



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

Date: May 8, 2024

Sponsored by Council Members: Hotchkiss, Cavanaugh, Kosty, Mativetsky, Dundon, Middleton

Introduced by Committee: Planning

ORDINANCE

entitled

**AN ORDINANCE TO AMEND THE 2019 AND
2020 HUD ADMIN AND HOUSING BUDGET
FOR CONSOLIDATION OF UNUSED LINES
FOR SPENDING ON HOUSING PROGRAM**

WHEREAS, the Comptroller of the City of Binghamton finds it proper and necessary to amend the 2019 and 2020 HUD Admin and Housing Budget for consolidation of unused lines; and

WHEREAS, the consolidated lines will be transferred to a new line for spending on a housing program; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on May 8, 2024.

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 the Acting City Treasurer of the City of Binghamton are hereby authorized and directed to amend the 2019 and 2020 HUD Admin and Housing budget for unused funds at year end:

<u>Transfer From (Decrease):</u>	<u>Transfer To (Increase):</u>
\$354.95 CD8760.535001.CVY45 (EDW ADMIN)	\$474,373.98 CD8760.535002.CVY46 (EDW PROGRAM)
\$42,180.94 CD8760.535003.CVY45 (EDW RENT ASST)	
\$119,320.00 CD8760.535003.CVY46 (EDW RENT ASST)	
\$212,518.09 CD8760.535004.CVY45 (EDW MORT ASST)	
\$100,000.00 CD8760.535004.CVY46 (EDW MORT ASST)	
<hr/>	<hr/>
\$474,373.98	\$474,373.98

Section 2. That this Ordinance shall take effect immediately.

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

Chuck Shager, Comptroller

Introductory No. O24-31

Permanent No. _____

Sponsored by City Council Members: Hotchkiss,
Cavanaugh, Kosty, Mativetsky, Dundon, Middleton

AN ORDINANCE TO AMEND THE 2019 AND
2020 HUD ADMIN AND HOUSING BUDGET FOR
CONSOLIDATION OF UNUSED LINES FOR
SPENDING ON HOUSING PROGRAM

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

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Councilmember Porter				
Councilmember Middleton				
Councilmember Cavanaugh				
Councilmember Hotchkiss				
Councilmember Mativetsky				
Councilmember Kosty				
Councilmember Dundon				
Total				

Code of the City of Binghamton

Adopted Defeated

____ Ayes ____ Nays ____ Abstain ____ 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 _____. Approved
by the Mayor on _____.



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

Date: May 8, 2024

Sponsored by Council Members: Hotchkiss, Cavanaugh, Porter, Middleton

Introduced by Committee: Rules and Procedures/Special Studies

ORDINANCE

entitled

AN ORDINANCE TO AMEND THE CODE OF
THE CITY OF BINGHAMTON, CHAPTER 26,
CITY COUNCIL, TO CLARIFY LEGISLATIVE
SIGN OUT PROCESS

WHEREAS, the Council of the City of Binghamton has recommended that the Code of the City of Binghamton, Chapter 26, *City Council*, §26-9, *Discharge of legislation from committee*, be amended; and

WHEREAS, City Council wishes to amend Code of the City of Binghamton accordingly.

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 26, Chapter 26, *City Council*, §26-9, *Discharge of legislation from committee*, is hereby amended as follows:

§26-9. Discharge of legislation from committee. [Amended 5-15-1997 by Ord. No. 72-97; 8-4-2003 by Ord. No. 03-93; 4-5-2017 by Ord. No. 17-26; Amended 3-29-2023 by Ord. No. 23-64]

A. Any formal legislation signed out of committee by a majority of committee members, or a majority of members of the Council, shall be first read legislation at one of the next two regular business meetings or a special business meeting for that purpose held within the same timeframe.

