



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, November 15, 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 November 1, 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

VIII. SET PUBLIC HEARINGS

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.



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X. REVIEW OF MAYORAL VETO

XI. SECOND READING LEGISLATION

XII. FIRST READING LEGISLATION

A. PREFERRED AGENDA

Introductory Ordinance 23-144. Considered in Planning: Resciniti

An Ordinance to amend the 2023 Community Development Block Grant (CDBG) budget for Homeownership/Rehab to adjust for HUD program income reconciliation

Introductory Ordinance 23-145. Considered in Planning: Resciniti

An Ordinance to amend the 2023 Home Grant budget for Rehab to adjust for HUD program income reconciliation

Introductory Ordinance 23-146. Considered in Finance: Scanlon

An Ordinance to amend the 2023 General Fund budget for the Fire Department to purchase fire gear for the new probationary firefighters

Introductory Ordinance 23-147. Considered in Finance: Scanlon

An Ordinance to amend the 2023 General budget for Parks and Recreation Department for increased Chlorine costs

Introductory Ordinance 23-148. Considered in Finance: Scanlon

An Ordinance to amend the 2023 Sewer budget for additional Legal expenses

Introductory Ordinance 23-149. Considered in Rules & Procedures: Scanlon

An Ordinance to amend the Charter of the City of Binghamton Chapter 327, Use of Rights-of-Way

Introductory Resolution 23-88. Considered in Finance: Scanlon

A Resolution authorizing the Mayor to accept the Dick's Sporting Goods Foundation Sports Matters Program Grant for Youth Sports equipment and program enhancement

Introductory Resolution 23-90. Considered in Finance: Scanlon

A Resolution to authorizing an Urban Development Action Grant (UDAG) special projects loan from the Binghamton Local Development Corporation (BLDC) to L2 Properties, LLC.

Introductory Resolution 23-91. Considered in Finance: Scanlon

A Resolution authorizing the Mayor to accept a grant from Broome County for the design and printing of light pole banners



LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

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Introductory Resolution 23-92. Considered in Finance: Scanlon

A Resolution authorizing the Mayor to enter into amended agreement No. 2 with GHD Consulting Services, Inc for the CSO-LTCP Post Construction Compliance Monitoring Program

B. NON PREFERRED AGENDA

Introductory Resolution 23-87. Considered in Finance: Scanlon

A Resolution to accept the Office of Justice Programs Patrick Leahy Bulletproof Vest Grant

Introductory Resolution 23-89. Considered in Finance: Scanlon

A Resolution authorizing the Mayor to enter into an agreement with Peter M. Popovic for project management services of Mirabito Stadium projects

XIII. COMMUNICATIONS FROM COUNCIL MEMBERS

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

XIV. ADJOURNMENT



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

Date: November 15, 2023

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

Introduced by Committee: Planning

ORDINANCE

entitled

AN ORDINANCE TO AMEND THE 2023
COMMUNITY DEVELOPMENT BLOCK
GRANT (CDBG) BUDGET FOR
HOMEOWNERSHIP/REHAB TO ADJUST FOR
THE HUD PROGRAM INCOME
RECONCILIATION

WHEREAS, the HUD Manager and the Comptroller of the City of Binghamton find it proper and necessary to amend the 2023 CDBG budget for Homeownership/Rehab to adjust for the Housing and Urban Development (HUD) program income reconciliation to account; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on November 15, 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 CDBG budget for Homeownership/Rehab to adjust for the Housing and Urban Development (HUD) program income reconciliation as follows:

- (i) \$85,914.34 decrease revenue budget line CD.42170.CDY48 (Comm. Dev. Income)
- (ii) \$85,914.34 decrease expense budget line CD8668.533509.CDY48
(Homeownership/Rehab)

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: November 15, 2023

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

Introduced by Committee: Planning

ORDINANCE

entitled

**AN ORDINANCE TO AMEND THE 2023 HOME
GRANT BUDGET FOR REHAB TO ADJUST FOR
HUD PROGRAM INCOME RECONCILIATION**

WHEREAS, the HUD Manager and the Comptroller of the City of Binghamton find it proper and necessary to amend the 2023 Home Grant budget for Rehab to adjust for the Housing and Urban Development (HUD) program income reconciliation; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on November 15, 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 Home Grant budget for Rehab to adjust for the Housing and Urban Development (HUD) program income reconciliation as follows:

