

**BROOME COUNTY LEGISLATURE
SPECIAL SESSION
June 30, 1994**

The Legislature convened at 5:10 P.M. with a call to order by the Chairman, Arthur J. Shafer.

The Clerk, Richard R. Blythe, having read the fire exit announcement prior to the public hearing on the BCC Budget, called the Attendance roll: Present-15, Absent-4 (Coffey, Hudak, Lindsey & Pazzaglino). Mrs. Hudak arrived during the session.

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.

PUBLIC HEARINGS - 1994-1995 Broome Community College Budget

The hearing was opened by Finance Committee Chair, Louis Augustini @ approximately 5:02 P.M. The Clerk, read the legal notice of the hearing. Broome Community College President, Donald Dellow and Broome Community College Trustee, George Akel presented their thoughts and concerns to the Legislature. The hearing was closed at approximately 5:09 P.M.

The following petitions, communications, notices and reports were presented to the County Legislature:

WRITTEN OR ORAL PRESENTATION OF THE COUNTY EXECUTIVE

Letters from the County Executive, Timothy M. Grippen:

1. Public Emergency - Countywide Voice Mail System.
2. Nominating C. Eno to membership on the Broome Community College Board of Trustees.

3. Nominating T. Fives, C. Westerman and W. Lowe to membership on the Environmental Management Council Board of Directors.

COMMUNICATIONS:

1. Minutes from:
 - a. EMC Solid Waste Committee
 - b. EMC Ad Hoc Committee on Composting
 - c. Broome County Industrial Development Agency
2. Broome Community College: Recommended 1994-95 Budget.
3. Resolution from St. Lawrence County (Supporting Changes to the Welfare System "As Amended").
4. George Harvey Justice Building: Confirmation of filings (Positive Declaration, EIS Notice Completion and Draft EIS).
5. Letter from Senator Alfonse M. D'Amato acknowledging receipt of Broome County resolution (High-Tech Corridor for the State of New York).
6. Department of Transportation, State of New York: Official Order (Abandonment of a Portion of the Windsor-Susquehanna Part 2, S.H. 8013, to the County of Broome).
7. Letter from Assistant Executive Director of YWCA (Public Hearing, Draft EIS, George Harvey Justice Building).
8. Letter from Endwell Methodist Church commending the Legislature for passing resolution "Opposing Hate and Violence".

REPORTS:

1. Monthly Reports: Broome Community College (Above Minimum Hires, May 1994; Budget Transfers, May 1994).
2. 1993 Annual Reports:
 - a. Community Alternatives Systems Agency
 - b. Center for Governmental Research, Inc.

3. Binghamton Metropolitan Transportation Study:
 - a. Draft Summary Report, "Transportation Tomorrow"
 - b. Notice of Public Meetings: June 28, 1994, 7:00 p.m. (Binghamton City Council Chambers); June 30, 1994, 7:00 p.m. (Tioga County Office Building, Hubbard Auditorium).
4. Department of Audit and Control: Audit of loan contract between Broome County and Industrial Development Agency.

Mr. Whalen moved, seconded by Mr. Augostini to receive and file the above noted reports and to publish any pertinent portions thereof in the Journal of Proceedings.

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY LEGISLATURE

Letters from the Chairman, Arthur J. Shafer:

1. Appointing Brian K. Mather as Acting Chair for David L. Lindsey, Public Safety and Emergency Services Committee, June 16, 1994.

Several resolutions were taken out of order, however for the sake of clarity, resolutions are presented in numerical order.

The following resolutions (247, 248, 262, & 294) that were heldover from the previous regular session (June 16, 1994) were again presented for consideration.

RESOLUTION NO. 247 by Education, Culture & Recreation and Finance Committees heldover by Mrs. Coffey.

