

WHEREAS, on the advice of the County Attorney, it has been determined that additional monies need to be allocated to compensate these law firms in representing the County of Broome regarding this litigation, now, therefore, be it

RESOLVED, that Resolution 82 of 1993 is amended to reflect an additional \$23,535.11 for a total not to exceed \$53,535.11 to be paid to these law firms in consideration of their services in representing the County, and be it

FURTHER RESOLVED, that payments herein authorized shall be made from budget line 035113.4736.501234 (Legal Charges), and be it

FURTHER RESOLVED, that the County Executive or his daily authorized 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.

**Heldover** by Mr. Warner.

Mr. Warner moved, seconded by Mrs. Taylor to **adjourn**, at 5:41 P.M.,  
**Carried.** Ayes-16, Nays-0, Absent-3 (Brown, Pazzaglini & Wagstaff)

**BROOME COUNTY LEGISLATURE  
SPECIAL SESSION  
TUESDAY, AUGUST 3, 1993**

The Legislature convened at 5:00 P.M. with a Call To Order by the Chairman, Arthur J. Shafer.

The Clerk, Richard Blythe, read the fire exit announcement and then called the Attendance Roll: Present-15, Absent-4 (Coffey, Malley, Wagstaff and Whalen)

The Chairman, Mr. Shafer, led the members of the Legislature in the Pledge of Allegiance to the Flag, followed by a moment of silent meditation.

The following communications, notices and reports were presented to the County Legislature.

COMMUNICATIONS:

1. Minutes from:
  - a. Water Resources Committee.
2. Broome County Convention & Visitors Bureau: Projected 1994 budget.
3. Resolution from:
  - a. Town of North Hudson (Support for Sen. Stafford on Adirondack Legislation).
4. Letter from Ball, McDonough & Artz, P.C. (Attorneys representing District Attorney Gerald F. Mollen (salary).

- 5.1993 Salary Survey (Executive, Legislative, Administrative Positions in New York State Counties).
- 6.Board of Elections: List of Candidates who filed designating petitions.
- 7.Audit and Control: letter regarding retirement impact.
- 8.T.O. Colesville: Public Hearing on proposed amendment to Land Use Local Law.
- 9.Application from Town of Chenango Proposed Water District No. 28.
- 10.Copy of letter to Legislators from County Executive regarding 1994 Budget.
- 11.Announcement of appointment of Susan Tkach as Affirmative Action Officer.
- 12.Letter from T.O. Union Supervisor John Bertoni expressing disappointment regarding rejection of reso.:(Waiver of tipping fees-flood debris and goods).
- 13.Letter requesting additional information be included in future resolutions:  
Director of Real Property Tax Service (totals of all properties for sale)  
Commissioner of Public Transit (dollar amount instead of "current base").

**REPORTS:**

- 1.Monthly Report: Department of Social Services (April 1993).
- 2.1993 Second quarter report for Sales Tax Collections.
- 3.Second quarter expense report:
  - a.Broome County Arts Council. b. Broome County Chamber of Commerce.
- 4.Department of Audit & Control:  
Contract audit (Broome County Chamber of Commerce);  
Fixed Asset Inventory Audit (Health Department-The Center);  
Bank Transfer Testing (January-March 1993).

Mr. Lindsey moved, seconded by Mr. Pasquale that the reports be received and filed and that the Clerk be authorized to publish any pertinent portions in the Journal of Proceedings.

**Carried.** Ayes-15, Nays-0, Absent-4 (Coffey, Malley, Wagstaff and Whalen)

The following resolution heldover from the previous regular session was again presented for consideration at this special session per the Call of the Chair.

**RESOLUTION NO. 328** by the Finance Committee authorizing a contract with the Center For Governmental Research, Inc., for an efficiency and cost-saving study of selected aspects of Broome County Government (heldover by Mr. Pasquale).

Mr. Pasquale moved, seconded by Mr. Augustini that the resolution be amended to include the following language:  
In the first Resolved paragraph, after the phrase "Exhibit A," add: as a point of reference and/or a basis of discussion.

