

FURTHER RESOLVED, that in accordance with a request from the Director of Willow Point Nursing Facility, as contained in PCR#97-200, this County Legislature hereby authorizes abolishment of a PT Program Assistant position at budget line 160028.1500.204000, minimum salary \$17,050 FTE, grade 10, and be it (Ref. BT# 000267 & BT# 000268)

FURTHER RESOLVED, that in accordance with a request from the Director of Willow Point Nursing Facility, as contained in PCR#97-201, this County Legislature hereby authorizes creation of a FT Program Assistant position at budget line 160028.1000.204000, minimum salary \$21,070, grade 10, and be it (Ref. BT# 000267 & BT# 000268)

FURTHER RESOLVED, that in accordance with a request from the Director of Willow Point Nursing Facility, as contained in PCR#97-258, this County Legislature hereby authorizes creation of a PT Data Entry Machine Operator position at budget line 160077.1500.204000, minimum salary \$16,390 FTE, grade 8. (Ref. BT# 000267 & BT# 000268)

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

Mr. Wike moved, seconded by Mr. Pasquale to **adjourn** at 4:32 P.M. The adjournment **carried.** Ayes-16, Nays-0, Absent-3 (Coffey, Mather & Shafer)

**BROOME COUNTY LEGISLATURE
SPECIAL SESSION
JUNE 12, 1997**

The Legislature convened at 4:00 P.M. with a call to order by the Chair, Daniel A. Schofield. The Clerk, Richard R. Blythe, read the fire exit announcement and called the Attendance Roll: Present-17, Absent-2 (Mr. Hull and Mr. Mather)

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

RESOLUTION INTRODUCED AT THIS SPECIAL SESSION:

RESOLUTION NO. 227

by FINANCE and COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING COMMITTEES

Seconded by Mr. Miller

RESOLUTION AUTHORIZING AN AGREEMENT WITH NEWMAN DEVELOPMENT OF DICKINSON, L.L.C. FOR THE CONVEYANCE OF REAL PROPERTY COMMONLY KNOWN AS THE "GARDEN PLOTS" TO NEWMAN DEVELOPMENT OF DICKINSON, L.L.C.

WHEREAS, the County is the owner of real property on Upper Front Street in the Town of Dickinson commonly known as the Garden Plots, and

WHEREAS, the County has received a written offer from Newman Development of Dickinson, L.L.C. to purchase the Garden Plots, and

WHEREAS, the County has determined that it is willing to sell the Garden Plots according to the terms of said offer, now, therefore, be it

RESOLVED, that this County Legislature authorizes an agreement with Newman Development of Dickinson, L.L.C., having offices at 3101 Shippers Road, Vestal, New York 13851-0678, for the sale of 16.7± acres of County owned property in the Town of Dickinson having Tax Map Numbers 128.19-1-47 and 128.15-1-1 commonly known as the Garden Plots, incorporating, at a minimum, the basic terms of a certain offer by Newman Development of Dickinson, L.L.C. dated June 10, 1997, and be it

FURTHER RESOLVED, that in consideration of said sale, the purchaser shall pay the County \$1,765,000.00, and be it

FURTHER RESOLVED, that the County agrees to waive the

SPECIAL SESSION OF JUNE 12, 1997

requirement, pursuant to agreement with the Town of Dickinson, that 60% of the property be retained in a natural state, and be it

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

Mrs. Hudak moved, seconded by Mr. Lindsey to **call the question** on the resolution. The call of the question **carried**.

Ayes-15, Nays-2 (Brunza & Kavulich), Absent-2 (Hull & Mather)

Mr. Whalen requested permission to **abstain** due to a potential conflict of interest. Permission to abstain was **granted**.

Ayes-15, Nays-2 (Augostini & Hudak), Absent-2 (Hull & Mather)

The resolution **carried**.

