
**BROOME COUNTY LEGISLATURE
SPECIAL SESSION
TUESDAY, MAY 27, 2003**

The Legislature convened at 4:07 p.m. with a call to order by the Chair, Daniel A. Schofield. The Clerk, Louis P. Augustini, read the fire exit announcement and called the Attendance Roll, Present-18, Absent-1 (Reynolds). Mr. Reynolds arrived immediately following the suspension of the rules to act on Resolution No. 230.

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

RESOLUTIONS INTRODUCED AT THIS SESSION

Mr. Lindsey made a motion to suspend the rules in order to act upon Resolution No. 230 which is a Resolution Against Amending S11-0907 of Environmental Conservation Law In Relation To Hunting Deer and Bear In The Southern Tier. Mr. Wike seconded the motion. **Motion to suspend the rules carried**, Ayes-18, Nays-0, Absent-1 (Reynolds).

RESOLUTION NO. 230

By County Administration Committee Seconded by Mr. Lindsey
**RESOLUTION AGAINST AMENDING S11-0907 OF ENVIRONMENTAL CONSERVATION LAW
IN RELATION TO HUNTING DEER AND BEAR IN THE SOUTHERN TIER**

WHEREAS, there is currently a bill in the Senate, S2326, and a bill in the Assembly, A05443, that would allow the use of rifles to hunt deer and bear in the Southern Tier, and

WHEREAS, Broome County is located in the Southern Tier, and

WHEREAS, Broome County has densely populated areas, especially in southern Broome, and some of the more popular hunting areas border these populated areas, and

WHEREAS, the use of high power rifles in said areas would put the residents at grave risk of being injured or killed by stray bullets, and

WHEREAS, there are certain areas in Broome County that do not border highly populated areas and in which the use of rifles is allowed, now, therefore, be it

RESOLVED, this Broome County Legislature request that Broome County not be included in the new areas where rifle hunting is to be allowed, and be it

FURTHER RESOLVED, as we believe the areas in Broome County that allow the use of rifles are safe areas and we also request that the use of rifles in said areas be allowed to continue, and be it

FURTHER RESOLVED, that copies of this resolution be sent to Assemblyman Clifford Crouch, Assemblyman Gary Finch, Assemblyman Robert Warner, Senator Thomas W. Libous, Sheldon Silver, Speaker of the New York State Assembly, Joseph L. Bruno, Majority Leader of the New York State Senate, and the New York State Association of Counties.

Ms. Hudak made a motion, seconded by Mr. Wike, to add the following as the second FURTHER RESOLVED: "FURTHER RESOLVED, that if the State Legislature authorizes the use of rifles in the populated areas of the County, the State shall assume the total liability for allowing the use and hold the County harmless, and be it". **Amendment carried**. Mr. Pasquale made a motion, seconded by Mr. Whalen, to remove the reference to "...high power rifles..." in the fourth WHEREAS paragraph. **Amendment failed**, Ayes-3 (Pasquale, Reynolds, Whalen)., Nays-16 Mr. Howard made a motion to call the question, seconded by Mr. Pasquale. **Motion to call the question carried**, Ayes-15, Nays-4 (Burger, Brunza, Kuzel, Schofield). **Resolution as amended carried**.

RESOLUTION NO. 225

By Finance Committee

Seconded by Mr. Shafer

RESOLUTION AUTHORIZING A HOME RULE REQUEST REGARDING AN AMENDMENT TO COUNTY LAW SECTION 308-A TO PROVIDE FOR A BROOME COUNTY WIRELESS SURCHARGE

WHEREAS, this Legislature previously adopted Resolution 177 of 2003 requesting the New York State Legislature adopt an amendment to County Law Section 308-a to provide that the Broome County Legislature may establish a County of Broome wireless surcharge in an amount not to exceed 30 cents per month on each wireless communication device in connection with wireless communication service provided customers whose place of primary use is within Broome County, and