In the third Further Resolved, after the word "budget," add: lines, identified by the County Executive and the Budget Office including 900084.4752.101000 (contingent fund).

Add a Further Resolved, that in order to monitor and direct the project, this Legislature hereby establishes a 'steering committee' composed of members of the Legislature, Executive Branch and County Employees.

The amendment **Carried.**

Ayes-15, Nays-0, Absent-4 (Coffey, Malley, Wagstaff and Whalen)

The resolution as amended **Carried.**

Ayes-15, Nays-0, Absent-4 (Coffey, Malley, Wagstaff and Whalen)

Mr. Shafer then made the following appointments to the Steering Committee:

Arthur J. Shafer, Timothy Grippen, Legislators Schofield, Pasquale, Harbachuk and Augustini, the President of CSEA or designee, the President of BAPA or designee, the Personnel Director or designee.

Legislative Note: On Wednesday, August 4, 1993, Mr. Shafer added the Chair of the Personnel Committee, Kelly Wagstaff to the Steering Committee.

The following resolution is presented for consideration at this special session per the Call of the Chair.

**RESOLUTION NO. 348**

by Environment Committee

Seconded by Mr. Warner

**SCHEDULING A PUBLIC "SCOPING" MEETING WITH REGARD TO THE PROPOSED BROOME COUNTY COMPOSTING FACILITY**

WHEREAS, this Legislature by Resolution 93-288 of 1993 declared itself lead agency under the State Environmental Quality Review Act with regard to the proposed Composting Facility, and

WHEREAS, this Legislature has received a proposed outline of a Draft Environmental Impact Statement with regard to this project, and

WHEREAS, this Legislature has determined that a public "scoping" meeting should be held to assist the lead agency to determine the appropriate scope of the Environmental Impact Statement, now, therefore, be it

RESOLVED, that this Legislature schedules a public "scoping" meeting to be held on August 18, 1993 at 7:00 p.m. in the Legislative Chambers, and be it

FURTHER RESOLVED, that the lead agency will receive written comments on the scope of the Environmental Impact Statement through August 28, 1993 at 5:00 p.m., and be it

FURTHER RESOLVED, that a transcript of the "scoping" meeting and copies of all written comments be forwarded to this Legislature for its review.

**Carried.** Ayes-15, Nays-0, Absent-4 (Coffey, Malley, Wagstaff and Whalen)

Mr. Augostini moved, seconded by Mr. Pasquale to **Suspend the Rules** to allow two resolutions to appear before the Legislature. (Reso. No. 332 and Reso. 349)

**Carried.** Ayes-15, Nays-0, Absent-4 (Coffey, Malley, Wagstaff and Whalen)

**RESOLUTION NO. 332**

by Public Safety and Emergency Services and Finance Committees

Seconded by Mr. Burger

**A RESOLUTION RETAINING THE SERVICES OF SPECIAL COUNSEL FOR THE COUNTY OF BROOME, NEW YORK, IN CONNECTION WITH THE ISSUANCE OF APPROX. \$40,000,000 CERTIFICATES OF PARTICIPATION IN CONNECTION WITH THE FINANCING OF THE NEW COUNTY JAIL.**

**Legislative Note:**This resolution was originally introduced at the Regular Session of July 22nd., 1993. The full text is found in the minutes of the 1993 Journal of Proceedings on page 291 and page 292.