- (i) \$93,818.65 increase revenue budget line CE.42170.CEY48 (Community Dev. Income)
- (ii) \$93,818.65 increase expense budget line CE8668.533800.CEY48 (Rehab)

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: November 15, 2023

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

Introduced by Committee: Finance

ORDINANCE

entitled

AN ORDINANCE TO AMEND THE 2023
GENERAL FUND BUDGET FOR THE FIRE
DEPARTMENT TO PURCHASE FIRE GEAR

WHEREAS, the Fire Chief and Comptroller of the City of Binghamton find it proper and necessary to amend the 2023 General Fund budget to purchase fire gear for new Probationary Firefighters in the amount of \$25,000; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on November 15, 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 the Fire Department to purchase fire gear for new Probationary Firefighters in the amount of \$25,000 as follows:

Transfer From (Decrease):

\$25,000 A3410.51000 (Per Svcs - FF)

Transfer To (Increase):

\$25,000 A3410.54190 (Uniforms)

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: November 15, 2023

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

Introduced by Committee: Finance

ORDINANCE

entitled

AN ORDINANCE TO AMEND THE 2023
GENERAL FUND BUDGET FOR PARKS &
RECREATION DEPARTMENT FOR
INCREASED CHLORINE COSTS

WHEREAS, the Commissioner of Parks & Recreation and Comptroller of the City of Binghamton find it proper and necessary to amend the 2023 General Budget for Parks & Recreation Department for increased Chlorine costs in the amount of \$17,736; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on November 15, 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 the Parks & Recreation Department for increased Chlorine costs in the amount of \$17,736 as follows:

Transfer From (Decrease):

\$10,000.00 A7110.51800 (Temp Svcs)
1,600.00 A7110.54443 (Tree Prof Svcs)
1,298.64 A7610.54161 (Adult Athletic Supp)
800.00 A7180.51900 (Pools OT)
2,343.07 A7180.54102 (Pools General Ops)
1,694.29 A7140.54102 (Gen Op.)
\$17,736.00

Transfer To (Increase):

\$17,736.00 A7110.54150 (Chemicals)

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: November 15, 2023

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

Introduced by Committee: Finance

ORDINANCE

entitled

**AN ORDINANCE TO AMEND THE 2023 SEWER
FUND BUDGET FOR LEGAL EXPENSES**

WHEREAS, the Corporation Counsel and Comptroller of the City of Binghamton find it proper and necessary to amend the 2023 Sewer Fund budget in the amount of \$25,000 for legal expenses to charge back to the users; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on November 15, 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 Sewer Fund budget for legal expenses to charge back to the users in the amount of \$25,000 as follows:

- (i) \$12,500 increase revenue budget line G.42120 (Sewer Rents)
- (ii) \$12,500 decrease expense budget line G9730.56000 (BAN – Principal)
- (iii) \$25,000 increase expense budget line G8110.54410 (Professional 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: November 15, 2023

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

Introduced by Committee: Rules&Procedures

ORDINANCE

entitled

**AN ORDINANCE TO AMEND CHAPTER 327,
USE OF RIGHTS-OF-WAY, OF THE CODE OF
THE CITY OF BINGHAMTON**

WHEREAS, the City Clerk and Director of the Economic Development Departments of the City of Binghamton have recommended to amend the City Code Chapter 327, *Use of Rights-of-Way*, §327-2.A, *Definitions*; and §327-2.B, *General Description*; §327-2.E, *Outdoor Café Permit Fees*; §327-2.G, *Permit Approval Procedure*; §327-2.H, *Denial Appeal Process*; §327-2.J, *Terms and Conditions*; and §327-2.L, *Permit Modification, Revocations and Inspections* to update for various changes regarding the Outdoor Café Permits.

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

Section 1. That the Code of the City of Binghamton, Chapter 327, *Use of Rights-of-Way*, is hereby amended as dictated in the Attachment.

