
**BROOME COUNTY LEGISLATURE
SPECIAL SESSION
MONDAY, NOVEMBER 13, 2006**

The Legislature convened at 6:01 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-19, Absent-0.

The Chair, Mr. Schofield, led the members of the Legislature in the Pledge of Allegiance to the Flag.

Mr. Brunza and Mr. Shafer were designated as participants with Chairman Schofield in the 'Short Roll Call'. Actions taken are presented in the order in which they occurred.

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY EXECUTIVE

- A. Supplemental Budget Messages from the County Executive, Barbara J. Fiala:
1. Amendment #1-Department of Social Services
 2. Amendment #2-Office of the Sheriff, EnJoie Golf Course, Interfund Transfers

Mr. Shafer made a motion, seconded by Mr. Schafer, to consider the County Executive's Veto of Resolutions 392, 395 and 396 of 2006. **Motion to consider carried**, Ayes-12 (Keibel, Schafer, Hull, Miller, Shafer, Hutchings, Nannery, Howard, Marinich, Lindsey, Mather, Schofield), Nays-7 (Materese, Whalen, Sanfilippo, Brunza, Kuzel, Reynolds, Buchta).

RESOLUTION NO. 392

RESOLUTION AUTHORIZING ACCEPTANCE OF THE GEORGE HARVEY JUSTICE BUILDING FEASIBILITY STUDY, AUTHORIZING C&S ENGINEERS, INC. TO PROCEED WITH THE SCOPE OF SERVICES FOR CONSTRUCTION AND AUTHORIZE THE APPORTIONMENT OF EQUAL SHARES OF TOBACCO REVENUE FUNDS FOR THE GEORGE HARVEY JUSTICE BUILDING AND THE BCC TECHNOLOGY/COMMUNICATION BUILDING

The veto override carried, Ayes-12 (Keibel, Schafer, Hull, Miller, Shafer, Hutchings, Nannery, Howard, Marinich, Lindsey, Mather, Schofield), Nays-7 (Materese, Whalen, Sanfilippo, Brunza, Kuzel, Reynolds, Buchta).

RESOLUTION NO. 395

RESOLUTION AUTHORIZING THE APPROPRIATION OF ONE-HALF OF THE TOBACCO BOND PROCEEDS FOR THE RENOVATION OF THE GEORGE HARVEY JUSTICE BUILDING AND ONE-HALF OF SAID PROCEEDS FOR THE CONSTRUCTION OF THE BROOME COMMUNITY COLLEGE TECHNOLOGY/COMMUNICATIONS BUILDING (ACADEMIC BUILDING, PHASE I)

The veto override carried, Ayes-12 (Keibel, Schafer, Hull, Miller, Shafer, Hutchings, Nannery, Howard, Marinich, Lindsey, Mather, Schofield), Nays-7 (Materese, Whalen, Sanfilippo, Brunza, Kuzel, Reynolds, Buchta).

RESOLUTION NO. 396

RESOLUTION AMENDING THE 2006 CAPITAL IMPROVEMENT PROGRAM

The veto override carried, Ayes-12 (Keibel, Schafer, Hull, Miller, Shafer, Hutchings, Nannery, Howard, Marinich, Lindsey, Mather, Schofield), Nays-7 (Materese, Whalen, Sanfilippo, Brunza, Kuzel, Reynolds, Buchta).

Mr. Materese made a motion, seconded by Mr. Whalen, to accept SUPPLEMENTAL BUDGET #1 regarding the Department of Social Services as follows:

Pg. 360	0308	State Aid-Social Svcs Admin.	Increase to \$ 9,163,148
Pg. 360	0392	Fed. Aid-Social Svcs Admin.	Increase to \$10,599,093
Pg. 383	1000	Salaries, Full-Time	Decrease to \$ 4,786,831
Pg. 388	4573	EAF/TANF	Decrease to \$ 9,185,046

Supplemental Budget #1 carried.

Mr. Materese made a motion, seconded by Mr. Miller, to accept the SUPPLEMENTAL BUDGET #2 regarding the BC Open.

Pg. 191	8010	Retirement	Increase to \$630,129
Pg. 432	0656	BC Open	Increase to \$99,000
Pg. 432	0227	Transfer from General	Decrease to \$81,000
Pg. 475	9009	Transfer to Special Revenue	Decrease to \$10,660,254

Supplemental Budget #2 failed, Ayes-7 (Materese, Hutchings, Whalen, Sanfilippo, Brunza, Reynolds, Buchta), Nays-12 (Keibel, Schafer, Hull, Miller, Shafer, Nannery, Howard, Kuzel, Marinich, Lindsey, Mather, Schofield).