B. Any legislation that has been returned to committee, after first read, will automatically be returned to the assigned Council floor for a second reading at the next regular business meeting or special business called for that purpose, unless one or more Council members removes his or her name from the legislation and, as a result, there is no longer a majority of committee members or a majority of Council members who signed the legislation; in which event the legislation will be returned to committee. [Amended 8-21-2006]

C. All second read legislation having and maintaining adequate sponsorship of Council, either signed out of committee by a majority of committee members, or a majority of the members of Council, must be voted upon during second reading.

Section 2. That this ordinance shall take effect immediately.

Introductory No. O24-33

Permanent No. _____

Sponsored by City Council Members: Hotchkiss,
Cavanaugh, Porter, Middleton

AN ORDINANCE TO AMEND THE CODE OF
THE CITY OF BINGHAMTON, CHAPTER 26,
CITY COUNCIL, TO CLARIFY LEGISLATIVE
SIGN OUT PROCESS

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

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Councilmember Porter				
Councilmember Middleton				
Councilmember Cavanaugh				
Councilmember Hotchkiss				
Councilmember Mativetsky				
Councilmember Kosty				
Councilmember Dundon				
Total				

Code of the City of Binghamton

Adopted Defeated

____ Ayes ____ Nays ____ Abstain ____ 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 _____. Approved
by the Mayor on _____.



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

Date: May 8, 2024

Sponsored by Council Members: Hotchkiss, Dundon, Middleton

Introduced by Committee: Finance

ORDINANCE

entitled

**AN ORDINANCE TO AMEND THE 2024
BJCJSTF BUDGET TO INCREASE
PROFESSIONAL SERVICES FOR APPRAISAL
SERVICES BY DECREASING CONTINGENCY**

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 2024 BJCJSTF budget to increase Professional Services for appraisal services.

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

Section 1. That the Council approves and directs the Comptroller/JSB Fiscal Officer to amend and make journal budget entries in the 2024 BJCJSTF budget to increase Professional Services for appraisal services costs as follows:

Transfer From (Decrease):

\$51,750.00 ES8130.55000

(CONTINGENCY)

Transfer To (Increase):

\$51,750.00 ES8130.54410

(PROFESSIONAL SVCS)

\$51,750.00

\$51,750.00

Introductory No. O24-34

Permanent No. _____

Sponsored by City Council Members: Hotchkiss, Dundon, Middleton

AN ORDINANCE TO AMEND THE 2024 BJCJSTF BUDGET TO INCREASE PROFESSIONAL SERVICES FOR APPRAISAL SERVICES BY DECREASING CONTINGENCY

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

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Councilmember Porter				
Councilmember Middleton				
Councilmember Cavanaugh				
Councilmember Hotchkiss				
Councilmember Mativetsky				
Councilmember Kosty				
Councilmember Dundon				
Total				

Code of the City of Binghamton

Adopted Defeated

____ Ayes ____ Nays ____ Abstain ____ 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 _____. Approved by the Mayor on _____.



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

Date: May 8, 2024

Sponsored by Council Members: Cavanaugh, Dundon, Mativetsky, Middleton

Introduced by Committee: Planning

ORDINANCE

entitled

**AN ORDINANCE TO AMEND PERMANENT
ORDINANCE O6-46 TO RESCIND THE
PORTION REQUIRING PROPERTY
CONVERSION**

WHEREAS, on October 2, 2006, City Council adopted Permanent Ordinance 06-46 to enter into a contract of sale between the City of Binghamton and Victor and Betty Salcedo for 154 Murray Street (2006 tax map number 02-0006-054), including a provision in Section 2 that the sale would be subject to the condition that the property be converted from a two family dwelling to a single family dwelling and the subsequent deed of this property required conversion of the property or the City could exercise the right of reverter; and

WHEREAS, the property conversion requirement was not fulfilled and the subsequent deed restriction will prevent proposed future property transfer.

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

Section 1. That City Council hereby rescinds Section 2 of Permanent Ordinance O6-46 and removes the conversion requirement and the right of reverter.

