

RESOLVED, that this County Legislature hereby authorizes an agreement with O'Connor, Gacloch and Pope, One Marine Midland Plaza, Binghamton, New York, 13901, for legal services involved in the defense of litigation currently pending by various creditors of the Resource Recovery Agency of Broome County, Inc., and anticipated litigation of other creditors of the Resource Recovery Agency of Broome County, Inc., as well as anticipated litigation by Foster Wheeler against the County of Broome by Foster Wheeler -Broome County, Inc., and/or its parent corporation, Foster Wheeler, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the law firm of O'Connor, Gacloch & Pope the following hourly rates:

- \$150.00 per hour for Senior Partner work;
- \$125.00 per hour for Partner work;
- \$100.00 per hour for Senior Associate work;
- \$ 85.00 per hour for Junior Associate work; and
- \$ 65.00 per hour for Paralegal work,

together with all reasonable and necessary expenses, normally associated with the investigation and defense of complex litigation, and be it

FURTHER RESOLVED, that this agreement shall be substantially in a form and identified in Exhibit "A" which is on file with the Clerk of the Legislature of the County of Broome, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 390005.4736.101000 (Legal Charges and Fees), 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 by the following: Ayes-14; Nays-3 (Greenmun, Yeager, Shafer); Absent-2 (Moppert, Warner).

Mr. Pasquale moved, seconded by Mr. Malley to adjourn to the call of the Clerk at 5:45 p.m. **Carried.**

SPECIAL SESSION
FRIDAY, MAY 29, 1992
AT 5:20 P.M.

The Legislature convened at 5:20 p.m. Called to order by the Chairman, Arthur J. Shafer.

The Clerk, Richard R. Blythe, read the fire exit announcement and then called the attendance roll: Present-17, Absent-2 (Brown, Coffey).

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. 244

By County Administration, Economic Development and Planning Committee.

Seconded by Messrs. Moppert and Pasquale.

RESOLUTION SUPPORTING THE DEVELOPMENT OF A DEFENSE DEPARTMENT FINANCE AND ACCOUNTING CENTER WITHIN BROOME COUNTY

WHEREAS, the United States Defense Department has announced plans to consolidate most of its financial and accounting services into a limited number of locations under the management of the Defense Financial and Accounting Service, and

WHEREAS, this plan is intended to locate several facilities throughout the United States, employing between 4,000 and 7,000 people at each location, and

WHEREAS, the Department of Defense has requested proposals from communities across America for the creation and construction of a large-scale office complex to accommodate such a facility, and

WHEREAS, Broome County recognizes the substantial long-term economic benefits of locating such a facility in Broome County, including the creation of approximately 4,000 new jobs in Broome County, with an average pay and benefits of approximately \$35,000, which would generate substantial local economic activity and benefits to Broome County as a whole, and

WHEREAS, in conjunction with the Broome County Industrial Development Agency, it is necessary to file an immediate application with the Department of Defense for the purposes of proposing the location of such a facility in Broome County, and

WHEREAS, the New York State Department of Economic Development has announced that the State will offer to the local community that is awarded a site selection a maximum amount of \$30,000,000 in financial assistance on similar terms offered for Pilot Field or the Onondaga County Convention Center, and

WHEREAS, this New York State contribution proposal is calculated to be in the nature of a loan which would only need to be repaid in the event that the proposed facility generated a profit, and

WHEREAS, it is expected that such a facility would not generate a profit and, accordingly, the receipt of such a loan would not be repaid by Broome County or its residents, and

WHEREAS, Broome County is advised that in order to successfully achieve a

site award from the Department of Defense that a contribution from a local source of approximately \$50,000,000 to \$60,000,000 would be necessary in order to provide the remaining financing needed to construct an adequate facility in conformity with both the mandatory and preferred requirements of the Department of Defense, and

WHEREAS, Broome County supports the application for such a facility in Broome County and the continuing efforts at improved economic development in Broome County, now, therefore, be it

RESOLVED, that the Broome County Legislature, with this Resolution, does express its specific intent to the United States Defense Department to support such a facility in the event that Broome County is successful in being selected as a site for one of the Department of Defense sites for a Defense, Finance and Accounting Center with local support between \$50,000,000 and \$60,000,000, and be it

FURTHER RESOLVED, that this Government does support the application for such a local site by the Broome County Industrial Development Agency to the Department of Defense, and be it

FURTHER RESOLVED, that all Government Officials associated with Broome County are to provide maximum cooperative and assistance in the furtherance of securing a site award for such a facility in Broome County, and be it

FURTHER RESOLVED, that, in the event that Broome County is successful in being selected as such a site, the County Attorney is hereby authorized to take all actions necessary to obtain special state enabling legislation in order to implement the purposes and intent of this Resolution, and be it

FURTHER RESOLVED, that the Clerk of the Legislature is directed to forward a copy of this Resolution to the U.S. Senators Alphonse D'Amato and Daniel Patrick Moynihan, as well as the Executive Director of the Broome County Industrial Development Agency, Governor Mario Cuomo, N.Y.S. Senator Thomas Libous, Majority Leader James R. Tallon, Jr., and Assemblyman Richard Miller.

Carried by the following: Ayes-15; Nays-2 (Greenmun, Warner); Absent-2 (Brown, Coffey).

Mr. Pasquale moved, seconded by Mr. Moppert to adjourn to the call of the Clerk at 5:55 p.m. Carried.