

PUBLIC HEALTH AND ENVIRONMENTAL PROTECTION
COMMITTEE MEETING MINUTES
WEDNESDAY, JULY 14, 2010

The Public Health and Environmental Protection Committee of the Broome County Legislature met on Wednesday, July 14, 2010 in the Legislative Conference Room, Sixth Floor, Edwin L. Crawford County Office Building, Binghamton, New York.

Members Present: M. Nirchi (Chair), S. Buchta, M. Whalen for G. LaBare, M. Pasquale, J. Sanfilippo

Members Absent: None

Others Present: B. Chellis, Emergency Services; F. Evangelisti, Planning W. Gibson, DPW/Law; M. Kalka, M. Gerchman, Budget; J. Sluzar, Law; D. Fauci, P. Brennan, B. Fiala, County Exec's Office; J. Kamin, Youth Bureau; C. Edwards, C. Coddington, R. Brink, Health; L. Garber, FOX 40 News; N. Dooling, M. Kamin, Press & Sun-Bulletin; W. Austin, J. Cadorette, C. Cadorette, M. Bates, K. Daily, J. Daily, E. Cadorette, M. Cadorette, G. Contro, J. Shepherd, Y Lucia, K. Eaton, J. Corey, J. Johnson, S. Fasset, P. Donohue, B. Kane Lewis, E. Lanciault, L. Aprea, D. Walczak, R. McFarland, P. Valenti, E. Downard, A. Ellis, L. Miller, W. Marr, P. Campbell, D. Campbell, C. Crouse, Public; J. Quain, Legislative Intern; S. Messina, D. Moran, J. Marinich; E. Denk, C. Marion, C. Hall, Legislature

The Committee meeting was called to order by the Chairman at 4:02 PM. Mr. Whalen moved the agenda, seconded by Mr. Pasquale. The Committee took the following action with regard to the matters before it:

#8 RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR DEPARTMENT OF HEALTH

Carried. Ayes-4, Nays-0, Absent-1 (Sanfilippo)

#9 RESOLUTION AUTHORIZING ACCEPTANCE OF STAP WOMENS OUTREACH SERVICES PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2010-2011

Carried. Ayes-4, Nays-0, Absent-1 (Sanfilippo)

#10 RESOLUTION APPROVING THE CREDENTIALING AND REAPPOINTMENT OF MEDICAL STAFF AT THE BROOME COUNTY HEALTH DEPARTMENT

Carried. Ayes-4, Nays-0, Absent-1 (Sanfilippo)

#11 RESOLUTION AUTHORIZING RENEWAL OF THE PUBLIC HEALTH EMERGENCY PREPAREDNESS AND RESPONSE TO BIOTERRORISM PROGRAM GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A PROGRAM BUDGET FOR 2010-2011

Carried. Ayes-4, Nays-0, Absent-1 (Sanfilippo)

#12 RESOLUTION AUTHORIZING REVISION OF THE CANCER SERVICES PROGRAM OF BROOME, TIOGA AND CHENANGO COUNTIES GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A REVISED PROGRAM BUDGET FOR 2010-2011

Carried. Ayes-4, Nays-0, Absent-1 (Sanfilippo)

#13 RESOLUTION AUTHORIZING REVISION OF THE CANCER SERVICES PROGRAM OF CHEMUNG AND SCHUYLER COUNTIES GRANT FOR THE DEPARTMENT OF HEALTH AND ADOPTING A REVISED PROGRAM BUDGET FOR 2010-2011

Carried. Ayes-4, Nays-0, Absent-1 (Sanfilippo)

#14 RESOLUTION AUTHORIZING MEMORANDUMS OF UNDERSTANDING WITH VARIOUS BROOME COUNTY HOME HEALTH CARE AGENCIES FOR THE BROOME COUNTY DEPARTMENT OF HEALTH

Carried. Ayes-5, Nays-0

#41 RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST FOR THE BROOME COUNTY DEPARTMENT OF HEALTH

Carried. Ayes-5, Nays-0

#42 RESOLUTION AUTHORIZING PERSONNEL CHANGE REQUEST FOR THE BROOME COUNTY DEPARTMENT OF HEALTH

Carried. Ayes-5, Nays-0

#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. Whalen made a motion, seconded by Ms. Sanfilippo to amend the resolution to add a Whereas paragraph to read "Whereas, Broome County is the only involved agency with respect to the action, and", delete the first Further Resolved paragraph, and include Exhibit "A" and Exhibit "B".

