

WHEREAS, this County Legislature, by Resolution 685 of 2006, authorized an agreement with Guardian for the administration of Broome County's dental insurance plan, at no cost to the County, for 2007, and

WHEREAS, said services are necessary to administer the County's dental insurance plan, and

WHEREAS, said agreement expires by its terms on December 31, 2007, and it is desired at this time to renew said agreement on substantially similar terms and conditions, at no cost to the County, for 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Guardian Life Insurance Company, 5784 Widewaters Parkway, Syracuse, New York 13214 for the administration of Broome County's dental insurance plan for 2008, and be it

FURTHER RESOLVED, that the dental plan shall be self funded by participants at no cost to the County; premiums shall be experience rated to plan participants, and be it

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 515

By: Public Works Committee

Seconded by: Chairman Whalen

RESOLUTION DESIGNATING THE BROOME COUNTY LEGISLATURE AS LEAD AGENCY WITH RESPECT TO THE SALE OF A PORTION OF THE BRANDYWINE WATERSHED AND THE CREATION OF UP TO THREE PARKING SPACES AT THE END OF THE MAINTAINED PORTION OF WHITTMAN LANE AND RENDERING A "NEGATIVE DECLARATION" WITH RESPECT THERETO

WHEREAS, Resolution 376 of 2007 authorized the sale of a portion of the Brandywine Watershed to Walter and Audrey Finch, and

WHEREAS, Resolution 452 of 2007 authorized a parking area adjacent to Whittman Lane, and

WHEREAS, it has been determined that said project is subject to the requirements of the State Environmental Quality Review Act (SEQRA), and it is therefore necessary to initiate procedures with respect thereto, and

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

WHEREAS, this County Legislature is the only involved agency, as defined in the State Environmental Quality Review Act (SEQRA), reviewing the aforementioned sale of a portion of the Brandywine Watershed and the creation of up to three parking spaces at the end of the maintained portion of Whittman Lane, and

WHEREAS, the sale of a portion of the Brandywine Watershed and the creation of up to three parking spaces may have an impact on the environment, now, therefore, be it

RESOLVED, that this County Legislature hereby declares its intention to seek "lead agency" status with respect to the environmental review of the sale of a portion of the Brandywine Watershed and the creation of up to three parking spaces, and be it

FURTHER RESOLVED, that this County Legislature, based on the Environmental Assessment Form annexed hereto as Exhibit "A", hereby determines and declares that the sale of a portion of the Brandywine Watershed and the creation up to three parking spaces at the end of the maintained portion of Whittman Lane will not create a negative impact on the environment, and be it

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 516

By: Public Works, County Administration and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH CREATIVE INFORMATION SYSTEMS, INC. FOR SOFTWARE MAINTENANCE AND SUPPORT FOR THE DIVISION OF SOLID WASTE MANAGEMENT FOR 2008

WHEREAS, this County Legislature, by Resolution 705 of 2006, authorized an agreement with Creative Information Systems, Inc for software maintenance and support for the Division of Solid Waste Management at an amount not to exceed \$2,695, for the period January 1, 2007 through December 31, 2007, and

WHEREAS, said services are necessary for the maintenance and support of the Landfill Scale Management System (SMS) that runs the scale-house computers for weighing and billing purposes, and

WHEREAS, said agreement expires by its terms on December 31, 2007, and it is desired at this time to renew said agreement on substantially similar terms and conditions, for an amount not to exceed \$2,695, for the period January 1, 2008 through December 31, 2008, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreement with Creative Information Systems, Inc., 27 Lowell Street, Suite 402, Manchester, NH 03101 for software maintenance and support for the Department of Solid Waste Management for the period January 1, 2008 through December 31, 2008, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$2,695 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 230086.4523.206000 (Building, grounds and equipment repairs), and be it

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 517

By: Transportation and Rural Development, Public Works, and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH MCFARLAND-JOHNSON, INC. FOR CONSTRUCTION AND ADMINISTRATION SERVICES FOR THE OBSTRUCTION REMOVAL PROJECT AT THE GREATER BINGHAMTON AIRPORT FOR THE DEPARTMENT OF AVIATION FOR 2006-2007

WHEREAS, this County Legislature, by Resolution 527 of 2006, authorized an agreement with McFarland-Johnson, Inc. for construction and administration services for the Obstruction Removal Project at the Greater Binghamton Airport at a cost not to exceed \$41,000, for the period September 1, 2006 through June 1, 2007, and

WHEREAS, said agreement is necessary to provide construction observation and administration duties, including technical inspections, progress reporting, preparation of FAA weekly reports, contractor monitoring, contractor payment submittals, development of a daily project diary and working with the New York State Department of Environmental Conservation to ensure all environmental regulations are followed, and

WHEREAS, it is necessary to authorize an amendment to said agreement to increase the not to exceed amount by \$54,137, for a total of \$95,137, and to extend the contract to December 31, 2007, and

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

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with McFarland-Johnson, Inc., 49 Court St., PO Box 1980, Binghamton, New York 13902, to increase the not to exceed amount and to extend the contract term, for construction observation and administration duties for the Department of Aviation for the period September 1, 2006 through December 31, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an additional amount of \$54,137, for a total not to exceed \$95,137, for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 211011.2016.501399 (Other Improvements), and be it

FURTHER RESOLVED, that Resolution 527 of 2006, to the extent consistent herewith, shall remain in full force and effect, and be it

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 518

By: Transportation and Rural Development Committee

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING AN AGREEMENT WITH SOUTHERN TIER MEDIVAN FOR THE ACCEPTANCE OF UP TO FIVE 14 PASSENGER BUSES BY BC TRANSIT

WHEREAS, the Acting Commissioner of Public Transportation requests authorization for an agreement with Southern Tier Medivan for the acceptance of up to five 14 passenger buses by BC Transit, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Southern Tier Medivan, PO Box 102 SVS, Binghamton, New York 13903, for the acceptance of up to five 14 passenger buses, and be it

FURTHER RESOLVED, that due to the donation of said buses; there will be no cost to the County for the agreement, and be it

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 519

By: Public Safety and Emergency Services and Finance Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH THE UNIFIED COURT SYSTEM OF THE STATE OF NEW YORK, SIXTH JUDICIAL DISTRICT, FOR COURT SECURITY SERVICES PROVIDED BY THE DPW-SECURITY DIVISION FOR 2006-2007

WHEREAS, this County Legislature, by Resolution 340 of 2006, as amended by Resolution 259 of 2007, authorized an agreement with the Unified Court System of the State of New York, Sixth Judicial District for court security services provided by the DPW-Security Division with revenue to the County in the amount of \$451,000 for the period April 1, 2006 through March 31, 2007, and

WHEREAS, said agreement provides security services for Supreme Court, County Court, Family Court and Binghamton City Court, and

WHEREAS, it is necessary to authorize an amendment to said agreement to reflect additional funding in the amount of \$1,142.54 in order to provide a pay increase for Court Attendants effective January 1 2007, and

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

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with the Unified Court System of the State of New York, Sixth Judicial District, State Office Building, 44 Hawley St., Suite 1501, Binghamton, New York 13901 to accept additional funding in the amount of \$1,142.54 for court security services for the period January 1, 2007 through March 31, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the Contractor shall pay the County an additional \$1,142.54, total amount not to exceed \$452,142.54 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be credited to budget line 031450.0639.101000 (Security Services–Outside Users), and be it

FURTHER RESOLVED, that Resolutions 340 of 2006 and 259 of 2007, to the extent consistent herewith, shall remain in full force and effect, and be it

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 520

By: Hon. Arthur J. Shafer and County Administration Committee

Seconded by: Chairman Whalen

A RESOLUTION URGING THE PARTIES TO THE TRI-PARTITE AGREEMENT TO BEAUTIFY THE GOVERNMENT COMPLEX

WHEREAS, the County Legislature requests a resolution expressing the County Legislature's support of beautifying the Government Complex, and

WHEREAS, New York State, Broome County and City of Binghamton are parties to the Tri-Partite Agreement regarding the Government Complex on Hawley Street, and

WHEREAS, the Broome County Legislature wishes to encourage the parties to the Tri-Partite Agreement to consider creating additional green space and to otherwise form a committee to beautify the Government Complex, now, therefore be it

RESOLVED, that this Legislature encourages the parties to the Tri-Partite Agreement to consider creating additional green space and to otherwise form a committee to beautify the Government Complex.