WHEREAS, Assembly Bill AXXXX and Senate Bill SXXXX have been introduced into the New York State Assembly and Senate, respectively, to amend County Law Section 308-a to provide that the Broome County Legislature may establish a County of Broome wireless surcharge in an amount not to exceed 30 cents per month on each wireless communication device in connection with wireless communication service provided customers whose place of primary use is within Broome County, and

WHEREAS, pursuant to Article IX of the Constitution of the State of New York, it is necessary for this Legislature to enact a Home Rule Request for the purpose of said legislation, now, therefore, be it

RESOLVED, that this County Legislature hereby urges and approves the adoption and passage of said Assembly Bill AXXXX and Senate Bill SXXXX entitled "An Act to Amend the County Law in relation to authorizing _____ and hereby declares that a necessity exists for the passage of such bill and that the local Legislative Body of the County of Broome does not have the power to enact such legislation by local law, and be it

FURTHER RESOLVED, that a Home Rule Request be submitted to the Senate and Assembly of the New York State Legislature indicating the necessity exists for the enactment of said legislation.

Mr. Burger made a motion, seconded by Mr. Pasquale, to amend the resolution inserting Bill Numbers A8633 and S5244 as well as the title "...Wireless Communications Surcharges in the County of Broome" **Amendment carried. Resolution as amended carried, Ayes-17, Nays-2** (Brunza, Kuzel).

RESOLUTION NO. 226

By Finance Committee

Seconded by Mr. Shafer

RESOLUTION AUTHORIZING A HOME RULE REQUEST REGARDING AN AMENDMENT TO COUNTY LAW SECTION 303 TO ALLOW BROOME COUNTY TO INCREASE THE SURCHARGE FOR ACCESS LINES FOR THE ENHANCED 911 EMERGENCY TELEPHONE SYSTEM

WHEREAS, this Legislature previously adopted Resolution 544 of 2002 requesting the New York State Legislature adopt an amendment to County Law Section 303 to allow Broome County to increase the surcharge for the enhanced emergency telephone system from \$.35 to \$.70 per access line to provide the necessary funding for the operation, maintenance and purchase of equipment for the 911 system, and

WHEREAS, Assembly Bill A8538 and Senate Bill S4587 have been introduced into the New York State Assembly and Senate, respectively, to amend County Law Section 303 to allow Broome County to increase the surcharge for the enhanced emergency telephone system from \$.35 to \$.70 per access line to provide the necessary funding for the operation, maintenance and purchase of equipment for the 911 system, and

WHEREAS, pursuant to Article IX of the Constitution of the State of New York, it is necessary for this Legislature to enact a Home Rule Request for the purpose of said legislation, now, therefore, be it

RESOLVED, that this County Legislature hereby urges and approves the adoption and passage of said Assembly Bill A8538 and Senate Bill S4587 entitled "An Act to Amend the County Law in relation to authorizing an increase of the surcharge imposed on telephone service used to pay for the costs associated with enhanced 911 emergency telephone systems in the County of Broome," and hereby declares that a necessity exists for the passage of such bill and that the local Legislative Body of the County of Broome does not have the power to enact such legislation by local law, and be it

FURTHER RESOLVED, that a Home Rule Request be submitted to the Senate and Assembly of the New York State Legislature indicating the necessity exists for the enactment of said legislation.

Carried, Ayes-17, Nays-2 (Brunza, Kuzel).

RESOLUTION NO. 227

By Finance Committee

Seconded by Mr. Shafer

RESOLUTION AUTHORIZING A HOME RULE REQUEST WITH RESPECT TO AN AMENDMENT OF SALES AND COMPENSATING USE TAX IN BROOME COUNTY

WHEREAS, this Legislature previously adopted Resolution 180 of 2003 with respect to the amendment of the sales and compensating use tax in Broome County, and

WHEREAS, Assembly Bill A6910 and Senate Bill S4590 have been introduced into the New York State Assembly and Senate in relation to extending the authorization of the County of Broome to impose an additional one percent sales and compensating use tax, and

WHEREAS, pursuant to Article IX of the Constitution of the State of New York, it is necessary for this Legislature to enact a Home Rule Request for the purpose of said legislation, now, therefore, be it

RESOLVED, that this County Legislature hereby urges and approves the adoption and passage of said Assembly Bill A6910 and Senate Bill S4590 entitled "An Act to amend the Tax Law, in relation to extending the authorization of the County of Broome to impose an additional one percent sales and compensating use tax" and hereby declares that a necessity exists for the passage of such bill and that the local Legislative Body of the County of Broome does not have the power to enact such legislation by local law, and be it

FURTHER RESOLVED, that a Home Rule Request be submitted to the Senate and Assembly of the New York State Legislature indicating the necessity exists for the enactment of said legislation.