Section 2. That this Ordinance shall take effect immediately.

Introductory No. 024-36

Permanent No. _____

Sponsored by City Council Members: Cavanaugh,
Dundon, Mativetsky, Middleton

AN ORDINANCE TO AMEND PERMANENT
ORDINANCE O6-46 TO RESCIND PORTION
REQUIRING PROPERTY CONVERSION

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

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Councilmember Porter				
Councilmember Middleton				
Councilmember Cavanaugh				
Councilmember Hotchkiss				
Councilmember Mativetsky				
Councilmember Kosty				
Councilmember Dundon				
Total				

Code of the City of Binghamton

Adopted Defeated

____ Ayes ____ Nays ____ Abstain ____ 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 _____. Approved
by the Mayor on _____.



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

Date: May 8, 2024

Sponsored by Council Members:

Introduced by Committee: Planning

ORDINANCE

entitled

**AN ORDINANCE TO AMEND PERMANENT
ORDINANCE O23-155 TO RESCIND PORTION
REQUIRING PROPERTY MERGER**

WHEREAS, on December 6, 2023, City Council adopted Permanent Ordinance O23-155 to enter into a contract of sale to transfer 22 Charles Street (tax parcel number 144.78-2-1) to the Binghamton Local Development Corporation (BLDC) under the condition that the premises must be merged with the adjacent property located at 30 Charles Street within two years; and

WHEREAS, the property merger requirement will hinder and complicate proposed future property transfer.

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

Section 1. That City Council hereby rescinds Section 2(ii) of Permanent Ordinance O23-155 and removes the merger requirement.

Section 2. That this Ordinance shall take effect immediately.

Introductory No. 024-37

Permanent No. _____

Sponsored by City Council Members:

AN ORDINANCE TO AMEND PERMANENT
ORDINANCE O23-155 TO RESCIND PORTION
REQUIRING PROPERTY MERGER

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

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Councilmember Porter				
Councilmember Middleton				
Councilmember Cavanaugh				
Councilmember Hotchkiss				
Councilmember Mativetsky				
Councilmember Kosty				
Councilmember Dundon				
Total				

Code of the City of Binghamton

Adopted Defeated

____ Ayes ____ Nays ____ Abstain ____ 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 _____. Approved by the Mayor on _____.



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

Date: May 8, 2024

Sponsored by Council Members: Hotchkiss, Dundon, Mativetsky

Introduced by Committee: Planning

ORDINANCE

entitled

AN ORDINANCE TO AMEND THE CODE OF
THE CITY OF BINGHAMTON, CHAPTER 410,
ZONING, TO ADDRESS THE BELOW-GRADE
AMENITY SPACES IN MULTI-UNIT
DWELLINGS

WHEREAS, the Planning, Zoning & Historic Preservation Department recommended an amendment to the Code of the City of Binghamton, Chapter 410, Zoning, to address below-grade amenity space in multi-unit dwellings to be more specific about the square footage allowed in each type of amenity space; and

WHEREAS, on February 5, 2024, City Council referred the proposed zoning amendment to the Planning Commission for its review and recommendation; and

WHEREAS, on February 6, 2024, the Planning Commission issued a recommendation regarding the proposed zoning amendment; and

WHEREAS, on April 10, 2024, City Council held a public hearing regarding the proposed zoning amendment.

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 410, 410-19 Accessory and Building Uses, Subsection 410-19 (M), Residential Amenity and Assembly Spaces*, is hereby amended to clarify the existing language as follows:

410-19 M. Residential Amenity and Assembly Spaces

When located in residential or mixed-use buildings as accessories to residential use, amenity spaces including fitness centers, common kitchens, and computer rooms, and assembly spaces including lounges, theaters, and billiard rooms, shall be regulated as follows:

- 1) Congregate Living facilities, Multiple-Unit Dwellings, and other properties containing more than 12 total bedrooms shall not contain any assembly spaces or other amenity spaces that are accessory to the residential use below grade, with the exception of structured parking, laundry facilities, and/or storage facilities. Any below-grade laundry or storage facilities shall be proportioned and constructed such that they do not allow an occupancy limit above 10 persons per partitioned space.
- 2) In Congregate Living facilities, Multiple-Unit Dwellings, and properties containing more than 12 total bedrooms, the occupancy limit of any above-grade residential amenity or assembly space shall not exceed 25 persons.
- 3) The occupant load factors for amenity spaces are as follows:

- a. Above and/or below grade laundry rooms shall not exceed 15 square feet per person.
 - b. Above and/or below grade storage rooms shall not exceed 7 square feet per person.
 - c. Above grade amenity space shall not exceed 15 square feet per person.
- 4) Notwithstanding the above, the actual Occupancy Limit shall be determined by the Fire Marshal based on square footage, intended use, and furnishings/equipment, not to exceed the limits above.

Section 2. That this Ordinance shall take effect immediately.

Introductory No. O24-39

Permanent No. _____

Sponsored by City Council Members: Hotchkiss,
Dundon, Mativetsky

AN ORDINANCE TO AMEND THE CODE OF
THE CITY OF BINGHAMTON, CHAPTER 410,
ZONING, TO ADDRESS THE BELOW-GRADE
AMENITY SPACES IN MULTI-UNIT
DWELLINGS

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

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Councilmember Porter				
Councilmember Middleton				
Councilmember Cavanaugh				
Councilmember Hotchkiss				
Councilmember Mativetsky				
Councilmember Kosty				
Councilmember Dundon				
Total				

Code of the City of Binghamton

Adopted Defeated

____ Ayes ____ Nays ____ Abstain ____ 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 _____. Approved by the Mayor on _____.



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

Date: May 8, 2024

Sponsored by Council Members: Cavanaugh, Kosty, Hotchkiss, Mativetsky

Introduced by Committee: Finance

ORDINANCE

entitled

AN ORDINANCE AUTHORIZING THE
BINGHAMTON-JOHNSON CITY JOINT
SEWAGE BOARD FISCAL OFFICER TO
PREPAY CREDITS BASED ON THE 2023
ESTIMATED FINAL BILL AT 85% WITH FINAL
15% TO BE PAID AFTER RATIFICATION OF
THE FINAL BILL

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 to prepay all municipalities for credits based on the 2023 final estimated flows in the amount of \$4,016,955.99 to be paid from account ES.601; and

WHEREAS, the remaining amount will be paid upon ratification by the JSB of the 2023 final bill.

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

Section 1. That the Council approves and directs the Comptroller/JSB Fiscal Officer to prepay all municipalities for credits based on 85% of the 2023 final estimated flows in the amount of \$4,016,955.99 to be paid from account ES.601.

Introductory No. O24-40

Permanent No. _____

Sponsored by City Council Members:
Cavanaugh, Kosty, Hotchkiss, Mativetsky

AN ORDINANCE AUTHORIZING THE
BINGHAMTON-JOHNSON CITY JOINT SEWAGE
BOARD FISCAL OFFICER TO PREPAY CREDITS
BASED ON THE 2023 ESTIMATED FINAL BILL
AT 85% WITH FINAL 15% TO BE PAID AFTER
RATIFICATION OF THE FINAL BILL

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

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Councilmember Porter				
Councilmember Middleton				
Councilmember Cavanaugh				
Councilmember Hotchkiss				
Councilmember Mativetsky				
Councilmember Kosty				
Councilmember Dundon				
Total				

Code of the City of Binghamton

Adopted Defeated

_____ Ayes _____ Nays _____ Abstain _____ 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 _____. Approved by the Mayor on _____.



