

**BROOME COUNTY LEGISLATURE  
SPECIAL SESSION  
THURSDAY, AUGUST 20, 1998**

The Legislature convened at 3:07pm with a call to order by the Chair, Daniel A. Schofield. The Clerk, Louis P. Augostini, read the fire exit announcement and called the Attendance Roll, Present-17, Absent-2 (Coffey, Hudak).

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.

Mr. Howard and Mr. Whalen were designated as participants in the 'Short Roll Call'.

Mr. Joseph Ashman addressed the Legislature with regard to Resolution No. 41-357 on behalf of the Correction Officer's Union.

**WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY EXECUTIVE:**

Jeffrey P. Kraham addressed the Legislature with regard to Resolution No. 41-357.

**RESOLUTIONS INTRODUCED AT THIS SESSION**

**RESOLUTION NO. 252**

By Public Works Committee

Seconded by Mr. Hull

**ADOPTING STATEMENT OF FINDINGS AND DECISION TO APPROVE THE PROPOSED SALE AND DEVELOPMENT OF THE GARDEN PLOT PROPERTIES IN THE TOWN OF DICKINSON PURSUANT TO STATE ENVIRONMENTAL QUALITY REVIEW ACT**

WHEREAS, this County Legislature, by Resolution 315 of 1998, pursuant to the requirements of the State Environmental Quality Review Act (SEQRA), accepted as complete the Final Supplemental Environmental Impact Statement (FSEIS) for the proposed sale to and development by Newman Development of Dickinson, LLC of the Garden Plot Properties in the Town of Dickinson and authorized the filing thereof, and

WHEREAS, pursuant to 6 NYCRR Part 617.11 at least 10 days have elapsed since the filing of said FSEIS and Notice of Completion, and

WHEREAS, this Legislature has given consideration to said FSEIS, and believes that the requirements of SEQRA and its implementing regulations have been met, and

WHEREAS, pursuant to SEQRA and 6 NYCRR Part 617.11 it is therefore appropriate at this time to adopt and file a Statement of SEQRA Findings and Decisions to approve with conditions the proposed sale and development of the Garden Plot Properties in the Town of Dickinson, now, therefore, be it

RESOLVED, that in connection with the proposed sale and development of the Garden Plots in the Town of Dickinson, this County Legislature hereby adopts the SEQRA Statement of Findings and Decisions annexed hereto as Exhibit "A", and be it

FURTHER RESOLVED, that the Broome County Commissioner of Planning and Economic Development is hereby directed to retain copies of all required notices, Environmental Impact Statements and Statements of Findings and Decisions annexed hereto in files that are readily accessible for public inspection, and be it

FURTHER RESOLVED, that the Broome County Commissioner of Planning and Economic Development is directed to file a copy of this Resolution, together with the Statement of Findings and Decisions annexed hereto, with all involved and interested agencies, pursuant to 6 NYCRR Part 617.12.

Mr. Miller moved, seconded by Mr. O'Day to amend the resolution, eliminating on page 10 of Exhibit "A" the section *m) by designing the site to provide adequate setback for future highway or pedestrian access right-of-way needs* and relettering the remaining sections. Amendment carried, Ayes-17, Nays-0, Absent-2 (Coffey, Hudak). **Resolution as amended carried**, Ayes-17, Nays-0, Absent-2 (Coffey, Hudak).

**RESOLUTION NO. 357**

By County Administration, Economic Development & Planning Committee  
Seconded by Mr. Wike

**RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 11, 1998, ENTITLED: "A LOCAL LAW AMENDING THE BROOME COUNTY CHARTER AND CODE IN RELATION TO CREATING A DEPARTMENT OF CORRECTIONS."**

RESOLVED, that Local Law Intro. No. 11, 1998, entitled: "A Local Law Amending the Broome County Charter and Code in relation to creating a Department of Corrections," be and the same hereby is adopted and approved in accordance with the Broome County Charter, the Municipal Home Rule Law and all the applicable statutes and laws pertaining thereto.

**LOCAL LAW INTRO. NO. 11, 1998**

**A Local Law Amending the Broome County Charter and Code in Relation to Creating a Department of Corrections**

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

Section 1. Legislative Intent. The intent of the Local Law is to modify Section 500-c of the corrections law and provide for the transfer of the functions, powers, and duties of the Sheriff of Broome County as keeper of the County jail to a county department of corrections and a commissioner of corrections who, as head of such department, shall have and exercise all the powers and duties of the department; the object and purpose of said transfer being the more efficient administration and use of personnel and physical facilities.

Section 2. Section C2302 of the Broome County Charter and Code shall be amended to read as follows:

**C2302 Powers and Duties**

The Sheriff shall have and exercise all the powers and duties heretofore and hereafter lawfully granted and imposed by the Charter, Code, Local Law, ordinance or resolution of the County Legislature or under the direction of the County Executive not inconsistent with those powers and duties under the New York State Constitution vested in said office, with the exception of the powers and duties of the keeper of the County jail.

