



LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Giovanni Scaringi, Ph.D., City Council President

Janine Faulkner, City Clerk

**COUNCIL OF THE CITY OF BINGHAMTON
Business Meeting Agenda
City Hall, 38 Hawley Street, Binghamton, NY 13901
Wednesday, October 4, 2023**

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. ACKNOWLEDGEMENTS AND RECOGNITIONS

V. REPORTS FROM COMMITTEES AND APPROVAL OF MINUTES

Approval of Minutes

Approve the Minutes from the September 20, 2023 Business Meeting.

City Council Finance Committee: Scanlon (Chair), Strawn, Friedman

No items to report.

City Council Planning & Community Dev. Committee: Resciniti (Chair), Scanlon, Friedman

No items to report.

City Council Municipal & Public Affairs Committee: Strawn (Chair), Resciniti, Riley

No items to report.

City Council Public Works/Parks & Recreation Committee: Resciniti (Chair), Scanlon, Riley

No items to report.

City Council Employees Committee: Strawn (Chair), Resciniti, Burns

No items to report.

City Council Rules & Procedures/Special Studies Committee: Scanlon (Chair), Strawn, Friedman

No items to report.

VI. APPROVAL OF APPOINTMENTS

VII. PUBLIC HEARING

Binghamton City Council and the Mayor of the City of Binghamton will hold a public hearing regarding RL23-196 Entitled "Amending the Bond Ordinance adopted November 19, 2021 relating to construction of various improvements to Mirabito Stadium to comply with the mandates of Major League Baseball".



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Residents wishing to submit comments may do so electronically by emailing their comments prior to 1:00pm on the day of the meeting to clerk@cityofbinghamton.com or in-person during the meeting. For any questions, please contact the City Clerk's Office at (607) 772-7005.

VIII. SET PUBLIC HEARINGS

1. The City of Binghamton will hold a Public Hearing regarding the proposed 2024 City of Binghamton budget as amended.
2. The City of Binghamton will hold a Public Hearing regarding RL 23-218 Bond Ordinance for Water Street Parking Garage.

This public hearing will take place at the October 18, 2023 Business Meeting. Residents wishing to participate in the Public Hearing(s) may do so electronically by emailing their comments prior to 1:00pm on the day of the meeting to clerk@cityofbinghamton.com or in-person during the meeting.

IX. PUBLIC COMMENT/COMMUNICATION

Residents wishing to submit public comment may do so electronically by emailing their comments prior to 1:00pm on the day of the meeting to clerk@cityofbinghamton.gov or in-person during the meeting.

X. REVIEW OF MAYORAL VETO

XI. SECOND READING LEGISLATION

Introductory Ordinance 23-120. Considered in Finance: Scanlon

An Ordinance to allocate American Rescue Plan Act (ARPA) Funds to support an affordable housing project at 187 Clinton Street with acquisition costs and pre-development activities including environmental testing and engineering services

Introductory Ordinance 23-124. Considered in Planning: Resciniti

An Ordinance to authorize the sale of 92 Park Avenue to Erica Farber

XII. FIRST READING LEGISLATION

A. PREFERRED AGENDA

Introductory Ordinance 23-129. Considered in Finance: Scanlon

An Ordinance to amend the 2023 Binghamton Johnson City Joint Sewage Treatment Facility's budget to increase Professional Services and Repair for Emseal repair

Introductory Resolution 23-77. Considered in Finance: Scanlon

A Resolution authorizing the Mayor to accept an additional amount for Healthy Schools and Communities Grant from the Broome County Health Department



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Introductory Resolution 23-78. Considered in Finance: Scanlon

A Resolution authorizing the Mayor to enter into agreement with EDR for the Ross Park Carousel Shelter condition assessment and development of a new shelter design

B. NON PREFERRED AGENDA

Introductory Ordinance 23-127. Considered in Planning: Resciniti

An Ordinance to declare the City of Binghamton qualified for exemptions from Eminent Domain Procedure Law (EDPL) hearing requirements and for the Mayor to take necessary steps for the City to acquire properties for the Main Street Corridor Study and Safety Improvement Project (P.I.N. 9754.37)

Introductory Ordinance 23-128. Considered in Finance: Scanlon

An Ordinance to amend the Bond Ordinance adopted November 19, 2021 relating to the construction of various improvements to Mirabito Stadium to comply with the mandates of Major League Baseball

Introductory Ordinance 23-130. Considered in Finance: Scanlon

An Ordinance to amend the 2023 General Fund budget to increase Professional Services expense and Interest revenue

Introductory Resolution 23-79. Considered in Finance: Scanlon

A Resolution authorizing the Mayor to enter into agreements with various agencies for HUD FY49 service and capital programs

