

**BROOME COUNTY LEGISLATURE
SPECIAL SESSION
MONDAY, JUNE 8, 1998**

The Legislature convened at 5:24pm 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, followed by a moment of silent meditation.

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY EXECUTIVE:

Letters from the County Executive, Jeffrey P. Kraham:

1. Declaration of State of Emergency within the County of Broome, dated May 31, 1998 (Towns of Binghamton, Conklin, Sanford, Vestal and Village of Deposit)

PRESENTATION OF PETITIONS, COMMUNICATIONS, NOTICES & REPORTS:

A. Petitions: None

B. Communications:

1. Minutes from:
 - a. Emergency Medical Services
 - b. Public Library
 - c. Cornell Cooperative Extension
 - d. Broome County Council of Governments
 - e. Environmental Management Council
 - f. Safety and Security Committee
2. Resolutions from Seneca County:
 - a. Request State Legislation for Relief from unnecessary Legal Costs resulting from Misplaced Lawsuits
 - b. Request Home Rule Legislation for Firearms, Hunting, Fishing and Trapping Policies on Land Adjacent to the Canal within County
3. Supplemental Draft Environmental Impact Statement for The Gardens Development Project

C. Notices: None

D. Reports:

1. 1997 Annual Reports:
 - a. CASA/Community Alternative Systems Agency
 - b. Parks and Recreation
 - c. Department of Social Services
 - d. Law Department
 - e. Broome County Chamber of Commerce (plus Financial Statements for years ending December 31, 1996 and 1997)
 - f. Cornell Cooperative Extension (Financial Statements for years ending December 31, 1996 and 1997)
2. Monthly Reports from Broome Community College (Above the Minimum Hires and Budget Transfers, April 1998)
3. Department of Audit & Control: Payroll/Payout Audit for Board of Elections

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY LEGISLATURE

Letters from the Chair, Daniel A. Schofield:

1. Appointing Margaret M. Coffey as voting representative for Vincent A. Pasquale, County Administration, Economic Development and Planning and Finance Committees, May 21, 1998

Mr. Brunza moved, seconded by Mr. Miller, to receive and file the above referenced report(s) and to authorize and direct the Clerk to index said report(s) in the 1998 Journal Of Proceedings and to publish pertinent portions of said reports as may be directed by the Chair.

Mr. Brunza and Mr. Mather were designated as participants in the 'Short Roll Call.'

RESOLUTIONS INTRODUCED AT THIS SESSION

RESOLUTION NO. 216

By County Administration, Economic Development & Planning Committee

Seconded by Mr. Shafer

RESOLUTION ACCEPTING AS COMPLETE THE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED SALE AND DEVELOPMENT OF THE GARDEN PLOT PROPERTIES IN THE TOWN OF DICKINSON, ESTABLISHING A TIME TABLE FOR A STATE ENVIRONMENTAL QUALITY REVIEW ACT PUBLIC COMMENT PHASE INCLUDING THE DATE, TIME AND PLACE OF A PUBLIC HEARING, AND ASSIGNING TASKS AND DUTIES IN CONNECTION THEREWITH

WHEREAS, the Broome County Legislature has heretofore designated itself to act as lead agency in connection with the sale of the Garden Plots in the Town of Dickinson, and

WHEREAS, by Resolution 465 of 1997 this County Legislature designated itself to act as the lead agency with regard to the environmental review of the sale of the Garden Plots to Newman Development of Dickinson, L.L.C., and

WHEREAS, in connection with said environmental review and in accordance with the State Environmental Quality Review Act (SEQRA) and its implementing regulations, 6 NYCRR Part 617, Newman Development of Dickinson, L.L.C. has submitted a Draft Supplemental Environmental Impact Statement (DSEIS), and

WHEREAS, the Broome County Department of Planning and Economic Development, as the designee of this County Legislature has reviewed said document for its adherence to the scope of issues identified in the scoping session held on December 17, 1997 as agreed to in the scoping document prepared thereafter and compliance with the requirements of SEQRA and 6 NYCRR Section 617.9, and

WHEREAS, the Broome County Department of Planning and Economic Development has recommended that this County Legislature determine that said document is complete in scope and content, fulfills the requirements of the aforesaid statute and regulation, and is adequate for public review, circulation, and comment, and

