

Lebous to membership on the Board of Directors of the Catskill Regional Off-Track Betting Corporation in accordance with his appointment by the Legislative Chairman.

Carried by the following:

Ayes-17, Nays-1 (Coffey), Absent-1 (Brown).

Mr. Pasquale moved, seconded by Mr. Howard to adjourn to the call of the Clerk at 6:15 p.m.

**SPECIAL SESSION  
THURSDAY, JANUARY 31, 1991  
AT 3:50 P.M. EST**

The Legislature convened at 3:50 p.m. EST. Called to order by a majority of ten members of the County Legislature.

Roll was called by the Clerk, Richard R. Blythe and the fire exit announcement was made. Present-19, Absent-None.

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 for United States servicemen and servicewomen serving with Operation Desert Shield.

**RESOLUTION NO. 91-10**

By Finance and Environment Committees

Seconded by Mr. Augustini

**RESOLUTION AUTHORIZING FINANCIAL APPROPRIATION FOR THE BROOME COUNTY RESOURCE RECOVERY AGENCY.**

WHEREAS, Broome County, since 1969 has assumed responsibility for municipal solid waste (MSW) disposal throughout the County, and

WHEREAS, Broome County has researched in detail many options and combinations for solid waste management, including their financial and environmental impacts, and

WHEREAS, Broome has adopted an integrated approach to meeting its MSW management responsibility, and

WHEREAS, Broome County's integrated approach is consistent with New York State (NYS) and Federal policy and includes: first, waste reduction; second, recycling and composting; third, waste-to-energy incineration; and fourth, landfilling, and

WHEREAS, in 1983, New York State created the Broome County Resource Recovery Agency (Agency) pursuant to a request from Broome County and empowered it "To collect, receive, transport, process, dispose of, sell, store, convey, and deal with, in any lawful manner in way, waste and any products or by products

thereof...", and

WHEREAS, in 1988 Broome County and the Agency entered into an Intermunicipal Solid Waste Management Agreement and a Landfill Use Agreement and Broome County approved a Solid Waste Disposal Service Agreement between the Agency and Foster Wheeler Broome County, Inc., and

WHEREAS, pursuant to the above agreements, the Agency and Foster Wheeler Broome County, Inc. as co-applicants, have complied with the process outlined in the NYS Environmental Conservation Law (ECL) in pursuit of a construction permit for the waste-to-energy component of Broome County's integrated system for MSW management, and

WHEREAS, the permit hearing process has reached its final, "Adjudicatory" phase wherein the New York State Department of Environmental Conservation (NYSDEC), will decide if and under what conditions a construction permit will be issued, and

WHEREAS, this Legislature desires to insure full due process to all parties involved with the waste-to-energy component of Broome County's MSW management system, and

WHEREAS, this Legislature desires the complete and factual information that will result from the adjudicatory phase of the hearing process to considering modifications to Broome County's integrated plan for MSW management, and

WHEREAS, the adjudicatory phase is anticipated to last approximately six months, and

WHEREAS, a budgetary appropriation is essential to enable the Agency to participate in the hearing process until NYSDEC issues a final decision, and

WHEREAS, the Agency has previously submitted a 1991 Budget (attached hereto), in the amount of \$372,639; now, therefore, be it

RESOLVED, that the Agency is hereby advised and authorized to extend its right to termination of the Service Agreement, pursuant to Section 3.7 thereof, from the second anniversary of that agreement to the date of the NYSDEC's final decision on the construction permit application anticipated to be received by August 31, 1991, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes and adopts the program budget annexed hereto as Exhibit "A" in the total amount of \$185,974 for the period January 1, 1991 through August 31, 1991, and be it

FURTHER RESOLVED, that Broome County Resource Recovery Agency submit and file with the Clerk of this Legislature and the County Executive written quarterly reports detailing the agency's use of the funds received from the County during the previous calendar year as well as future goals and related expenses, and be it

FURTHER RESOLVED, should Broome County Resource Recovery Agency

request a single lump sum basis, said annual report shall be filed before the lump sum payment is released and any which provides for two or more periodic payments during the term or said annual report shall be filed prior to the release of the second payment provided for by said contract and such payments are further subject to provisions of Resolution 262 of 1978 as amended by Resolution 243 of 1979. At the request of Mr. Bielecki, Resolution 91-10 was held over under the rule.

Mr. Pasquale moved, seconded by Mr. Moppert, to adjourn to the call of the Clerk. Carried at 3:56 p.m.

**REGULAR SESSION  
THURSDAY, JANUARY 31, 1991  
AT 4:00 PM, EST.**

The Legislature convened at 4:00 pm, EST. Called to order by the Chairman, Arthur J. Shafer.

Roll was called by the Clerk, Richard R. Blythe. Present-19, Absent-0.

Invocation delivered by First Lieutenant Jeffrey S. Bell, Chaplain, Army National Guard, 204th Engineer Combat Battalion.

Mr. Lindsey moved, seconded by Mr. Howard, that the minutes of the December 27, 1990 Regular Session and January 8, 1991 Organizational Meeting be approved as prepared and presented by the Clerk. Carried.