

Legal Counsel Approval 

RL15-082

Introductory No. R15-50

Permanent No. R15-50



THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: May 6, 2015

Sponsored by Council Members: Rennia, Matzo, Webb, Motsavage, Berg, Mihalko, Papastrat

Introduced by Committee: Municipal & Public Affairs

RESOLUTION

entitled
A RESOLUTION AUTHORIZING AN
AGREEMENT WITH THE BINGHAMTON-
JOHNSON CITY JOINT SEWAGE TREATMENT
BOARD FOR EMERGENCY CONFINED SPACE
RESCUE

WHEREAS, the Binghamton Fire Bureau provides emergency confined space rescue services for a fee; and

WHEREAS, on May 4, 2009, the Council of the City of Binghamton approved a Municipal Cooperation Agreement for Emergency Confined Space Rescue (the "Agreement") with the Binghamton-Johnson City Joint Sewage Board (the "Board"); and

WHEREAS, the Council of the City of Binghamton adopted Permanent Resolution 10-44 on May 5, 2010 authorizing a two-year extension of the Agreement; and

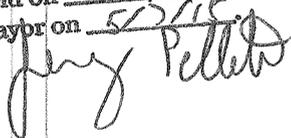
WHEREAS, the Council of the City of Binghamton adopted Permanent Resolution 12-52, on June 20, 2012 authorizing a three year extension of the Agreement; and

WHEREAS, the Fire Chief has recommended the approval of an additional extension of the Agreement for a period of one year in accordance with the attached contract.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby:

RESOLVE that the Mayor of the City of Binghamton, or his designee, is hereby authorized to enter into an agreement, approved as to form and content by the Office of Corporation Counsel, with the Binghamton-Johnson City Joint Sewage Board for the City of Binghamton Fire Bureau to provide emergency confined space rescue services in accordance with the attached contract.

I hereby certify the above to be a true copy
of the legislation adopted by the Council
of the City of Binghamton at a meeting
held on 5/6/15. Approved by the
Mayor on 5/6/15



Introductory No. R15-50

Permanent No. R15-50

Sponsored by City Council Members:
Rennia, Matzo, Webb, Motsavage, Berg, Mihalko,
Papastrat

A RESOLUTION AUTHORIZING AN AGREEMENT
WITH THE BINGHAMTON-JOHNSON CITY JOINT
SEWAGE TREATMENT BOARD FOR EMERGENCY
CONFINED SPACE RESCUE

The within Resolution was adopted by the Council of
the City of Binghamton.

Date May 6, 2015

City Clerk Jenny Bell

Date Presented to Mayor May 7, 2015

Date Approved 5/7/15

Mayor Richard L. Strick

	Ayes	Nays	Abstain	Absent
Motsavage	✓			
Mihalko	✓			
Rennia	✓			
Webb	✓			
Papastrat	✓			
Matzo	✓			
Berg	✓			
Total	5	0	0	0

Code of the City of Binghamton

Adopted Defeated

5 Ayes 0 Nays 0 Abstain 0 Absent

**MUNICIPAL COOPERATION AGREEMENT FOR
EMERGENCY CONFINED SPACE RESCUE**

PARTIES:

Binghamton Johnson City Joint Sewage Board ("the Board")
4480 Old Vestal Road
Vestal, New York 13850

and

City of Binghamton ("the City")
City Hall
38 Hawley Street
Binghamton, NY 13901

RECITALS:

- The Binghamton Johnson City Joint Sewage Board ("Board") operates the Binghamton Johnson City Joint Sewage Treatment Plant ("the Plant") at 4480 Old Vestal Road and 3936 Gates Road, both in the Town of Vestal, and desires to provide for first responder rescue in any emergency confined space situation.
- The City has a professional fire department which can provide emergency confined space rescue services in compliance with Title 29 Code of Federal Regulations Part 1910.146.

THE PARTIES AGREE AS FOLLOWS:

1. Emergency Confined Space Rescue. The City agrees to provide apparatus, appliances and rescue personnel for the furnishing of confined space rescue to the property when notified by telephone, or any other manner of a confined space emergency within the property, except when required personnel and/or resources are already committed to an active call elsewhere, in which case requested assistance will be provided as soon as practicable thereafter. The City will then respond to the emergency without delay and with apparatus, appliances and rescue personnel, and the City will diligently, in every way reasonable, rescue entrapped personnel.

Furthermore, the City's rescue team will conduct on site rescue training at least once a year.

2. Term of Agreement. This Agreement shall run for a period of one (1) year from June 1, 2015, to May 31, 2016, unless terminated as provided herein.
3. Termination of Agreement. This Agreement may be terminated by either party by giving written notice thirty (30) days prior to the annual anniversary agreement date.



4. Consideration. In consideration of furnishing such protection, the Board will pay the City as follows:

June 1, 2015 – May 31, 2016 - \$4,400

Said payment shall be made upon execution of this contract. In addition, should the City's rescue team be called to the site for an actual emergency, the Board will pay the City the sum per hour, one hour minimum, with a pro-rated charge for each additional fifteen minute period that the rescue team is requested to respond, as follows:

June 1, 2015 – May 31, 2016 - \$770 per hour

5. Liability. The Board agrees to indemnify and hold the City harmless from any damage, claim or liability, including personal injuries, damage to the Property, the costs and expenses of litigation and reasonable attorney's fees, in relation to the services provided by the City hereunder.

The parties have caused this agreement to be signed by its representatives, after approval by the Board on May __, 2015, and legislative action by the City which occurred at a duly noticed meeting on May 20, 2015.

CITY OF BINGHAMTON

By: _____
Richard C. David, Mayor

Dated: _____

BINGHAMTON-JOHNSON CITY
JOINT SEWAGE BOARD

By: _____
Chairman

Dated: _____