Introductory Resolution 23-80. Considered in Finance: Scanlon

A Resolution authorizing the Mayor to enter into agreement with CJS Architects for the Water Street Parking Garage

Introductory Resolution 23-81. Considered in Finance: Scanlon

A Resolution authorizing the Mayor to enter into agreement with Mirabito-Gresham Insurance & Bond Agency to act as Broker of Records for the City's Property and Liability Insurance

XIII. COMMUNICATIONS FROM COUNCIL MEMBERS

1. Scanlon
2. Resciniti
3. Riley
4. Friedman
5. Burns
6. Strawn
7. Scaringi

XIV. ADJOURNMENT



THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: September 20, 2023

Sponsored by Council Members: Resciniti, Burns, Strawn, Scaringi

Introduced by Committee: Finance

ORDINANCE*entitled*

AN ORDINANCE TO ALLOCATE AMERICAN
RESCUE PLAN ACT FUNDS TO SUPPORT AN
AFFORDABLE HOUSING PROJECT AT 187
CLINTON STREET

WHEREAS, the Mayor and the Comptroller of the City of Binghamton find it proper and necessary to allocate American Rescue Plan Act (ARPA) funds in the amount of \$2,210,829 to support acquisition costs and pre-development activities including environmental testing and engineering services to support an affordable housing project at 187 Clinton Street, Binghamton, New York; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on September 20, 2023.

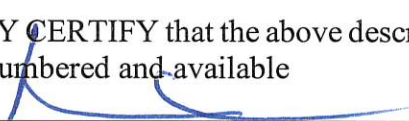
NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That the Comptroller and City Treasurer of the City of Binghamton are hereby authorized and directed to allocate ARPA funds in the amount of \$2,210,829 to support an affordable housing project at 187 Clinton Street as follows:

- (i) \$2,210,829 increase expense budget line A9950.59000.F0015 (Interfund Transf)
- (ii) \$2,210,829 increase revenue budget line H.45031.F0015 (Interfund Transf)
- (iii) \$2,210,829 increase revenue budget line A.44089.F0015 (Fed.Aid - Other)
- (iv) \$2,210,829 increase expense budget line H8686.54756.F0015 (Affor. Housing)

Section 2. That this Ordinance shall take effect immediately.

I HEREBY CERTIFY that the above described funds
are unencumbered and available



Chuck Shager, Comptroller



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

Date: September 20, 2023

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

Introduced by Committee: Planning

ORDINANCE
entitled

AN ORDINANCE AUTHORIZING THE SALE OF
92 PARK AVENUE TO ERICA FARBER FOR
\$55,500

WHEREAS, the City of Binghamton is the owner of certain real property located at 92 Park Avenue, Binghamton, New York, Tax Parcel No. 176.24-2-23 (the "Premises"); and

WHEREAS, pursuant to Permanent Resolution 20-03, dated February 5, 2020, City Council approved to receive a grant from Enterprise Community Partners in the amount of \$585,000 for the Cities RISE Innovation Program; and

WHEREAS, this property has been brought to code compliance as part of the Cities RISE Program and is ready to sell; and

WHEREAS, the City has no public use for the Premises; and

WHEREAS, the Assessor of the City of Binghamton has determined the sale price to be fair and equitable; and

WHEREAS, the Board of Estimate and Apportionment approved and recommended sale of the Premises on September 20, 2023.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain by at least a three-fourths vote as follows:

Section 1. That the Mayor of the City of Binghamton is hereby authorized to enter into a contract of sale and to execute all necessary and appropriate documentation, approved as to form and content by the Office of Corporation Counsel, to transfer the Premises to Erica Farber, by Quitclaim Deed for \$55,500 to be paid by cash, certified, or local bank check.

Section 2. This transfer is subject to the conditions in the attached contract of sale.

Section 3. That this Ordinance shall take effect immediately.

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number: None

Date: September 20, 2023

This Notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The City of Binghamton City Council as lead agency has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Sale of City-owned real property at 92 Park Ave.

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

Sale of 92 Park Avenue for use as a two-unit dwelling.

Location: 92 Park Ave, Binghamton, Broome County, New York

Reasons Supporting This Determination:

The proposed action is the sale of vacant real property to a private entity for use as a two-unit dwelling.

The lead agency has reviewed an Environmental Assessment Form and the criteria contained in 6 NYCRR 617.7 (c) to identify the relevant areas of environmental concern, thoroughly analyzed the identified relevant areas of environmental concern, and determined that the action will not have a significant adverse impact on the environment for the following reasons:

- The proposed action will not conflict with an adopted land use plan or zoning regulations, nor result in a change in land use.
- The proposed action will not impair the character or quality of the existing community.
- The proposed action will not have an impact on a Critical Environmental Area.
- The proposed action will not impact traffic or infrastructure, energy use, or water and sewer infrastructure.
- The proposed action will not negatively impact important historic resources.
- The proposed action will not result in an adverse impact to natural resources, erosion and flooding, or human health.