RESOLUTION AUTHORIZING A REVISION OF THE FARE STRUCTURE FOR BC LIFT

Carried. Ayes-15, Nays-0, Absent-4 (Coffey, Hudak, Lindsey & Pazzaglioni)

RESOLUTION NO. 248 by Education, Culture & Recreation and Finance Committees heldover by Mrs. Coffey. **RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH PIAKER & LYONS FOR AUDITING SERVICES OF BROOME COMMUNITY COLLEGE FINANCIAL ACCOUNTS FOR YEAR END 1994, 1995 AND 1996.**

Carried. Ayes-15, Nays-0, Absent-4 (Coffey, Hudak, Lindsey & Pazzaglini)

RESOLUTION NO. 262 by Health & Human Services and Finance Committees heldover by Mrs. Coffey. **RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH TIOGA COUNTY COUNCIL ON ALCOHOLISM AND SUBSTANCE ABUSE IN CONNECTION WITH THE YOUTH EDUCATION SERVICES COMMUNITY ACTION PROJECT (YESCAP) FOR 1994 THROUGH 1995**

Carried. Ayes-15, Nays-0, Absent-4 (Coffey, Hudak, Lindsey & Pazzaglini)

RESOLUTION NO. 294 by County Administration, Economic Development & Planning Committee heldover by Mr. Augostini. **RESOLUTION ACCEPTING THE CENTER FOR GOVERNMENTAL RESEARCH STUDY OF SELECTED BROOME COUNTY DEPARTMENTS AND RECOMMENDING IMPLEMENTATION OF THE REPORT'S RECOMMENDATIONS**

Mr. Whalen moved, seconded by Mr. Malley to **table** this resolution to a Committee Of The Whole on Monday, July 18, 1994 @ 4:00 P.M. Subsequent discussion with the Chair indicates that he will call a Special Session for that date and time.

Mr. Whalen's motion to table **carried.**

Ayes-11(Harbachuk, Howard, Kavulich, Malley, Mather, Pasquale,

Schofield, Taylor, Wagstaff, Whalen & Shafer)
Nays-5(Augostini, Brown, Burger, Harris & Hudak)
Absent-3 (Coffey, Lindsey & Pazzaglini)

The following resolutions were introduced for the first time.

RESOLUTION NO. 296

by Transportation and Finance Committees

Seconded by Mrs. Wagstaff & Mr. Malley

RESOLUTION AUTHORIZING ACCEPTANCE OF FEDERAL AVIATION ADMINISTRATION AIRPORT IMPROVEMENT PROGRAM GRANT FOR LAND ACQUISITION AND AVIGATIONAL EASEMENT(S) FOR THE BINGHAMTON REGIONAL AIRPORT

WHEREAS, the Commissioner of Aviation requests authorization to accept a Federal Aviation Administration Airport Improvement Program Grant in the amount of \$80,010, and

WHEREAS, said grant program provides for the undertaking of an airport transportation infrastructure project pursuant to the Airport and Airway Improvement Act of 1982, as amended, the AIP Temporary Extension Act of 1994 (P.L. 103-260) this project is specifically for Land Acquisition and Avigational Easement(s) for the Binghamton Regional Airport, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$80,010 from the Federal Aviation Administration for Land Acquisition and Avigational Easement(s) for the Binghamton Regional Airport, 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.

Carried. Ayes-15, Nays-0, Absent-4 (Coffey, Hudak, Lindsey &

Pazzaglini)

RESOLUTION NO. 297

by Transportation and Finance Committees

Seconded by Mrs. Wagstaff & Mr. Malley

RESOLUTION AUTHORIZING ACCEPTANCE OF FEDERAL AVIATION ADMINISTRATION AIRPORT IMPROVEMENT PROGRAM GRANT FOR TERMINAL APRON RECONSTRUCTION, GLYCOL-PHASE II AND EQUIPMENT PURCHASE AT THE BINGHAMTON REGIONAL AIRPORT

WHEREAS, the Commissioner of Aviation requests authorization to accept a Federal Aviation Administration Airport Improvement Program Grant in the amount of \$1,967,192, and

WHEREAS, said grant program provides for the undertaking of an airport transportation infrastructure project pursuant to the Airport and Airway Improvement Act of 1982, as amended, the AIP Temporary Extension Act of 1994 (P.L. 103-260) this project specifically for Terminal Apron Reconstruction, Glycol-Phase II and equipment purchase at the Binghamton Regional Airport, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of 1,967,192, from the Federal Aviation Administration for Terminal Apron Reconstruction, Glycol-Phase II and equipment purchase at the Binghamton Regional Airport, 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.

Carried. Ayes-15, Nays-0, Absent-4 (Coffey, Hudak, Lindsey & Pazzaglini)

RESOLUTION NO. 298

by Transportation, Finance and Public Works Committees
 Seconded by Mrs. Wagstaff & Mr. Malley

RESOLUTION AMENDING THE 1993 CAPITAL IMPROVEMENT PROGRAM FOR THE MAIN TERMINAL APRON REHABILITATION.