Mr. Shafer request a copy of this resolution be sent to the City of Binghamton

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 521

By: Finance and Health and Human Services Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR DEPARTMENTS OF HEALTH AND MENTAL HEALTH

RESOLVED, that in accordance with a request from the Public Health Director, in order to appropriate sufficient funds to various accounts to maximize spending for the Early Intervention Administration for 06-07, as requested by BF# 006743, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Subobject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	480376	1000	105221	Salaries Full-Time	15
	480376	1500	105221	Salaries Part-Time	202
	480376	1600	105221	Salaries Temporary	169
	480376	8010	105221	State Retirement	1,006
	480376	8030	105221	Social Security	471
	480376	8040	105221	Workers Comp	351
	480376	8060	105221	Health Insurance	941
TO:	480376	4319	105221	Office Supplies	1,115
	480376	4359	105221	Computer Software	2,024
	480376	8063	105221	Disability Insurance	16

and be it

FURTHER RESOLVED, that in accordance with a request from the Public Health Director, in order to appropriate sufficient funds to various accounts to maximize funding of the 2007-2008 IAP Immunization Grant, as requested by BF# 006510 & 11, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Subobject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	480376	1500	105303	Salaries – Part time	8,336
	480376	4610	105303	Personal Service Chargebk	12,334
TO:	480376	1000	105303	Salaries – Full Time	16,672
	480376	4606	105303	Telephone billing	750
	480376	4617	105303	Dup/Printing Chargebk	275
	480376	8010	105303	State Retirement	685
	480376	8030	105303	Social Security	638
	480376	8040	105303	Workers Comp	82
	480376	8050	105303	Life Insurance	7
	480376	8060	105303	Health Insurance	1,445
	480376	8063	105303	Disability Ins	35
	480376	8070	105303	Unemployment Insurance	81

and be it

FURTHER RESOLVED, that in accordance with a request from the Commissioner of Mental Health, in order to transfer funds to cover overtime salaries due to staff shortages, as requested by BF# 006281, this County Legislature hereby authorizes the Commissioner of Finance to make the following transfer of funds:

	<u>Index Code</u>	<u>Subobject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	470013	1000	101000	Salaries – Full Time	17,500
TO:	470013	1700	101000	Salaries – Overtime	17,500

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 522

By: Finance Committee

Seconded by: Mr. Sanfilippo

RESOLUTION FIXING THE DATE, TIME AND PLACE OF A PUBLIC HEARING BY THE BROOME COUNTY LEGISLATURE ON THE 2008 TENTATIVE BUDGET

WHEREAS, the County Executive will present a tentative 2008 Budget to the members of the County Legislature on Thursday, September 27, 2007, 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 2008 will be held on _____ 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 and Administrative Code.

Mr. Reynolds made a motion, seconded by Mr. Hutchings to amend the Further Resolved paragraph to "... to be held on October 11, 2007 at 6:00 p.m...." **Amendment carried.** Ayes-17, Nays-0, Absent-2 (Hull, Materese). Mr. Schofield made a motion, seconded by Mr. Kuzel to amend the time to 7:00 p.m. **Amendment failed.** Ayes-5, Nays-12 (Keibel, Sanfilippo, Shafer, LaBare, Black, Howard, Cleary, Reynolds, Marinich, Buchta, Mather, Whalen), Absent-2 (Hull, Materese). **Resolution as amended carried.** Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 523

By Education, Culture and Recreation and Finance Committees
Seconded by Chairman Whalen

RESOLUTION AUTHORIZING RENEWAL OF THE SENATOR LIBOUS CHILDREN'S BOOKS PROGRAM GRANT FOR THE BROOME COUNTY PUBLIC LIBRARY AND ADOPTING A PROGRAM BUDGET FOR 2007

WHEREAS, this County Legislature, by Resolution 33 of 2007, authorized and approved renewal of the Senator Libous Children's Books Program Grant for the Broome County Public Library and adopted a program budget in the amount of \$1,200 for the period January 1, 2006 through December 31, 2006, and

WHEREAS, said program grant strengthens existing programs by supplementing current library funds and develops new literacy initiatives for children, and

WHEREAS, it is desired to renew said program grant in the amount of \$1,200 for the period

January 1, 2007 through December 31, 2007, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$1,200 from special New York State Senate funding through Senator Thomas W. Libous for the Broome County Public Library's Senator Libous Children's Books Program Grant for the period January 1, 2007 through December 31, 2007, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$1,200, and be it

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

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

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 524

By: Public Works and Finance Committees
Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH STEARNS & WHEELER, LLC FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DIVISION OF SOLID WASTE MANAGEMENT FOR 2004-2007

WHEREAS, this County Legislature, by Resolution 353 of 2004, as amended by Resolutions 400 of 2005 and 738 of 2006, authorized an agreement with Stearns & Wheeler, LLC for professional engineering services for the Division of Solid Waste Management at an amount not to exceed \$15,000 for the period September 1, 2005 through August 31, 2007, and

WHEREAS, said agreement is necessary to assist the leachate treatment plant operations staff with operation questions, evaluation of chemical usage, troubleshooting operations issues and plant maintenance and repair issues at the County's leachate treatment facility at the Broome County Landfill, and

WHEREAS, it is necessary to authorize an amendment to said agreement to extend the term through August 31, 2008, at no additional cost to the County, and

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

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with Stearns & Wheeler, LLC, 1 Remington Park Drive, Cazenovia, NY 13035, to extend the term of the contract through August 31, 2008, at no additional cost to the County, for professional engineering services for the Division of Solid Waste Management, and be it

FURTHER RESOLVED, that Resolutions 353 of 2004, 400 of 2005, and 738 of 2006, to the extent consistent herewith, shall remain in full force and effect, and be it

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 525

By: Personnel and Transportation and Rural Development and Finance Committees

Seconded by: Mr. Herz

RESOLUTION AUTHORIZING PERSONNEL DATA RECORD CHANGES FOR THE DEPARTMENT OF PUBLIC TRANSPORTATION

WHEREAS, the County Executive requests the authorization to make the following Personnel Data Record Changes effective September 24, 2007, and

WHEREAS, these changes will save the County approximately \$60,000 annually, and

WHEREAS, the duties of the position of Public Transportation Analyst will be shared by the Acting Commissioner of Public Transportation and the Director of Transit Operations and the position will remain vacant, and

WHEREAS, the annual salary of the Acting Commissioner of Public Transportation is currently \$65,507 and the County Executive respectfully requests that said annual salary be increased by \$5,508 in accordance with a request contained in PDR# 07-757c, as compensation for the additional responsibility, which would bring his annual salary to \$71,015, and