Ayes-16, Nays-0, Abstaining-1 (Whalen), Absent-2 (Hull & Mather)

SUSPENSION OF THE 'RULES'

Mr. Wike moved, seconded by Mr. Howard to **suspend the rules** for the purpose of considering two 'Home Rule Messages' to the NYS Legislature. The suspension of the rules for the purpose of considering this legislation **carried**.

Ayes-17, Nays-0, Absent-2 (Hull & Mather)

RESOLUTION NO. 228

by FINANCE and COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING COMMITTEES

Seconded by Mr. Wike

RESOLUTION AUTHORIZING HOME RULE REQUEST TO EXTEND THE EFFECTIVENESS OF PROVISIONS AUTHORIZING THE COUNTY OF BROOME TO IMPOSE AN

ADDITIONAL ONE PERCENT SALES AND COMPENSATING USE TAX.

WHEREAS, this Legislature previously adopted resolution permanent No. 97-137 requesting the New York State Legislature to enact State Legislation to extend the effectiveness of provisions authorizing the County of Broome to impose an additional one percent of sales and compensating use taxes and exempt articles of clothing from County sales and compensating use taxes, and

WHEREAS, Assembly Bill A6303 and Senate Bill S2700 were prepared for introduction into the New York State Assembly and Senate respectively to amend the tax law, in relation to extending the effectiveness of provisions authorizing the County of Broome to impose an additional one percent of sales and compensating use taxes and authorizing the County of Broome to exempt clothing from local sales and compensating use taxes, and

WHEREAS, it appears that these bills will not be adopted, and

WHEREAS, the additional one percent of sales and compensating use tax is scheduled to expire on November 30, 1997, and

WHEREAS, this County Legislature desires to extend said additional one percent sales and compensating use tax until November 30, 1999, and

WHEREAS, Assembly Bill A8181 and Senate Bill S5425 have been introduced into the N. Y. S. Assembly and Senate respectively to amend the tax law in relation to extending the effectiveness of provisions authorizing the County of Broome to impose an additional one percent of sales and compensating use taxes, 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 passage of said legislation, now, therefore, be it

RESOLVED, that this County Legislature hereby urges and approves the adoption and passage of said Assembly Bill A8181 and Senate Bill S5425 entitled "An Act to Amend the Tax Law in Relation

to Extending the Effectiveness of Provisions Authorizing the County of Broome to Impose an Additional One Percent of Sales and Compensating Use Taxes,” and hereby declare 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 that the necessity exists for the enactment of said legislation.

Carried.

Ayes-13 Augustini, Brunza, Burger, Harbachuk, Howard, Hudak,
Lindsey, Miller, O'Day, Shafer, Sweet, Wike & Schofield
Nays-4 Coffey, Kavulich, Pasquale & Whalen
Absent-2 Hull & Mather

RESOLUTION NO. 229

by FINANCE and COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING COMMITTEES

Seconded by Mr. Howard

RESOLUTION REQUESTING HOME RULE LEGISLATION ALLOWING BROOME COUNTY TO EXEMPT CLOTHING FROM LOCAL SALES AND COMPENSATING USE TAXES.

WHEREAS, this Legislature requests the New York State Legislature to enact State Legislation exempting articles of clothing from County sales and compensating use taxes, and

WHEREAS, Assembly Bill A6303A and Senate Bill S2700A have been introduced into the New York State Assembly and Senate respectively to amend the tax law by authorizing the County of Broome to exempt clothing from local sales and compensating use taxes, 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 passage of said legislation, now, therefore, be it

RESOLVED, that this County Legislature hereby urges and approves the adoption and passage of said Assembly Bill A6303A and Senate Bill S2700A entitled “An act to Amend the Tax Law, in Relation to Authorizing the County of Broome to Exempt Clothing from Local Sales and Compensating Use Taxes”, 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 that the necessity exists for the enactment of said legislation.

Carried. Ayes-16, Nays-1 (Whalen), Absent-2 (Hull & Mather)

Mr. Augostini moved, seconded by Mr. Wike to **adjourn** at 4:37 P.M. The adjournment **carried** by voice vote.