WHEREAS, the public and other involved agencies have shown sufficient interest in the proposed Project, and a public hearing could aid this Legislature's decision making processes by providing a forum for, and an efficient mechanism for the collection of public comment, and

WHEREAS, this Legislature wishes to delegate the purely administrative task of conducting the public hearing under SEQRA or its regulations to the Broome County Commissioner of Planning and Economic Development, and

WHEREAS, it is desired at this time to initiate the public comment phase of the SEQRA process, to establish a time table for certain events in connection therewith, and to assign various tasks and duties in connection therewith, now, therefore, be it

RESOLVED, that this Legislature hereby determines that the proposed DSEIS for the Project is complete in scope and content and adequate for public review and directs the Clerk of the Legislature to prepare, file and publish a notice of completion of the DSEIS and file copies of the DSEIS in compliance with 6 NYCRR Part 617.12, and directs that the same be circulated for public review and comment as provided in 6 NYCRR Part 617, and be it

FURTHER RESOLVED, that this Legislature hereby fixes the public comment period on this DSEIS to commence immediately upon the first filing and circulation of the notice of completion and to conclude on July 17, 1998, and be it

FURTHER RESOLVED, that all written comments on the DSEIS shall be filed with the Clerk of the Broome County Legislature, 6th Floor, Broome County Office Building, Government Plaza, Box 1766, Binghamton, New York, 13902, and the Clerk of the Legislature shall maintain a file of all such comments and transmit them to this Legislature, and be it

FURTHER RESOLVED, that this Legislature determines that, based on the aforesaid factors and those set forth in 6 NYCRR Section 617.9(a)(4), a public hearing on the DSEIS should be held with notice of same to be included in the notice of completion of the DSEIS as referred to above, and be it

FURTHER RESOLVED, that said public hearing shall be held in two sessions; one commencing at 1:30 PM and the other commencing at 7:00 PM, both to be held on June 25, 1998, and be it

FURTHER RESOLVED, that the afternoon session shall be held in the auditorium, 2nd Floor, Broome County Office Building, Government Plaza, Binghamton, New York, and the evening session shall be held in Town of Dickinson Town Hall, 842 Front St., Binghamton, New York 13905, and be it

FURTHER RESOLVED, that the Broome County Commissioner of Planning and Economic Development shall preside over the afternoon and evening sessions, respectively, and shall make all necessary arrangements for said hearing, including having transcripts thereof prepared and transmitted to this Legislature, and be it

FURTHER RESOLVED, that the Chairman of the Legislature, in cooperation with the Department of Law, and Planning Department; is hereby directed to prepare and file a "Notice of Completion and Hearing," as provided in 6 NYCRR Section 617.12, and file and make available copies of the DSEIS, as provided in 6 NYCRR Section 617.12, and be it

FURTHER RESOLVED, that the Broome County Department of Planning and Economic Development shall coordinate the preparation of the final supplemental environmental impact statement (FSEIS), and in connection therewith shall together with the Department of Law prepare a proposed statement of SEQRA findings and decision for this Legislature's consideration.

Carried.

A **Message of Necessity** from County Executive Kraham was received by the Legislature on June 4, 1998 in order that Resolutions 217 and 218 could be acted upon at this time. The Message read as follows:

Hon. Daniel Schofield, Chairman
Broome County Legislature
Dear Chairman Schofield:

You have been presented with Local Law Intro. No. 9, 1998 for the June 8, 1998 special session establishing a permanent program for the waiver of tipping fees at the County Landfill for the disposal of debris related to natural or man-made disasters. In order to help those residents of

Broome County who suffered damage as a result of the violent weather on May 31, June 1, and June 2, 1998, I am certifying to you, pursuant to Municipal Home Rule Law Section 20 that the immediate passage of this local law is necessary. Pursuant to Section 20, passage of this local law at the special session will require the affirmative vote of two-thirds of the total voting power of the Legislature.