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

Date: May 8, 2024

Sponsored by Council Members: Cavanaugh, Kosty, Mativetsky, Dundon

Introduced by Committee: Planning

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE MAYOR,
OR HIS DESIGNEE, TO ENTER INTO AN
AGREEMENT WITH THE FIRST WARD
ACTION COUNCIL FOR USE OF CDBG FUNDS
TO SUPPORT THE DEVELOPMENT OF
AFFORDABLE HOUSING

WHEREAS, the City of Binghamton wishes to enter into an agreement with the First Ward Action Council, Inc. for the use of Community Development Block Grant (CDBG) funding (CVY45 and CVY46) not to exceed \$577,190; and

WHEREAS, the funding will support the development of affordable housing through the First Ward Action Council's proposed scatter-site project in the City of Binghamton, including renovation of blighted buildings and new construction.

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 First Ward Action Council, Inc. for the use of CDBG funding (CVY45 and CVY46) not to exceed \$577,190 from budget lines CD8760.535006.CVY45 and CD8760.535002.CVY46.

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

Chuck Shager, Comptroller

Introductory No. R24-31

Permanent No. _____

Sponsored by City Council Members: Cavanaugh,
Kosty, Mativetsky, Dundon

A RESOLUTION AUTHORIZING THE MAYOR,
OR HIS DESIGNEE, TO ENTER INTO AN
AGREEMENT WITH THE FIRST WARD ACTION
COUNCIL FOR USE OF CDBG FUNDS TO
SUPPORT THE DEVELOPMENT OF
AFFORDABLE HOUSING

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

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Councilmember Porter				
Councilmember Middleton				
Councilmember Cavanaugh				
Councilmember Hotchkiss				
Councilmember Mativetsky				
Councilmember Kosty				
Councilmember Dundon				
Total				

Code of the City of Binghamton

Adopted Defeated

_____ Ayes _____ Nays _____ Abstain _____ 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 _____. Approved
by the Mayor on _____.



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

Date: May 8, 2024

Sponsored by Council Members: Middleton, Kosty, Mativetsky, Dundon

Introduced by Committee: Planning

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE MAYOR,
OR HIS DESIGNEE, TO SUBMIT AN
APPLICATION FOR FUNDING FROM EMPIRE
STATE DEVELOPMENT CORPORATION
RESTORE NEW YORK COMMUNITIES
INITIATIVE ROUND 8

WHEREAS, the Restore New York Communities Initiative provides municipalities with financial assistance for revitalization of commercial and residential properties. The program encourages community development and neighborhood growth through the elimination and redevelopment of blighted structures; and

WHEREAS, the City of Binghamton is eligible to apply for such funding in Round 8; and

WHEREAS, the Mayor has determined that such funding should be used to revitalize a currently blighted and vacant historic building located in Binghamton's Railroad Historic District to provide up to 5,000 square feet of commercial/retail space and up to 40 apartments. The proposed project on this site is consistent with the City's goals and plans, the financing proposed for the project is appropriate, the project facilitates an effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources, and the project develops and enhances infrastructure in a manner that will attract, create, and sustain employment opportunities.

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 sign and submit the Restore New York Round 8 application for consideration; and

RESOLVED that the Mayor is hereby authorized to sign all agreements, certifications and other documents required to complete the application and to accept grants and administer the programs that are proposed for this funding.

Introductory No. R24-32

Permanent No. _____

Sponsored by City Council Members: Middleton,
Kosty, Mativetsky, Dundon

A RESOLUTION AUTHORIZING THE MAYOR,
OR HIS DESIGNEE, TO SUBMIT AN
APPLICATION FOR FUNDING FROM EMPIRE
STATE DEVELOPMENT CORPORATION
RESTORE NEW YORK COMMUNITIES
INITIATIVE ROUND 8

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

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Councilmember Porter				
Councilmember Middleton				
Councilmember Cavanaugh				
Councilmember Hotchkiss				
Councilmember Mativetsky				
Councilmember Kosty				
Councilmember Dundon				
Total				

Code of the City of Binghamton

Adopted Defeated

_____ Ayes _____ Nays _____ Abstain _____ 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 _____. Approved
by the Mayor on _____.