Mr. Nirchi was concerned about voting on the resolution because the exhibits were just provided. Mr. Gibson and Mr. Evangelisti explained that this is a new and unique situation; he believes it is a Type 1 Act that requires a Full Assessment. It addresses only the execution of an oil and gas mineral rights lease. This is not a plan and is disconnected from drilling. Exhibit "A" is the Full Assessment Form and Exhibit "B" is the State Environmental Quality Review and list of parcels. Exploration and extraction of oil and natural gas is regulated solely by the New York State Department of Environmental Conservation. Mr. Whalen stated that the County is subject to compulsory integration and it is better to have a plan and set forth the terms and conditions. Mr. Marinich questioned the term "concurrent jurisdiction" as stated in the rules of order. Mr. Whalen recalled that it was put in so the Public Health and Environmental Protection committee and the Transportation and Rural Development committee would both have the opportunity to review matters pertaining to oil and gas drilling. The precedent has been set that the first committee listed on the resolution has always been the prime committee.

Amendment carried. Ayes-5, Nays-0

Resolution as amended carried. Ayes-4, Nays-1 (Pasquale)

#47 RESOLUTION AUTHORIZING LEASE AGREEMENTS WITH INFLECTION ENERGY

LLC FOR OIL AND NATURAL GAS RIGHTS ON COUNTY PROPERTY

Mr. Sluzar wanted to clarify that he was under no pressure by the Administration to execute a contract for the lease of oil and natural gas on County property. The proposed lease is the result of a RFP, direct mailings, and solicitations being sent with negotiations involving the Commissioner of Public Works, the Commissioner of Aviation, County Attorneys and Inflection Energy. Mr. Sluzar addressed some of the comments that have arisen since the resolution was introduced. One being that the signing bonus was too low. Many things were considered in negotiating the lease agreement including looking at county property versus private producing property, where the company can book an asset not a liability, and information on the depth and thickness of the formation in different parts of the County. Mr. Sluzar thought the proposed energy corridor showed good vision by Inflection Energy.

Ms. Kalka stated that she was not involved in negotiations but wanted to update the Legislature on the fiscal impacts this could have. The Legislature approved \$5 million revenue for gas leasing in the 2010 budget. She stated that it is projected that sales tax will be short \$2 million for 2010, and both real property sales tax and mortgage tax transfers are down. She stated that FMAP will sunset in 2010 which could result in a 6 million decrease in aid. Salary increases for 2011 will result in an additional \$2 million and an increase of \$1.2 million for health insurance. The Budget Office continues to scrutinize requests to fill vacant positions. Transit routes have been reduced and eliminated. Cuts for 2011 could include further transit route changes and include possibly closing parks. Departments were requested to submit their 2011 budgets with a 10% reduction.

Mr. Whalen reminded the Committee that the Legislature's focus should be whether this is a good safe deal for the County.

Mr. Brennan stated that the oversight of the environmental monitor will just be a continuation of what is already being done by the Department of Public Works and the County. They work with the DEC and the Army Corps of Engineers on a daily basis and maintain 100 bridges and 340 miles of County roads. The Commissioner of Public Works has been authorized to grant easements which would have to be presented to the Legislature for approval. Mr. Brennan stated that he has visited many drill sites including Fortuna, Cabot, Chesapeake and Inflection.

Ms. Fiala understands that this is a huge decision to be made and is a big gamble for everyone but believes that Inflection Energy provides a responsible safe environment.

Mr. Sanfilippo liked the idea of an environmental monitor but was concerned that after working alongside the company the monitor might get too comfortable with the company. He suggested that the County hire an environmental consultant to oversee the environmental monitor. Mr. Brennan stated that the County would hire the monitor and the monitor could be changed at any time.

Mr. Sluzar assured the committee that there would be oversight, the County has a term agreement with an environmental company and specialized counsel could be hired if necessary.

Mr. Pasquale made a motion, seconded by Mr. Whalen to defer the resolution to the Finance Committee. Motion failed. Ayes-1, Nays-4 (Nirchi, Buchta, Whalen, Sanfilippo)
Carried. Ayes-3, Nays-2 (Pasquale, Nirchi)

There being no further business to come before the Committee at this time, Mr. Whalen made a motion to adjourn, seconded by Mr. Pasquale. The meeting adjourned at 5:45 PM.