
**BROOME COUNTY LEGISLATURE
REGULAR SESSION
TUESDAY, DECEMBER 28, 2004**

The Legislature convened at 5:04 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-16, Absent-3 (Burger, Hull, Wike).

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

Mr. Mather made a motion, seconded by Mr. Marinich, that the minutes of the December 16, 2004 Regular Session be approved as prepared and presented by the Clerk. **Carried**, Ayes-16, Nays-0, Absent-3 (Burger, Hull, Wike).

Mr. Schofield noted that the committee minutes for the period December 16, 2004 through December 27, 2004 had been distributed to the members of each committee for review and that they are also on file in the Clerk's Office. The Clerk indicated that a quorum of all committees were present. Mr. Schofield asked for corrections to the committee minutes. Seeing none, a motion to approve the committee minutes was made by Mr. Kuzel, seconded by Mr. Lindsey. **Carried**, Ayes-16, Nays-0, Absent-3 (Burger, Hull, Wike).

PRESENTATION OF PETITIONS, COMMUNICATIONS, NOTICES & REPORTS:

- A. Petitions: None
- B. Communications:
 - 1. Broome County Legislature Republican Caucus 2005-2006 Election of Honorable Arthur J. Shafer as Majority Leader
 - 2. Broome County Legislature Democratic Caucus 2005-2006 Election of Honorable Brian Brunza as Minority Leader
 - 3. NYS Board of Real Property Services-2004 Certified 2004 State Equalization Rates
 - 4. Town of Sanford Resolution Asking Broome County to Reinstate the Previous Sales Tax Distribution for the First 3% of Broome County Sales Tax to 50% for the County and 50% for Municipalities
 - 5. NYS Office of the State Comptroller 2005 Schedule of Real Property Taxes and Assessments Levied by the County Board of Supervisors (Legislators)
 - 6. Joint Landfill Citizens Advisory Committee and EMC Recycling & Waste Management Committee Meeting Minutes 11/29/04
 - 7. EMC Natural Resources Committee Meeting Minutes 11/18/04
- C. Notices:
 - 1. Special County Administration and Finance Committee Meeting 12/28/04
- D. Reports:
 - 1. Town of Colesville 2005 Budget
 - 2. Deferred Compensation Plan for Employees of Broome County

Mr. Kuzel made a motion, seconded by Mr. Whalen, to receive and file the above referenced reports and to authorize and direct the Clerk to index said reports in the 2004 JOURNAL OF PROCEEDINGS and to publish pertinent portions of said reports as may be directed by the Chair. **Carried**, Ayes-16, Nays-0, Absent-3 (Burger, Hull, Wike).

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

RESOLUTIONS HELD OVER FROM PREVIOUS SESSION

RESOLUTION NO. 614

(Held over by Mr. Shafer)

By Finance Committee

Seconded by Mr. Brunza

RESOLUTION AUTHORIZING RENEWAL OF AN AGREEMENT WITH COUGHLIN & GERHART, LLP, FOR LEGAL REPRESENTATION BEFORE THE WORKERS' COMPENSATION BOARD FOR THE OFFICE OF RISK AND INSURANCE FOR 2005-2007

Mr. Shafer made a motion, seconded by Mr. Whalen, to reduce the term of the contract to one year. **Amendment carried**, Ayes-16, Nays-0, Absent-3 (Burger, Hull, Wike). **Resolution as amended carried**, Ayes-16, Nays-0, Absent-3 (Burger, Hull, Wike).

Mr. Wike arrived at this point in the agenda.

RESOLUTION NO. 660

(Held over by Mr. Kuzel)

By Finance Committee

Seconded by Mr. Miller

RESOLUTION AUTHORIZING AN AMENDMENT TO CONTRACTS WITH VENDORS PROVIDING TRANSPORTATION SERVICES TO BROOME COUNTY TO PROVIDE FOR A FUEL SURCHARGE

Mr. Kuzel made a motion, seconded by Mr. Whalen, to adjust the contracts based on an increase or decrease in fuel prices. **Amendment failed**, Ayes-8 (Brunza, Hudak, Hutchings, Kuzel, Nannery, Pasquale, Reynolds, Whalen), Nays-9 (Howard, Kolba, Lindsey, Marinich, Mather, Miller, Shafer, Wike, Schofield), Absent-2 (Burger, Hull). **Resolution as presented carried**, Ayes-12 (Howard, Kolba, Lindsey, Marinich, Mather, Miller, Nannery, Pasquale, Reynolds, Schofield, Shafer, Wike), Nays-5 (Brunza, Hudak, Hutchings, Kuzel, Whalen), Absent-2 (Burger, Hull).

RESOLUTIONS INTRODUCED AT THIS SESSION

RESOLUTION NO. 665

By Finance Committee

Seconded by Mr. Shafer

RESOLUTION LEVYING COUNTY TAXES FOR 2005

WHEREAS, this County Legislature, by Resolution 492 of 2004, has adopted a budget for the fiscal year 2005, and

WHEREAS, this County Legislature, by Resolution 493 of 2004, made appropriations for the conduct of the Broome County Government for the fiscal year 2005, now, therefore, be it

RESOLVED, to meet the amount of said appropriations, this County Legislature levies the following taxes pursuant to the provisions of Sec. 360 of the County Law and Sec. 900 of the Real Property Tax Law and of the Broome County Charter, upon the valuation as equalized by it as hereinafter specified, to wit: Upon all taxable property in the County, the sum of \$51,263,059. **Carried**, Ayes-17, Nays-0, Absent-2 (Burger, Hull).