WHEREAS, by Resolutions 524 of 1992 and 324 of 1993, the Broome County Legislature approved 1993 Capital Project C-231 Main Terminal Apron Overlay, and

WHEREAS, the Department of Aviation has requested an amendment to C-231 Main Terminal Apron Overlay to provide funding for more extensive rehabilitation and reconstruction, and

WHEREAS, the additional funding will be provided by State and Federal grants and Passenger Facilities Charges (PFC), now, therefore, be it

RESOLVED, that the 1993 Capital Improvement Program is hereby amended as follows:

FROM:		Estimated Construction Cost:		
<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>State</u>	<u>Federal</u>
<u>County</u>				
C-231	Main Terminal	\$1,100,000	\$55,000	\$990,000
	\$55,000			
	Apron Overlay			

		How Financed:		
<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current</u>	
<u>Revenue</u>				
1993	10	\$0	\$110,000	

Description: Rehabilitation of Main Terminal's apron to repair cracking and settling. This will include a surface overlay and the

construction of one concrete pad, as well as the design and construction of Glycol Deicing Recovery System. Project will be completed in 1994;

TO: Estimated Construction Cost:

<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>State</u>	<u>Federal</u>
	<u>County</u>			
C-231	Main Terminal	\$2,857,623	\$142,881	\$2,571,860
	\$142,882			
	Apron Overlay			
		How Financed:		
	<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current</u>
	<u>Revenue</u>			
	1993	10	\$0	\$142,882

Description: Rehabilitation of Main Terminal's apron to repair cracking and settling. This will include pavement re-surfacing and the reconstruction of aircraft concrete pads as well as the design and construction of Glycol Deicing Recovery System, a two phase project which will be completed in 1994;

and be it

FURTHER RESOLVED, that this amendment is contingent upon and subject to approval and commitment by the State of New York of State aid funds.

Carried. Ayes-15, Nays-0, Absent-4 (Coffey, Hudak, Lindsey & Pazzaglini)

RESOLUTION NO. 299

by Transportation and Finance Committees

Seconded by Mrs. Wagstaff & Mr. Malley

RESOLUTION AUTHORIZING ACCEPTANCE OF FEDERAL

AVIATION ADMINISTRATION AIRPORT IMPROVEMENT PROGRAM GRANT FOR AIRPORT MASTER PLAN STUDY UPDATE AND STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) PERMIT FOR THE BINGHAMTON REGIONAL AIRPORT

WHEREAS, the Commissioner of Aviation requests authorization to accept a Federal Aviation Administration Airport Improvement Program Grant in the amount of \$277,929, and

WHEREAS, said grant program provides for the undertaking of an airport transportation infrastructure project pursuant to the Airport and Airway Improvement Act of 1982, as amended, the AIP Temporary Extension Act of 1994 (P.L. 103-260) this project specifically for Airport Master Plan Study Update and State Pollutant Discharge Elimination System (SPDES) permit for the Binghamton Regional Airport, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance of \$277,929 from the Federal Aviation Administration for Airport Master Plan Study Update and State Pollutant Discharge Elimination System (SPDES) permit for the Binghamton Regional Airport, 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.

Carried. Ayes-15, Nays-0, Absent-4 (Coffey, Hudak, Lindsey & Pazzaglioni)

RESOLUTION NO. 300

by Transportation, Finance and Public Works Committees

Seconded by Mrs. Wagstaff & Mr. Malley

RESOLUTION AMENDING THE 1993 CAPITAL IMPROVEMENT PROGRAM FOR THE AIRPORT MASTER

PLAN STUDY

WHEREAS, by Resolution 524 of 1992, the Broome County Legislature approved 1993 Capital Project C-232 Master Plan Study, and

WHEREAS, the Department of Aviation has requested an amendment to C-232 Master Plan Study to provide funding for an Architectural and Engineering Feasibility Study, and

WHEREAS, the additional funding will be provided by State and Federal grants and Passenger Facilities Charges (PFC), now, therefore, be it

RESOLVED, that the 1993 Capital Improvement Program is hereby amended as follows:

FROM:		Estimated Construction Cost:			
<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>State</u>	<u>Federal</u>	
<u>County</u>					
C-232	Master Plan Study	\$125,000	\$6,250	\$112,500	\$12,500
		How Financed:			
	<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current Revenue</u>	
	1993	5	\$0	\$12,500	