Section 3. Section A2302 of the Broome County Administrative Code shall be hereby amended to read as follows:

**A2302 Powers and Duties**

The Sheriff shall have and exercise all the powers and duties heretofore and hereafter lawfully granted or imposed by the Charter, this Code, Local Law, ordinance, or resolution of the County Legislature, under the direction of the County Executive not inconsistent with those powers and duties under the New York State Constitution vested in said office, with the exception of the powers and duties of the keeper of the County jail.

Section 4. Section A2304(D) of the Broome County Administrative Code is hereby repealed.

Section 5. The Broome County Charter shall be amended by adding a new Article XXIII-B, to read as follows:

Article XXIII-B  
Department of Corrections

Section C2301-B Department established

There shall be a department of corrections, the head of which shall be the commissioner of corrections. He shall be appointed on the basis of his administrative experience and qualifications for the duties of his office, including training and experience in penology and in methods of educating and rehabilitating the inmates under his charge. The Commissioner of Corrections shall be appointed by the County Executive, subject to confirmation of the County Legislature and shall serve at the pleasure of the County Executive.

Section C2302-B Powers and Duties of the department

a) The Department shall have charge and management of the County Correctional Facility, as well as the control of inmates of such institution in any hospital wards or other areas set aside for their care and management. The department shall also have charge and management of any other correctional institutions which may be established by the County Legislature unless otherwise determined by said Legislature. The department shall have such powers and duties relating to the charge and management of such institutions as are prescribed by law.

b) The Commissioner of Corrections shall have and exercise all the powers and duties of the Department of Corrections.

Section C2303-B Powers and duties of the Commissioner

In addition to the power and duties of the department, the Commissioner shall have:

a) All authority, except as otherwise provided by law, concerning the care and custody of persons sentenced to, committed to, or detained in the institution under his charge.

b) The powers and duties of a warden of a county penitentiary and a keeper of a county jail.

c) The duty to continue and inaugurate, and to administer, programs of training, education, and rehabilitation of inmates of the institutions under his charge, as approved by the County Executive and authorized by the County Legislature.

d) The duty to transport adult persons detained by, to be detained by and committed to the Department of Corrections to and from the Supreme, County or Family Courts.

e) Such other powers and duties as may be conferred or imposed by the County administrative Code or other applicable law, and as required by the County Executive and County Legislature.

Section C2304-B Jurisdiction over civil prisoners

Any part of the institution under the jurisdiction of the commissioner of corrections which shall be set aside for the accommodation of prisoners detained by civil process in the custody of the sheriff shall be under the control of said sheriff.

Section 6 The Broome County Administrative Code shall be amended by adding a new Article XXIII-B, to read as follows:

Article XXIII-B  
Department of Corrections

Section A2301-B Department established

There shall be a Department of Corrections, the head of which shall be the Commissioner of Corrections. He shall be appointed pursuant to Section 2301-B of the Charter.

Section A2302-B Powers and Duties

The Commissioner of Corrections shall have and exercise all the powers and duties heretofore and hereafter lawfully granted or imposed by the Charter, this Code, local law, ordinance, or resolution of the County Legislature, under the direction of the County Executive.

Section A2303-B Reports

On or before March 1 in each year, the Commissioner of Corrections shall make an annual report for the immediately preceding calendar year. The Commissioner of Corrections shall make such other reports at such times as may be required by the County Legislature, County Executive or any other applicable law. Copies of all reports shall be filed with the Clerk of the County Legislature and the County Executive.

Section A2304-B Deputies

- a) The Commissioner of Corrections shall appoint such Deputy Commissioners as shall be authorized by the County Legislature. Such Deputy Commissioners shall serve at the pleasure of the Commissioner. The Commissioner shall designate a Deputy Commissioner or Deputies to whom shall be delegated all the powers and duties of the Commissioner when such Commissioner is unable to act by reason of absence or disability. The designation or designations shall be in writing and filed in the Department of Records, and copies thereof shall be filed with the County Executive and with the Clerk of the Legislature.
- b) The Commissioner may, within appropriations, appoint such other officers and employees as may be necessary to operate the County jail facilities.

Section A2305-B Commitments to Correctional Facility

It shall be the duty of every court authorized by law to sentence or commit any person to the county correctional facility, to sentence such person to be confined in the county correctional facility, then to be received, and kept according to the provisions of the county charter and Administrative Code. It shall be the duty of such court to cause all persons so sentenced to be conveyed forthwith by some proper officer or officers to the county correctional facility, and such officer or officers shall be entitled therefore to the same fees allowed by law for taking a prisoner to the county correctional facility. It shall be lawful for the commissioner of corrections to transfer a person committed to the county correctional facility, to another correctional facility, upon an order of the supreme or county court setting forth necessity and justification therefore, then to serve to balance of the term for which such person was committed, and at the time of such transfer the commissioner shall deliver with the person so transferred a certified copy of the commitment which shall be the authority of the receiving institution to keep and detain such person so transferred for the balance of the term for which he was committed.

Section 7. That this Local Law shall take effect on January 1, 1999 following approval by the voters at a referendum to be held at the next general election.

**Held over** 'under the rules' by Mr. Lindsey.

Mr. Pasquale moved, seconded by Mr. Wike, to adjourn. Motion to adjourn carried. Meeting adjourned at 3:10pm.