RESOLUTION NO. 666

By Finance Committee

Seconded by Mr. Shafer

RESOLUTION LEVYING TAX, PURSUANT TO SECTION 902 OF THE REAL PROPERTY TAX LAW AND OF THE BROOME COUNTY CHARTER, ON THE CITY OF BINGHAMTON FOR 2005

RESOLVED, that there be levied against the real property of the City of Binghamton in the amount hereinafter set forth and that the proper persons be and they are hereby authorized to execute and affix the proper Warrant to Tax Rolls thereof: County tax \$9,241,949, and be it

FURTHER RESOLVED, that the payment to the Commissioner of Finance of Broome County be made pursuant to the City's Charter, one-half on March 1, 2005, and one-half on September 1, 2005.

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

RESOLUTION NO. 667

By Finance Committee

Seconded by Mr. Shafer

RESOLUTION CERTIFYING COUNTY TAXES DUE FROM EACH MUNICIPALITY IN BROOME COUNTY

WHEREAS, the budget for fiscal year commencing January 1, 2005 in which the County taxes are to be levied is \$51,263,059, and

WHEREAS, the County Legislature must certify to each municipality the contribution of such municipality to the taxes of the County based upon the full valuation of taxable real property in such municipality in accordance with the provisions of Article 8 of the Real Property Tax Law, and

WHEREAS, Chapter 828 of the Laws of 1985 requires that the municipalities levy the exact amount certified to be due and direct the extension of such amount against each parcel of taxable real property, now, therefore, be it

RESOLVED, that on or before December 31, 2004, the Chairman of the Broome County Legislature is hereby directed to issue a certificate to the chief fiscal officer of each municipality certifying the contribution of each municipality to the taxes of the County for the fiscal year commencing January 1, 2005, based upon a total tax levy of \$51,263,059, as follows:

<u>Municipality</u>	<u>Tax Contributions</u>	<u>Rate per \$1,000</u>
City of Binghamton	\$ 9,241,949	\$ 7.624177
Town of Barker	641,795	8.563998
Town of Binghamton	1,732,747	8.325084
Town of Chenango	3,671,070	8.098292
Town of Colesville	1,211,525	72.551164
Town of Conklin	5,508,823	8.765227
Town of Dickinson	1,152,056	7.844104
Town of Fenton	1,530,310	8.278417
Town of Kirkwood	1,960,589	7.450422
Town of Lisle	568,076	8.467550
Town of Maine	1,418,224	9.075507
Town of Nanticoke	343,555	8.466143
Town of Sanford	1,188,843	8.279922
Town of Triangle	596,347	8.142668
Town of Union	14,069,140	121.248346
Town of Vestal	8,897,021	136.247270
Town of Windsor	1,530,989	7.926492
Total	\$51,263,059	

and be it

FURTHER RESOLVED, that the certificate shall be delivered to the chief fiscal officer of each municipality in person, and be it

FURTHER RESOLVED, that the certificate shall contain the rate per \$1,000 of assessed value as determined from the latest final assessment role, and be it

FURTHER RESOLVED, that in the event that a municipality shall fail to make the levy required by law and return same to the Clerk of the Broome County Legislature on or before

December 31, 2003, the County Attorney is directed to institute an Article 78 proceeding against any such municipality to compel the levy and assessment of County taxes by such municipality.
Carried, Ayes-17, Nays-0, Absent-2 (Burger, Hull).

RESOLUTION NO. 668

By Finance Committee

Seconded by Mr. Shafer

RESOLUTION LEVYING RETURNED SCHOOL AND VILLAGE TAXES FOR 2004

RESOLVED, that the Certificate of Returned School Taxes as reported by the Commissioner of Finance, as set forth in Exhibit "A" attached hereto, be received in the amount of such unpaid taxes with seven percent of the amount of principal and interest in addition thereto, be levied upon the real property on which the same were imposed, and when collected by the same be returned to the Commissioner of Finance to reimburse unpaid school taxes to the respective school districts, together with the expense of collection, and be it

FURTHER RESOLVED, that the Certificate of Returned Village Taxes, as reported by the Commissioner of Finance, as set forth in Exhibit "B" attached hereto, be received in the amount of such unpaid taxes with seven percent of the amount of principal and interest in addition thereto, be levied upon the real property on which the same were imposed, and when collected, the same be returned to the Commissioner of Finance to reimburse the County for the amount advanced to pay the amount of returned unpaid village taxes to the respective villages, together with the expense of collection.

2004 RETURNED SCHOOL TAXES - BY SCHOOL DISTRICT - TOTAL RELIEVY

SCHOOL DISTRICT	TOTAL UNPAID TAX ON ROLL	7% COUNTY PENALTY	TOTAL RELIEVED TAX
AFTON	\$86,296.96	\$6,040.81	\$92,337.77
BAINBRIDGE-GUILFORD	1,498.38	104.89	1,603.27
BINGHAMTON (DICKINSON)	6,060.80	424.25	6,485.05
CHENANGO FORKS	284,734.91	19,931.46	304,666.37
CHENANGO VALLEY	512,177.99	35,852.32	548,030.31
CINCINNATUS	440.29	30.82	471.11
DEPOSIT	207,207.97	14,504.57	221,712.54
GREENE	6,899.05	482.94	7,381.99
HARPURSVILLE	186,164.74	13,031.46	199,196.20
JOHNSON CITY	793,818.19	55,567.46	849,385.65
MAINE-ENDWELL	692,115.68	48,448.08	740,563.76
MARATHON	21,830.83	1,528.19	23,359.02
NEWARK VALLEY	372.74	26.09	398.83
SUSQUEHANNA VALLEY	635,436.34	44,480.77	679,917.11
UNION-ENDICOTT	1,199,033.21	83,932.70	1,282,965.91
VESTAL	843,556.09	59,049.45	902,605.54
WHITNEY POINT	407,637.72	28,534.71	436,172.43
WINDSOR	728,846.10	51,019.19	779,865.29
BINGHAMTON (TOWN)	16,093.12	1,126.52	17,219.64
GRAND TOTALS	\$6,630,221.11	\$464,116.68	\$7,094,337.79