WHEREAS, the annual salary of the Director of Transit Operation is currently \$59,256, and the County Executive respectfully requests that said annual salary be increased by \$3,000 in accordance with a request contained in PDR# 07-758c, as compensation for the additional responsibility, which would bring her annual salary to \$62,256, now, therefore be it

RESOLVED, that this County Legislature hereby approves and authorizes additional compensation in the amount of \$5,508 for the Acting Commissioner of Public Transportation for the additional duties bringing his total annual salary to \$71,015 effective September 24, 2007, and be it

FURTHER RESOLVED, that this County Legislature hereby approves and authorizes additional compensation in the amount of \$3,000 for the Director of Transit Operations for the additional duties, bringing her total annual salary to \$62,256 effective September 24, 2007, and be it

FURTHER RESOLVED, that this County Legislature hereby waives the residency requirement of Resolution 82 of 1989 in order that Lori Rolison may be appointed to the position of Director of Transit Operations, and be it

FURTHER RESOLVED, that this waiver shall be effective immediately and shall continue for so long as Ms. Rolison shall hold the above mentioned position.

Held over by Mr. Shafer.

RESOLUTION NO. 526

By: Finance and Public Works Committees

Seconded by: Mr. Sanfilippo

RESOLUTION AMENDING THE 2007 CAPITAL IMPROVEMENT PROGRAM

RESOLVED, that the 2007 Capital Improvement Program is hereby amended as follows:

FROM:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Cost:</u>		<u>County</u>	
			<u>State</u>	<u>Federal/Other</u>		
501505	Replace Arena Window-Wall at North	360,000	0	0	360,000	
		<u>Local Finance Law Section 11</u>		<u>How Financed:</u>		
		<u>Year</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
		<u>Start</u>				
		2007	25	32	360,000	0

TO:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>Estimated Cost:</u>		<u>County</u>	
			<u>State</u>	<u>Federal/Other</u>		
501505	Replace Arena Window-Wall at North	500,000	0	0	500,000	
		<u>Local Finance Law Section 11</u>		<u>How Financed:</u>		
		<u>Year</u>	<u>YPU</u>	<u>LFL</u>	<u>Bond</u>	<u>Current Revenue</u>
		<u>Start</u>				
		2007	25	32	500,000	0

Description: Replacement of the 2nd floor Arena, north concourse window wall system. The existing wall is becoming structurally unsound and in possible danger of catastrophic failure. This is a safety issue.
and be it

FURTHER RESOLVED, that the Commissioner of Finance is hereby authorized to make a short term, non-interest bearing loan from the General Fund and /or the Enterprise Funds to provide sufficient cash to proceed with the projects until Federal and State Aid or bond proceeds are received, and be it

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 527

By: County Administration and Finance Committees

Seconded by: Mr. Howard

RESOLUTION AUTHORIZING AN AGREEMENT WITH THE SALVATION ARMY FOR THE COUNTY EXECUTIVE'S OFFICE FOR 2007

WHEREAS, the County Executive requests authorization for an agreement with the Salvation Army at a cost not to exceed \$28,165, for the period January 1, 2007 through December 31, 2007, and

WHEREAS, said agreement is necessary to provide one time funding for the Salvation Army Soup Kitchen, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the Salvation Army, 5-9 Griswold Street, Binghamton, New York 13904 for the period January 1, 2007 through December 31, 2007, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$28,165 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 230037.4747.101000 (Other Fees for Services), and be it

FURTHER RESOLVED, that a transfer in the amount of \$28,165, from 2007 funds, is hereby authorized and approved as follows and disbursed as described:

	<u>Index Code</u>	<u>Subobject</u>	<u>Project Code</u>	<u>Title</u>	<u>Amount</u>
FROM:	900084	4752	101000	Contingency Fund	\$28,165
TO:	230037	4747	101000	Other Fees for Services	\$28,165

and be it

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

Held over by Mr. Reynolds

RESOLUTION NO. 528

By: Finance and Public Works Committees

Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING THE COMMISSIONER OF FINANCE TO DO AN INTER FUND ADVANCE FOR THE 2007 CAPITAL IMPROVEMENT PROGRAM-WHITNEY POINT COMMUNITY & LAKE WALKWAY/BIKEWAY PROJECT

WHEREAS, on February 15, 2007 the County Legislature passed Resolution 07-112 to amend the 2007 Capital Improvement Program to add the Whitney Point Community & Lake Walkway/Bikeway Project at Dorchester Park and

WHEREAS, there is New York State funding for this project, which may not be received in a timely manner, and

WHEREAS, it is necessary to authorize the Commissioner of Finance to do an inter fund advance to this project, now, therefore, be it

RESOLVED, that the Commissioner of Finance is hereby authorized to make a short term, non-interest bearing loan from the General Fund and/or the Enterprise Funds to provide sufficient cash to proceed with the Whitney Point Community and Lake Walkway/Bikeway project at Dorchester Park until Federal and State Aid or bond proceeds are received, and be it

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

RESOLUTION NO. 529

By: Personnel, Health and Human Services and Finance Committees

Seconded by: Mr. Black

RESOLUTION CONFIRMING THE APPOINTMENT OF STEVEN P. REAGAN AS ADMINISTRATOR OF WILLOW POINT NURSING HOME

WHEREAS, the County Executive, pursuant to the authority vested in her by Article XIV, Section A1401 of the Broome County Charter and Administrative Code and pending confirmation by this Legislature, has duly designated and appointed Steven P. Reagan as Administrator of the Willow Point Nursing Home, at the 2004 annual base salary of \$100,219 Grade O Admin II, effective July 30, 2007, and

WHEREAS, Steven P. Reagan is fully qualified to fill the position of Administrator of the Willow Point Nursing Home, and

WHEREAS, it is desired at this time, pursuant to the provisions of Article XIV, Section A1401 of the Broome County Charter and Administrative Code, to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature does hereby confirm the appointment of Steven P. Reagan, 2728 Watson Blvd., Apt. 1, Endwell, New York 13760 as Administrator of Willow Point Nursing Home, at the 2004 annual base salary of \$100,219, Grade O Admin II, effective July 30, 2007, in accordance with his appointment by the County Executive.

Held over by Mr. Black.

RESOLUTION NO. 530

By: County Administration and Personnel Committees

Seconded by: Mr. Cleary

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 10 OF 2007, ENTITLED "A LOCAL LAW AMENDING CHAPTER 19 OF THE BROOME COUNTY CHARTER AND ADMINISTRATIVE CODE REGARDING THE CODE OF ETHICS"

WHEREAS, this County Legislature requests authorization for a Resolution Adopting Local Law Intro. No. 10 of 2007, Entitled "A Local Law Amending Chapter 19 of The Broome County Charter And Administrative Code Regarding The Code Of Ethics"

RESOLVED, that Local Law Intro. No. 10 of 2007, entitled "A Local Law Amending Chapter 19 of the Broome County Charter and Administrative Code Regarding the Code of Ethics" be and the same is hereby adopted and approved in accordance with the Broome County Charter, The New York State Municipal Home Rule Law and all the applicable statutes and laws pertaining thereto.

Local Law Intro. No. 10 of 2007

"A Local Law Amending Chapter 19 of the Broome County Charter and Administrative Code Regarding the Code of Ethics"

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

Section 1 Chapter 19 of the Broome County Charter and Administrative Code is amended to read as follows:

ARTICLE I Code of Ethics

§ 19-1. Purpose and intent.