**Carried.**

Ayes-13(Augostini, Burger, Harbachuk, Harris, Howard, Hudak, Lindsey, Pasquale, Pazzaglini, Schofield, Taylor, Warner and Shafer)

Nays-2 (Brown and Kavulich) Absent-4 (Coffey, Malley, Wagstaff and Whalen)

**RESOLUTION NO. 349**

by County Administration, Economic Development & Planning and Finance Committees

Seconded by Mr. Pasquale

**RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 7, 1993 ENTITLED: "A LOCAL LAW AUTHORIZING AN AMENDMENT TO THE BROOME COUNTY CHARTER TO PERMIT THE PRIVATE SALE OR ASSIGNMENT OF TAX SALE CERTIFICATES."**

RESOLVED, that Local Law Intro. No. 7, 1993, entitled: "A Local Law Authorizing an Amendment to the Broome County Charter to permit the Private Sale or Assignment of Tax Sale Certificates", be and the same hereby is adopted and approved in accordance with the Broome County Charter, the Municipal Home Rule Law and all the applicable statutes and laws pertaining thereto.

BE IT ENACTED by the Broome County Legislature as follows:

**SECTION 1. PURPOSE**

It is the purpose of this Local Law to amend the Broome County Charter to

authorize the County of Broome to sell tax sale certificates at private sale pursuant to negotiated terms and conditions that reflect market values, interest rates and other factors. It is the intent of this Local Law to provide the maximum allowable flexibility to the County of Broome to achieve such purpose, and the provisions hereof shall be in addition to and/or in lieu of the bulk tax sale provisions of the Real Property Tax Law.

SECTION 2. ARTICLE VI OF THE BROOME COUNTY CHARTER IS  
HEREBY AMENDED TO ADD A NEW SECTION C613 TO  
READ AS FOLLOWS:

SECTION C613 SALE OR ASSIGNMENT OF TAX SALE  
CERTIFICATES

Notwithstanding the requirements of the bulk tax sale provisions of the Real Property Tax Law, the County of Broome is hereby authorized and empowered to sell or assign a portion or all of the County's tax sale certificates at private sale without public advertisement or public auction and without regard to the provisions of the Real Property Tax Law relating to the qualifications of bidders.

The County Executive is authorized to negotiate the contracts for sale or assignment of tax sale certificates for a price that reflects market values, interest rates, financing and transactional costs and other pricing factors, as negotiated by the County Executive. Any such contract may contain such other covenants, terms and conditions to the extent permitted by the Real Property Tax Law or otherwise permitted by law, as the County Executive may determine to be necessary to effect the sale or assignment of the tax sale certificates, including specifically, but without limitation, an obligation by the County to repurchase unredeemed tax sale certificates for a negotiated price, at any time prior to the issuance of tax deeds, provided that the repurchase price does not exceed the aggregate face amount of the tax sale certificates repurchased plus accrued interest and penalties to the date of repurchase.

The County Executive is authorized to make, sign, execute and implement all contracts for the assignment or sale of the tax sale certificates negotiated in accordance with the provisions of this Local Law. The County Executive shall have all necessary and incidental powers to perform and exercise any of the duties and functions delegated by this Local Law.

SECTION 3. SEVERABILITY

If any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly adjudged invalid.

SECTION 4. EFFECTIVE DATE

This Local Law shall become effective forty-five (45) days after adoption, or

upon approval by a majority of the qualified electors in the event a permissive referendum is held in accordance with the Municipal Home Rule Law.

**Carried.**

Ayes-11(Augostini, Burger, Harbachuk, Harris, Howard, Kavulich, Lindsey, Pasquale, Pazzaglini, Taylor & Shafer)

Nays-4 (Brown, Hudak, Schofield and Warner)

Absent-4 (Coffey, Malley, Wagstaff and Whalen)

**Legislators Comments:** Published at the request of Ms. Harris.

Comments by the Hon. Merry Harris, Legislator-District 5:

"I didn't hear the Budget Office named to the Steering Committee and I would like to suggest that maybe you would want to think about adding them and I would just make the comment that although a quarter of the membership of the Legislature is female, there are no female Legislators represented on the Steering Committee and I hope that we'll all be advised about when those meetings are in case any of us would like to attend."

Mr. Pasquale moved, seconded by Mr. Augostini to **adjourn** at 5:27 P.M.

**Carried.** Ayes-15, Nays-0, Absent-4 (Coffey, Malley, Wagstaff and Whalen)