2004 RETURNED VILLAGE TAXES -- NOVEMBER 2004 -- TOTAL RELEVY

<u>TOWN</u>	<u>VILLAGE</u>	Total	7 %	Total
		Unpaid	County	Relevied
		<u>Tax on Roll</u>	<u>Penalty</u>	<u>Tax</u>
DICKINSON	Port Dickinson	\$10,498.50	\$734.91	\$11,233.41
LISLE	Lisle	2,628.67	184.00	2,812.67
SANFORD	Deposit	33,576.32	2,350.35	35,926.67
TRIANGLE	Whitney Point	18,412.82	1,288.93	19,701.75
UNION	Endicott	431,094.72	30,176.69	461,271.41
TOTAL UNION		867,488.02	60,724.24	928,212.26
WINDSOR	Windsor	17,416.89	1,219.18	18,636.07
GRAND TOTALS		<u>\$950,021.23</u>	<u>\$66,501.61</u>	<u>\$1,016,522.84</u>

Note: The 7% Penalty is not computed on the dollar handling fee charged on each parcel by the village. The total unpaid tax on the roll times 7% will not equal the County Penalty due to the dollar handling fees.

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

RESOLUTION NO. 669

By Finance Committee

Seconded by Mr. Shafer

RESOLUTION OF THE COUNTY LEGISLATURE LEVYING TAXES AND ASSESSMENTS FOR THE PURPOSE OF ANNUAL BUDGET OF TOWNS OF BROOME COUNTY

WHEREAS, there has been presented to this County Legislature a duly certified copy of the annual budget of each of the several towns of the County of Broome for the fiscal year beginning January 1, 2005, now, therefore, be it

RESOLVED, that there shall be and hereby is assessed and levied upon and collected from the taxable real property situated in the following named towns, the amount indicated below for the general fund purposes and highway purposes, as specified in the respective annual budgets for the respective towns and amounts from the towns and cities account of the Commissioner of Finance, as follows:

<u>Town</u>	General <u>Townwide</u>	General Inside <u>Village</u>	General Outside <u>Village</u>	Highway <u>Townwide</u>	Highway Outside <u>Village</u>
Barker	-	-	-	187,561.89	-
Binghamton	\$202,115.90	-	-	476,233.33	-
Chenango	-	-	-	485,718.23	-
Colesville	-	-	-	403,607.97	-
Conklin	290,683.99	-	-	290,990.06	-
Dickinson	251,052.14	-	-	-	-
Fenton	-	-	-	189,008.61	-
Kirkwood	76,129.52	-	-	350,567.80	-
Lisle	86,690.10	-	-	158,099.91	-
Maine	155,915.59	-	-	308,000.45	-
Nanticoke	-	-	-	59,999.96	-

<u>Town</u>	<u>General Townwide</u>	<u>General Inside Village</u>	<u>General Outside Village</u>	<u>Highway Townwide</u>	<u>Highway Outside Village</u>
Sanford	291,950.11	-	31,013.92	403,174.08	96,530.18
Triangle	218,902.11	-	-	76,078.25	-
Union	2,158,246.40	-	1,934,015.69	-	1,161,245.68
Vestal	4,051,577.15	-	-	1,269,780.89	-
Windsor	314,057.49	-	18,753.23	297,050.23	-

and be it

FURTHER RESOLVED, that there shall be and hereby is assessed and levied upon and collected from real property liable therefore with the respective districts in the following towns, as indicated below, the following amounts for the purposes of such districts, as specified in the respective annual budgets:

TOWN OF BARKER

FP 201 Fire PR 1	\$20,338.56
FP 202 Fire PR 2	25,689.82
FP 203 Fire PR 3	26,965.99
FP 204 Fire PR 4	30,291.74

TOWN OF BINGHAMTON

DR 221 Drain 1	\$346.01
FP221 Fire Prot 1	141,150.38
LT221 Light 1	499.96
LT222 Light 2	2,499.95
LT223 Light 3	3,000.02
LT224 Light 4	400.01
LT225 Light 5	300.00
LT226 Light 6	500.00
PT506 Park Terrace Water	40,390.14
SB221 Sewer Con Bond	19,372.05
SM228 Consolidated Sewer	90,934.12
ST801 Sewer 8 Ext. Bond 1	3,489.07
US221 Return Sewer	18,084.30
WB221 Cons. Water Bond	76,635.11
WD225 Consolidated Water	156,934.92
UW221 Returned Water	15,660.13

TOWN OF CHENANGO

CM241 Chenango Compost	54,250.68
CM242 Chenango Compost Bd	4,628.54
FP241 Fire No. 1	238,088.08
FP242 Fire No. 2	153,505.30
FP243 Fire No. 3	7,071.93
FP244 Fire No. 4	99,107.08
LT241 Light 1	86,500.52
SD240 Sewer 10	23,491.99
SD241 Sewer 1	2,769.96
SD242 Sewer 2	119,290.43
SD244 Sewer 4	67,043.10
SD245 Sewer 11	3,320.56
SD247 Sewer 7	270,632.06

SD248 Sewer 8	325,581.96
SD249 Sewer 9	37,400.00
SD271 Chenango Sewer	35,606.22
SD250 Sewer 5	2,736.09
US241 Return Sewer	27,561.22
UW257 Return Water	24,765.09
WD241 Water 1	26,434.09
WD243 Water 3	7,775.98
WD244 Water 4	6,252.00
WD247 Water 7	5,981.95
WD249 Water 9	4,964.01
WD250 Water 8	6,513.00
WD410 Water 10	399.00
WD415 Water 15	3,029.01
WD416 Water 16	667.11
WD417 Water 12	16,624.06
WD418 Water 14	10,462.03
WD419 Water 18	2,991.01
WD420 Water 19	1,554.08
WD421 Water 20	9,390.00
WD422 Water 21	1,889.97
WD423 Water 22	24,537.02
WD424 Water 24	2,894.97
WD425 Water 23	11,149.06
WD426 Water 26	2,866.01
WD427 Water 27	4,334.00
WD428 Water 28	6,082.99
WD430 Water 25	20,163.98
WD429 Water 29	3,127.99
WD431 Water 30	6,550.01
WD432 Water 31	5,655.99
WR241 Water 11 Frt Ft	1,269.96

