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**BROOME COUNTY LEGISLATURE  
SPECIAL SESSION  
THURSDAY, MARCH 20, 2008**

The Legislature convened at 4:40 p.m. with a call to order by the Chair, Mark R. Whalen. The Clerk, Eric S. Denk, read the fire exit announcement and called the Attendance Roll, Present-17, Absent-2 (Hull, Cleary).

The Chair, Mr. Whalen, led the members of the Legislature in the Pledge of Allegiance to the Flag, followed by a prayer offered by Legislator Buchta.

**RESOLUTIONS INTRODUCED AT THIS SESSION**

**RESOLUTION NO. 159**

By: Economic Development and Planning and Finance Committees      Seconded by: Mr. Shafer  
**RESOLUTION AUTHORIZING AN AGREEMENT WITH GREYHOUND LINES, INC. FOR THE PURCHASE OF PROPERTY FOR THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT FOR 2008**

WHEREAS, the Commissioner of Planning and Economic Development requests authorization for an agreement with Greyhound Lines, Inc., Inc. for the purchase of property, tax map #904010 and tax map #904016 for the Department of Planning and Economic Development at a cost not to exceed \$200,000, for the period March 1, 2008 through June 15, 2008, and

WHEREAS, said agreement is necessary for the purchase of 81 Chenango Street and 22 Prospect Avenue, Binghamton, New York 13905, for the Intermodal Transit Terminal Project, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Greyhound Lines, Inc., PO Box 660362, Dallas Texas 75201 for the purchase of property, tax map #904010 and tax map #904016 for the Department of Planning and Economic Development for the period March 1, 2008 through June 15, 2008, and be it

FURTHER RESOLVED, that in consideration of said agreement, the County shall pay the Contractor an amount not to exceed \$200,000 for the term of the agreement, and be it

FURTHER RESOLVED, that the payments hereinabove authorized shall be made from budget line 225011.2001.501468 (Original Acquisition), and be it

FURTHER RESOLVED, that the County shall provide the Contractor substitute facilities rent free until the Intermodal Project is completed or abandoned, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

Held over by Mr. Shafer

**RESOLUTION NO. 174**

By: Public Works Committee      Seconded by: Mr. Shafer  
**RESOLUTION RESCINDING RESOLUTION 707 OF 2007 AND EXEMPTING THE GEORGE HARVEY JUSTICE BUILDING PROJECT FROM THE REQUIREMENTS OF RESOLUTION 372 OF 2007**

WHEREAS, this County Legislature at a regular meeting held on June 21, 2007 adopted Resolution 372 which established a policy requiring a feasibility study and due diligence report and consideration of utilizing a project labor agreement on all county construction projects when the estimated cost of construction will exceed \$1,000,000, and

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WHEREAS, this County Legislature at a meeting held on November 20, 2007 adopted Resolution 707 and accepted the due diligence report submitted by the Commissioner of Public Works in connection with the George Harvey Justice Building project and resolved that a project labor agreement consistent with the due diligence report shall be used for all competitive bids for construction contracts relating to the renovation of the George Harvey Justice Building, and

WHEREAS, pursuant to resolutions 372 and 707 of 2007, a Project Labor Agreement was negotiated with all but two of the construction trades unions that would be involved with work on the George Harvey Justice Building, specifications were prepared and the required notices seeking bids on the project were published, and

WHEREAS, bids were submitted to be opened on December 19, 2007, and

WHEREAS, several non-union contractors along with others commenced a legal proceeding challenging the sufficiency of the bid specifications and the legality of the negotiated project labor agreement, and

WHEREAS, Hon. Ferris Lebous, a justice of the New York Supreme Court, has ruled that the project labor agreement approved by the Broome County Legislature on November 20, 2007 is void and unenforceable as a bid specification for the George Harvey Justice Building Project, and

WHEREAS, the reconstruction of the George Harvey Justice Building is being paid for from the sale of special issue bonds in connection with the Broome Tobacco Asset Securitization Corporation, and pursuant to IRS regulations, Broome County must have a firm commitment to use 85% of the bond proceeds by November 2008, and

WHEREAS, the Broome County Attorney and the Deputy County Executive, after careful review of the time constraints involving the use of the "tobacco money" and the need to have construction contracts in place soon, have recommended that Resolution 707 of 2007 be rescinded and that the George Harvey Justice Building Project be exempted from the requirements of Resolution 372 of 2007, now therefore, be it

RESOLVED, that this County Legislature hereby rescinds Resolution 707 of 2007 and exempts the George Harvey Justice Building reconstruction project from the requirements of Resolution 372 of 2007, and be it

FURTHER RESOLVED, that the County Executive or her duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

Held over by Mr. Shafer

Mr. Schofield made a motion to adjourn, seconded by Mr. Howard. **Motion to adjourn Carried,** Ayes-17, Nays-0, Absent-2 (Hull, Cleary). The meeting was adjourned at 4:43 p.m.