For Further Information

Contact Person: Giovanni Scaringi, Ph.D., President
 City of Binghamton City Council

Address: City Hall
 38 Hawley Street
 Binghamton, NY 13901

Telephone Number: 607-772-7005 (City Clerk's Office)



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

Date: October 4, 2023

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

Introduced by Committee: Finance

ORDINANCE

entitled

AN ORDINANCE TO AMEND THE 2023
BINGHAMTON-JOHNSON CITY JOINT
SEWAGE TREATMENT FACILITY'S BUDGET
TO INCREASE PROFESSIONAL SERVICES
AND REPAIR

WHEREAS, the City of Binghamton (the "City") is a joint owner of the Binghamton-Johnson City Joint Sewage Treatment Facilities (the "BJCJSTF") with the Village of Johnson City (the "Village"); and

WHEREAS, the BJCJSTF is operated and maintained by the Binghamton-Johnson City Joint Sewage Board (the "JSB") under a series of inter-municipal agreements between the City and the Village; and

WHEREAS, the Council of the City and the Board of Trustees of the Village approve the BJCJSTF budget; and

WHEREAS, the JSB has requested an amendment to the 2023 BJCJSTF budget to repair an Emseal leak and reinforce Emseals in various other locations on the HLine.

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

Section 1. That Council approves and directs the Comptroller/JSB Fiscal Officer to amend and make journal budget entries in the 2023 BJCJSTF budget to repair an Emseal leak and reinforce Emseals in various other locations on the HLine as follows:

Transfer From (Decrease):

\$250,000 ES8130.55000 (Contingency)

Transfer To (Increase):

\$250,000 ES8130.54410 (Prof
Svcs and Repair)

Section 2. That this Ordinance shall be effective when also approved by sufficient members of the Board of Trustees of the Village.

I HEREBY CERTIFY that the above described funds are unencumbered and available

Chuck Shager, Comptroller/JSB Fiscal Officer



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

Date: October 4, 2023

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

Introduced by Committee: Finance

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE MAYOR
TO ACCEPT AN ADDITIONAL AMOUNT FOR
HEALTHY SCHOOLS AND COMMUNITIES
GRANT AWARD FROM THE BROOME
COUNTY HEALTH DEPARTMENT

WHEREAS, the Council of the City of Binghamton adopted Permanent Resolution R23-56, dated July 26, 2023, entitled “A Resolution authorizing the Mayor to accept a Healthy Schools and Communities Grant from the Broome County Health Department”; and

WHEREAS the amount awarded of \$20,000 is to be used to update the Complete Street Policy, develop the Complete Street Policy action plan, and complete Street projects; and

WHEREAS, the City of Binghamton is eligible to receive an additional Healthy Schools and Communities Grant from Broome County Health Department in the amount of \$10,000; and

WHEREAS, the Grant does not require a local match; the grant funds will be reimbursable, and the Grant will be administered by the Director of Planning, Housing and Community Development or his/her designee; and the estimated date of completion will be May 31, 2024.

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 execute any and all documents, approved as to form and content by the Office of Corporation Counsel, as may be necessary to accept the healthy schools and communities grant from the Broome County Health Department in the amount of \$10,000 and will be available in the budget lines for this purpose as follows:

- (i) \$10,000 increase expense budget line H8684.54410.C0045 (Pro.Ser. – Planning)
- (ii) \$10,000 increase revenue budget line H.42706.C0045 (Grant Other Gov.)

I HEREBY CERTIFY that the above described funds are unencumbered and available

Chuck Shager, Comptroller



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

Date: October 4, 2023

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

Introduced by Committee: Finance

RESOLUTION

entitled

**A RESOLUTION AUTHORIZING THE MAYOR
TO ENTER INTO AN AGREEMENT WITH EDR
FOR THE ROSS PARK CAROUSEL SHELTER
CONDITION ASSESSMENT AND NEW
SHELTER DESIGN**

WHEREAS, the Council of the City of Binghamton adopted Permanent Resolution 22-37, dated April 20, 2022, with Environmental Design & Research, DPC for the Ross Park Carousel Restoration and Relocation Project; and

WHEREAS, the State Office of Historic Preservation has the City of Binghamton provide a documented detailed evaluation of the condition of the existing Ross Park Carousel shelter; and

WHEREAS, the Director of Planning, Zoning and Historic Preservation recommends the City enter into Change Order No. 1 for the Ross Park Carousel condition assessment and development of a new shelter design; and

WHEREAS, the amount is not to exceed \$39,000.