TOWN OF COLESVILLE

FD261 Fire No. 1	53,875.02
FD262 Fire No. 2	14,671.06
FD263 Fire No. 3	149,157.78
LT261 Light 1	8,790.07
LT262 Light 2	4,164.07
LT263 Light 3	3,188.00

TOWN OF CONKLIN

FP281 Fire Prot. 1	199,386.34
LT281 Light 1	2,100.01
LT282 Light 2	750.02
LT283 Light 3	2,130.07
LT284 Light 4	9,299.93
LT285 Light 5	1,199.99
LT286 Light 6	1,299.98
LT287 Light 7	250.01
LT288 Light 8	3,900.00
LT289 Light 9	1,099.99
LT210 Light 10	1,270.00
LT211 Light 11	874.97

SB281 Sewer 1 Ext. 1	4,231.04
SB282 Sewer 1 Ext. 2	5,259.99
SB286 Sewer 1 Ext 6	4,686.77
SD283 Sewer 1 Ext. 3	22,283.96
SD284 Sewer 1 Ext. 4	11,219.05
SD285 Sewer 1 Ext. 5	17,871.12
SD287 Sewer 1 Ext 7	3,605.99
US280 Return Sewer	8,490.08
WB280 Water	36,305.98
WB282 Water 6	6,457.04
WT282 Water	18,770.04
UW280 Return Water	27,073.41

TOWN OF DICKINSON

CG301 Curb & Gutter	3,979.93
FP301 Fire No. 1	70,000.07
FP302 Fire No. 2	40,000.10
FP303 Fire No. 3	23,000.08
GB301 Garbage 1	78,349.49
LM301 Lawnmowing	55.00
LT301 Light 1	17,593.96
LT305 Light 5	5,678.98
LT306 Light 6	4,359.20
LT307 Light 7	19,938.38
LT308 Light 8	16,930.35
LT309 Light 9	499.24
PS301 Pump Station	3,095.07
ST304 Pleasant Court Sewer	4,966.95
SD306 Sewer 6 Bond	11,350.27
ST504 Sewer 2, Ext	6,190.99
ST506 Sewer 5, Ext. 2	6,800.99
ST507 Sewer 2, Ext. 4	21,393.70
ST508 Sewer 2, Ext. 5	2,392.02
US301 Return Sewer	45,728.87
UW301 Return Water	41,121.87
WD307 Water 7	11,749.80

TOWN OF FENTON

FD321 Fire No. 1	\$183,479.88
FD322 Fire No. 2	106,237.20
LT321 Light 1	15,499.95
LT322 Light 2	30,000.19
SE323 Porter Hollow Sewer	4,125.00
SE 324 Sewer 1	
US 321 Return Sewer	2,713.32
UW321 Return Water	8,497.10
LM321 Lawnmowing	1,005.00

TOWN OF KIRKWOOD

FP341 Fire No. 1	312,404.13
LT341 Light 1	5,550.00
LT342 Light 2	7,949.97
LT343 Light 3	1,949.99
SE341 Sewer 1	154,302.50

SE342 Sewer 2	4,280.00
SE343 Sewer 3	13,985.61
SE344 Sewer 4	52,919.15
SE346 Sewer 6	1,020.00
SE345 Sewer 5	11,717.00
ST341 Sewer 1, Ext. 1	16,739.99
ST342 Sewer 1, Ext. 2	3,375.00
ST343 Sewer 1, Ext. 3	1,631.82
ST344 Sewer 1, Ext. 4	1,609.04
US343 Return Sewer	98,934.48
UW343Return Water	39,028.98
WD341 Water 1 (Prim)	50,734.20
WD341 Water 1 Ext 3	2,725.89
WD346 Water 6	220.27

TOWN OF LISLE

FP361 Fire No. 1	18,606.98
FP362 Fire No. 2	92,553.66
SF3 Killawog Ambulance	4,768.01
FP364 Fire No. 4	2,800.01
LT361 Light 1	800.00
LT362 Light 2	2,000.02
W361 Return Water	7,654.18

TOWN OF MAINE

FP381 Fire No. 1	135,803.34
PF382 Fire No. 2	18,722.74
FP383 Fire No. 3	16,777.27
FP384 Fire No. 4	6,136.00
FP385 Fire No. 5	9,044.68
FP386 Fire No. 6	21,720.61
FP387 Fire No. 7	110,999.80
LT381 Light 1	8,799.95
LT382 Light 2	5,800.00
LT383 Light 3	1,600.00

TOWN OF NANTICOKE

FP401 Fire No. 1	45,443.16
FP402 Fire No. 2	39,555.99

TOWN OF SANFORD

FP421 Fire No. 1	59,431.73
FP422 Fire No. 2	5,394.97
SD423 Oquaga Lake Sewer	48,250.00
RS422 Return Sewer	2,475.00

TOWN OF TRIANGLE

Fire No. 1	82,827.96
Returned Water	2,935.14

TOWN OF UNION

FP461 Fire No. 1	702,949.83
FP463 Fire No. 4	204,234.18
FP464 Fire No. 5	107,389.65

FP465 Fire No. 6	240,000.01
FP467 Fire No. 8	304,999.63
FP468 Fire No. 10	71,500.32
FP469 Fire No. 12	27,750.07
CG462 Curbs and Gutter	4,830.32
LM460 Union Lawn Mowing	2,055.00
PK461 Parks	891,391.63
LB462 Union Library	1,285,827.13
RS 462 Returned Sewer	24,549.04
UV461 Union Ambulance District	243,501.45
RW462 Return Water	18,197.76