Very Truly Yours,
William M. Barber
Acting County Executive

RESOLUTION NO. 217

By Public Works Committee

Seconded by Mr. Shafer

RESOLUTION DESIGNATING THE BROOME COUNTY LEGISLATURE AS LEAD AGENCY WITH RESPECT TO THE ENACTMENT OF LOCAL LAW INTRO. NO. 9, 1998, AND RENDERING A "NEGATIVE DECLARATION" WITH RESPECT THERETO

WHEREAS, it is necessary to enact Local Law Intro. No. 9, 1998, establishing a program for waiving tipping fees for debris related to damage occurring during a natural or man made disaster resulting in the declaration of a state of emergency by the County Executive, and

WHEREAS, it has been determined that the waiver of tipping fees under this program, is subject to the requirements of the State Environmental Quality Review Act (SEQRA), and it is therefore necessary to initiate procedures with respect thereto, and

WHEREAS, this County Legislature has determined that it is the agency with the broadest governmental powers for investigation of the impact of the proposed action and has the greatest capability for providing the most thorough environmental assessment of the project, and

WHEREAS, this County Legislature is the only involved agency, as defined in the State Environmental Quality Review Act (SEQRA), reviewing the aforementioned tipping fee waiver, and

WHEREAS, the waiver of tipping fees may have an impact on the environment, now, therefore, be it

RESOLVED, that this County Legislature hereby declares its intention to seek "lead agency" status with respect to the environmental review of the proposed program for waiver of tipping fees for disposal of debris related to damage occurring during a natural or man made disaster resulting in the declaration of a state of emergency by the County Executive, and be it

FURTHER RESOLVED, that this County Legislature, based on the Environmental Assessment Form annexed hereto as Exhibit "A", hereby determines and declares that the waiver of tipping fees under this program will not have a significant effect on the environment, and be it

FURTHER RESOLVED, that this County Legislature hereby adopts the "Negative Declaration" annexed hereto as Exhibit "A".

Carried.

RESOLUTION NO. 218

By County Administration, Economic Development & Planning, Public Works and Finance Committees

Seconded by Mr. Shafer

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 9, 1998, ENTITLED: "A LOCAL LAW AMENDING CHAPTER 179 OF THE BROOME COUNTY CHARTER AND CODE REGARDING SOLID WASTE TIPPING FEES."

WHEREAS, this County Legislature in 1996 authorized a Local Law waiving the tipping fee for storm related debris due to floods in January, 1996, and

WHEREAS, on May 31, 1998, tornadoes caused personal and property damage to property owners in parts of Broome County, and

WHEREAS, as a result of this recent storm damage the County Executive and the Governor of the State of New York have declared a state of emergency in the affected areas, and

WHEREAS, the cleanup of storm related debris and storm damaged goods continues by both public and private sector efforts with most of the said debris slated for disposal at the Broome County Landfill, and

WHEREAS, the County feels that requiring a tipping fee for disposal of storm related debris such as that which occurred in January 1996 and May 31, 1998 is inappropriate and that waiving the tipping fee would be right and proper, now, therefore, be it

RESOLVED, that Local Law Intro. No. 9, 1998, entitled: "A Local Law Amending Chapter 179 of the Broome County Charter and Code Regarding Solid Waste Tipping Fees," 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, 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.

LOCAL LAW INTRO. NO. 9, 1998

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

Section 1. Section 179-9(A) shall be amended to add a new subsection 9 to read as follows:

(9) The charges set forth in Section 179-9 shall be waived for disposal of debris related to damage occurring during a natural or man made disaster resulting in a declaration of a state of emergency by the County Executive.

- (a) Eligibility for this program shall be limited to the property owners suffering damage due to such man made or natural disaster.
- (b) The person requesting a fee waiver shall file an application with the Division of Solid Waste Management, on forms provided by the Division.
- (c) The application for a waiver shall contain a certification from an appropriate code enforcement or emergency services official that the applicant qualifies for the fee waiver based on records of damage due to such natural or man made disaster.
- (d) The amount of the fee waived for any applicant shall be limited to the tipping fee for disposal of debris which is not covered by any insurance or local, state or federal emergency assistance.
- (e) The Division of Solid Waste Management shall prepare appropriate regulations to implement the intent of this Local Law, which regulations shall be filed with the Clerk of the Legislature.

Section 2. That this Local Law shall take effect immediately upon filing with the Secretary of State.

Carried.

Mr. Wike moved, seconded by Mr. Brunza, to adjourn the meeting at 5:29pm. Motion to adjourn carried.

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