REPORT OF A STANDING COMMITTEE

Mr. Mather moved the following Finance Committee Report proposing recommended changes to the County Executive's Proposed 2006 Operating Budget. Mr. Shafer seconded the motion.

**FINANCE COMMITTEE REPORT
OF PROPOSED CHANGES
TO THE 2007 OPERATING BUDGET**

BA#1

Schedule 1 (pg. 18)

Eliminate provision to raise \$200,000 in property taxes to support En-Joie Golf Course.

BA#1 carried, Ayes-13 (Keibel, Schafer, Hull, Miller, Shafer, Nannery, Howard, Kuzel, Reynolds, Marinich, Lindsey, Mather, Schofield), Nays-6 (Materese, Hutchings, Whalen, Sanfilippo, Brunza, Buchta).

BA#2

County Clerk, Records (pg 39)

Subsubject 0015 Clerk Fees

Reduce recommended amount from \$1,200,000 down to the \$1,050,000 requested by the Department.

BA#2 carried, Ayes-12 (Keibel, Schafer, Hull, Miller, Shafer, Nannery, Howard, Kuzel, Marinich, Lindsey, Mather, Schofield), Nays-7 (Materese, Hutchings, Whalen, Sanfilippo, Brunza, Reynolds, Buchta).

BA#3

Add Paralegal as requested by Department (pg. 38, 40, 41)

Subobject 1000	Salaries, FT	Increase recommended amount by \$33,602
Subobject 8010	State Retirement	Increase recommended amount by \$3,689
Subobject 8030	Social Security	Increase recommended amount by \$2,571
Subobject 8050	Life Insurance	Increase recommended amount by \$24
Subobject 8060	Health Insurance	Increase recommended amount by \$9,121

BA#3 carried, Ayes-17 (Materese, Keibel, Schafer, Hull, Miller, Shafer, Hutchings, Whalen, Nannery, Howard, Sanfilippo, Reynolds, Marinich, Lindsey, Buchta, Mather, Schofield), Nays-2 (Brunza, Kuzel).

BA#4

Elections (pg. 81)

Subobject 0161 Charges for Services

Reduce recommended amount from \$200,000 to -0-. Towns will not be charged back for election services.

BA#4 carried, Ayes-18, Nays-1 (Sanfilippo).

BA#5

Information Technology, Information Services (pg. 96)

Subobject 4523 Insurance Claims

Reduce recommended amount from \$48,000 to -0-.

BA#5 carried.

BA#6

Real Property Tax Services (pg. 165)

Subobject 0907 Tax Collection Fees

Increase recommended amount by \$500,000, to match low end of revenue stream estimate submitted to the Legislature by the Department.

Mr. Reynolds made a motion, seconded by Mr. Whalen, to amend BA#6 to reflect increasing 0907 by \$150,000 to reflect revenue of \$300,000 rather than \$500,000. **Failed**, Ayes-7 (Materese, Hutchings, Whalen, Sanfilippo, Brunza, Reynolds, Buchta), Nays-12 (Keibel, Schafer, Hull, Miller, Shafer, Nannery, Howard, Kuzel, Marinich, Lindsey, Mather, Schofield).

BA#6 as presented carried, Ayes-12 (Keibel, Schafer, Hull, Miller, Shafer, Nannery, Howard, Kuzel, Marinich, Lindsey, Mather, Schofield), Nays-7 (Materese, Hutchings, Whalen, Sanfilippo, Brunza, Reynolds, Buchta).

BA#7

Planning and Economic Development, Planning and Economic Development (pg. 401)

Subobject 4545 Contracted Services

Reduce recommended appropriation by \$165,000 to reflect administrations intention not to provide funding to the Industrial Development Agency.

BA#7 carried, Ayes-12 (Keibel, Schafer, Hull, Miller, Shafer, Nannery, Howard, Kuzel, Marinich, Lindsey, Mather, Schofield), Nays-7 (Materese, Hutchings, Whalen, Sanfilippo, Brunza, Reynolds, Buchta).

BA#8

Arena (pg. 423)

Subobject 4545 Contracted Services

Reduce recommended appropriation by \$20,000. Backup materials submitted to the Legislature do not include a request for or explanation of this amount by the Department.