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

Date: May 8, 2024

Sponsored by Council Members: Cavanaugh, Kosty, Mativetsky, Dundon

Introduced by Committee: Planning

RESOLUTION

entitled

A RESOLUTION TO SUPPORT BROOME
COUNTY'S APPLICATION FOR FUNDING
FROM EMPIRE STATE DEVELOPMENT
CORPORATION RESTORE NEW YORK
COMMUNITIES INITIATIVE ROUND 8

WHEREAS, the Restore New York Communities Initiative provides municipalities with financial assistance for revitalization of commercial and residential properties. The program encourages community development and neighborhood growth through the elimination and redevelopment of blighted structures; and

WHEREAS, the Restore New York Communities Initiative requires a municipal resolution from the community in which a County application is submitted; and

WHEREAS, Broome County has determined that the funds should be used by First Ward Action Council for housing rehabilitation and reconstruction on 9 properties in the City of Binghamton, creating up to 37 housing units. The proposed project on this site is consistent with the City's goals and plans, the financing proposed for the project is appropriate, the project facilitates an effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources, and the project develops and enhances infrastructure in a manner that will attract, create, and sustain employment opportunities.

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 fully supports Broome County's application for funding from Empire State Development Corporation Restore New York Communities Initiative, Round 8, and be it further

RESOLVED that the Mayor of the City of Binghamton, or his designee, shall be authorized to execute any and all documents necessary to accomplish the purpose of this resolution.

Introductory No. R24-33

Permanent No. _____

Sponsored by City Council Members: Cavanaugh,
Kosty, Mativetsky, Dundon

A RESOLUTION TO SUPPORT BROOME
COUNTY’S APPLICATION FOR FUNDING
FROM EMPIRE STATE DEVELOPMENT
CORPORATION RESTORE NEW YORK
COMMUNITIES INITIATIVE ROUND 8

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

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Councilmember Porter				
Councilmember Middleton				
Councilmember Cavanaugh				
Councilmember Hotchkiss				
Councilmember Mativetsky				
Councilmember Kosty				
Councilmember Dundon				
Total				

Code of the City of Binghamton

Adopted Defeated

____ Ayes ____ Nays ____ Abstain ____ 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 _____. Approved
by the Mayor on _____.



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

Date: May 8, 2024

Sponsored by Council Members: Dundon, Porter, Middleton, Kosty, Hotchkiss, Mativetsky, Cavanaugh

Introduced by Committee: Public Works and Parks

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A GRANT FROM THE COMMUNITY RESILIENCY, ECONOMIC SUSTAINABILITY, AND TECHNOLOGY CAPITAL GRANT PROGRAM IN THE AMOUNT OF \$150,000 FOR RENOVATIONS AT ROSS PARK ZOO

WHEREAS, the City is eligible to receive a \$150,000 grant from the Community Resiliency, Economic Sustainability, and Technology (CREST) Capital Grant Program to fund the renovation of the restrooms and administrative lobby at Ross Park Zoo; and

WHEREAS, the Council wishes to authorize the City to accept said grant.

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

RESOLVE that the Council hereby authorizes the Mayor to accept a grant from the (CREST) Capital Grant Program in the amount of \$150,000 to fund the renovation of the restrooms and administrative lobby at Ross Park Zoo; and be it further

RESOLVED that the Mayor, or his designee, is hereby authorized to enter into and execute an agreement and such other documents as may be necessary or proper, approved as to form and content by the Office of Corporation Counsel, with the (CREST) Capital Grant Program and to expend said grant funds in accordance with such agreement and that the funds will be available in lines H.43089.PK023 ROSS PARK FACILITY GRANT (revenue) and H7110.555555.PK023 ROSS PARK FACILITY IMP. (expense).