TOWN OF VESTAL

DR482 Drain 1 Maint.	3,856.05
DR484 Drain 2 Maint.	1,552.44
DR486 Drain 3 Maint.	7,645.71
DR487 Drain 4 Maint.	285.00
DR488 Drain 5 Maint.	726.55
DR510 Drain 6 Maint.	320.03
DR511 Drain 7 Maint.	120.00
DR512 Drain 8 Maint.	262.85
DR513 Drain 9 Maint.	606.72
DR514 Drain 10 Maint	90.00
DR515 Drain 11 Maint.	330.00
DR516 Drain 13 Maint.	83.05
DR517 Drain 14 Maint.	7.00
DR518 Drain 15 Maint.	270.00
DR519 Drain 16 Maint.	66.96
DR520 Drain 17 Maint.	4,807.57
DR522 Drain 18 Maint.	57,488.80
FP481 Fire Protection	881,101.52
LT481 Light District	231,001.86
RS481 Return Sewer	112,971.26
RW481 Return Water	38,727.15
SB487 Cons. Sewer Bond	17,705.23
SB488 Sewer Ext. 47	1,046.54
SW489 Sewer Ext. 68	2,583.04
SP551 Sewer 1, Exp. 1	3,819.17
ST490 Sewer 1, Ext.49 Bond	2,880.82
ST509 Sewer 1, Ext. 2	6,587.17
ST540 Sewer 1, Ext. 40 Bond	16,899.06
SW481 Sewer 1, Maint.	425,989.90
WB101 Water 1, Bond 1	16,851.14
WB481 Cons. Water Bond	248,181.62
WB701 Water 7, Bond 1	3,038.01
WD481 Water Dist. Maint.	500,946.93
WT111 Water 1, Ext. Bond 11	1,398.74
WT605 Water 7, Ext. 3 Bond	1,550.16
H1103 Charles Street Curbs	3,220.98

TOWN OF WINDSOR

FP501 Fire 1	14,830.34
FP502 Fire 2	85,542.17
FP503 Fire 3	118,998.56

FP504 Fire 4	5,998.54
SD507 Sewer 1	8,730.00
SD508 Sewer 2	4,850.02

and be it

FURTHER RESOLVED, that the amounts to be raised by taxes and assessments when collected shall be paid to the Supervisors of several Towns in the amounts as shown by this resolution for distribution in the manner provided by law and that the Clerk of the County Legislature is hereby authorized to make changes in the above resolution if requested by the Town Supervisor, and be it

FURTHER RESOLVED, that this Resolution shall become effective immediately.

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

RESOLUTION NO. 670

By Finance Committee

Seconded by Mr. Shafer

RESOLUTION APPROVING THE COMPLETED TAX ROLLS OF THE SEVERAL TOWNS AND CITY AND DIRECTING THE EXECUTION AND DELIVERY OF WARRANTS FOR THE COLLECTION OF TAXES EXTENDED THEREON PURSUANT TO SECTION 904 OF THE REAL PROPERTY TAX LAW

WHEREAS, upon the Tax Rolls of the several Towns and City, the several taxes have been, by the Supervisors and appropriate officials thereof, duly extended as provided by law and by the several resolutions of the County Legislature, and the same completed Tax Rolls have been laid down before this County Legislature for its approval, now, therefore, be it

RESOLVED, that the said Tax Rolls be approved as so completed and the tax is so extended upon the Tax Rolls and the several amounts extended against each parcel of property upon the said Rolls and hereby determined to be the taxes due thereon, as set forth herein, and be it

FURTHER RESOLVED, that there be annexed to each of said Rolls a Tax Warrant in the form prepared by the Clerk and heretofore laid before this County Legislature for its approval, as provided by Section 904 of the Real Property Tax Law; that such warrants be signed by the County Executive and the Clerk of the Legislature; and that said Rolls with said Warrants annexed therefore be forthwith delivered to the respective Collectors of the several tax districts in the County, and be it

FURTHER RESOLVED, that upon the effective date of this Resolution or any thereafter, on or before January 1, 2005, be and hereby is designated as the date upon which the County Executive and the Clerk of this County Legislature are authorized to sign the Warrants and attach the seal of this County Legislature to the Tax Rolls of the several towns.

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

RESOLUTION NO. 671

By Finance Committee

Seconded by Mr. Shafer

RESOLUTION ESTABLISHING EQUALIZATION RATE FOR THE 2005 COUNTY TAX LEVY

RESOLVED, that pursuant to Article III, Section 302 D of the Broome County Charter, the percentages hereinafter indicated after the names of the Towns and the City of Binghamton be and the same hereby are adopted as the ratio percentages which the assessed value of real property of each municipality bears to its full value:

<u>Municipality</u>	<u>Equilization Rate</u>
City of Binghamton	100.00
Town of Barker	87.00
Town of Binghamton	89.50
Town of Chenango	92.00

<u>Municipality</u>	<u>Equilization Rate</u>
Town of Colesville	10.30
Town of Conklin	85.00
Town of Dickinson	95.00
Town of Fenton	90.00
Town of Kirkwood	100.00
Town of Lisle	88.00
Town of Maine	82.16
Town of Nanticoke	88.00
Town of Sanford	90.00
Town of Triangle	91.50
Town of Union	6.25
Town of Vestal	5.56
Town of Windsor	94.00

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

RESOLUTION NO. 672

By Finance Committee Seconded by Mr. Shafer
RESOLUTION AUTHORIZING TRANSFER OF FUNDS TO BALANCE 2004 ACCOUNTS

WHEREAS, the Commissioner of Finance, the Director of Budget & Research and the Comptroller request authorization to transfer funds to balance 2004 accounts, and

WHEREAS, said transfers would fund salary accounts or other necessary accounts with monies available as of December 31, 2004, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the Commissioner of Finance to transfer funds to balance the 2004 accounts, and be it

FURTHER RESOLVED, that the Commissioner of Finance is directed to report any transfers made on or before March 31, 2005 to the Finance Committee of the County Legislature, the Budget Officer and the County Comptroller, and be it

FURTHER RESOLVED, that the Commissioner of Finance is hereby authorized to make short term non-interest bearing interfund loans between operating funds to provide cash sufficient to make year-end payments.