BA#8 carried, Ayes-17, Nays-2 (Sanfilippo, Brunza).

BA#9

En-Joie Golf Course (pg. 432)

Subobject 0227 Transfer from General Fund

Reduce recommended amount by \$200,000. No property tax support for En-Joie.

BA#9 carried, Ayes-13 (Keibel, Schafer, Hull, Miller, Shafer, Nannery, Howard, Kuzel, Reynolds, Marinich, Lindsey, Mather, Schofield), Nays-6 (Materese, Hutchings, Whalen, Sanfilippo, Brunza, Buchta).

BA#10

Library (pg. 453)

Reject recommendation to eliminate Assistant Library Director II position. No budgetary impact. Recommended amounts for salaries and fringes are already higher than what the Department requested.

BA#10 carried, Ayes-12 (Keibel, Schafer, Hull, Miller, Shafer, Nannery, Howard, Kuzel, Marinich, Lindsey, Mather, Schofield), Nays-7 (Materese, Hutchings, Whalen, Sanfilippo, Brunza, Reynolds, Buchta).

BA#11

Other Contractual Agencies (pg. 471)

Subobject 5060 Convention Bureau

Increase recommended appropriation by \$25,000.

BA#11 carried, Ayes-11 (Keibel, Schafer, Hull, Miller, Shafer, Nannery, Howard, Marinich, Lindsey, Mather, Schofield), Nays-8 (Materese, Hutchings, Whalen, Sanfilippo, Brunza, Kuzel, Reynolds, Buchta).

BA#12

Capital Program

Add the following project to the 2007 Capital Improvement Program:

Sheriff – Corrections

Jail Expansion – J Pod Construction

Expand current capacity of facility by construction of J Pod. Construct 50 cells with double bunk capacity for 62 inmates. This is necessary to support central booking which is necessary for the consolidation of police intake services. J Pod will also be used to alleviate overcrowding in the current facility. Central booking will not be feasible without the construction of this unit. The current jail setting doesn't allow for central booking to be provided as a county wide option.

<u>Estimated Project Cost</u>	<u>Distribution of Cost</u>		
	<u>Fed/Other</u>	<u>State</u>	<u>County</u>
\$6,400,000	\$0	\$0	\$6,400,000

<u>Bond Authority</u>	<u>PPU</u>	<u>Local Fin Law</u>
\$6,400,000	30	Sec. 11 p a (2)

BA#12 carried, Ayes-12 (Keibel, Schafer, Hull, Miller, Shafer, Hutchings, Nannery, Howard, Marinich, Lindsey, Mather, Schofield), Nays-7 (Materese, Whalen, Sanfilippo, Brunza, Kuzel, Reynolds, Buchta).

BA#13

Emergency Services, Civil Defense (pg. 201, 203)

Mr. Whalen made a motion, seconded by Mr. Reynolds to eliminate one (1) Sr. Emergency Dispatcher position and to adjust corresponding budget lines.

1000 Salaries, Full-Time	-49,000
8010 State Retirement	-5,380
8030 Social Security	-3,749
8050 Life Insurance	-24
8060 Health Insurance	-9,121

BA#13 carried, Ayes-11 (Materese, Schafer, Hutchings, Whalen, Sanfilippo, Brunza, Kuzel, Reynolds, Marinich, Lindsey, Buchta), Nays-8 (Keibel, Hull, Miller, Shafer, Nannery, Howard, Mather, Schofield).

BA#14

Social Services, Central Administration (pg. 361)

Mr. Kuzel made a motion, seconded by Mr. Lindsey, to reduce 5080 Opportunities for Broome by \$38,592 taking the balance to zero (0).

BA#14 failed, Ayes-2 (Kuzel, Lindsey), Nays-17.

BA#15

Social Services, Central Administration/Special Objects of Expense (pg. 361, 467)

Mr. Marinich made a motion, seconded by Mr. Materese, to reduce 5080 Opportunities for Broome by \$19,281 and put \$19,281 in 4752 Contingency Fund.

BA#15 carried, Ayes-18, Nays-1 (Lindsey).

BA#16

Veterans (pg. 393)

Mr. Lindsey made a motion, seconded by Mr. Mather, to upgrade the Veterans Director position to Admin I, Grade 24, new salary of \$49,396, and adjust corresponding budget lines.