Introductory No. R24-34

Permanent No. _____

Sponsored by City Council Members: Dundon, Porter,
Middleton, Kosty, Hotchkiss, Mativetsky, Cavanaugh

A RESOLUTION AUTHORIZING THE MAYOR
TO ACCEPT A GRANT FROM THE
COMMUNITY RESILIENCY, ECONOMIC
SUSTAINABILITY, AND TECHNOLOGY
CAPITAL GRANT PROGRAM IN THE AMOUNT
OF \$150,000 FOR RENOVATIONS AT ROSS
PARK ZOO

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

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Councilmember Porter				
Councilmember Middleton				
Councilmember Cavanaugh				
Councilmember Hotchkiss				
Councilmember Mativetsky				
Councilmember Kosty				
Councilmember Dundon				
Total				

Code of the City of Binghamton

Adopted Defeated

____ Ayes ____ Nays ____ Abstain ____ 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 _____. Approved
by the Mayor on _____.



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

Date: May 8, 2024

Sponsored by Council Members: Middleton, Kosty, Dundon, Hotchkiss, Cavanaugh

Introduced by Committee: Municipal and Public Affairs

RESOLUTION

entitled

**A RESOLUTION AUTHORIZING A NOISE
VARIANCE FOR ABEL’S PUB**

WHEREAS, Abel’s Pub (the “Applicant”), located at 65 Rotary Avenue, Binghamton, New York, has applied for a special variance to the City’s noise regulations, as outlined in Chapter 292, *Noise*, in accordance with the attached permit application (“Exhibit A”); and

WHEREAS, the Applicant wishes to hold outdoor events on the following dates for the year 2024: May 10, 18, 24, 31; June 8, 14, 22, 28; July 6, 12, 20, 27; August 2, 25; September 7, 13, 21, 27; and October 5, 11, 19, 26, such events to be held at 65 Rotary Avenue; and

WHEREAS, City Council held a public hearing on May 8, 2024.

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

RESOLVE, that a special variance to the City of Binghamton’s noise regulations as set forth in Chapter 292 of the Code of the City of Binghamton, entitled *Noise*, is hereby granted to Abel’s Pub for outdoor events on the following dates for the year 2024: May 10, 18, 24, 31; June 8, 14, 22, 28; July 6, 12, 20, 27; August 2, 25; September 7, 13, 21, 27; and October 5, 11, 19, 26, such events to be held at 65 Rotary Avenue, in accordance with the attached Exhibit A; and be it further

RESOLVED that notwithstanding the foregoing, the Council of the City of Binghamton may revoke this variance, after giving written notice to the Applicant and providing an opportunity for the Applicant to be heard, for any violation of the time limits or complaints for noise in excess of the anticipated noise outlined in Exhibit A.

Introductory No. R24-35

Permanent No. _____

Sponsored by City Council Members: Middleton,
Kosty, Dundon, Hotchkiss, Cavanaugh

A RESOLUTION AUTHORIZING A NOISE
VARIANCE FOR ABEL'S PUB

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

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Councilmember Porter				
Councilmember Middleton				
Councilmember Cavanaugh				
Councilmember Hotchkiss				
Councilmember Mativetsky				
Councilmember Kosty				
Councilmember Dundon				
Total				

Code of the City of Binghamton

Adopted Defeated

____ Ayes ____ Nays ____ Abstain ____ 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 _____. Approved
by the Mayor on _____.



Office of the City Clerk

Date Filed:

License No:

City Hall, 38 Hawley Street, Binghamton, NY 13901 607-772-7005

NOISE VARIANCE PERMIT APPLICATION

Variance Information

Name of Event: Abel's Pub Live Music

Date(s)/Time(s) of Event: 7:00-10:00 PM 5/3, 5/10, 5/18, 5/24, 5/31, 6/8, 6/14, 6/22, 6/28, 7/6, 7/12, 7/20, 7/27, 8/2, 8/25, 9/7, 9/13, 9/21, 9/27, 10/5, 10/11, 10/19, 10/26

Location of Event: Abel's Pub, 65 Rotary Avenue, Binghamton, NY 13905

Contact Information

Name of Applicant: Martin F. Stantz and Patricia Marie Stantz

Address: 66 Lincoln Avenue, Binghamton, NY 13905

Phone (Home/Work/Cell): (607) 372-3415

Additional Information

Is Applicant the owner of the property where the event will be located? Yes No

(If the answer to the above question is 'No', the owner of the property must provide written consent.)

