

**BROOME COUNTY LEGISLATURE
SPECIAL SESSION
JANUARY 9, 1996**

The Legislature convened at 5:00 P.M. with a call to order by the Chair, Arthur J. Shafer. The Clerk, Richard R. Blythe, read the fire exit announcement and called the Attendance Roll by Legislative District:

Legislative		Legislative	
<u>District</u>	<u>Legislator</u>	<u>District</u>	<u>Legislator</u>
1	Mark R. Whalen	11	Chris W. Burger
2	Margaret M. Coffey	12	Andrew M. Kavulich
3	David L. Lindsey	13	Daniel A. Schofield
4	Vincent A. Pasquale	14	William T. Wike
5	Patrick F. O'Day	15	Wanda Hudak
6	Thomas A. Hull	16	John E. Cahill
7	Arthur J. Shafer	17	Louis P. Augostini
8	Wayne L. Howard	18	Brian K. Mather
9	William H. Miller	19	James L. Holley
10	Jane R. Sweet		

Present - 17, Absent - 2 (Mr. Whalen-District 1 & Mr. Cahill-District 16)

The Chair, Mr. Shafer, led the members of the Legislature in the Pledge of Allegiance to the Flag, followed by a moment of silent meditation.

The following resolution was presented as authorized by the Chair in the call of the Special Session.

RESOLUTION NO. 1

by COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT & PLANNING
AND FINANCE COMMITTEES

Seconded by Mr. Mather

**RESOLUTION AUTHORIZING THE HIRING OF COUNSEL WITH
RESPECT TO PENDING LITIGATION.**

WHEREAS, there is litigation pending against the County by three former employees, and

WHEREAS, the County Attorney has recommended separate counsel be retained

to represent the County Executive and the Legislature, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Pearis, Resseguie, Kline, Barber and Lebous, 1001 Press Building, Binghamton, New York 13901 to represent this legislative body in the legal action initiated by these three employees, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall pay the Contractor \$125.00 per hour for out of court time and \$160.00 per hour for in court time for Ferris Lebous \$150.00 per hour for out of Court time and \$175.00 per hour for in court time for Stuart Pearis and Herb Kline; \$95.00 per hour for out of court time and \$120.00 per hour for in court time for associates; \$75.00 per hour for paralegals and \$35.00 per hour for secretarial time plus reasonable and necessary costs and disbursements total amount not to exceed \$10,000.00, and be it

FURTHER RESOLVED, that a contract, approved as to form by the County Attorney, and executed by the Chairman of the Legislature, is hereby authorized for said employment, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes an agreement with Young and Paniccia, 22 Riverside Drive, Binghamton, New York 13905 to represent the County Executive in this legal action, and be it

FURTHER RESOLVED, that in consideration of said services the County shall pay the contractor \$135.00 per hour for partners; and \$115.00 per hour for associates; \$70.00 per hour for paralegals plus reasonable and necessary costs and disbursements, total amount not to exceed \$10,000, and be it

FURTHER RESOLVED, that a contract, approved as to form by the County Attorney and executed by the County Executive, is hereby authorized for said employment, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 0390005.4736.101000 (Legal Charges and Fees) except to the extent payments would not be authorized pursuant to Public Officers Law Section 18, and be it

FURTHER RESOLVED, that the contracts will be effective January 2, 1996.

Mr. Augostini moved, seconded by Mr. Wike to **call the question** on the resolution. The call of the question **carried**.

Ayes-14, Nays-3 (Coffey, Kavulich & Pasquale), Absent-2 (Cahill & Whalen)

The resolution **carried**.

Ayes-15, Nays-2 (Coffey & Kavulich), Absent-2 (Cahill & Whalen)

Mr. Augostini moved, seconded by Mr. Pasquale to **adjourn**, at 5:08 P.M.

The adjournment **carried**. Ayes-17, Absent-2 (Cahill & Whalen)