



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: May 5, 2021

Sponsored by Council Members: Scaringi, Riley, Friedman, Burns, Strawn, Scanlon, Resciniti

Introduced by Committee: Municipal Public Affairs

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD FOR THE PROVISION OF EMERGENCY CONFINED SPACE RESCUE SERVICES BY BINGHAMTON FIRE DEPARTMENT AT THE BINGHAMTON-JOHNSON CITY JOINT SEWAGE TREATMENT FACILITY

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

WHEREAS, the Binghamton-Johnson City Joint Sewage Board has requested a three (3) year contract from June 1, 2021, to May 31, 2024, for this service at the Binghamton-Johnson City Joint Sewage Treatment Facility; and

WHEREAS, the Binghamton-Johnson City Joint Sewage Board will pay \$4,600 each year for the contract; and

WHEREAS, in the event emergency confined space rescue services by the Binghamton Fire Department are needed, the cost would be an additional \$825 per hour.

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 Binghamton Fire Department to provide emergency confined space rescue services in accordance with the attached contract.

Introductory No. _____ R21-33

Permanent No. **R21-33**

Sponsored by City Council Members:
Scaringi, Riley, Friedman, Burns, Strawn, Scanlon,
Resciniti

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

Date 5/5/21

City Clerk Margaret H. McGowan

Date Presented to Mayor 5/5/21

Date Approved 5/6/21

Mayor William D. Baird

	Ayes	Nays	Abstain	Absent
Councilman Scaringi	✓			
Councilwoman Riley	✓			
Councilwoman Friedman	✓			
Councilman Burns	✓			
Councilman Strawn	✓			
Councilman Scanlon	✓			
Councilwoman Resciniti	✓			
Total	7	0	0	0

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 5/5/2021. Approved by the Mayor on 5/6/2021. WDB

**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 three (3) years 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 2021 – 31 May 2022	\$4,600
Year 2: 1 June 2022 – 31 May 2023	\$4,600
Year 3: 1 June 2023 – 31 May 2024	\$4,600

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:

\$825.00 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 _____ 2021.

CITY OF BINGHAMTON

By: _____
Richard C. David, Mayor

Dated: _____

**BINGHAMTON-JOHNSON CITY
JOINT SEWAGE BOARD**

By: _____
Chairman

Dated: _____