Description: Comprehensive study to insure adequate and compatible airport improvements as required to meet the growing aviation demands associated with the airport;

TO:		Estimated Construction Cost:			
<u>Code</u>	<u>Project Name</u>	<u>Total</u>	<u>State</u>	<u>Federal</u>	
<u>County</u>					
C-232	Master Plan	\$253,210	\$12,660	\$227,889	
		\$12,661			

Study

	How Financed:		
<u>Year Start</u>	<u>YPU</u>	<u>Bond</u>	<u>Current Revenue</u>
1993	5	\$0	\$12,661

Description: Comprehensive study to insure adequate and compatible airport improvements as required to meet the growing aviation demands associated with the airport will be completed in 1996 and will not affect operating budget;

and be it

FURTHER RESOLVED, that this amendment shall be limited and contingent upon and subject to approval and commitment by the State of New York.

Carried. Ayes-15, Nays-0, Absent-4 (Coffey, Hudak, Lindsey & Pazzaglini)

RESOLUTION NO. 301

by Public Works, Transportation and Finance Committees

Seconded by Mrs. Wagstaff & Mr. Malley

RESOLUTION AUTHORIZING AN AGREEMENT WITH McFARLAND-JOHNSON ENGINEERS, INC., FOR CONSULTING SERVICES FOR MASTER PLAN UPDATE AND TERMINAL PLANNING STUDIES AT THE BINGHAMTON REGIONAL AIRPORT

WHEREAS, the Departments of Public Works and Aviation request this County Legislature to authorize an agreement with McFarland-Johnson Engineers, Inc., for consulting services for the Master Plan Update and Terminal Planning Studies at the Binghamton Regional Airport at a cost to Broome County of \$248,210, and

WHEREAS, this agreement will provide consulting services to

Broome County for updates to the existing terminal building, infrastructure requirements, landside components, airport operational efficiency, layout of the airfield/taxiway system and related issues, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with McFarland-Johnson Engineers, Inc., 171 Front Street, P.O. Box 1980, Binghamton, New York, 13902, for consulting services for the Master Plan Update and Terminal Planning Studies at the Binghamton Regional Airport, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor an amount not to exceed \$248,210, for the term of this agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 211011.4747.502225 (Other Fees for Services), 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.

Carried. Ayes-15, Nays-0, Absent-4 (Coffey, Hudak, Lindsey & Pazzaglini)

RESOLUTION NO. 302

by Public Works and Finance Committees

Seconded by Mr. Malley

**RESOLUTION AUTHORIZING THE RECONVEYANCE OF
PROPERTIES ACQUIRED FOR THE RESOURCE**

RECOVERY PROJECT TO THE FORMER OWNERS OF RECORD

WHEREAS, the County of Broome acquired certain real property located on Stratmill Road in the Town of Kirkwood for the Resource Recovery Project, and

WHEREAS, said properties were conveyed to the Resource Recovery Agency by deed dated December 30, 1988 and recorded in Book 1743 of Deeds at page 38, and

WHEREAS, said deed provided that title to the properties would revert to Broome County five years from the date of conveyance unless the Resource Recovery Project was constructed by said date, and

WHEREAS, said Resource Recovery Project has been abandoned and the properties have not been materially improved, and

WHEREAS, the County is desirous of offering the former fee owners of record a right of first refusal for the reconveyance of said properties pursuant to Eminent Domain Procedure Law §406, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the reconveyance of real properties acquired for the Resource Recovery Project to the prior fee owners of record in accordance with Eminent Domain Procedure Law §406, and be it

FURTHER RESOLVED, the prior fee owners shall have sixty days to accept the offer of reconveyance, 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.

Carried. Ayes-16, Nays-0, Absent-3 (Coffey, Lindsey & Pazzaglini)

Mr. Harbachuk moved, seconded by Mr. Pasquale to suspend the rules to allow for the consideration of the following two resolutions.

Carried. Ayes-16, Nays-0, Absent-3 (Coffey, Lindsey & Pazzaglini)

RESOLUTION NO. 303

by All Members who move its adoption

Seconded by Mr. Harbachuk

RESOLUTION REQUESTING THE UNITED STATES SENATE TO EXPEDITE THE PROCESS FOR GRANTING TO THE BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY PROPRIETORSHIP OF THE MARTIN MARIETTA CORPORATION SITE IN JOHNSON CITY, NEW YORK.

