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**BROOME COUNTY LEGISLATURE  
SPECIAL SESSION  
MONDAY, MARCH 24, 2003**

The Legislature convened at 4:13 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-17, Absent-2 (Howard, Hudak).

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

Mr. Shafer and Mr. Whalen were designated as participants with Chair Schofield in the 'Short Roll Call'. Resolutions are presented here in numerical order.

**RESOLUTION HELD OVER FROM PREVIOUS SESSION**

**RESOLUTION NO. 125**

(Held over by Mr. Whalen)

By Health & Human Services and Finance Committees Seconded by Mr. Lindsey  
**RESOLUTION AUTHORIZING AN AGREEMENT WITH PAUL LITWAK FOR CONSULTING SERVICES FOR THE DEPARTMENT OF MENTAL HEALTH FOR 2003**  
Carried, Ayes-16, Nays-1 (Whalen), Absent-2 (Howard, Hudak).

**RESOLUTION INTRODUCED AT THIS SESSION**

**RESOLUTION NO. 126**

By Finance Committee Seconded by Mr. Shafer  
**RESOLUTION AMENDING RESOLUTION 180 OF 1965, ENTITLED: "RESOLUTION IMPOSING TAXES ON SALES AND USE OF TANGIBLE PERSONAL PROPERTY AND CERTAIN SERVICES, OCCUPANCY OF HOTEL ROOMS, ADMISSION CHARGES AND CLUB DUES, PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK", AS LAST AMENDED BY RESOLUTION NO. 636 OF 1994, IN RELATION TO THE ALLOCATION OF SALES TAX RECEIPTS**

WHEREAS, since 1965 Broome County has distributed to the cities, towns and villages within the County a portion of the 3% sales tax received by the County, and

WHEREAS, Broome County is facing serious financial problems as a result of state mandates and must find new sources of revenue, and

WHEREAS, the County is considering restoring the sales tax on clothing purchases to help meet the rising burdens of state mandated Medicaid expenses, and

WHEREAS, in order to insure that the restored sales tax on clothing purchases will be available for use by the County in meeting its mandated charges, this County Legislature desires to limit the amount of the 3% sales tax distributed to the cities, towns and villages within the County to that portion of the 3% sales tax collected not attributable to clothing sales so that the 3% sales tax on clothing sales will be retained, exclusively, by the County, and

WHEREAS, it has been determined that changing the distribution of the 3% sales tax to provide that the County shall retain 55% of the 3% collected with the remaining 45% distributed to the cities, towns and villages will have the effect of allowing the County to retain the sales tax on clothing sales within the County, now, therefore, be it

RESOLVED, that section 14 of Resolution 180 of 1965, as last amended by Resolution 636 of 1994, is hereby amended to add a new subdivision "g" to read as follows:

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- g. Anything hereinabove contained to the contrary notwithstanding, commencing with the distribution by the County to the cities, towns and villages within the County to be made on or about April 15, 2004, said municipalities shall receive forty-five percent (45%) of such three percent sales tax collected, in accordance with the distribution formula established herein.

and be it

FURTHER RESOLVED, that this Resolution shall take effect on January 1, 2004, and be it

FURTHER RESOLVED, that if neither New York State nor Broome County shall restore the sales tax on clothing by June 30, 2003, then this resolution shall be null and void and without further effect, and be it

FURTHER RESOLVED, that if, within the next five years, New York State should assume the County share of Medicaid costs then this County Legislature will review the sales tax distribution formula provided for herein.

**Carried**, Ayes-16, Nays-1 (Brunza), Absent-2 (Howard, Hudak).

Mr. Shafer made a motion to adjourn, seconded by Mr. Burger. **Motion to adjourn carried.** The meeting was adjourned at 4:33 p.m.