Section 2. That this ordinance shall take effect immediately.

Chapter 327, RIGHTS-OF-WAY, USE OF

[HISTORY: Adopted by the City Council of the City of Binghamton as indicated in article histories.

Amendments noted where applicable.]

GENERAL REFERENCES

Auctions and auctioneers -- See Ch. 184.

Curfew -- See Ch. 211.

Loitering -- See Ch. 279.

Parks and recreation -- See Ch. 301.

Peddling and soliciting -- See Ch. 307.

Public assembly -- See Ch. 318.

Transient retail merchants -- See Ch. 331, Art. I.

Vehicles and traffic -- See Ch. 400.

ARTICLE I, Mass Gatherings [Adopted 10-5-1970 (Ch. 14, § 14-3, of the 1970 Code)]

§ 327-1. Assembly of crowds restricted.

It shall be unlawful for persons unnecessarily to assemble in or upon any public highway or part thereof, in such numbers as to obstruct traffic, and no public meeting shall be held and no crowd shall be assembled within any congested district of the City within 100 feet of a street intersection.

ARTICLE II, Outdoor Cafe Permits [Adopted 2-2-1987 by Ord. No. 12-87 (Ch. 12, § 12-6, of the 1970 Code); amended in its entirety 5-1-1995 by Ord. No. 95-130; Amended 5-18-00 by Ord. no 00-46; Amended 6-06-2012 by Ord. No 12-39; Amended 02-07-2018 by Ord. No 18-18]

§ 327-2.A. Definitions.

For the purposes of this section, the below terms shall be defined as follows:

OUTDOOR CAFÉ – An accessory seating area for a restaurant or tavern located on the public right of way, requiring an Outdoor Café Permit from the City of Binghamton.

PUBLIC PEDESTRIAN AREAS – Those areas accessible by pedestrian traffic which are not immediately adjacent to a street or highway, and which are exempt from vehicular traffic.

SIDEWALKS – Any walkway along the margin of a street or highway, designed and prepared for the use of pedestrians, encompassing the area between the front line of any abutting property and the curb or, where there is not curb, the line where the street begins.

NON-CONTIGUOUS MUNICIPAL PUBLIC SPACE – Space that is located in front of, behind, or to the side of the licensed premises; is within the property boundaries of the licensed premises as extended out; or within the property boundaries of the two nearest adjacent properties; does not extend further than the midline of any public roadway; is separated from the licensed premises only by a sidewalk or public pedestrian area; and otherwise complies with all applicable federal, state and local requirements.

§ 327-2.B. General Description.

An Outdoor Café Permit as described herein shall grant the holder thereof the ability to use public property for café purposes consistent with these rules and regulations. The City shall issue such permits only to those ground floor restaurants or taverns which are contiguous to and have a formal ingress or egress by door or passageway to public property. Such public property may consist of public pedestrian areas, ~~or~~ sidewalks, and/or non-contiguous municipal public space.

§ 327-2.C. Hours and Months of Operations. [Amended 12-18-2013 by Ord. No. 13-103; Amended 0207-2018 by Ord. No 18-18]

Approved Outdoor Café Permits shall be valid from March 1st through November 30th during the year in which the permit was issued; the City reserves the right to exclude any particular dates from the outdoor café

§ 327-2.E. Outdoor Café Permit Fees. [Amended ___-___-2023 by Ord. No. ____]

The cost of an Outdoor Café Permit shall include the site plan review fee, the annual rental fee, and the security deposit, as described below:

1. Site Plan Review Fee. The site plan review fee shall be established from time to time by the Council of the City of Binghamton (See Exhibit J). The site plan review fee shall be paid together with an Outdoor Café Permit application, and shall be nonrefundable, regardless of the site plan review determination. As described in § 327-2.K, approved Outdoor Café Permits may be renewed on an annual basis for up to four (4) additional calendar years, without obtaining additional site plan reviews, provided that the Outdoor Café as described in the original permit remains unchanged. No site plan review fee shall be required during each annual renewal, provided that no additional site plan review is required during this four (4) year period.
2. Annual Rental Fee. The annual rental fee shall be based on the total square footage of the public property utilized, and shall be established from time to time by Council of the City of Binghamton (See Exhibit J). The annual rental shall be paid upon issuance of an Outdoor Café Permit fee and is nonrefundable. Should the applicant wish to renew the Outdoor Café Permit, the annual rental fee shall be paid upon each annual renewal.
3. Security Deposit. The security deposit shall be established from time to time by the Council of the City of Binghamton (See Exhibit J). The security deposit shall be paid upon issuance of an Outdoor Café Permit. IN the event that the City must provide services for the cleaning, maintenance, and/or repair of the area rented by the permit holder, the cost of such services shall be billed to the permit holder. Should the permit holder fail to submit payment for such services, the total cost shall be deducted from the security deposit. Any remaining portion of the security deposit shall be returned to the permit applicant within thirty (30) days of expiration of the Outdoor Café Permit, or within thirty (30) days of the ~~City Clerk's~~ **Office of Economic Development's or their designee's** receipt in writing that the permit applicant no longer wishes to operate an Outdoor Café.

§327-2.G. Permit Approval Procedure [Amended 02-07-2018 by Ord. No 18-18; Amended ___-___-2023 by Ord. No. ____]

Upon receipt of the completed Outdoor Café Permit application, along with the site plan review fee and all associated documentation, the Planning Department will complete an initial review of the site plan. If the proposed Outdoor Café area is located within a locally designated historic district, or if it involves a designated local landmark property, the Planning Department **may, at its discretion, shall** refer such site plan to the Commission on Architecture and Urban Design ("CAUD") for review and approval. Upon receipt of such recommendations, the Planning Department shall forward the Outdoor Café Permit application and such recommendations to the Police Department, Fire Bureau, Department of Public Works, Department of Parks and Recreation, Office of Building & Construction/Code Enforcement, Corporation Counsel, and City Clerk. All such departments shall submit their findings and determinations to the Planning Department within five (5) business days.

If the permit application is approved by the Planning Department, **the applicant will submit the following to the ~~City Clerk's~~ Economic Development Office or their designee:**

1. Certificate of Approval from the Planning Department and/or CAUD.
2. Proof of general liability insurance coverage in an amount not less than one million dollars (\$1,000,000), proof of property damage insurance in an amount not less than fifty thousand dollars (\$50,000), and, should the applicant intend to sell alcohol in the Outdoor Café area, proof of liquor liability insurance coverage in the amount not less than one million dollars (\$1,000,000). An endorsement naming the City of Binghamton as an additional insured on a primary non-contributory basis, and such other endorsements as may be required by the Corporation Counsel.

3. Payment of the security deposit and annual rental fee, See Exhibit J.
4. If the applicant intends to serve alcohol in the Outdoor Café area, the applicant must ~~first~~ receive approval from the New York State Liquor Authority (“NYSLA”). Upon receipt of items 1, 2, and 3 above, the ~~City Clerk’s~~ **Economic Development Office or their designee** will provide the applicant with a **notice of receipt of the municipal notice or waiver thereof and written authorization providing permission to use the municipal property.** ~~Landlord Authorization and Open Container Approval letter to be submitted to the NYSLA.~~ **The City of Binghamton reserves the right to request evidence of the applicants submittal to the NYSLA at any time during the Outdoor Café Season.** ~~applicant cannot operate the Outdoor Café until the City Clerk’s Economic Development Office or their designee receives a copy of the approval from the NYSLA and issues an Outdoor Café Permit.~~
5. Upon compliance with the above conditions, the ~~City Clerk~~ **Director of Economic Development or their designee** will issue an Outdoor Café Permit. If the application is denied, the ~~City Clerk~~ **Director of Economic Development or their designee** will advise the applicant of its right to appeal. If the applicant does not appeal, the ~~City Clerk~~ **Director of Economic Development or their designee** will reimburse the security deposit and annual rental fee to the applicant.

A permit application may be denied if the Planning Department and/or ~~City Clerk~~ **Director of Economic Development or their designee** determines that the issuance of such permit would cause public health and/or safety concerns, prior non-compliance, if the Outdoor Café would conflict with a previously scheduled event, or if the permit applicant fails to comply with the regulations described herein.

