

RESOLVED, that this Broome County Legislature hereby authorizes the return of \$2,478.24 from the Broome County Commission of the Bicentennial of the U.S. Constitution, and be it

FURTHER RESOLVED, that said funds shall be credited to budget line 340000.0215.101000 (Refund of Prior Years Expenditures). **Carried.**

RESOLUTION NO. 435

by Environment Committee

Seconded by Hon. Arthur J. Shafer

RESOLUTION APPROVING RESOURCE RECOVERY AGENCY TERMINATION OF SERVICE AGREEMENT WITH FOSTER WHEELER BROOME COUNTY, INC., DATED OCTOBER 19, 1988.

WHEREAS, the County Legislature and the County Executive have previously requested the Resource Recovery Agency to cancel the Service Agreement with Foster Wheeler Broome County, Inc., dated October 19, 1988 for the proposed construction of a resource recovery facility in Kirkwood, New York, and

WHEREAS, the County Legislature has the contractual obligation to approve such a termination of the Resource Recovery Agency's Service Agreement with Foster Wheeler Broome County, Inc., dated October 19, 1988 for the proposed construction of a resource recovery facility in Kirkwood, New York, and

WHEREAS, the County Legislature desires to request and approve that the Resource Recovery Agency terminate the Service Agreement with Foster Wheeler Broome County, Inc., dated October 19, 1988 for the proposed construction of a resource recovery facility in Kirkwood, New York, now, therefore, be it

RESOLVED, that the County Legislature hereby requests and approves that the Resource Recovery Agency immediately terminate the Service Agreement with Foster Wheeler Broome County, Inc., dated October 19, 1988, within the lawful terms and conditions of the contract, and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately upon signature of the County Executive. Mr. Yeager moved, seconded by Mr. Shafer to go into Executive Session to discuss pending litigation relating to this resolution. Carried.

Upon returning from Executive Session, Mr. Augostini moved, seconded by Mr. Pasquale to call the question. Motion to call the question carried. Ayes-18, Nays-1, (Yeager). Resolution as presented **Carried.** Ayes-16, Nays-3 (Howard, Moppert, Warner).

Mr. Pasquale moved, seconded by Mr. Moppert to adjourn to the call of the Clerk at 5:36 p.m. **Carried.**

**BROOME COUNTY LEGISLATURE
SPECIAL SESSION
OCTOBER 2, 1992**

The Legislature convened at 4:21 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. (Coffey, Pasquale) 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.

Mr. Brown moved, seconded by Mr. Kavulich that the minutes of the September 17, 1992, Regular Session, be approved as prepared and as presented by the Clerk. **Carried.** Ayes-17, Nays-2.

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Written or oral presentations of the County Executive, Timothy M. Grippen:

Letters from the County Executive, Timothy M. Grippen:

1. Nominating Robert D. Kulick to the Resource Recovery Agency.
2. Nominating 5 persons to membership on the Foster Grandparents Advisory Board.

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

COMMUNICATIONS:

1. Minutes from: Willow Point Nursing Facility; Planning and Economic Development; Environmental Management Council.
2. Letter of resignation from Francis E. Grubham (Resource Recovery Agency).
3. Town of Conklin: Proposed Extension No. 4 to Sewer District No. 1.

NOTICES:

1. Notice of claim (Brian Lipitz against County of Broome and Sheriff).

REPORTS:

1. Monthly Reports: Broome Community College (Above the Minimum Hires and Budget Transfers, August 1992).
2. Letter from Commissioner of Public Works, David M. Donoghue, advising that 1992 Annual Report has been forwarded to Department of Transportation (Section 102, Highway Law).
3. Department of Audit and Control: Audits conducted: Office for Aging, Dietary Consulting Services (Lee Harrison); Willow Point Nursing Facility, Pharmacy Consulting Services (Patricia Monzo-Salmon).

Mr. Moppert moved, seconded by Mrs. Greenmun to receive and file the above noted reports and to publish any pertinent portions thereof in the 1992 Journal of Proceedings.

Carried.

Mrs. Coffey arrived at the meeting after Reports were received and filed.

WRITTEN OR ORAL PRESENTATIONS OF THE COUNTY LEGISLATURE

Letters from the Chairman, Arthur J. Shafer:

1. Appointing Kathleen M. Greenmun as voting representative for Peter W.

Yeager, Finance Committee, September 10, 1992.

The following resolution was presented to the Legislature for consideration:

RESOLUTION NO. 436

by the Environment and Public Safety Committees

Seconded by Mr. Pazzaglini

RESOLUTION AUTHORIZING ACCEPTANCE OF FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED BROOME COUNTY PUBLIC SAFETY COMPLEX AND AUTHORIZING ADDITIONAL ADMINISTRATIVE TASKS IN CONNECTION THEREWITH.