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 EDR for the Ross Park Carousel condition assessment and development of a new shelter design, at a cost not to exceed \$39,000; and that funds shall be deducted from budget line H7110.555555.PK010 (Ross Park Carousel Rel/Reno Grant) for this purpose.

I HEREBY CERTIFY that the above described
funds are unencumbered and available

Chuck Shager, Comptroller



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

Date: October 4, 2023

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

Introduced by Committee: Planning

ORDINANCE

entitled

AN ORDINANCE TO DECLARE THE CITY OF BINGHAMTON QUALIFIED FOR EXEMPTIONS FROM EMINENT DOMAIN PROCEDURE LAW (EDPL) HEARING REQUIREMENTS AND FOR THE MAYOR TO TAKE NECESSARY STEPS FOR THE CITY TO ACQUIRE PROPERTIES FOR THE MAIN STREET CORRIDOR STUDY AND SAFETY IMPROVEMENT PROJECT (P.I.N. 9754.37)

WHEREAS, Main Street (NYS Route 17C) within the City of Binghamton is an Urban Minor Arterial whose primary function is to serve large volumes of east-west traffic within and through the City of Binghamton; and

WHEREAS, after conducting a study, the City of Binghamton ("City") has identified safety deficiencies along an approximately 1.7-mile segment of Main Street (NYS Route 17C) between the Main Street intersections with Floral Avenue and Front Street ("Project Corridor"); and

WHEREAS, the study revealed a high pedestrian-vehicle crash rate, with an average of 12 crashes occurring annually during the 2011-2015 time period, with one fatal accident occurring in 2012; and

WHEREAS, Main Street (NYS Route 17C) within the Project Corridor is owned and maintained by the City; and

WHEREAS, the City is proposing to undertake a project to address and remedy the safety deficiencies that have been identified within the Project Corridor ("Project"); and

WHEREAS, the Project will involve pedestrian safety improvements within the Project Corridor, including: replacement and installation of new ADA compliant curb ramps, sections of sidewalks, sidewalk bumpouts, stormwater sewer inlets, and crosswalk striping; upgrading of all signalized intersections to include pedestrian signals with pushbuttons and countdown timers; and minor pavement and drainage repairs in isolated areas; and

WHEREAS, the primary objectives/purposes of the Project are to: correct safety deficiencies with the Project Corridor using cost effective vehicular, pedestrian and bicycle accident reduction measures; maintain or improve overall traffic conditions while implementing

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STATE OF NEW YORK**

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the proposed safety benefits; and implement the proposed safety improvements in accordance with the City's master plan for the Main Street Corridor; and

WHEREAS, it will be necessary for the City to acquire real property interests from third parties for the purpose of accomplishing the aforementioned safety improvements; and

WHEREAS, four (4) of the tax map parcels in which the City must acquire real property interests in order to accomplish the Project are Tax Map Parcel No. 143.75-1-8 (Map 1 Parcel), Tax Map Parcel 143.75-1-23 (Map 4 Parcel), Tax Map Parcel 160.40-1-45 (Map 8 Parcel), and Tax Map Parcel 160.40-1-27 (Map 9 Parcel), all of which are situated in the City of Binghamton; and

WHEREAS, the location and size of the proposed fee interest area to be acquired in the Map 1 Parcel is an approximately 36 square feet triangular shaped area at the northwest corner of the intersection of Main Street and Emma Street; and

WHEREAS, the specific purpose for acquiring the fee interest in and to a portion of the Map 1 Parcel is to replace the existing sidewalk with sidewalk that includes an ADA compliant curb ramp; and

WHEREAS, the location and size of the proposed fee interest area to be acquired in the Map 4 Parcel is an approximately 47 square feet narrow, rectangular shaped area abutting Main Street at the northeast corner of the intersection of Main Street and Matthews Street; and

WHEREAS, the specific purpose for acquiring the fee interest in and to a portion of the Map 4 Parcel is to replace the existing sidewalk, a portion of which previously was constructed outside of the City's property boundary line; and

WHEREAS, the location and size of the proposed fee interest area to be acquired in the Map 8 Parcel is an approximately 134 square feet rectangular shaped area at the southwest corner of the intersection of Main Street and Front Street; and

WHEREAS, the specific purpose for acquiring the fee interest in and to a portion of the Map 8 Parcel is to replace the existing sidewalk, a portion of which previously was constructed outside of the City's property boundary line; and

WHEREAS, the location and size of the proposed fee interest area to be acquired in the Map 9 Parcel is an approximately 111 square feet triangular shaped area at the northeast corner of the intersection of Main Street and Front Street; and

WHEREAS, the specific purpose for acquiring the fee interest in and to a portion of the Map 9 Parcel is to replace the existing sidewalk with sidewalk that includes an ADA compliant curb ramp; and