§327-2.H. Denial Appeal Process. [Amended ___ - ___-2023 by Ord. No. ____]

Should a permit be denied for any reason, the applicant shall have the ability to appeal the denial by submitting such appeal in writing to the Council of the City of Binghamton within thirty (30) days from receipt of the denial. If the appeal is successful, the application will be remanded to the Planning Department and/or CAUD, for modifications, if any, or the ~~City Clerk~~ **Director of Economic Development or their designee** will issue an Outdoor Café Permit in accordance with City Council’s decision. If the appeal is unsuccessful, the ~~City Clerk~~ **Director of Economic Development or their designee** will reimburse the security deposit and annual rental fee to the applicant.. A denial can be appealed to the Broome County Supreme Court in a CPLR Article 78 proceeding commenced within thirty (30) days of the decision.

§ 327-2.J. Terms and Conditions [Amended 02-07-2018 by Ord. No 18-18; Amended ___ - ___-2023 by Ord. No. ____]

All Outdoor Café Permits issued pursuant to this section shall be subject to the following conditions, rules and regulations:

1. The permit holder shall maintain responsibility for the Outdoor Café and provide sufficient personnel for the proper supervision and operation of the Café, and shall be responsible for the cleaning, maintenance and/or repair of said Outdoor Café area.
 - (i) Maintenance shall include cleaning the Outdoor Café area of all rubbish, debris, stains, and/or residue resulting from the operation of the Outdoor Café, leaving the site in a clean condition at the end of each day during which the Outdoor Café is in operation. Such maintenance shall be subject to the satisfaction of the City of Binghamton. Maintenance shall also include the repair of any City property which may have been damaged during the course of Outdoor Café operations.
 - (ii) Should the permit holder fail to clean, maintain, and/or repair the Outdoor Café area to the satisfaction of the City of Binghamton, the permit holder shall be notified by the City of

Binghamton in writing of such failure to comply with the regulations described herein, and shall be given a reasonable time period to restore the Outdoor Café area to an acceptable condition, given the nature of the violation.

- (iii) Should the permit holder fail to restore the Outdoor Café area to an acceptable condition, the City shall provide services for the cleaning, maintenance, and/or repair of the Outdoor Café area. The cost of such services shall be billed to the permit holder.
 - (iv) Should the permit holder fail to submit payment for those cleaning, maintenance, and/or repair services provided by the City of Binghamton, such funds shall be deducted from the security deposit, as outlined in §327-2.F.
 - (v) Notwithstanding any provision above, should the City be required to provide services for cleaning, maintenance, and/or repair of the Outdoor Café area, or if the permit holder fails to make any required payment in a timely manner, the Outdoor Café Permit, in accordance with §327-2.L *Outdoor Café Permit* may be subject to immediate revocation by the City, and the permit holder may be ineligible to receive future Outdoor Café Permits.
2. If the security deposit is exhausted due to expenses incurred by the City for the cleaning, maintenance, and/or repair of the Outdoor Café area, the ~~City Clerk~~ **Director of Economic Development or their designee** may require the permit holder to provide an additional security deposit in an amount which may exceed the original security deposit. The permit holder will remain liable and shall reimburse the City for any and all damages or injury to any City property that may arise from the operation of the Outdoor Café.
 3. The permit holder shall hold harmless and indemnify the City from any and all claims, actions, damages, or liability arising from the operation of the Outdoor Café of every name and nature which may arise or be incurred by the City as a consequence of the giving of such permission, or as the result of the conduct of such Outdoor Café patrons, or as a result of the cleaning of rubbish, debris, stains, and/or residue resulting from said Outdoor Café.
 4. The permit holder shall comply with all regulations set forth by the Police Department, Fire Bureau, or other public safety personnel as they pertain to the conduct of the patrons of said Outdoor Café.
 5. All approved barriers and furniture may remain in the designated Outdoor Café area during the permitted months of operation. Upon expiration of the Outdoor Café Permit, all barriers and furniture must be removed, and the space must be made open and available for public use.
 6. Outdoor Café Permits are non-transferrable.
 7. Permit Holder shall not be allowed access to or use of City electricity, electrical equipment, and/or water service in connection with the operation of an Outdoor Café.
 8. The permit holder is responsible for ensuring that the business and its patrons adhere to all noise and public conduct regulations outlined in the Code of the City of Binghamton.
 9. The City shall not be responsible for the theft, loss, or damage to any furniture or other Outdoor Café property.
 10. No loudspeakers, public-address system, or similar amplification device shall be used, nor shall any live music be played within any Outdoor Café area without the permit holder having first obtained a Noise Permit from the City, as outlined in §292-9.
 11. Please be aware of Section §327-2.L: Permit Modification, Revocations, and Inspections.