WHEREAS, the Broome County region in the State of New York has been decimated by an overwhelming degree of unemployment, based primarily on a demise in the manufacturing segment of the private sector, and

WHEREAS, the Martin Marietta Corporation site located in Johnson City, New York employs more than 1,000 individuals, and the ramifications of employment for such a large number of people have a profound and positive effect upon the local economy, and

WHEREAS, the granting of ownership status of the Martin Marietta Corporation site in Johnson City, New York to the Broome County Industrial Development Agency is critical to safeguarding 1,000 jobs and thereby is an appropriate and needed action, and

WHEREAS, the United States House of Representatives recently passed a Bill supporting the conveyance of ownership of the Martin Marietta Corporation site to the Broome County Industrial Development Agency, and

WHEREAS, the United States Senate has recently required that the Martin Marietta Corporation site in Johnson City, New York be put up for bid, with the condition that after 125 days with no bids, would the site go the Broome County Industrial Development Agency, and

WHEREAS, such action by the United States Senate is viewed by the Broome County Legislature as being inappropriate and without consideration of the adverse economic consequences to the 1,000

Martin Marietta Corporation employees and to Broome County, and

WHEREAS, it is paramount that expeditious Senate action be taken to negate the probability of job losses, and thereby serve to stabilize the economic base of Broome County, and

WHEREAS, delay or avoidance of attention to this matter by the United States Senate is a detriment to regional economic viability and serves only to place additional burdens on, and mortgage the future of Broome County residents, now, therefore, be it

RESOLVED, that the Broome County Legislature hereby appeals to Senator Daniel Patrick Moynihan, Senator Alphonse D'Amato, Congressman Sherwood Boehlert, Congressman Maurice Hinchey, and Congressman James T. Walsh to exempt the Martin Marietta Corporation site in Johnson City, New York from the 125 day bid process so that facility ownership may be promptly granted to the Broome County Industrial Development Agency, and thereby assure the preservation of 1,000 positions of employment.

Carried. Ayes-16, Nays-0, Absent-3 (Coffey, Lindsey & Pazzaglini)

RESOLUTION NO. 304

by All Members who move its adoption

Seconded by All Members

RESOLUTION OF CONDOLENCE ON THE DEATH OF HARRY D. PREW

WHEREAS, the late Harry D. Prew served the citizens of Broome County in many capacities during his life, including public service as a County Supervisor representing the 3rd. Ward of the City of Binghamton on the Broome County Board of Supervisors during the years between 1942 and 1965, service as a member of the United State Navy during WWII, and service as a member of the Broome Community College Board of Trustees from 1966 through 1983, and

WHEREAS, during his course of service as a member of the Board of Supervisors, Harry D. Prew was an instrumental and driving force for the establishment of a County Airport and a Community

College and as a Trustee of Broome Community College, he will be remembered for his commitment to excellence of education for the citizens of our community, and

WHEREAS, the Broome County Legislature wishes to acknowledge the community legacy of public service of the Harry Prew family in that Mr. Prew's late wife, Julia Prew, also served as a member of the Board of Supervisors and that his son, Brian Prew, also contributed to our community by service as a member of the Broome County Legislature, and

WHEREAS, the Broome County Legislature, acting for the citizens of the Broome County community, wishes to remember the dedicated service of the late Harry D. Prew and further wishes to recognize that Harry D. Prew's desire to contribute in a meaningful way to the quality of life of our community is a deep and remarkable legacy, now therefore be it

RESOLVED, that this County Legislature hereby recognizes the loss of Harry D. Prew and expresses its regret and extends its sincere and heartfelt sympathy to his family, and be it

FURTHER RESOLVED, that the late Harry D. Prew is commended for his outstanding service and dedication to the people of our community, and be it

FURTHER RESOLVED, that the Clerk of this County Legislature is hereby authorized and directed to place this resolution in the minutes of a Special Session of the Broome County Legislature held on June 30th., 1994 and to transmit a copy of this resolution to the family of the late Harry D. Prew.

Carried. Ayes-16, Nays-0, Absent-3 (Coffey, Lindsey & Pazzaglini)

Mr. Pasquale moved, seconded by Mr. Augostini to adjourn at 5:47 P.M.

Carried. Ayes-16, Nays-0, Absent-3 (Coffey, Lindsey & Pazzaglini)