WHEREAS, fee title to the Map 1 Parcel currently is vested in Gurshan Properties, LLC.; and

WHEREAS, fee title to the Map 4 Parcel currently is vested in James M Spear; and

WHEREAS, fee title to the Map 8 Parcel currently is vested in Lucky 13 Acquisitions, LLC.; and

WHEREAS, fee title to the Map 9 Parcel currently is vested in 4 Main Street LLC; and

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WHEREAS, in accordance with the provisions of Article 3 of the New York Eminent Domain Procedure Law ("EDPL") and the Uninform Relocation Assistance and Real Property Assistance Act of 1973 and its implementing regulations, the City has caused to be appraised the real property interests that it seeks to acquire in and to portions of the Map 1 Parcel, Map 4 Parcel, Map 8 Parcel and Map 9 Parcel, has had such appraisals reviewed by an independent appraiser, has established the highest approved appraisal amounts as the amounts that it believes represents just compensation to be paid for the acquisition of such real property interests, and has communicated to the owners of the Map 1 Parcel, Map 4 Parcel, Map 8 Parcel and Map 9 Parcel written offers to purchase such real property interests for one hundred percentum of the just compensation amounts so established; and

WHEREAS, the respective owners of the Map 1 Parcel, Map 4 Parcel, Map 8 Parcel and Map 9 Parcel have not accepted the City's offers to purchase the aforementioned real property interests that are needed to accomplish the Project, as a consequence of which it is necessary to acquire such real property interests by means of EDPL Article 4 acquisition proceedings; and

WHEREAS, EDPL Article 2 requires, as a condition precedent to acquiring title by means of an EDPL Article 4 acquisition proceeding, that the City conduct a public hearing to inform the public and to review the public use to be served by the proposed Project and the impact on the environment and residents of the locality where the proposed Project will be constructed unless such Project is exempt from the EDPL Article 2 hearing requirements in accordance with EDPL §206; and

WHEREAS, the City is of the opinion that the Project and the subject real property acquisitions qualify for exemptions from the EDPL Article 2 public hearing requirement on the basis of exemptions provided pursuant to EDPL 206(A) and (D); and

WHEREAS, EDPL §206 (A) provides that the City will be exempt from compliance with the provisions of Article 2 when, pursuant to other state, federal, or local law or regulation it considers and submits factors similar to those enumerated in EDPL §204 (B) to a state, federal, or local government agency, board, or commission before proceeding with the acquisition and obtains a license, a permit, a certificate of public convenience of necessity, or other similar approval from such agency, board, or commission; and

WHEREAS, the factors enumerated in subdivision (B) of EDPL §204 are: (1) the public use, benefit or purpose to be served by the proposed public Project; (2) the approximate location for the proposed public Project and the reasons for the selection of that location; (3) the general effect of the proposed Project on the environment and residents of the locality; and (4) such other factors as it considers relevant; and

WHEREAS, the proposed Project is a Locally Administered Federal Aid Transportation Project administered by the City; and

WHEREAS, the proposed Project is being progressed by the City, with oversight by the New York State Department of Transportation ("NYSDOT"), in accordance with the

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

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requirements of the NYSDOT "Procedures for Locally Administered Federal Aid Projects" manual ("LPM"), the NYSDOT "Project Development Manual" ("PDM") and other applicable NYSDOT regulations and policies; and

WHEREAS, in order to progress to the Project through scoping, design and acquisition phases, as established by NYSDOT, it was necessary for the City to obtain NYSDOT and Federal Highway Administration ("FHWA") approval that the City has satisfied the requirements of FHWA and NYSDOT, as set forth in the LPM, PDM and other applicable statutes, regulations and policies; and

WHEREAS, in order to obtain FHWA and NYSDOT approval of the Project, it was necessary for the City to submit to NYSDOT and FHWA a document known as an Initial Project Scoping/Final Design Report ("Design Report") addressing, among other things, the location and details of the Project, as well as information and documentation demonstrating compliance with the provisions of the National Environmental Policy Act of 1969 ("NEPA") and the New York State Environmental Quality Review Act ("SEQR"); and

WHEREAS, the City, in conjunction with its consultant, completed the Design Report for the Project and submitted same to NYSDOT for its review and approval; and

WHEREAS, NYSDOT completed its review of the Design Report, and on or about May 18, 2021, FHWA provided project approval to the City and issued design approval and an Authorization to Proceed With ROW Acquisitions; and

WHEREAS, in accordance with the provisions of 23 C.F.R. 771.118(c), and as required by the PDM, the City was required to undertake and complete an environmental review under NEPA; and

WHEREAS, in satisfaction of its duties to conduct an environmental review under NEPA, the City prepared a Federal Environmental Approval Sheet; and