§327-2.L. Permit Modification, Revocations and Inspections [Amended 02-07-2018 by Ord. No 18-18; Amended ___ - ___-2023 by Ord. No. ____]

The Planning Department and/or the ~~City Clerk~~ **Director of Economic Development or their designee** may modify an Outdoor Café Permit and/or site plan should it become necessary or proper to do so in the interest of public health and/or safety or to preserve the character of any neighborhood of the City. The Planning Department and/or the ~~City Clerk~~ **Director of Economic Development or their designee** may revoke an Outdoor Café Permit for any violation of this section, the Code of the City of Binghamton and/or other regulatory guidelines as established by Broome County or New York State. Should the permit holder fail to comply with the provisions of its patrons, the permit holder may be ineligible to receive future Outdoor Café Permits. The City reserves the right to conduct inspections of the Outdoor Café and the Outdoor Café area at any and all times in order to ensure that all regulations as described herein are being met by the permit holder.

If the permit holder is in violation of this section, the Code of the City of Binghamton and/or other regulatory guidelines as established by Broome County or New York State, the Planning Department and/or the ~~City Clerk~~ **Director of Economic Development or their designee** will give the permit holder written notice of the violation and ten (10) days to cure same.. Any failure to make a required payment must be cured within five (5) days of written demand for payment to the permit holder. Any failure to submit an application or complete the application process will result in a written notice of violation from the City Code Department with ten (10) days to comply. If failure to comply, the City reserves the right to remove any barriers or furniture from the public right-of-way. Notwithstanding the foregoing, an Outdoor Café Permit may be immediately revoked if the permit holder violates the time limits set forth in §327-2.C. *Hours and Months of Operations* above. If an Outdoor Café Permit is revoked, the permit holder may be ineligible to receive future Outdoor Café Permits. Any notice can be e-mailed to the permit holder or delivered to the restaurant or tavern associated with the Outdoor Café.



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

Date: November 15, 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 THE DICK'S SPORTING GOODS
FOUNDATION SPORTS MATTERS PROGRAM
GRANT FOR YOUTH SPORTS EQUIPMENT
AND PROGRAM ENHANCEMENTS

WHEREAS, the City of Binghamton is eligible for the Dick's Sporting Goods Foundation Sports Matters Program Grant in the amount of \$7,500 to be used for youth sports equipment and programs enhancements; and

WHEREAS, the Grant does not require local match; the grant funds will be upfront, and the Grant will be administered by the Commission of Parks & Recreation or his designee.

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 Dick's Sporting Goods Foundation Sports Matters Program Grant for youth sports equipment and program enhancements in the amount of \$7,500; and that funds will be available in budget line A7110.555555.PK010 (Park&Rec - Grants) 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: November 15, 2023

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

Introduced by Committee: Finance

RESOLUTION

entitled

A RESOLUTION AUTHORIZING AN URBAN
DEVELOPMENT ACTION GRANT (UDAG)
SPECIAL PROJECTS LOAN IN THE AMOUNT
OF \$100,000 FROM THE BINGHAMTON LOCAL
DEVELOPMENT CORPORATION (BLDC) TO
L2 PROPERTIES, LLC.

WHEREAS, the Binghamton Local Development Corporation (“BLDC”) approved a special projects (UDAG) loan in the amount of \$100,000 to L2 Properties, LLC for assistance with renovations to the exterior of the property at 134 Court Street pursuant to BLDC Resolution 24-2, dated October 26, 2023; and

WHEREAS, pursuant to the funding agreement between the City and the BLDC, the BLDC has requested City Council to approve the loan.