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

RESOLUTION NO. 673

By Finance Committee Seconded by Mr. Shafer
RESOLUTION AUTHORIZING EXECUTION OF AGREEMENTS WITH SEVERAL CONTRACT AGENCIES SUPPORTED BY BROOME COUNTY FOR 2005

WHEREAS, the County has contributed financial support to numerous agencies and organizations involved in various fields of endeavor which benefit, aid or assist with the many needs of the broad spectrum of the Broome County community, and

WHEREAS, it is the desire of this Legislature to give approval for the execution of the contracts with such agencies, said contracts to be in general form heretofore used, subject to and conditioned upon the financial allocations made and accounting procedure prescribed by the County Law Department to each respective contract agency in the 2005 Broome County Budget, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the County Executive or his duly authorized representative to execute such agreements, approved as to form by the Department of Law, with the contract agencies for which financial provisions and contributions have been authorized by this County Legislature in the 2005 Broome County Budget as follows:

<u>Agency</u>	<u>Amount</u>
ACCORD Dispute Resolution Center	\$ 11,861
Broome County Arts Council	193,925
Broome County Convention Bureau	400,000
Broome County Historical Society	35,000
Broome County Soil & Water Conservation District	84,000
Cornell Cooperative Extension Association	433,913
Discovery Center	13,466
Four County Library System	39,900
Opportunities for Broome	38,592
Southern Tier East Regional Planning Board (paid from the Planning Department)	31,055
Southern Tier Zoological Society, Inc.	366,250
Veterans Support Council (paid from Veterans Services)	19,000
<u>Total</u>	<u>\$1,666,962</u>

and be it

FURTHER RESOLVED, that said contracts shall be in form substantially similar to those used in prior years for each specific agency conditioned upon and limited to the monetary amount and funding distribution criteria as set forth herewith and/or as approved in the 2005 County Budget, and to be subject to any necessary approvals required by the State or Federal Government or for any other valid reason which may require the approval of said State or Federal Government, and to be conditioned upon the submission and filing with the Clerk of this Legislature and County Executive a written annual report, detailing the agency's use of these funds received from the County during the previous calendar year, and be it

FURTHER RESOLVED, that any contract which provides for payment on a single lump sum basis, said annual report shall be filed before the lump sum payment is released and any contract which provides for two or more periodic payments during the contract term, said annual report shall be filed prior to the release of the second payment provided for by said contract and such payments are further subject to the provisions of Resolutions 262 of 1978 and 243 of 1979. **Carried**, Ayes-17, Nays-0, Absent-2 (Burger, Hull).

RESOLUTION NO. 674

By Finance Committee

Seconded by Mr. Miller

RESOLUTION AUTHORIZING AN AGREEMENT WITH THE STATE OF NEW YORK AND THE CITY OF BINGHAMTON FOR DESIGN WORK IN CONNECTION WITH THE REHABILITATION OF THE GOVERNMENT CENTER PARKING GARAGE

WHEREAS, the State of New York, the County of Broome and the City of Binghamton entered into an agreement (Tripartite Agreement) on April 16, 1969, subsequently amended on March 12, 1973 and again on December 12, 1977, setting forth the respective rights and duties of the parties in connection with the construction, use and maintenance of the Binghamton Governmental Civic Center, and

WHEREAS, the parties to this agreement recognize a critical and immediate need to undertake remedial and construction work to repair, reconstruct and reopen to full use the underground parking garage of the Governmental Civic Center, and

WHEREAS, Article VII, Sections 7.02 and 7.03 of the amended Tripartite Agreement provides that the parties may, by mutual agreement, arrange for such repair, reconstruction and alteration of Common Areas of the Governmental Civic Center which include the parking garage, and

WHEREAS, Commissioner of Public Works requests authorization for the County of Broome, pursuant to the Tripartite Agreement, to enter into an agreement with the State of New

York and the City of Binghamton for design services in connection with the rehabilitation of the Binghamton Governmental Civic Center, and

WHEREAS, the 2005 Capital Projects Budget has included an appropriation for this project, now, therefore, be it,

RESOLVED, that this County Legislature hereby authorizes an agreement with the State of New York (attention Commissioner of General Services, 41st Floor Corning Tower Bldg, Governor Nelson A. Rockefeller Empire State Plaza, Albany, New York 12242) and the City of Binghamton, City Hall, Binghamton Governmental Civic Center, Binghamton, New York 13901 for design services in connection with the rehabilitation of the parking garage located at the Binghamton Governmental Civic Center for the period January 1, 2005 through December 31, 2008, and be it

FURTHER RESOLVED, that the Commissioner of General Services shall act as the agent for Broome County in the solicitation of bids and the awarding of contracts for the design services herein authorized, and be it

FURTHER RESOLVED, that, pursuant to the Tripartite Agreement, Broome County shall pay thirty-eight (38%) per cent of the design cost not to exceed \$330,000 (2005 C.I.P No. 734) with New York State fronting up the initial cost with Broome County to reimburse the state upon receipt of a billing after completion of the project work, and be it

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

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

RESOLUTION NO. 675

By Finance and Personnel Committees

Seconded by Mr. Shafer

RESOLUTION AUTHORIZING AND RESTATING THE DEFERRED COMPENSATION PLAN FOR BROOME COUNTY EMPLOYEES

WHEREAS, the New York State Deferred Compensation Board (the "Board"), pursuant to Section 5 of the New York State Finance Law ("Section 5") and the Regulations of the New York State Deferred Compensation Board (the "Regulations"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of Broome County (the "Model Plan") and offers the Model Plan for adoption by local employers, and