WHEREAS, the proposed public Project is being progressed as a NEPA Class II action (Categorical Exclusion) in accordance with the NYSDOT Environmental Action Plan, 23 CFR 771.117(c), because it does not individually or cumulatively have a significant environmental impact and is one of the project types described in the "C" list as a Federally-funded project that receives less than \$5,000,000 of Federal funds; and

WHEREAS, on or about April 15, 2021, NYSDOT concurred with this classification, all of which is set forth in the Design Report; and

WHEREAS, the City is designated as the lead agency for purposes of the New York State Environmental Quality Review Act (hereinafter "SEQRA"); and

WHEREAS, the City classified the proposed Project as a Type II action per NYCRR Part 617.5(c)(2) (replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site,) and 617.5(c)(22) (installation of traffic control devices on existing streets, roads and highways) and has completed the SEQR review process; and

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WHEREAS, the City has considered the general effect of the proposed Project on the residents of the locality in which the proposed Project is to be undertaken and has included such analysis in the Design Report; and

WHEREAS, in the course of satisfying the requirements of the LPM and DPM, the City has considered and submitted to NYSDOT factors similar to those enumerated in EDPL §204(8), and NYSDOT and FHWA have issued their approvals of the Project; and

WHEREAS, the Project and the location, nature, duration and extent of the acquisition of the real property interests in and to portions of the Map 1 Parcel, Map 4 Parcel, Map 8 Parcel and Map 9 Parcel are de minimis in nature so that the public interest will not be prejudiced by the construction of the Project.

NOW THEREFORE, it is hereby:

RESOLVED, that the City of Binghamton has considered all relevant information pertaining to the proposed Project and has determined that the Project serves a legitimate public use, purpose and benefit, and that the project development process implemented by the City, as required by Federal and State statutes, regulations and policies, as well as the de minimis nature of the proposed acquisitions of fee interests in and to small, peripheral portions of the Map 1 Parcel, Map 4 Parcel, Map 8 Parcel and Map 9 Parcel in the City of Binghamton, qualify the City and the Project for exemptions from the hearing requirements of EDPL Article 2, pursuant to EDPL Section 206 (A) and (D); and be it further

RESOLVED, the City of Binghamton hereby authorizes the Mayor or his designee to take such steps, perform such acts and execute such documents as are necessary for the City to acquire the previously identified fee interests in and to portions of the Map 1 Parcel, Map 4 parcel, Map 8 Parcel and Map 9 Parcel in the City of Binghamton, New York, and to acquire all other real property interests that may be necessary in order to accomplish for the Project, including, but not limited to, acquisitions in accordance with any other provision of law, regulation or contract.



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

Date: October 4, 2023

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

Introduced by Committee: Finance

ORDINANCE

Entitled

AN ORDINANCE TO AMEND THE BOND
ORDINANCE ADOPTED NOVEMBER 19, 2021
RELATING TO CONSTRUCTION OF VARIOUS
IMPROVEMENTS TO MIRABITO STADIUM TO
COMPLY WITH THE MANDATES OF MAJOR
LEAGUE BASEBALL

WHEREAS, the Council of the City of Binghamton (the "City"), in the County of Broome, New York, has heretofore duly authorized the issuance of bonds in the principal amount of not to exceed \$2,750,000 to finance the construction of various improvements to Mirabito Stadium in the City to comply with the mandates of Major League Baseball, all as specified in the bond Ordinance adopted on November 19, 2021; and

WHEREAS, the Council has determined that due to an increase in the scope of the project it is necessary and in the public interest to increase the appropriation for such project by \$4,500,000, and to amend said bond Ordinance to authorize the issuance of an additional \$4,500,000 bonds to finance said increased appropriation.

NOW, THEREFORE, be it resolved by the Council of the City of Binghamton, in the County of Broome, New York (by the favorable vote of not less than two-thirds of all members of said Board of Trustees) as follows:

Section A. The bond Ordinance of said City duly adopted by the Council of the City on November 19, 2021 entitled:

"BOND ORDINANCE OF THE CITY OF BINGHAMTON, NEW YORK, ADOPTED NOVEMBER 19, 2021, AUTHORIZING THE CONTRUCTION OF VARIOUS IMPROVEMENTS TO MIRABITO STADIUM TO COMPLY WITH THE MANDATES OF MAJOR LEAGUE BASEBALL, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,750,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE AND AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$2,750,000 TO FINANCE SAID APPROPRIATION,"

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

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is hereby amended to read as follows:

BOND ORDINANCE OF THE CITY OF
BINGHAMTON, NEW YORK, ADOPTED NOVEMBER
19, 2021 AND AMENDED OCTOBER 4, 2023,
AUTHORIZING THE CONSTRUCTION OF VARIOUS
IMPROVEMENTS TO MIRABITO STADIUM TO
COMPLY WITH THE MANDATES OF MAJOR
LEAGUE BASEBALL, STATING THE ESTIMATED
MAXIMUM COST THEREOF IS \$7,250,000,
APPROPRIATING SAID AMOUNT FOR SUCH
PURPOSE AND AUTHORIZING THE ISSUANCE OF
BONDS OF THE CITY IN THE PRINCIPAL AMOUNT
OF NOT TO EXCEED \$7,250,000 TO FINANCE SAID
APPROPRIATION

WHEREAS, the Council of the City of Binghamton recognizes the need to provide for the construction of various improvements to Mirabito Stadium in the City to comply with the mandates of Major League Baseball;

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain (by the favorable vote of not less than two-thirds of all the members of said Council) as follows:

Section 1. The City of Binghamton, in the County of Broome, New York (herein called the "City"), is hereby authorized to construct various improvements to Mirabito Stadium to comply with the mandates of Major League Baseball (the "Project"). The estimated maximum cost of the Project, including preliminary costs and costs incidental thereto and the financing thereof, is \$7,250,000 and said amount is hereby appropriated therefor, such appropriation having been authorized by the Council pursuant to Ordinance No. O21-135 and O23- . The plan of financing includes the issuance of bonds of the City in the principal amount of not to exceed \$7,250,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Fund balance of the City and/or grant funds received from the United States of America, the State of New York or from any other source, are authorized to be applied towards the cost of said project or redemption of the City's bonds or notes issued therefor, or to be budgeted as an offset to the amounts to be collected for the payment of the principal of and interest on said bonds or notes.

Section 2. Bonds of the City in the principal amount of not to exceed \$7,250,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance the appropriation referred to herein.

Section 3. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 19(c) of the Law, is fifteen (15) years.

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

Date: October 4, 2023

Section 4. The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the City for expenditures made after the effective date of this Ordinance for the purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. Each of the bonds authorized by this Ordinance, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing agreements for credit enhancements, are hereby delegated to the City Comptroller, the chief fiscal officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

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

Date: October 4, 2023

Section 8. This bond Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish the foregoing Ordinance, in summary, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in the "The Press & Sun-Bulletin," a newspaper published in Binghamton, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Section B. The amendment of the bond Ordinance set forth in Section A of this Ordinance, shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond Ordinance, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond Ordinance, as so amended.



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

Date: October 4, 2023

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

Introduced by Committee: Finance

ORDINANCE

entitled

**AN ORDINANCE TO AMEND THE 2023
GENERAL FUND BUDGET FOR ENGINEERING
PROFESSIONAL SERVICES**

WHEREAS, the City Engineer and Comptroller of the City of Binghamton find it proper and necessary to amend the 2023 General Fund budget for Engineering Professional Services in the amount of \$22,950; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on October 4, 2023.

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

Section 1. That the Comptroller and City Treasurer of the City of Binghamton are hereby authorized and directed to amend the 2023 General Fund budget for Engineering Professional Services in the amount of \$22,950 as follows:

- (i) \$22,950 increase revenue budget line A.42401 (Interest and Earnings)
- (ii) \$22,950 increase expense budget line A1440.54410 (Eng. - Personal Services)

Section 2. That this Ordinance shall take effect immediately.

I HEREBY CERTIFY that the above described funds
are unencumbered and available

Chuck Shager, Comptroller



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

Date: October 4, 2023

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

Introduced by Committee: Finance

RESOLUTION

entitled

**A RESOLUTION AUTHORIZING THE MAYOR
TO ENTER INTO CONTRACTS WITH VARIOUS
AGENCIES FOR THE USE OF FY49 CDBG AND
ESG FUNDS**

WHEREAS, the Manager, HUD Administration and Housing, recommends entering into contracts with various agencies for the use of FY49 CDBG and ESG funds for the purpose and amounts set forth in the attachment annexed hereto.

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

RESOLVE that the Mayor, or his designee, is hereby authorized to enter into contracts, approved as to form and content by the Office of Corporation Counsel, with various agencies for the use of FY49 CDBG and ESG funds for the purpose and amounts set forth in the attachment annexed hereto.