Pursuant to the provisions of § 806 of the General Municipal Law, the County Legislature of the County of Broome recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this Article to promulgate these rules of ethical conduct for the officers and employees of the County of Broome. These rules shall serve as a guide for official conduct of the officers and employees of the County of Broome. The rules of ethical conduct of this Article, as adopted, shall not conflict with, but shall be in addition to, any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

§ 19-2. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

INTEREST — A pecuniary or material benefit accruing to a municipal officer or employee or to a municipal officer or employee's spouse, minor children and dependents; or a firm, partnership or association of which such officer or employee is a member or employee; or a corporation of which such officer or employee is an officer or director; or a corporation any stock of which is accrued or controlled, directly or indirectly, by such officer or employee.

MUNICIPAL OFFICER OR EMPLOYEE — An officer or employee of the County of Broome, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a Chief Engineer or Assistant Chief Engineer.

IMMEDIATE FAMILY MEMBER — Spouse, child, parent, sibling, grandparent, grandchild (including step and in-law relationships) legal guardian of or any other relative or person residing in the same household as an officer or employee of the

County of Broome.

GIFT — Anything of more than nominal value given to a public official in any form including, but not limited to money service, loan, travel, lodging, meals, refreshments, entertainment, discount, forbearance, or promise, having a monetary value.

§ 19-3. Standards of conduct.

Every officer or employee of the County of Broome shall be subject to and abide by the following standards of conduct:

A. Gifts.

(1) No officer or employee of the county, whether paid or unpaid, shall directly or indirectly solicit, ~~any gift or gratuity or~~ accept, or receive any gift or gratuity having a value of \$75 or more, ~~whether in the form of money, services, loan, travel, entertainment or any other form,~~ from any person, firm, ~~or~~ corporation or bargaining unit that represents Broome County employees or affiliates of said bargaining unit which is directly or indirectly, in any manner whatsoever, in any business or professional transaction or dealing with the county or any agency thereof; nor shall any officer or employee, whether paid or unpaid, accept or receive, in any one calendar ~~month~~ year, a combination of two or more gifts where the gifts individually are worth less than \$75 but in the aggregate are equal to or exceed a value of \$75 [more than one gift or gratuity having a value of less than \$75] from a person, firm, ~~or~~ corporation or bargaining unit that represents Broome County employees or affiliates of said bargaining unit which is directly or indirectly in any manner whatsoever in any business or professional transaction or dealing with the county or any agency thereof.

B. Confidential information. He or she shall not disclose confidential information acquired by him or her in the course of his or her official duties or use such information to further his or her personal interest.

C. Representation before one's own agency. He or she shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he or she is an officer, member or employee or of any municipal agency over which he or she has jurisdiction or to which he or she has the power to appoint any member, officer or employee.

D. Representation before any agency of office's or employee's municipality. He or she shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his or her municipality.

E. Disclosure of interest in legislation. To the extent that he or she knows thereof, a member of the County Legislature and any officer or employee of the County of Broome, whether paid or unpaid, who participates in the discussion or gives official opinion to the County Legislature or any board, agency, department or other administrative unit of Broome County shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he or she has in such legislation.

F. Investments in conflict with official duties. He or she shall not invest or hold any investment, directly or indirectly, in any financial business, commercial or other private transaction which creates a conflict with his or her official duties.

G. Private employment. He or she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his or her official duties.

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- H. Future employment. He or she shall not, after the termination of service or employment with such municipality, appear before any board, agency, department or other administrative unit of the County of Broome in relation to any case, proceeding or application in which he or she personally participated during the period of his or her service or employment or which was under his or her active consideration.
- I. Use of county property and resources. He or she shall not directly or indirectly use or allow the use of property of any kind owned by the County of Broome, including property leased to the county, for other than official county business. Nor shall he or she use County of Broome resources or use his or her position as an officer or employee of the County of Broome to do anything or cause anything to be done that results in the securing of unwarranted benefits, privileges or exemptions for him or herself.
- J. Nepotism:
- (1) In hiring. He or she shall not take part in any hiring or employment decision relating to an immediate family member. If a hiring or employment matter arises relating to an immediate family member, then the officer or employee must advise his or her supervisor of the relationship, and must be recused from any and all discussions or decisions relating to the matter.
- (2) In supervising. An immediate family member of an officer or employee may not be employed in a position where an immediate supervisor/subordinate relationship would exist.
- (3) In contracting. He or she shall not take part in any contracting decision:
- (i) relating to an immediate family member; or
- (ii) relating to any entity in which an immediate family member is an officer, director or partner, or in which an immediate family member owns or controls 10% or more of the stock of such entity. If a contracting matter arises relating to an immediate family member, then the employee must advise his or her supervisor of the relationship, and must be recused from any and all discussions or decisions relating to the matter.

§ 19-4. Semiannual gift disclosure statement.

- A. All paid officers and employees of the county, whether full time or part time and all board members required to file an annual financial statement pursuant to § 19-6 A(3) of the Code of Ethics shall, on a semiannual basis, complete a gift disclosure statement affirmatively stating that he or she has neither accepted nor received any gift or gratuity from any person, firm, corporation or bargaining unit that represents Broome County employees or affiliates of said bargaining unit which is directly or indirectly, in any manner whatsoever, involved in any business or professional transaction or dealing with the county or any agency thereof during that time period OR that he or she has accepted a gift or gratuity from any of the above mentioned sources. All accepted gifts will be itemized on the gift disclosure statement.
- B. Statement review. All completed gift disclosure statements will be forwarded to the office of the Clerk of the Legislature. The office of the Clerk of the Legislature will produce a report of all received gift disclosure statements that contain gift disclosures and submit said report to the Board of Acquisition and Contract (B.A.C), for its review. A statement will be filed with the Board of Ethics for any suspected violations and investigated pursuant to § 19-19 of the Code of Ethics.

C. Schedule. For the purpose of this section, the reporting requirement shall be as follows:

<u>Statement due to Clerk of the Legislature</u>	<u>Report due to B.A.C.</u>
(1) <u>March 31</u>	(1) <u>April 21</u>
(2) <u>September 30</u>	(2) <u>October 21</u>

§ 19-5. Suits against county.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the County of Broome or any agency thereof on behalf of himself or herself or any member of his or her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 19-6. Annual statement of financial disclosure.

A. On or before [~~May 15~~] March 1 of each year, a statement of financial disclosure covering the preceding calendar year shall be filed with the Board of Ethics by:

- (1) The following elected officials: County Executive, County Legislators, County Clerk, Sheriff and District Attorney.
- (2) The following heads of agencies, departments, divisions, councils, boards, commissions or bureaus and their deputies and assistants: ~~Commissioner of Public Works, President of Broome Community College, Commissioner of Aviation, Commissioner of Public Transportation, Director of Solid Waste Management, Director of Central Food and Nutrition Services, Probation Director, Commissioner of Finance, Commissioner of General Services, Comptroller, Director of Computer Services, County Attorney, Personnel Officer, Commissioners of Elections, Commissioner of Planning and Economic Development, Director of Emergency Services/Fire Coordinator, Commissioner of Mental Health, Willow Point Nursing Home Administrator, Director of Drug Awareness Center, Commissioner of Public Health, Public Defender, Commissioner of Parks and Recreation, County Historian, Director of Real Property Tax Services, Executive Director of Youth Bureau, Manager of Broome County Veterans Memorial Arena, Commissioner of Social Services, CASA Director, Employment and Training Program Director, Director of Office for Aging, Manager of Risk and Insurance, STOP DWI Coordinator, Library Director, Deputy Commissioner of Buildings and Grounds, Deputy Commissioner of Engineering, Deputy Commissioner of Highways, Director of Security, Assistant Nursing Home Administrator, Vice President of Academic Affairs, Broome Community College, Vice President for Administration, Broome Community College, Vice President for Institutional Advancement, Broome Community College, Vice President for Student Affairs, Broome Community College, Deputy Commissioner of Aviation, Deputy Commissioner of Public Transportation, Deputy County Executive, Administration, Executive Assistant to County Executive, Director of Budget and Research, Deputy for Solid Waste Engineering Services, Clerk of County Legislature, Deputy Clerk of County Legislature, Assistant Director of Probation, Deputy County Clerk, Motor Vehicle Bureau Supervisor, Chief Assistant District Attorney, Deputy Commissioner of Finance, Purchasing Agent, Deputy Commissioner of General Services, Director of Weights and Measures, Deputy Comptroller, Chief Assistant County Attorney, Deputy Personnel Officer – Affirmative Action Officer, Director of Employee Relations, Deputy Commissioners of Elections, Assistant to County Executive for Community~~

~~Relations, Undersheriff, Deputy Director of Emergency Services, Deputy Commissioner of Mental Health, Deputy Commissioner of Public Health, Chief Assistant Public Defender, Deputy Commissioner of Parks and Recreation, Real Property Tax Services Supervisor, Assistant Arena Manager, Deputy Commissioner of Social Services, Deputy Commissioner of Social Services for Services, Deputy Employment and Training Director, Deputy Director of Office for Aging and Legislative Assistant.]~~

Aging, Office for

Director of Office for Aging
Deputy Director of Office for Aging

Audit & Control

Comptroller
Deputy Comptroller
Director of Weights and Measures

Aviation

Commissioner of Aviation
Deputy Commissioner of Aviation

Broome Community College

President of Broome Community College
Vice President of Academic Affairs
Vice President for Administration and Financial Affairs
Vice President for Student Affairs

Central Foods

Director of Central Food and Nutrition Services

Emergency Services

Director of Emergency Services/Fire Coordinator
Deputy Director of Emergency Services

Employment & Training

Employment and Training Director
Deputy Employment and Training Director

Finance

Commissioner of Finance
Deputy Commissioner of Finance

Health

Public Health Director
Deputy Public Health Director

Historian

County Historian

Information Technology

Director of Information Technology
Assistant Director of Information Technology

Law

County Attorney
Chief Assistant County Attorney
Deputy County Attorney (DSS)

Legislature

Mental Health

Commissioner of Community Mental Health Services

Deputy Commissioner of Community Mental Health Services

Director of Drug Awareness Center

Nursing Home

Willow Point Nursing Home Administrator
Deputy Nursing Home Administrator –

Fiscal Services

Deputy Nursing Home Administrator – Health Services

Parks & Recreation

Commissioner of Parks and Recreation
Deputy Commissioner of Parks & Recreation

Arena Manager

Events Coordinator

Director of Recreation

Personnel

Personnel Officer
Director of Employee Relations

Equal Employment Opportunity

Compliance Officer

Planning and Economic Development

Commissioner of Planning & Economic Development

Director of Economic Development

Probation

Probation Director
Deputy Probation Director

Public Defender

Public Defender
Chief Assistant Public Defender

Public Transportation

Commissioner of Public Transportation
Deputy Commissioner of

Public Transportation

Public Works

Commissioner of Public Works
Deputy Commissioner of Public Works/

Buildings and Grounds

Deputy Commissioner of Public Works /
Engineering

Deputy Commissioner of Public Works /

<u>Clerk of County Legislature</u>	<u>Highways</u>
<u>Deputy Clerk of County Legislature</u>	<u>Director of Security</u>
<u>2nd Deputy Clerk of County Legislature</u>	<u>Director of Solid Waste Management</u>
<u>Legislative Assistant</u>	<u>Purchasing</u>
<u>Library</u>	<u>Purchasing Agent</u>
<u>Library Director</u>	
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<u>Real Property Tax Service</u>	
<u>Director of Real Property Tax Services</u>	
<u>Assistant Director of Real Property</u>	
<u>Tax Services</u>	
<u>Risk & Insurance</u>	
<u>Manager of Risk and Insurance</u>	
<u>Sheriff</u>	
<u>Undersheriff First Assistant Correctional</u>	
<u>Facilities Administrator</u>	
<u>Social Services</u>	
<u>Commissioner of Social Services</u>	
<u>Deputy Commissioner of Social</u>	
<u>Services</u>	
<u>Deputy Commissioner of Social</u>	
<u>Services –</u>	
<u>Temporary Assistance</u>	
<u>Deputy Commissioner of Social</u>	
<u>Services – Administrative Services</u>	
<u>Stop-DWI</u>	
<u>STOP DWI Coordinator</u>	
<u>Youth Bureau</u>	
<u>Executive Director of Youth Bureau</u>	

(3) Members of the following boards and agencies: ~~[Alcoholic Beverage Control Board, Board of Directors of Veterans Memorial Arena and Performing Arts Theater, Board of Trustees of Broome Community College, Cooperative Extension Association, Board of Ethics, Broome County Industrial Development Agency, Jury Board, Central Library Board of Trustees, Board of Directors of Catskill Regional Off-Track Betting Corporation, Private Industry Council, South Central New York Resource Conservation and Development Board, Broome County Resource Recovery Agency, Southern Tier East Regional Planning Development Board and STOP-DWI Advisory Board.]~~

- (1) Alcoholic Beverage Control Board
- (2) Board of Directors of Veterans Memorial Arena and Performing Arts Theater
- (3) Board of Directors of Catskill Regional Off-Track Betting Corporation
- (4) Board of Ethics
- (5) Board of Trustees of Broome Community College
- (6) Broome County Industrial Development Agency
- (7) Broome County Resource Recovery Agency
- (8) Central Library Board of Trustees

(9) Cooperative Extension Association

(10) Jury Board

(11) Private Industry Council (Broome-Tioga Workforce Development Board)

(12) South Central New York Resource Conservation and Development Board

(13) Southern Tier East Regional Planning Development Board

(14) STOP-DWI Advisory Board

(15) Tobacco Asset Securitization Board

- (4) Such other officers or employees as certified to by the County Executive and approved by the Board of Ethics.
- B. Any such official, officer or employee whose duties commence after April 15 of any year shall file such statement within 30 days after the commencement of duties.
- C. The statement of financial disclosure shall contain the information and shall be in the form of the statement of financial disclosure annexed hereto as Appendix A. Such statement shall be filed in the office of the Clerk of the County Legislature in a sealed envelope marked "Confidential Annual Statement of Financial Disclosure filed with Broome County Board of Ethics." Such envelopes, unopened, shall be forwarded by the Clerk of the Legislature to the Board of Ethics **no later than April 15.**
- D. Any person who is subject to the filing requirements of both Subdivision 2 of § 73-a of the Public Officers Law and of this § 19- ~~5~~ **6** may satisfy the requirements of this section by filing a copy of the statement filed pursuant to § 73-a of the Public Officers Law with the Board of Ethics in accordance with the provisions of this § 19- ~~5~~ **6**.