1000 Salaries, Full-Time	+2,092
8010 State Retirement	+230
8030 Social Security	+160

BA#16 carried, Ayes-18, Nays-1 (Sanfilippo).

BA#17

Youth Bureau (pg 461)

Mr. Miller made a motion, seconded by Mr. Shafer, to increase 5053 Broome County Cooperative Extension Association by \$20,000.

BA#17 carried, Ayes-15, Nays-4 (Materese, Whalen, Sanfilippo, Reynolds).

BA#18

Other Contractual Agencies (pg. 471)

Mr. Kuzel made a motion, seconded by Mr. Brunza, to increase 5063 Aid to Local Libraries by \$245,000.

BA#18 carried, Ayes-11 (Materese, Schafer, Hull, Nannery, Brunza, Kuzel, Reynolds, Marinich, Lindsey, Buchta, Schofield), Nays-8 (Keibel, Miller, Shafer, Hutchings, Whalen, Howard, Sanfilippo, Mather).

BA#19

Capital Improvement Program (pg. 480, 483)

Mr. Shafer made a motion, seconded by Mr. Schafer, to reduce DPW-Fleet Management Capital Project by \$75,000 and increase Sheriff-Road Patrol Capital Project by \$75,000 to provide funding for two prisoner transport vans for the Office of the Sheriff.

DPW - Fleet Management, Vehicle Replacement Decrease estimated project cost by \$75,000. Adjust bond authority downward accordingly.

Sheriff – Road Patrol, Vehicle Replacement – Increase estimated project cost by; \$75,000. Adjust bond authority upward accordingly.

BA#19 carried.

RESOLUTIONS HELD OVER FROM PREVIOUS SESSION

RESOLUTION NO. 477

(Held over by Mr. Shafer)

By County Administration and Finance Committees

Seconded by Mr. Shafer

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 5 OF 2006, ENTITLED: "A LOCAL LAW ADOPTING ARTICLE XIII OF CHAPTER 125 OF THE BROOME COUNTY CODE PROVIDING FOR THE ESTABLISHMENT AND COLLECTION OF FEES BY THE OFFICE OF THE BROOME COUNTY CLERK."

Carried, Ayes-18, Nays-0, Abstain-1 (Reynolds).

RESOLUTION NO. 478

(Held over by Mr. Shafer)

By County Administration and Finance Committees

Seconded by Mr. Shafer

RESOLUTION AUTHORIZING AN AGREEMENT WITH EXIGENT COMPUTER GROUP, INC. FOR PROFESSIONAL SERVICES FOR THE OFFICE OF THE COUNTY CLERK FOR 2006-2007

Carried, Ayes-18, Nays-0, Abstain-1 (Reynolds).

RESOLUTION NO. 528

(Held over by Mr. Shafer)

County Administration, Public Works and Finance Committees

Seconded by Mr. Shafer

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 6, 2006, ENTITLED: "A LOCAL LAW AMENDING CHAPTER 179 OF THE BROOME COUNTY CHARTER AND CODE, AS AMENDED, REGARDING LANDFILL FEES"

Carried.

RESOLUTION NO. 540

(Held over by Mr. Shafer)

By Finance Committee

Seconded by Mr. Shafer

RESOLUTION LEVYING THE COST OF WORKERS' COMPENSATION FOR 2007

Carried.

RESOLUTION NO. 547

(Held over by Mr. Shafer)

By Finance Committee

Seconded by Mr. Shafer

RESOLUTION MAKING APPROPRIATIONS FOR THE CONDUCT OF THE BROOME COUNTY GOVERNMENT FOR FISCAL YEAR 2007

Carried.

RESOLUTION NO. 548

(Held over by Mr. Shafer)

By Finance Committee

Seconded by Mr. Shafer

RESOLUTION APPROVING THE 2007-2012 CAPITAL IMPROVEMENT PROGRAM

Carried.

RESOLUTION NO. 549

(Held over by Mr. Shafer)

By Finance Committee

Seconded by Mr. Shafer

RESOLUTION ADOPTING THE BROOME COUNTY BUDGET FOR FISCAL YEAR 2007

Carried.

RESOLUTION NO. 550

(Held over by Mr. Shafer)

By County Administration, Education, Culture and Recreation and Finance Committees

Seconded by Mr. Shafer

RESOLUTION AUTHORIZING LOCAL LAW INTRO. NO. 7 OF 2006, ENTITLED: "A LOCAL LAW AMENDING CHAPTER 158 OF THE BROOME COUNTY CHARTER AND CODE REGARDING PARKS AND RECREATION FEES AND CHARGES

Carried, Ayes-17, Nays-2 (Sanfilippo, Lindsey).