FY49 Agency Contract Awards

Agency	Project	Amount	Grant	Line	Description
ACHEIVE	Summer Program	\$10,000.00	CDBG	CD7310.533516.CDY49	Youth Programming
Action for Older Persons	Senior Health Insurance Program	\$15,000.00	CDBG	CD8676.533515.CDY49	Human Services
American Civic Association	Multilingual Case management	\$10,000.00	CDBG	CD8676.533515.CDY49	Human Services
Binghamton Adult Education	Out of School Youth	\$12,000.00	CDBG	CD8676.533515.CDY49	Human Services
Binghamton Housing Authority	Summer/After School	\$15,000.00	CDBG	CD7310.533516.CDY49	Youth Programming
Binghamton Local Development Corporation	Salaries	\$99,000.00	CDBG	CD6889.54000.CDY49	Contractual
Boys & Girls Club of Binghamton	After Hours	\$50,000.00	CDBG	CD7310.533516.CDY49	Youth Programming
Boys & Girls Club of Binghamton	Teen Center	\$20,000.00	CDBG	CD7310.533516.CDY49	Youth Programming
Boys & Girls Club of Binghamton	Summer	\$19,975.00	CDBG	CD7310.533516.CDY49	Youth Programming
Broome County Council of Churches	Ramp It Up	\$20,000.00	CDBG	CD8668.533509.CDY49	Homeownership/Rehab
Broome County Urban League	After School	\$15,000.00	CDBG	CD7310.533516.CDY49	Youth Programming
Broome County Urban League	ATTAIN Lab	\$8,760.00	CDBG	CD8676.533515.CDY49	Human Services
CARES	Backpacks	\$15,000.00	CDBG	CD7310.533516.CDY49	Youth Programming
Catholic Charities of Broome County	TTLP Salaries	\$30,311.00	ESG	CG6142.533550.CGY49	ESG-Program Funds
Fairview Recovery Services	Opioid Addiction Program	\$55,000.00	CDBG	CD8676.533555.CDY49	Opioid Addiction Recovery
Fairview Recovery Services	HMS Fees	\$1,720.00	ESG	CG6142.533550.CGY49	ESG-Program Funds
Family Enrichment Network	Homeless Prevention	\$64,308.80	ESG	CG6142.533550.CGY49	ESG-Program Funds
First Ward Action Council	Senior Repair Program	\$85,000.00	CDBG	CD8668.533531.CDY49	Senior Repair Program
Metro Interfaith	Binghamton Homeownership Academy	\$20,000.00	CDBG	CD8668.533530.CDY49	Bing Homeownership Academy
Mothers and Babies Perinatal network	PAL Center	\$15,000.00	CDBG	CD8676.533515.CDY49	Human Services
Roberson Museum	Energy Efficiency Upgrades	\$12,000.00	CDBG	CD8662.533549.CDY49	Capital Program Set Aside
Safe Streets	NoMa Community Center	\$15,000.00	CDBG	CD8676.533515.CDY49	Human Services
SEPP	Hamilton House Parking	\$20,000.00	CDBG	CD8662.533549.CDY49	Capital Program Set Aside
Tubman Center	Freedom Trail	\$100,000.00	CDBG	CD8662.533549.CDY49	Capital Program Set Aside
VINES	Grow Binghamton	\$15,000.00	CDBG	CD7310.533516.CDY49	Youth Programming
VOA of Upstate NY	Shelter Salaries	\$6,330.35	ESG	CG6142.533550.CGY49	ESG-Program Funds
YWCA of Binghamton/Broome	Shelter Salaries	\$45,578.55	ESG	CG6142.533550.CGY49	ESG-Program Funds
YWCA of Binghamton/Broome	Street Outreach Salaries	\$14,243.30	ESG	CG6142.533550.CGY49	ESG-Program Funds



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

Date: October 4, 2023

Sponsored by Council Members: Resciniti, Burns, Strawn, Scaringi

Introduced by Committee: Finance

RESOLUTION

entitled

**A RESOLUTION AUTHORIZING THE MAYOR
TO ENTER INTO AN AGREEMENT WITH CJS
ARCHITECTS**

WHEREAS, the Mayor of the City of Binghamton wishes to enter into a professional services agreement CJS Architects for the Water Street Parking Garage, in an amount of \$22,950; and

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 CJS Architects for the Water Street Parking Garage, in an amount of \$22,950, and that funds shall be deducted from budget line A1440.54410 (Prof Svcs) for this purpose.

I HEREBY CERTIFY that the above described funds are unencumbered and available

Chuck Shager, Comptroller



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

Date: October 4, 2023

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

Introduced by Committee: Finance

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE MAYOR
TO ENTER INTO AN AGREEMENT WITH
MIRABITO-GRESHAM INSURANCE & BOND
AGENCY

WHEREAS, the City is generally self-insured; and

WHEREAS, in an effort to minimize the City's loss exposure, the City wishes to retain the services of an insurance broker to assist with evaluating, negotiating, and selecting various Property and Liability insurance policies that the City may maintain; and

WHEREAS, the proposal from Mirabito-Gresham Insurance & Bond Agency has been determined to meet the City's needs.

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 Mirabito-Gresham Insurance & Bond Agency to act as the Broker of Record for the City's Property and Liability Insurance.