WHEREAS, this County Legislature, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of Broome County, and

WHEREAS, effective May 21, 2004, the Board amended the Model Plan to adopt provisions relating to:

- Authorization to reject a participant investment request if the request is contrary to the rules, regulations or prospectus of the affected investment fund
- Authorization to distribute assets that have been rolled into the plan from another qualified retirement plan in accordance with the distribution rules of the plan that previously held the assets
- Limitation on a participant's eligibility to obtain a loan in the event that the participant has previously defaulted on a loan

-
- Modifications related to comments provided by the Internal Revenue Service in response to the Board's request for a private letter ruling stating that the Model Plan document constitutes an "eligible deferred compensation plan"
 - Technical amendments pertaining to plan loan rules and the status of plan loans and other withdrawals upon the death of a participant.
and

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations, and

WHEREAS, upon due deliberation, this County Legislature has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of Broome County by adopting the amended and restated Model Plan, now, therefore, be it

RESOLVED, that this County Legislature hereby amends the Deferred Compensation Plan for Employees of Broome County, effective January 1, 2005 by adopting the amended and restated Model Plan effective May 21, 2004, in the form attached as Exhibit "A".

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

RESOLUTION NO. 676

By Finance Committee

Seconded by Mr. Shafer

RESOLUTION AUTHORIZING AN AGREEMENT WITH THE BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO PROVIDE ECONOMIC DEVELOPMENT SERVICES TO BROOME COUNTY AND FOR THE EXECUTIVE DIRECTOR OF THE IDA TO SERVE AS THE BROOME COUNTY DIRECTOR OF ECONOMIC DEVELOPMENT

WHEREAS, this County Legislature places the highest priority on economic development in Broome County to insure the economic future of our community, and

WHEREAS, a strong public sector economic development organization incorporating local government economic development, and state and local economic development agencies working with the private sector can enhance Broome County's economic development efforts, and

WHEREAS, it is desired to continue the partnership between the County and the Broome County Industrial Development Agency to facilitate the objectives of this economic development initiative, and

WHEREAS, this partnership will support the efforts of the Greater Binghamton Coalition as it works together with our private sector agencies; and

WHEREAS, previously, an agreement dated May 31, 2000 was entered into with the Broome County Industrial Development Agency (IDA) pursuant to Resolution 98 of 2000 whereby the IDA would administer the Broome County Economic Development Program including providing support staff and the services of the IDA executive director to serve as the Broome County Director of Economic Development; administer the County Economic Development Revolving Loan Fund and the County's Economic Development Program which agreement expires on December 31, 2004; and

WHEREAS, it is desired to enter into a similar agreement with the IDA to administer the Broome County Economic Development Program during the period January 1, 2005 through December 31, 2008 in consideration of which the County will pay the IDA \$50,000 annually, provided that either party may terminate said agreement effective January 1st of any year beginning January 1, 2006, provided they have by July 1st of the preceding year given written notice to the other party of their intention to terminate the agreement, now, therefore be it

RESOLVED, that this County Legislature hereby authorizes an agreement with the Broome County Industrial Development Agency for the IDA to provide the services of the Executive Director of the IDA to serve as the Broome County Director of Economic Development, administer the County economic development revolving loan fund and the County's economic development program budget, and to provide such other development services to Broome County as may be agreed upon, and be it

FURTHER RESOLVED, that the term of this agreement shall be from January 1, 2005 until December 31, 2008, provided, however, that either party may terminate said agreement effective January 1st of any year beginning January 1, 2006, provided they have by July 1st of the preceding year given written notice to the other party of their intention to terminate the agreement, and be it

FURTHER RESOLVED, that in consideration of said services during the term of this agreement the County shall pay the Broome County Industrial Development Agency an annual amount not to exceed the sum of \$50,000.00, and be it

FURTHER RESOLVED, that the payments hereinbefore authorized shall be paid from budget line 231001.10100.5077 (Industrial Development Agency), and be it

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

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

RESOLUTION NO. 677

By Finance Committee

Seconded by Mr. Shafer

RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENT WITH BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO ADMINISTER THE ECONOMIC DEVELOPMENT REVOLVING LOAN FUND AND ECONOMIC DEVELOPMENT ADVERTISING AND PROMOTION PROGRAM FOR 2005-2008

WHEREAS, pursuant to Resolution 559 of 2000, Broome County on December 18, 2000 entered into an agreement with the Broome County Industrial Development Agency (IDA) to administer the Broome County Economic Development Revolving Loan Program and the Economic Development Advertising and Promotion Program, which agreement expires by its term of December 31, 2004, and

WHEREAS, there is an appropriation of \$400,000 in the 2005 Broome County Budget for economic development advertising and promotion, and

WHEREAS, the Commissioner of Planning and Economic Development desires to renew said December 18, 2000 agreement for the period January 1, 2005 through December 31, 2008 on the same terms, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes renewal of the December 18, 2000 agreement with the Broome County Industrial Development Agency, Edwin L. Crawford County Office Building, P.O. Box 1766, Binghamton, New York 13902 to administer the Broome County Economic Development Revolving Loan Fund and the Economic Development Promotion and Advertising budget, for the period January 1, 2005 through December 31, 2008, and be it

FURTHER RESOLVED, that the loan fund shall continue to be administered in accordance with IDA guidelines, a copy of which were annexed as Exhibit "A" to the December 18, 2000 agreement and that said agreement shall provide that the IDA shall report Revolving Loan Fund transactions and advertising and promotion expenses to the Broome County Executive and this County Legislature semi-annually, and be it

FURTHER RESOLVED, that upon execution of the agreement authorized herein, the balance remaining (up to a maximum of \$400,000) in budget line 231001.4448.101000 (Advertising and Promotion Expense) shall be paid to the Broome County Industrial Development Agency to be administered pursuant to said agreement during calendar year 2005, and be it

