

**SPECIAL SESSION
THURSDAY, AUGUST 15, 1991
AT 3:45 P.M.**

The Legislature convened at 3:45 p.m. Called to order by Arthur J. Shafer, Chairman of the Legislature.

Roll was called by the Clerk, Richard R. Blythe: Present-17, Absent-2 (Augostini, Howard).

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.

RESOLUTION NO. 299

By the Finance Committee

Seconded by Mrs. Hudak

RESOLUTION RESPONDING TO THE REPORT OF THE NEW YORK STATE COMPTROLLER 91M-122, FOR THE FISCAL YEAR ENDING DECEMBER 31, 1991

WHEREAS, the County Legislature has received the above referenced report from the Office of the New York State Comptroller, and

WHEREAS, this County Legislature adopted permanent Resolution No. 91-234 in June of 1991 directing the Clerk of the Broome County Legislature, the Broome County Comptroller, and various County departments and/or agencies to prepare and assemble written responses to the Comptroller's findings, and

WHEREAS, the Finance Committee of the Broome County Legislature was authorized and directed to receive all comments and in concert with the Comptroller, Commissioner of Finance and appropriate department heads prepare a written response to the audit findings, and

WHEREAS, the various departmental comments along with the comments with the County Comptroller and the Commissioner of Finance have been reviewed by your sponsoring committee and are attached to this resolution, now, therefore, be it

RESOLVED, that said compilation and comments attached hereto as Exhibit "A" shall constitute the written response to the audit findings of the New York State Comptroller, and be it

FURTHER RESOLVED, the Clerk of the Broome County Legislature in concert with the Broome County Comptroller and Commissioner of Finance is hereby authorized and directed to file this response with the County Clerk and the Office of the New York State Comptroller, and be it

FURTHER RESOLVED, that this resolution shall take effect immediately.

Carried.

RESOLUTION NO. 300

By the Personnel Committee

Seconded by Mr. Pasquale

**RESOLUTION ESTABLISHING CONDITIONS FOR THE FILLING OF
COUNTY PERSONNEL POSITIONS VACATED DUE TO THE
IMPLEMENTATION OF AN EARLY RETIREMENT PROGRAM
(PURSUANT TO CHAPTER 178 LAWS OF 1991)**

WHEREAS, this Legislature has before it a Local Law electing to participate in the early retirement incentive offered pursuant to Chapter 178 of the Laws of 1991, and

WHEREAS, it is the intent of the County to use this early retirement incentive as a method of reducing the County work force to the extent possible, and

WHEREAS, this Legislature desires to provide the maximum flexibility to departments to determine what positions are frozen or eliminated to meet the Legislature's intent in adopting the early retirement incentive, and

WHEREAS, to provide departments flexibility, they will be able to recommend alternative cost saving measures to the freezing or elimination of the position held by the employee electing to participate in the early retirement incentive, now, therefore, be it

RESOLVED, an immediate hiring freeze is placed on all employment positions as they become vacant due to persons electing to participate in the Early Retirement package, and these positions are subject to possible elimination, in accordance with all applicable laws, and be it

FURTHER RESOLVED, that such vacated positions may only be re-filled upon presentation to the Personnel Committee of this Legislature, of the department's alternative(s) to freezing or eliminating the vacated position(s), and said alternatives shall be in accordance with the County's intent to reduce overall County personnel costs by reducing positions, to the extent possible, and be it

FURTHER RESOLVED, that after the Personnel Committee has reviewed and investigated the departments alternatives(s), it may present its recommendations of position elimination or restructuring to this legislature for authorization and approval.

At the request of Mrs. Wagstaff Resolution No. 300 was held over under the rule.

RESOLUTION NO. 301

By the Personnel, County Administration. Economic Development and Planning and Finance Committees

Seconded by Mr. Malley

RESOLUTION ADOPTING LOCAL LAW INTRO NO. 11, 1991, ENTITLED "A LOCAL LAW ELECTING A RETIREMENT INCENTIVE PROGRAM AS AUTHORIZED BY CHAPTER 178 OF THE LAWS OF 1991 FOR THE ELIGIBLE EMPLOYEES OF THE COUNTY OF BROOME"

RESOLVED, that Local Law Intro No. 11, 1991, entitled " A Local Law electing a Retirement Incentive Program as authorized by Chapter 178 of the Laws of 1991 for the eligible employees of the County of Broome", be and the same is hereby adopted in accordance with the Broome County Chapter and all applicable statutes and laws pertaining thereto.

LOCAL LAW INTRO. NO. 11, 1991

A LOCAL LAW ELECTING A RETIREMENT INCENTIVE PROGRAM AS AUTHORIZED BY CHAPTER 178 OF THE LAWS OF 1991 FOR THE ELIGIBLE EMPLOYEES OF THE COUNTY OF BROOME.