Carried.

RESOLUTION NO. 228

By Finance Committee

Seconded by Mr. Shafer

RESOLUTION AUTHORIZING A HOME RULE REQUEST WITH RESPECT TO AN AMENDMENT OF SALES AND COMPENSATING USE TAX IN BROOME COUNTY

WHEREAS, this Legislature previously adopted Resolution 180 of 2003 with respect to the amendment of the sales and compensating use tax in Broome County, and

WHEREAS, Assembly Bill A8540 and Senate Bill S4591-A have been introduced into the New York State Assembly and Senate in relation to extending the authorization of the County of Broome to impose an additional one percent sales and compensating use tax with the option to increase such additional tax rate to one and one-half percent, and

WHEREAS, pursuant to Article IX of the Constitution of the State of New York, it is necessary for this Legislature to enact a Home Rule Request for the purpose of said legislation, now, therefore, be it

RESOLVED, that this County Legislature hereby urges and approves the adoption and passage of said Assembly Bill A8540 and Senate Bill S4591-A entitled "An Act to amend the Tax

Law, in relation to extending the authorization of the County of Broome to impose an additional one percent sales and compensating use tax with an option to increase such additional tax rate to one and one-half percent” and hereby declares that a necessity exists for the passage of such bill and that the local Legislative Body of the County of Broome does not have the power to enact such legislation by local law, and be it

FURTHER RESOLVED, that a Home Rule Request be submitted to the Senate and Assembly of the New York State Legislature indicating the necessity exists for the enactment of said legislation.

Failed, Ayes-9 (Burger, Howard, Hull, Lindsey, Marinich, Mather, Miller, Nannery, Shafer), Nays-10 (Brunza, Hudak, Hutchings, Kolba, Kuzel, Pasquale, Reynolds, Whalen, Wike, Schofield).

RESOLUTION NO. 229

By Finance Committee

Seconded by Mr. Howard

RESOLUTION AUTHORIZING A HOME RULE REQUEST TO EMPOWER THE COUNTY OF BROOME TO INCREASE THE HOTEL/MOTEL OCCUPANCY TAX BY ONE-HALF PERCENT

WHEREAS, this Legislature previously adopted Resolution 683 of 2002 to empower the County of Broome to increase the hotel/motel occupancy tax by one-half percent, and

WHEREAS, Assembly Bill A8539 and Senate Bill S4592 have been introduced into the New York State Assembly and Senate in relation to authorizing the County of Broome to increase the hotel and motel tax from three to three and one-half percent, and

WHEREAS, pursuant to Article IX of the Constitution of the State of New York, it is necessary for this Legislature to enact a Home Rule Request for the purpose of said legislation, now, therefore, be it

RESOLVED, that this County Legislature hereby urges and approves the adoption and passage of said Assembly Bill A8539 and Senate Bill S4592 entitled “An Act to amend the Tax Law, in relation to authorizing an increase in the hotel and motel tax in Broome County from three to three and one-half percent” and hereby declares that a necessity exists for the passage of such bill and that the local Legislative Body of the County of Broome does not have the power to enact such legislation by local law, and be it

FURTHER RESOLVED, that a Home Rule Request be submitted to the Senate and Assembly of the New York State Legislature indicating the necessity exists for the enactment of said legislation.

Carried, Ayes 17, Nays-1 (Brunza), Absent-1 (Shafer).

Mr. Wike made a motion to adjourn, seconded by Mr. Howard. **Motion to adjourn carried.** The meeting was adjourned at 5:15 p.m.