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

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

RESOLUTION NO. 678

By County Administration and Finance Committees

Seconded by Mr. Shafer

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 18, 2004, ENTITLED: "A LOCAL LAW CONTINUING THE TAX ON THE OCCUPANCY OF HOTEL OR MOTEL ROOMS IN BROOME COUNTY"

WHEREAS, this County Legislature, by Local Law No. 10 of 2001 authorized the tax on the occupancy of hotel or motel rooms in Broome County for a three year period, expiring December 31, 2004, and

WHEREAS, it is desired at this time to extend the hotel and motel occupancy tax for an additional three years, now, therefore, be it

RESOLVED, that Local Law Intro. No. 18, 2004, entitled: "A Local Law Continuing the Tax on the Occupancy of Hotel or Motel Rooms in Broome County", be and the same hereby is adopted and approved in accordance with the Broome County Charter and all the applicable statutes and laws pertaining thereto.

LOCAL LAW INTRO. NO. 18, 2004

A Local Law Continuing the Tax on the Occupancy Of Hotel or Motel Rooms in Broome County

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

SECTION 1. Section 185-30 of the Broome County Charter and Code, as amended, be and hereby is amended to read as follows:

Section 185-30. When effective

The tax herein imposed shall be effective for the period of three (3) years and shall expire on December 31, [2004] 2007 unless further extended by subsequent action of the Broome County Legislature.

SECTION 2. This local law shall become effective following a public hearing to be held before the County Executive in a manner provided by law.

Changes or additions are indicated by underline.

Deletions are indicated by [brackets]

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

RESOLUTION NO. 679

By Finance Committee

Seconded by Ms. Hudak

RESOLUTION AUTHORIZING AN AGREEMENT WITH LEVENE, GOULDIN & THOMPSON, LLP TO REPRESENT BROOME COUNTY IN A NEGLIGENCE ACTION BECAUSE OF A CONFLICT OF INTEREST IN THE COUNTY ATTORNEY'S OFFICE

WHEREAS, the Canons of Ethics require an attorney to disqualify him or herself from representing a client when there is a conflict of interest, and

WHEREAS, the attorney nominated by the County Executive-Elect represents the plaintiff in a negligence action brought against Broome County which is being defended by the County Attorney's Office, and

WHEREAS, as a result of such representation, a conflict of interest within the meaning of the Code of Ethics is created thus disqualifying the incoming County Attorney from representing either the plaintiff or the County in this action, and

WHEREAS, the action was scheduled for trial at the end of January, 2005, and

WHEREAS, the County Attorney requests authorization to retain the firm of Levine, Gouldin & Thompson, LLP to represent the County in this action at an hourly rate not to exceed \$130 per hour plus reasonable costs and disbursements, and

WHEREAS, said law firm has successfully represented the County in various litigation in the past and has the experience and expertise necessary to represent the County in the pending litigation, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Levene, Gouldin & Thompson, LLP, 450 Plaza Drive, Vestal, New York 13850 to represent Broome County in the civil action titled *Antionette Chukoloski and John Chukoloski, III v. County of Broome, Sheriff of the County of Broome, and John R. Yardman*, and, be it

FURTHER RESOLVED, that in consideration of said representation Broome County shall pay the contractor for legal services billed not to exceed an hourly rate of \$130 plus reasonable costs and disbursements, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 390005.4736.101000 (Legal Charges & Fees), and be it

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

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

RESOLUTIONS RECALLED FROM PREVIOUS SESSION

Mr. Kolba made a motion, seconded by Mr. Shafer, to recall Resolution 643 which failed at the December 16, 2004 Legislative Session. **Motion to recall carried** Ayes-15, Nays-2 (Reynolds, Wike), Absent-2 (Burger, Hull).

A copy of said resolution, as amended, is as follows:

RESOLUTION NO. 643

By County Administration and Finance Committees

Seconded by Mr. Hull

RESOLUTION AUTHORIZING EXTENDED HEALTH INSURANCE BENEFITS TO CERTAIN BROOME COUNTY ADMINISTRATIVE PERSONNEL AND ELECTED OFFICIALS

WHEREAS, a number of administrative employees and elected officials will be leaving County Government within the next year due to the change in Administration, and

WHEREAS, it is so desired to extend current health insurance benefits for departing employees, now, therefore, be it,

RESOLVED, that Administrative Personnel involuntarily leaving County employment prior to July 1, 2005 and elected officials leaving office on December 31, 2004 who are not eligible for coverage under a separate policy of health insurance shall be entitled to maintain their current health insurance under the present terms and conditions for three months following the date of termination or leaving office.

Carried, Ayes-12 (Howard, Hudak, Kolba, Lindsey, Marinich, Mather, Miller, Nannery, Pasquale, Reynolds, Shafer, Whalen), Nays-5 (Brunza, Hutchings, Kuzel, Wike, Schofield), Absent-2 (Burger, Hull).

Mr. Howard made a motion to adjourn, seconded by Mr. Whalen. **Motion to adjourn carried**, Ayes-17, Nays-0, Absent-2 (Burger, Hull). The meeting was adjourned at 5:55 p.m.

STATE OF NEW YORK

:ss

COUNTY OF BROOME

During the year 2004 there were fifteen (15) Regular Sessions and four (4) Special Sessions of the County Legislature.

We, Daniel A. Schofield, Chair and Louis P. Augostini, Clerk of the Broome County Legislature, do hereby certify that we have compared the foregoing Journal of Proceedings of this County Legislature with the original record thereof and that the same is a full and correct transcript therefrom of the transactions of said Legislature at the annual, regular and special sessions of the said Legislature during the year 2004, as far as the same is required to be printed (typographical errors excepted).

IN WITNESS WHEREOF, we have hereunto set our hands the 31st day of December, 2004.

/s/DANIEL A. SCHOFIELD, CHAIR

/s/LOUIS P. AUGOSTINI, CLERK

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