



THE COUNCIL OF THE CITY OF BINGHAMTON  
STATE OF NEW YORK

Date: May 18, 2016

Sponsored by Council Members: Mihalko, Matzo, Papastrat, Scaringi, Cronce, Taylor, *MacGregor*

Introduced by Committee: Public Works/Parks

RESOLUTION

*entitled*

A RESOLUTION AUTHORIZING THE MAYOR  
TO ENTER INTO AN AGREEMENT WITH THE  
BINGHAMTON-JOHNSON CITY JOINT  
SEWAGE 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 15-50, on May 6, 2015, authorizing a one 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.

Introductory No. RI6-62

Permanent No. RI6-602

Sponsored by City Council Members:  
Mihalko, Matzo, Papastrat, Scaringi, Cronce, Taylor,  
MacGregor

A RESOLUTION AUTHORIZING THE MAYOR TO  
ENTER INTO AN AGREEMENT WITH THE  
BINGHAMTON-JOHNSON CITY JOINT SEWAGE  
BOARD FOR EMERGENCY CONFINED SPACE  
RESCUE

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

5/18/16  
Date

[Signature]  
City Clerk (Deputy)

5/19/16  
Date Presented to Mayor

5/19/16  
Date Approved

[Signature]  
Mayor

Ayes  
MacGregor ✓

	Ayes	Nays	Abstain	Absent
Councilman Scaringi	✓			
Councilman Mihalko	✓			
Councilwoman Cronce	✓			
Councilman Taylor	✓			
Councilman Matzo	✓			
Councilman Papastrat	✓			
<b>Total</b>	<b>7</b>	<b>0</b>		

Code of the City of Binghamton

Adopted  Defeated  
7 Ayes 0 Nays 0 Abstain 0 Absent

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 5/18/16. Approved by the Mayor on 5/19/16.

**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 Plant when notified by telephone, or any other manner, of a confined space emergency within the Plant 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 year from the date of execution, 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:

Year 1: 1 June 2016 – 31 May 2017 \$4,500

Said payment for Year 1 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:

Year 1 - \$790 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 \_\_\_\_\_ and legislative action by the City which occurred at a duly noticed meeting, on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

CITY OF BINGHAMTON

By: \_\_\_\_\_  
Richard C. David, Mayor

Dated: \_\_\_\_\_

BINGHAMTON-JOHNSON CITY  
JOINT SEWAGE BOARD

By: \_\_\_\_\_  
Chairman

Dated: \_\_\_\_\_