RESOLUTION NO. 554

(Held over by Mr. Shafer)

By Finance Committee

Seconded by Mr. Shafer

OMNIBUS RESOLUTION ADDRESSING BROOME COUNTY HEALTH CARE COSTS BY THE OFFICE OF RISK AND INSURANCE ---- RETIREES

Failed, Ayes-1 (Whalen), Nays-17, Abstain-1 (Sanfilippo)

RESOLUTION NO. 555

(Held over by Mr. Shafer)

By Finance Committee

Seconded by Mr. Shafer

OMNIBUS RESOLUTION ADDRESSING BROOME COUNTY HEALTH CARE COSTS BY THE OFFICE OF RISK AND INSURANCE -- 4TH HEALTH CARE OPTION

Mr. Kuzel made a motion, seconded by Mr. Materese, to table the resolution to the November 21, 2006 Legislative Session. **Motion to table to November 21, 2006 carried**, Ayes-18, Nays-1 (Schofield).

RESOLUTION NO. 556

(Held over by Mr. Shafer)

By Finance Committee

Seconded by Mr. Shafer

OMNIBUS RESOLUTION ADDRESSING BROOME COUNTY HEALTH CARE COSTS BY THE OFFICE OF RISK AND INSURANCE -- CHANGE BENEFITS IN INDEMNITY PLAN and HMO PLANS

Failed, Ayes-3 (Whalen, Kuzel, Buchta), Nays-15, Abstain-1 (Sanfilippo).

RESOLUTION NO. 557

(Held over by Mr. Shafer)

By Finance Committee

Seconded by Mr. Shafer

OMNIBUS RESOLUTION ADDRESSING BROOME COUNTY HEALTH CARE COSTS BY THE OFFICE OF RISK AND INSURANCE ----THIRD PARTY ADMINISTRATOR

Carried, Ayes-18, Nays-0, Abstain-1 (Sanfilippo).

RESOLUTION NO. 558

(Held over by Mr. Shafer)

By Finance Committee

Seconded by Mr. Shafer

OMNIBUS RESOLUTION ADDRESSING BROOME COUNTY HEALTH CARE COSTS BY THE OFFICE OF RISK AND INSURANCE -- PRESCRIPTION BENEFIT MANAGEMENT

Carried, Ayes-18, Nays-0, Abstain-1 (Sanfilippo).

RESOLUTIONS INTRODUCED AT THIS SESSION

Mr. Shafer made a motion, seconded by Mr. Kuzel, to suspend the rules to act on a resolution revising the Hazardous Materials Emergency Preparedness Grant. **Motion to suspend the rules carried.**

RESOLUTION NO. 565

By All Members

Seconded by Mr. Shafer

RESOLUTION AUTHORIZING REVISION OF THE HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS GRANT FOR THE OFFICE OF EMERGENCY SERVICES AND ADOPTING A REVISED PROGRAM BUDGET IN CONNECTION THEREWITH FOR 2000-2006

WHEREAS, this County Legislature, by Resolution 562 of 2000, as amended by Resolution 395 of 2001, Resolution 363 of 2002, Resolution 312 of 2003 Resolution 304 of 2004 and Resolution 386 of 2005, authorized the continued participation in the Hazardous Materials Emergency Preparedness Grant by the Office of Emergency Services and adopted a program budget in connection therewith in the total amount of \$9,350 for the period April 1, 2000 through September 30, 2005, and

WHEREAS, said grant program provides support of ongoing development of hazardous materials response plans as developed by the Local Emergency Planning Committee, and

WHEREAS, it is necessary at this time to revise said program to reflect an increase of \$1,800 in grant appropriations and extend the period to September 30, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes a revision of the Hazardous Materials Emergency Preparedness Grant to reflect an increase of \$1,800 and to extend the grant period to October 1, 2000 through September 30, 2006, 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 \$10,850, and be it

FURTHER RESOLVED, that Resolution 562 of 2000, Resolution 395 of 2001, Resolution 363 of 2002, Resolution 312 of 2003, Resolution 304 of 2004 and Resolution 386 of 2005, 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.

Mr. Shafer made a motion to adjourn, seconded by Mr. Schafer. **Motion to adjourn carried.** The meeting was adjourned at 9:14 p.m.

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