E. Schedule of relevant dates and deadlines.

- (1) February 1 – The office of the Clerk of the Legislature shall distribute the statement of financial disclosure (Appendix A) to officers and employees.**
- (2) March 1 – Statement of financial disclosure forms shall be postmarked or returned to the office of the Clerk of the Legislature.**
- (3) March 15 – The office of the Clerk of the Legislature shall mail delinquent letters to officers and employees who have not submitted their statement of financial disclosure.**
- (4) April 1 – List of employees and officers who have not submitted completed form will be produced.**

§ 19-7. Advertisements by elected officials and candidates.

Pursuant to the provisions of § 73-b of the Public Officers Law, no elected government official or candidate for elected local office in the County of Broome shall knowingly appear in any advertisement or promotion, including public or community service announcements, published or broadcast through any print or electronic media (including television, radio and internet) by any private or commercial entity or any other entity that publishes such advertisement for a fee, if the advertisement or promotion is paid for or produced in whole or in part with funds of the state, a political subdivision thereof or a public authority.

§ 19-8. Distribution of code of ethics.

The County Executive of the County of Broome shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the County of Broome within 30 days after the effective date of this Article. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his or her office or employment.

§ 19-9. Penalties for offenses.

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

ARTICLE II Board of Ethics

§ 19-10. Membership.

Pursuant to the provisions of Article 18 of the General Municipal Law, there is hereby established a Board of Ethics consisting of three members to be appointed by the County Executive, subject to confirmation by the County Legislature. A majority of such members shall not be officers or employees of the county or any other municipality wholly or partially located in the county and at least one of whom shall be an elected or appointed officer or employee of the county or a municipality located therein. No more than two members shall be of the same political party **with at least one member belonging to the political party of Row A and one from Row B of the New York State Board of Elections voting ballot.**

§ 19-11. Advisory opinions.

- A. The Board shall render advisory opinions to officers and employees of the county and other municipalities located therein, except where such other municipality has established its own Board of Ethics, with respect to Article 18 of the General Municipal Law and Codes of Ethics adopted pursuant thereto. The advisory opinions will be rendered pursuant to the written request of any such officers and employees. The Board shall render a written opinion within 30 days of the request, whenever possible, after investigating fully the circumstances surrounding the request. An opinion rendered by the Board, until and unless amended or revoked, shall be binding on the Board in any subsequent proceeding concerning the person who requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the person in the request for an opinion. Such opinion may also be relied upon by such person and may be introduced in any criminal or civil action. Such requests shall be confidential, but the Board may publish such opinions, provided that the name of the requesting person and other identifying details shall not be included in the publication.
- B. The Board shall make recommendations with respect to the drafting and adoption of a Code of Ethics or amendments thereto upon the request of the governing body of any municipality in the county.

§ 19-12. Coexistence with municipal boards of ethics.

The Board of Ethics shall not act with respect to the officers and employees of any municipality located within the county, where such municipality has established its own Board of Ethics, except that a local Board of Ethics may refer matters to the County Board.

§ 19-13. Terms of office, officers, meetings.

- A. Members of the Board of Ethics shall be appointed for terms of three years. If the County Executive fails to fill a vacancy on the Board within 60 days after a vacancy occurs, the County Legislature shall proceed to fill such vacancy. Whenever a vacancy occurs by expiration of term, a member may continue his or her office until the vacancy is filled.
- B. The Board shall elect each year a Chairman and Secretary. Special meetings of the Board shall be held at the call of any member on at least three days' written notice, mailed to the last-known address of the members. It shall adopt rules of proceeding for the conduct of its meetings, including the requirement that minutes shall be kept for every meeting, and establish regular meeting dates.
- C. Two members of the Board shall constitute a quorum.

§ 19-14. Compensation.

The members of the Board shall receive no salary or compensation for their services, but shall, within the appropriations provided therefore, be entitled to actual and necessary disbursements and expenses in performing the duties of their office.

§ 19-15. Removal of members.

Members of the Board may be removed by the County Executive, subject to confirmation by the County Legislature.

§ 19-16. Powers and duties.

The Board shall:

- A. Appoint an Executive Director, if necessary, and such staff as may be necessary to carry out its duties. The Board may delegate authority to the Executive Director, if any, to act in the name of the Board between meetings of the Board, provided that such delegation is in writing and the specific powers to be delegated are enumerated, and further provided that the Board shall not delegate the power to conduct hearings, determine violations, recommend disciplinary action, impose any civil fine, refer any matter to a prosecutor or render any advisory opinion. The office of the County Executive shall provide such office space, equipment and clerical personnel as may be necessary to support the operation of the Board.
- B. Adopt, amend and rescind rules and regulations to govern procedures of the Board, including the promulgation of rules and regulations of the same import as those which the Temporary State Commission on Local Government Ethics enjoys under § 813 of the General Municipal Law. Such rules and regulations shall include, but not be limited to, the procedure whereby a person who is required to file an annual financial disclosure statement with the Board may request an additional period of time within which to file such statement, due to justifiable cause or undue hardship; such rules or regulations shall provide for a date beyond which, in all cases of justifiable cause or undue hardship, no further extension of time will be granted.
- C. Make available forms for annual statements of financial disclosure required to be filed pursuant to the Code of Ethics.
- D. Act as a repository for completed financial disclosure forms filed pursuant to the Code of Ethics.

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- E. Review completed financial disclosure statements filed in accordance with the Code of Ethics **no later than May 15.**
 - F. Receive complaints alleging a violation of the Code of Ethics.
 - G. Permit any person required to file a financial disclosure statement to request the Board to delete from the copy thereof made available for public inspection one or more items of information, which may be deleted by the Board upon a finding by the Board that the information which would otherwise be required to be disclosed will have no material bearing on the discharge of the reporting person's official duties. If such request for deletion is denied, the Board, in its notification of denial, shall inform the person of his or her right to appeal the Board's determination pursuant to its rules governing adjudicatory proceedings and appeals.
 - H. Permit any person required to file a financial disclosure statement to request an exemption from any requirement to report one or more items of information which may pertain to such person's spouse or child, which item or items may be exempted by the Board upon a finding by the Board that the reporting individual's spouse or child objects to providing the information necessary to make disclosure and that the information which would otherwise be required to be reported would have no material bearing on the discharge of the reporting person's official duties. If such request for exemption is denied, the Board, in its notification of denial, shall inform the person of his or her right to appeal the Board's determination pursuant to its rules governing adjudicatory proceedings and appeals.
 - I. Permit any person who has not been determined by the County Executive to hold a policy-making position but who is otherwise required to file a financial disclosure statement to request an exemption from such requirement in accordance with rules and regulations governing such exemptions. Such rules and regulations shall provide for exemptions to be granted either on the application of an individual or on behalf of persons who share the same job title or employment classification which the Commission deems to be comparable for purposes of this section. Such rules and regulations may permit the granting of an exemption where, in the discretion of the Commission, the public interest does not require disclosure and the applicant's duties do not involve the negotiation, authorization or approval of:
 - (1) Contracts, leases, franchises, revocable consents, concessions, variances, special permits or licenses as defined in § 73 of the Public Officers Law;
 - (2) The purchase, sale or rental or lease of real property, goods or services or a contract therefor;
 - (3) The obtaining of grants of money or loans; or
 - (4) The adoption or repeal of any rule or regulation having the force and effect of law.
 - J. Prepare an annual report to the County Executive and the County Legislature summarizing the activities of the Board and recommending changes in the laws governing the conduct of elected officials and officers and employees of the county.

§ 19-17. Inspection of financial disclosure statements.