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

RESOLVE that the Council of the City of Binghamton does hereby authorize and approve a special projects (UDAG) loan in the amount of \$100,000 to L2 Properties, LLC for assistance with renovations to the exterior of the property at 134 Court Street; and be it further

RESOLVED that BLDC Resolution 24-2, dated October 26, 2023, setting forth the terms and conditions of such loans is annexed hereto and made a part hereof, and that such loans shall be subject to other terms and conditions as Corporation Counsel may find necessary and proper.



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

Date: November 15, 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 A GRANT FROM BROOME
COUNTY FOR THE DESIGN AND PRINTING OF
LIGHT POLE BANNERS

WHEREAS, the City of Binghamton is eligible for the Broome County Community Beautification and Environmental Stewardship Mini-Grant in the amount of \$2,500 and Broome County Economic Development and Marketing Grant in the amount of \$1,500 to be used for the design and printing of light pole banners to be installed in the City of Binghamton: and

WHEREAS, these Grants require no local match; the grant funds will be reimbursable, and the Grants will be administered by the Director of Economic Development or his/her designee; and the estimated date of completion will be November 2023.

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 Broome County Community Beautification and Environmental Stewardship Mini-Grant in the amount of \$2,500 and Broome County Economic Development and Marketing Grant in the amount of \$1,500; and that funds will be available in budget line A6989.54742 (Promotions/Marketing) 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: November 15, 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 AMENDED AGREEMENT NO.
2 WITH GHD CONSULTING SERVICES, INC.
FOR THE CSO-LTCP POST CONSTRUCTION
COMPLIANCE MONITORING PROGRAM

WHEREAS, the Mayor of the City of Binghamton wishes to enter into amended agreement No. 2 with GHD Consulting Services, Inc. for the CSO-LTCP Post Construction Compliance Monitoring Program as requested by the New York State Department of Environmental Conservation (NYSDEC) at a cost not to exceed \$11,000.

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 an amended agreement No. 2, approved as to form and content by the Office of Corporation Counsel, with GHD Consulting Services Inc. for the CSO-LTCP Post Construction Compliance Monitoring Program in an amount not to exceed \$11,000; and that the funds shall be deducted from budget line A1440.54420 (Technical Services) 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: November 15, 2023

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

Introduced by Committee: Finance

RESOLUTION

entitled

**A RESOLUTION TO ACCEPT THE OFFICE OF
JUSTICE PROGRAMS PATRICK LEAHY
BULLETPROOF VEST GRANT**

WHEREAS, the City of Binghamton is eligible to receive a Bulletproof Vest Grant in the amount of \$17,425 from the Office of Justice Programs; and

WHEREAS, the grant will be used to supplement acquisition costs of bulletproof vests for the Binghamton Police Department; and

WHEREAS, the Grant requires a local City match of \$17,425 from budget line A3120.52600 (Equipment); the grant funds will be reimbursable, and the Grant will be administered by the Binghamton Police Department; and the anticipated date of completion is August 31, 2025.

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, to accept the Patrick Leahy Bulletproof Vest Grant in the amount of \$17,425 from the Office of Justice Programs; and that funds will be available in budget line A3120.52600 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: November 15, 2023

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

Introduced by Committee: Finance

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE MAYOR
TO ENTER INTO AN AGREEMENT WITH
PETER M. POPOVIC FOR PROJECT
MANAGEMENT SERVICES AT MIRABITO
STADIUM

WHEREAS, the Mayor of the City of Binghamton wishes to enter into an agreement with Peter M. Popovic for project management services at Mirabito Stadium for Professional Development League (PDL) improvements; and

WHEREAS, the estimated cost for such services is not to exceed \$35,000.

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 Peter M. Popovic for project management services at Mirabito Stadium for Professional Development League (PDL) improvements, at a cost not to exceed \$35,000; and that funds shall be deducted from budget line H1310.525209.11921 (Mirabito Stadium Fac Improvements) for this purpose.

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

Chuck Shager, Comptroller