WHEREAS, this County Legislature, by Resolution 305 of 1992, and pursuant to the requirements of the State Environmental Quality Review Act (SEQRA), accepted as complete the Draft Environmental Impact Statement (DEIS) for the proposed Broome County Public Safety Complex Project, and issued the same for public review, circulation, and comment, and

WHEREAS, said Resolution directed that a public hearing be held in two parts on July 15, 1992 to receive oral comments on the DEIS, and

WHEREAS, said Resolution further directed the Chairman of the Legislature and Chairman of the Public Safety Committee to preside over the afore-said public hearing; have transcripts of said hearing prepared and transmitted to this Legislature; and that the Clerk of the Legislature receive, file and transmit to this Legislature all written comments submitted with respect to the DEIS, and that the Public Safety Management Team coordinate the preparation of the Final Environmental Impact Statement (FEIS) and submit the same for this Legislature's consideration, and

WHEREAS, said Resolution provided that public comment on the DEIS would continue to be received until the close of business on July 29, 1992, and

WHEREAS, in accordance with 6 NY CRR §617.8(e)(2), this Legislature determined, pursuant to Resolution No. 401 of 1992, that it would be unable to adequately prepare the FEIS within the time limits ordinarily prescribed by 6 NY CRR §617.8(e), and

WHEREAS, pursuant to said Resolution No. 401 of 1992, this Legislature extended the time within which the FEIS would be prepared to October 30, 1992, and

WHEREAS, the Public Safety Management Team has submitted a proposed FEIS to this Legislature for consideration, as they were directed by Resolution 305 of 1992, and

WHEREAS, the proposed FEIS incorporates the DEIS by reference and contains any revisions or supplements thereto; includes copies of substantive comments received on the DEIS and their source; and contains this Legislature's responses to substantive comments received, except that this Legislature desires that the material set forth in

Exhibit "A" annexed hereto be incorporated into the said FEIS, and

WHEREAS, this Legislature has reviewed said FEIS and, subject to the incorporation of the material set forth in said Exhibit "A," believes that it is appropriate at this time to accept said FEIS as complete, to issue and file a Notice of Completion in connection therewith, and to authorize the filing thereof, all as provided in 6 NY CRR §617.11, now, therefore, be it

RESOLVED, that this County Legislature, based on the factors set forth in 6 NY CRR §617.14, hereby accepts as complete the FEIS for the proposed Broome County Public Safety Complex, subject to the incorporation of the material set forth in the afore-said Exhibit "A"; directs that the Chairman of the Legislature, in cooperation with the Department of Law and Planning Department, file the FEIS and a suitable Notice of Completion as provided in 6 NY CRR §617.11, and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately.

Mr. Kavulich moved to **Table**, seconded by Mrs. Hudak. Motion to **Table** carried; Ayes-11, (Augostini, Bielecki, Greenmun, Howard, Hudak, Kavulich, Lindsey, Malley, Moppert, Schofield, Yeager) Nays-7, (Brown, Coffey, Pazzaglini, Seeley, Wagstaff, Warner, Shafer) Absent-1, (Pasquale).

Mr. Bielecki moved, seconded by Mrs. Wagstaff to call back Resolution No. 406 for reconsideration and correction. **Carried**. Ayes-18, Nays-0, Absent-1 (Pasquale)

RESOLUTION 406

By Finance Committee, seconded by Mr. Lindsey **RESOLUTION AUTHORIZING CONVEYANCE OF SURPLUS COUNTY PROPERTIES LOCATED IN THE TOWN OF CHENANGO AND TOWN OF WINDSOR.**

WHEREAS, this County Legislature, by Resolution 319 of 1992, authorized the sale of two properties deemed by the Department of Social Services to be surplus property, one located in the Town of Chenango, identified more particularly as parcel 6-4-A-N-7, located on Harmony Lane, and one located in the Town of Windsor, identified more particularly as parcel 15-4-B143 located on Deer Lake, and

WHEREAS, this County Legislature has heretofore authorized the director of Real Property Tax Service to sell such properties in conformity with procedures established by this Legislature and in accordance with all applicable laws, and

WHEREAS, an auction for the designated properties was held and bid tabulation has been finalized by the director of Real Property Tax Services, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the conveyance of the parcels in the Town of Chenango, identified more particularly as parcel 6-4-A-N-7, located on Harmony Lane, and the parcel located in the Town of Windsor, identified more particularly as parcel 15-4-B143 located on Deer Lake, to the successful bidders

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in the 1992 auction as follows:

<u>Town</u>	<u>Tax Map #</u>	<u>Successful Bidder</u>	<u>BidAmount</u>
Chenango	6-4-A-N-7	Eleanor Derzanovich P. O. Box 233 Chenango Bridge, NY 13745	\$ 600
Windsor	15-4-B143	Richard Griffith RD 4, Brooks Road Binghamton, NY 13905	\$ 225

and be it

FURTHER RESOLVED, that the Commissioner of Social Services or his duly authorized representative is hereby authorized to execute quit claim deeds, approved as to form by the Department of Law, conveying the properties listed above to the successful bidders in each case, together with other such documents as may be necessary to implement the intent of this Resolution.

Mrs. Wagstaff moved, seconded by Mr. Brown the following amendment: in place of Mr. Richard Griffith RD 4, Brooks Road Binghamton, NY 13905 add: Mr. Ike Goodrich Box 268 Port Crane , NY 13833. Amendment **Carried**. Ayes-18, Nays-0, Absent-1 (Pasquale). Resolution as amended **Carried**. Ayes-18, Nays-0, Absent-1 (Pasquale).

Mr. Lindsey moved, seconded by Mrs. Coffey to adjourn to the call of the Clerk at 4:30 p.m. **Carried**