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

follows:

Section 1. The County of Broome hereby elects to provide all its eligible employees with a Retirement Incentive Program authorized by Chapter 178 of the Laws of 1991.

Section 2. The commencement date of the Retirement Incentive Program shall be September 15, 1991.

Section 3. The open period during which eligible employees may retire and receive the additional retirement benefit, shall be sixty (60) days in length.

Section 4. The County of Broome elects to provide the open program option as authorized by Chapter 178 of the Laws of 1991.

Section 5. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be fulfilled over a five year period. The amount of the annual payment in each of the five years shall be determined by the Actuary of the New York State and Local Employee's Retirement

System, and shall be paid by the County of Broome for each employee who receives the retirement benefits payable under this local law.

Section 6. This Local Law shall take effect immediately upon filing with the Secretary of State.

At the request of Mrs. Wagstaff Resolution No. 301 was held over under the rule.

RESOLUTION NO. 302

By Public Works Committee

Seconded by Mrs. Hudak

RESOLUTION DIRECTING THE BROOME COUNTY DEPARTMENT OF PUBLIC WORKS TO ASSURE THAT THE DANIEL S. DICKINSON STATUE ON COURT HOUSE SQUARE REMAIN AT ITS PRESENT LOCATION FOLLOWING RENOVATION PROJECT 90PR1924

WHEREAS, this County Legislature has authorized renovation project no. 90PR1924, and

WHEREAS, this project is also identified in the 1990 capital program as F-148 Courthouse Steps and Dome Renovation described as a repair and renovation project of significant exterior features of an historic building, and

WHEREAS, the Board of Acquisition and Contract recently awarded this project, and

WHEREAS, a part of the Courthouse step renovation program includes removal of the Daniel S. Dickinson statue to the west side of the Courthouse Square, and

WHEREAS, this County Legislature acknowledges the fact that the statue must be moved during the step renovation construction but disagrees as to the proposed permanent relocation to the west side of the Courthouse Square, and

WHEREAS, the matter of placement of the statue of Daniel S. Dickinson has previously been reviewed by the Broome County Board of Supervisors and said body specifically authorized erection of a memorial statue of Daniel S. Dickinson at the foot of the steps to the front entrance of the Courthouse and not less than seven feet distance from said steps and in the center of the broad walk leading from Court Street to the Courthouse, and

WHEREAS, the proposed permanent relocation of the statue is contrary to recommendations of the New York State Office of Parks, Recreation and Historic Preservation, and

WHEREAS, to avoid possible legal entanglements your sponsoring committee now recommends this resolution requesting the replacement of the statue to the original site when the repair work on the steps is completed, now, therefore, be it

RESOLVED, that the Broome County Legislature hereby directs the Broome County Department of Public Works, following the completion of the step renovation project, to return the statue

of Daniel S. Dickinson to its present Courthouse Square site as put forth by the Broome County Board of Supervisors in Resolution No. 2 of 1924 (January 8, 1924 Session and March 11, 1924 Session), and be it

FURTHER RESOLVED, that this Legislative body directs that no further plans for the permanent relocation of the Daniel S. Dickinson statue be pursued by the Department of Public Works or any agency of County Government without the approval and/or authorization of this Legislature, and be it

FURTHER RESOLVED, that the Broome County Department of Public Works through the Board of Acquisition and Contract 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.

At the request of Mr. Moppert Resolution No. 302 was held over under the rule.

RESOLUTION NO. 303

By Public Works and Finance Committees

Seconded by Mrs. Wagstaff

RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENT WITH MRB GROUP FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR THE PUBLIC SAFETY FACILITY FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, this County Legislature, by Resolutions 444 of 1989, and 465 of 1990, authorized an agreement with MRB Group for architectural and engineering services for the public safety facility at a cost not to exceed \$1,200,000, and

WHEREAS, it is necessary at this time to authorize the amendment of said agreement to increase the contract limit from \$1,200,000 to \$2,600,000 due to a proposed increase in size of proposed facility and to amend the scope of services to include preparation of an Environmental Impact Statement, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an amendment to the agreement with MRB Group, 2480 Brownraft Blvd., Rochester, New York, 14625 for an increase in the contract amount from \$1,200,000 to \$2,600,000 and to amend the scope of services to include the preparation of the Environmental Impact Statement, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$2,600,000, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget lines 035121.4746.501207(Engineering and Architectural Services), 035113.4746.501224 (Engineering and Architectural Services), 035121.4746.501234 (Engineering and Architectural Services), 190512.4746.501248 (Engineering and Architectural Services), and be it

FURTHER RESOLVED, that Resolutions 444 of 1989, and 465 of 1990, to the

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extent consistent herewith, shall remain in full force and effect, 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.

Mr. Warner moved, seconded by Mr. Seeley to TABLE Resolution No. 303. Carried.

Mr. Pasquale moved, seconded by Mr. Moppert to adjourn to the call of the Clerk at 3:55 p.m. Carried.