

TRANSPORTATION AND RURAL DEVELOPMENT COMMITTEE
MEETING MINUTES
July 13, 2010

The Transportation and Rural Development Committee of the Broome County Legislature met on Tuesday, July 13, 2010 in the Legislative Conference Room, Sixth Floor, Edwin L. Crawford County Office Building, Binghamton, New York.

Members Present: S. Herz (Chair), S. Buchta, M. Diffendorf, J. Merrill, S. Messina

Members Absent: None

Others Present: D. Fauci (County Executive's); J. Sluzar (Law); Marie Kalka (Budget/Finance); M. Gerchman (Budget); W. Gibson (DPW/Law); F. Evangelisti (Planning); S. Elko, L. Raychel (DPW); C. Beardsley, D. Hickling, B. Frisbie (Aviation); J. Kamin (Youth Bureau); D. Futchler, P. Schiraldi, B. Cappellaff (ATU Local 1145); D. Jensen (Public); J. Garnar, M. Nirchi, B. Klipsch, J. Marinich, R. Keibel, E. Denk, C. Marion, J. Quain, J. Royer (Legislature)

The Committee meeting was called to order by the Chairman at 4:33 P.M. A motion was made to move the agenda by Ms. Messina, seconded by Ms. Buchta.

The Committee took the following action with regard to the matters before it:

#6 RESOLUTION AMENDING THE 2010 CAPITAL IMPROVEMENT PROGRAM FOR AIRPORT SNOW REMOVAL EQUIPMENT (SRE) BUILDING IMPROVEMENT PROJECT TO INCLUDE FIRE SUPPRESSION SYSTEM

Carried. Ayes-5, Nays-0

#15 RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH C & S DESIGN BUILD, INC. FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT'S INTERMODAL TRANSIT TERMINAL PROJECT 2007-2010

Carried. Ayes-4, Nays-1 (Diffendorf)

#24 RESOLUTION AUTHORIZING ACCEPTANCE OF A FEDERAL AVIATION IMPROVEMENT PROGRAM GRANT FOR THE DEPARTMENT OF AVIATION'S MAIN AIRCRAFT PARKING APRON REHABILITATION CAPITAL PROJECT AT THE GREATER BINGHAMTON AIRPORT

At the request of the Department of Aviation, Ms. Messina made a motion, seconded by Mr. Merrill to amend the resolution to change the grant amount to \$3,816,350.

Amendment carried. Ayes-5, Nays-0.

Resolution as amended carried. Ayes-5, Nays-0

#25 RESOLUTION AUTHORIZING THE ENTERING INTO AN AGREEMENT WITH MCFARLAND-JOHNSON, INC. FOR ENGINEERING DESIGN FOR THE DEPARTMENT OF AVIATION FOR 2010-2011

Carried. Ayes-5, Nays-0

#26 RESOLUTION AUTHORIZING THE ENTERING INTO AN AGREEMENT WITH MCFARLAND-JOHNSON, INC. FOR CONSTRUCTION OBSERVATION FOR THE DEPARTMENT OF AVIATION FOR 2010-2011

Carried. Ayes-5, Nays-0

#27 RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH MCFARLAND-JOHNSON, INC. FOR DESIGN SERVICES FOR THE DEPARTMENT OF AVIATION FOR 2010

Carried. Ayes-5, Nays-0

At this point in the meeting, Mr. Herz stepped aside as Chair of the meeting and asked Mr. Merrill to assume the position as Chair for the rest of the Meeting.

#46 RESOLUTION DESIGNATING THE BROOME COUNTY LEGISLATURE AS LEAD AGENCY WITH RESPECT TO THE LEASE OF OIL AND GAS MINERAL RIGHTS ON BROOME COUNTY REAL PROPERTY AND RENDERING A "NEGATIVE DECLARATION"

Mr. Gibson stated that he had provided Exhibits "A" and "B" late this afternoon to the Legislative Clerk. Mr. Marinich inquired as to whether the Transportation and Rural Development Committee's inability to vote on Resolution 46 and Resolution 47 would affect the ability of these resolutions to move to the Session Floor since the Rules of Order states that the Transportation and Rural Development Committee and Public Health and Environmental Safety Committees have concurrent jurisdiction for the consideration of natural gas matters. Mr. Sluzar stated that this Committee can discuss the resolutions, however, due to a conflict of interest three of the members of the Committee cannot discuss these Resolutions, nor can they vote on them. Mr. Sluzar further stated that it was the decision of the Chairman of the Legislature as to whether the Transportation and Rural Development Committee was re-scheduled and to determine which substitutions were made for the members which have to abstain. Mr. Marinich stated that depending on the Chairman of the Legislature's decision, he would like to state for the record he maintains the right to appeal the Chairman's decision.

Further discussion followed regarding the County Attorney's opinion that four members of the County Legislature should recuse themselves regarding the public business of securing a lease of the oil and gas mineral rights on county owned property due to the conflict of interest posed by their private interests in also negotiating leases for oil and gas mineral rights on their personal property. This Committee could not vote on this resolution since three members of the Committee have been required to recuse themselves. Therefore, Mr. Merrill as Chair moved on to the next resolution.

#47 RESOLUTION AUTHORIZING LEASE AGREEMENTS WITH INFLECTION ENERGY LLC FOR OIL AND NATURAL GAS RIGHTS ON COUNTY PROPERTY AND

RENDERING A "NEGATIVE DECLARATION"

There was discussion regarding how the process of securing a lease works. Mr. Sluzar stated that the standard process is that the resolutions considered by the Legislature ask for the approval of the essential terms of the lease. After approval, the County Attorney's Office negotiates the rest of the language before the lease is finalized and signed by the County Executive. Mr. Marinich asked whether a new Whereas Paragraph could be included stating that the Legislature would review the finalized lease prior to the execution of the agreement. Mr. Sluzar stated that he would check with the company as to whether this affected their July 30, 2010 deadline.

Further discussion followed regarding the deadline imposed by the company and the standard process of how the county draws up leases.

This Committee could not vote on this resolution since three members of the Committee have been required to recuse themselves. Therefore, Mr. Merrill as Chair asked whether there were any further matters that the Committee would like to discuss.

There being no further business to come before the Committee at this time, a motion was made by Ms. Messina, seconded by Ms. Buchta, to adjourn the meeting. The meeting adjourned at 5:25 P.M.