The Board, or the Executive Director and staff of the Board, if responsibility therefor has been delegated, shall inspect all financial disclosure statements filed with the Board **no later than May 15** to ascertain whether any person subject to the reporting requirements of the Code of Ethics has failed to file such a statement, has filed a deficient statement or has filed a statement which reveals a possible violation of the Code of Ethics.

§ 19-18. Notice of failure to file statement.

If a person required to file a financial disclosure statement with the Board has failed to file a disclosure statement or has filed a deficient statement, the Board shall notify the reporting person in writing, state the failure to file or detail the deficiency, provide the person with a fifteen-day period to cure the deficiency and advise the person of the penalties for failure to comply with the reporting requirements. Such notice shall be confidential. If the person fails to make such filing or fails to cure the deficiency within the specified time period, the Board shall **direct the Clerk of the Legislature to** send a notice of delinquency to the reporting person and to the County Executive and the County Legislature **by March 15. The Board shall direct the Clerk of the Legislature to produce a list of delinquent individuals who have failed to file their financial disclosure statement by April 1 and forward said list to all department heads as well as Boards that have any members that are not in compliance.**

§ 19-19. Violations of code of ethics.

- A. If a reporting person has filed a statement which reveals a possible violation of the Code of Ethics, or the Board receives a sworn complaint alleging such a violation, or if the Board determines on its own initiative to investigate a possible violation, the Board shall notify the reporting person in writing, describe the possible or alleged violation and provide the person with a fifteen-day period in which to submit a written response setting forth information relating to the activities cited as a possible or alleged violation of law. If the Board thereafter makes a determination that further inquiry is justified, it shall give the reporting person an opportunity to be heard. The Board shall also inform the reporting individual of its rules regarding the conduct of adjudicatory proceedings and appeals and the due process procedural mechanisms available to such individual. If the Board determines at any stage of the proceeding that there is no violation or that any potential conflict of interest violation has been rectified, it shall so advise the reporting person and the complainant, if any. All of the foregoing proceedings shall be confidential.
- B. If the Board determines that ~~[there is reasonable cause to believe that]~~ a violation has occurred, it shall send notice of ~~[reasonable cause]~~ **violation** to the reporting person, to the complainant, if any, to the County Executive and the County Legislature.

§ 19-20. Penalties for false statements.

A reporting individual who knowingly and willfully fails to file an annual statement of financial disclosure or who knowingly and willfully, with intent to deceive, makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to § 19- ~~[5]~~ **6** of the Code of Ethics shall be assessed a civil penalty in an amount not to exceed \$10,000. Assessment of a civil penalty hereunder shall be made by the Board with respect to persons subject to its jurisdiction. For a violation of this section, the Board may, in lieu of a civil penalty, refer a violation to the District Attorney and, upon such conviction, but only after such referral, such violation shall be punishable as a Class A misdemeanor. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal, may be imposed for a failure to file or for a false filing of such statement, except that the appointing authority may impose disciplinary action as otherwise provided by law.

§ 19-21. Rules for proceedings and appeals.

The Board shall be deemed to be an agency within the meaning of Article 3 of the State Administrative Procedure Act and shall adopt rules governing the conduct of adjudicatory proceedings and appeals taken pursuant to a proceeding commenced under Article 78 of the Civil Practice Law and Rules relating to the assessment of the civil penalties herein authorized

and Board denials of requests for certain deletions or exemptions to be made from a financial disclosure statement as authorized in § 19-~~14G~~ **16G** or H hereof. Such rules, which shall not be subject to the approval requirements of the State Administrative Procedure Act, shall provide for due process procedural mechanisms substantially similar to those set forth in such Article 3, but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty or Board denial of such a request shall be final, unless modified, suspended or vacated within 30 days of imposition, with respect to the assessment of such penalty, or unless such denial of request is reversed within such time period and, upon becoming final, shall be subject to review at the insistence of the affected reporting individuals in a proceeding commenced against the Board pursuant to Article 78 of the Civil Practice Law and Rules.

§ 19-22. Filing of notices.

A copy of any notice of delinquency or notice of ~~reasonable cause~~ **violation** sent pursuant to § 19-~~16~~ **18** or 19-~~17~~ **19** hereof shall be included in the reporting person's file and be available for public inspection.

§ 19-23. Additional powers and duties.

In addition to any other powers and duties specified by law, the Board shall have the power and duty to:

A. Administer and enforce all the provisions of §§ 19-~~14~~ **16** through 19-~~20~~ **22**.

B. Administer and enforce all the provisions of § 19-4 and §§ 19-25 through 19-32.

C. Conduct any investigation necessary to carry out the provisions of **§ 19-4**, §§ 19-~~14~~ **16** through 19-~~20~~ **22** and **§§ 19-25 through 19-32**. Pursuant to this power and duty, the Board may administer oaths or affirmations, subpoena witnesses, compel their attendance and require the production of any books or records which it may deem relevant or material.

§ 19-24. Records available for public inspection.

A. The records of the Board which shall be available for public inspection **for a period of 7 years** are:

(1) The information set forth in an annual statement of financial disclosure filed pursuant to the Code of Ethics, except any of the categories of value or amount, which shall remain confidential, and any item of information deleted pursuant to § 19-~~14G~~ **16G** hereof.

(2) The information set forth in the gift disclosure statement filed pursuant to § 19-4.

(3) The information set forth in the contribution and gift sworn statements filed pursuant to § 19-27.

(4) Notices of delinquency sent and delinquent list produced under § 19-~~16~~ **18 hereof.**

(5) Notices of civil assessments imposed under § 19-~~18~~ **20 hereof.**

(6) Notices of violation sent under § 19-~~17~~19 and § 19-31** hereof.**

B. No other records of the Board shall be available for public inspection. No meeting or proceeding of the Board shall be open to the public, except if expressly provided otherwise by the Board.

ARTICLE III County of Broome Professional Service Agreement

§ 19-25. Definitions.

As used in this Article, the following term shall have the meaning indicated:

PROFESSIONAL BUSINESS ENTITY — **an entity seeking a public contract or agreement for professional service, public works, or purchase/lease of equipment, supplies and materials and which may be an individual including the individual's spouse, if any, and any child living at home; a person; firm, corporation; professional corporation; partnership; organization; or association. The definition of a business entity includes all principals who own 10% or more of the equity in the corporation or business trust, partners, and officers in the aggregate employed by the entity as well as any subsidiaries directly controlled by the business entity. The definition of business entity shall also include bargaining units that represent Broome County employees or affiliates of said bargaining units.**

§ 19-26. Contribution violations.

- A. The County shall not enter into contracts or agreements for professional services, public works, or purchase/lease of equipment, supplies and materials with any party if that party has solicited or made any contribution, including in-kind contributions, within one calendar year immediately preceding the date of the contract or agreement, which exceeded the permitted thresholds set forth in Article 14 of the Election Law of the State of New York.**
- B. It shall be a breach of the terms of the County of Broome Professional Service Agreement for a professional business entity to:**
- (1) Make or solicit a contribution or gift in violation of Articles I and III.**
 - (2) Knowingly conceal or misrepresent a contribution or gift given or received.**
 - (3) Make or solicit contributions or gifts through intermediaries for the purpose of concealing or misrepresenting the source of the contribution.**
 - (4) Engage in the exchange of contributions or gifts that would circumvent the intent of this Article.**
 - (5) Directly or indirectly, through or by any other person or means, do any act which would subvert the provisions of this Article or the intent thereof.**

§ 19-27. Contribution statement and gift statement by professional business entity.

- A. Election law signed statements. The County shall require a signed statement for any contract or agreement that requires formal bidding under the New York State General Municipal Law, the Broome County Charter or Local Law of Broome County that the business entity has not made a contribution within one calendar year immediately preceding the date of the contract or agreement which exceeded the permitted thresholds set forth in Article 14 of the Election Law of the State of New York.**
- B. Gifts signed statement. The County shall require a signed statement for any contract or agreement that requires formal bidding under the New York State General Municipal Law, the Broome County Charter or Local Law of Broome County, that discloses all gifts given, if any, to any officer or employee of the County of**

Broome.

- C. Reporting violations. The professional business entity shall have a continuing duty to report any violations of this Article that may occur during the negotiation or duration of a contract.**

§ 19-28. Contributions and gifts made prior to the effective date.

No contribution of money or any other thing of value, including in-kind contributions, and gifts made by a professional business entity shall be deemed a violation of this section; nor shall any contract or agreement be disqualified thereby, if that contribution or gift was given by the professional business entity prior to the effective date of this Article.

§ 19-29. Return of excess contributions.

A professional business entity, county candidate, officeholder, county party committee or political action committee (PAC) may cure a violation of Article III if, within 60 days after the prohibited contribution is made known, the professional business entity notifies the Board of Ethics in writing and seeks and receives reimbursement of the contribution.

§ 19-30. Inspection of signed statements.

- A. Any contract or agreement that requires formal bidding under the New York State General Municipal Law, the Broome County Charter or Local Law of Broome County shall have the contribution signed statement and the gift signed statement attached for inspection to ascertain whether any professional business entity subject to the reporting requirements of this Article has filed a deficient statement or has filed a statement which reveals a possible violation of the County of Broome Professional Service Agreement. All statements that disclose gift giving will be forwarded by the Purchasing Agent to the office of the Clerk of the Legislature who shall produce a report of all received signed statements and on a semiannual basis submit said report to the Board of Acquisition and Contract (B.A.C) as well as the Board of Ethics for their review. A statement will be filed with the Board of Ethics for any suspected violations.**

- B. Schedule. The Clerk of the Legislature's reporting requirement shall be as follows:**

<u>Period End Date</u>	<u>Report Due To B.A.C.</u>
<u>(1) March 31</u>	<u>(1) April 21</u>
<u>(2) September 30</u>	<u>(2) October 21</u>

§ 19-31. Violations of the Professional Service Agreement.

The Board of Ethics shall have the power to receive and review all complaints alleging a violation of the County of Broome Professional Service Agreement in the following manner:

- A. If a reporting professional business entity has filed a statement which reveals a possible violation of the County of Broome Professional Service Agreement, or the Board receives a sworn complaint alleging such a violation, or if the Board determines on its own initiative to investigate a possible violation, the Board shall notify the reporting entity in writing, describe the possible or alleged violation and**

provide the entity with a fifteen-day period in which to submit a written response setting forth information relating to the activities cited as a possible or alleged violation of law. If the Board thereafter makes a determination that further inquiry is justified, it shall give the reporting entity an opportunity to be heard. The Board shall also inform the reporting entity of its rules regarding the conduct of adjudicatory proceedings and appeals and the due process procedural mechanisms available to such entity. If the Board determines at any stage of the proceeding that there is no violation or that any potential conflict of interest violation has been rectified, it shall so advise the reporting entity and the complainant, if any. All of the foregoing proceedings shall be confidential.

- B. If the Board determines that a violation has occurred, it shall send notice of violation to the reporting person, to the complainant, if any, to the County Executive and the County Legislature.**

§ 19-32. Penalty.

Any professional business entity that violates §§ 19-26 through 19-29 of this Article, shall be disqualified from eligibility for future County of Broome contracts for a period of two calendar years from the date of the violation.

§ 19-33. Severability and repealer.

- A. If any section, subsection, sentence, clause or phrase of this Article is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Article.**
- B. All local laws or parts of local laws which are inconsistent with any provisions of this Chapter are hereby repealed as to the extent of such inconsistencies.**

Section 2 This Local Law shall become effective **January 1, 2008.**

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

Mr. Reynolds made a motion, seconded by Mr. Cleary to amend the resolution as recommended by the County Attorney. Amendments to be made are technical corrections that would not alter the substance of the law were references to sections of New York State law were clarified, headings and titles were clarified and/or removed from the text of the Local Law to comply with the rules of statutory construction and the incorrect use of professional business entity was corrected in certain sections. **Amendment carried.** Ayes-17, Nays-0, Absent-3 (Hull, Materese, Reynolds). Mr. LaBare made a motion, seconded by Mr. Cleary to amend page 3/15 l. to read "...for him or herself or for any third party". **Amendment carried.** Ayes, 16, Nays-0, Absent-3 (Hull, Materese, Reynolds). **Automatic hold over.**

RESOLUTION NO. 531

By: Education, Culture and Recreation and Public Works Committees
Seconded by: Chairman Whalen

RESOLUTION AUTHORIZING AMENDMENT TO THE PROPERTY LEASE AGREEMENT WITH THE SECRETARY OF THE UNITED STATES ARMY CORPS OF ENGINEERS FOR THE WHITNEY POINT DAM AND RESERVOIR AREA FOR 1992-2042

WHEREAS, this County Legislature, by Resolution 262 of 1992, authorized a lease agreement with the Secretary of the United States Army Corps of Engineers for approximately 133 acres of land for public park and recreational purposes for the Whitney Point Dam and Reservoir Area for the period May 15, 1992 through May 14, 2017, and

WHEREAS, this County Legislature, by Resolution 105 of 2004, authorized Supplemental Agreement No. 1, which added approximately 25 acres at the southern end of the Whitney Point Reservoir and removed approximately 75 acres known as the Upper Lisle Campground from said lease, and

WHEREAS, it is necessary at this time to authorize Supplemental Agreement No. 2 which will approve the construction and maintenance of a parking area with a walkway/bikeway trail, beginning from behind the Whitney Point Central High School and going across the dam to Dorchester Park as identified in Exhibit "D" and extending the term through May 14, 2042, and

WHEREAS, the trail route will be approximately 28 feet wide and 10,585 linear feet (2 miles) long some of which overlaps the existing leased premises, and the parking area is approximately 70 feet by 85 feet, all covering approximately 7 acres, and

WHEREAS, all construction, signing, and blazing techniques and designs, and all inspection and maintenance techniques and procedures shall be subject to the inspection and prior approval of the District Engineer, and

WHEREAS, this agreement fulfills requirements of the New York State Office of Parks, Recreation and Historic Preservation relative to their funding of the Whitney Point Lake Community Walkway/Bikeway Project, and

WHEREAS, the Secretary of the United States Army Corps of Engineers and the Commissioner of Parks and Recreation have mutually requested authorization for said amendments as approved by the Department of Law, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes Supplemental Agreement No. 2 with United States Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715 which approves the construction and maintenance of a parking area with a walkway/bikeway trail beginning from behind the Whitney Point Central High School and going across the dam to Dorchester Park as identified in Exhibit D" and extending the term of the agreement through May 14, 2042, and be it

FURTHER RESOLVED, that Resolutions 262 of 1992 and 104 of 2004, to the extent consistent herewith, shall remain in full force and effect, and be it

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

Carried. Ayes-17, Nays-0, Absent-2 (Hull, Materese)

Mr. Howard made a motion to adjourn, seconded by Mr. Cleary. **Motion to adjourn carried.** The meeting was adjourned at 7:20 p.m.

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