Provide a description of the plans, specifications and any other information pertinent to the source of sound and vibration.

Abel's Pub will offer outdoor live music on 5/3, 5/10, 5/18, 5/24, 5/31, 6/8, 6/14, 6/22, 6/28, 7/6, 7/12, 7/20, 7/27, 8/2, 8/25, 9/7, 9/13, 9/21, 9/27, 10/5, 10/11, 10/19, 10/26 from 7:00-10:00 PM. Live music will occur in fully enclosed, outdoor space that is part of the same parcel of land as the bar establishment, located directly behind the bar. Enclosure is equipped with permanent sound system and is reinforced with brand new soundproofing technology, including soundproof tiles built into the structure to reduce noise, and additional efforts to contain sound from traveling outside of the enclosure.

Provide a description of the sound, including estimated sound levels at the source property and across any real property boundaries, along with the date(s) and time(s) during the day that the sound will be generated.

Live music on 5/3, 5/10, 5/18, 5/24, 5/31, 6/8, 6/14, 6/22, 6/28, 7/6, 7/12, 7/20, 7/27, 8/2, 8/25, 9/7, 9/13, 9/21, 9/27, 10/5, 10/11, 10/19, 10/26 from 7:00-10:00 PM, including a variety of local musicians playing music at a reasonable volume. All music will be contained in back area enclosure, with soundproofing tiles and permanent music structure to contain sound from traveling far beyond enclosure. Sound will not cause unreasonable disturbance to neighbors and will end before 10:00 PM each date.

Provide a description of noise control methods that will be used to restrict emissions of the generated sound.

New directional sound system will reduce amplification and ambient noise, as well as improve sound quality within the enclosure to avoid increase in volume. Sound reduction technology, including



Office of the City Clerk

Date Filed:

License No:

City Hall, 38 Hawley Street, Binghamton, NY 13901 607-772-7005

soundproofing tiles and noise mitigation materials. Enclosure is equipped with permanent sound system and is reinforced with brand new soundproofing technology, including soundproof tiles built into the structure to reduce noise, and additional efforts to contain sound from traveling outside of the enclosure.

Provide a description of the time schedule for the installation of noise abatement and control devices, technology and procedures or process modifications that will be followed to restrict the emissions of the sounds and vibrations.

Soundproofing is currently underway (tiles installed, permanent music system installed) and additional efforts will be completed before first date of live music.



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

Date: May 8, 2024

Sponsored by Council Members: Dundon, Mativetsky, Cavanaugh, Kosty

Introduced by Committee: Public Works

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE MAYOR
TO ENTER INTO AN AGREEMENT WITH THE
NEW YORK STATE DEPARTMENT OF
TRANSPORTATION (NYSDOT) FOR ROUTE 11
WALL REPLACEMENT PROJECT

WHEREAS a project for Route 11 Wall Replacement, PIN 9043.54 (hereinafter “the Project”) is eligible for funding pursuant to the New York State Highway Law; and

WHEREAS, the City of Binghamton desires to advance the project by providing the necessary items to complete and maintain the lighting system at a total project cost not to exceed \$65,700; and

WHEREAS, the term of this agreement shall be for twenty- five (25) years and expire on May 31, 2050.

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

RESOLVE that the Mayor, 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 NYSDOT to advance the project for Route 11 Wall Replacement; and be it further

RESOLVED that this agreement shall be for twenty-five (25) years and expire on May 31, 2050.

Introductory No. R24-36

Permanent No. _____

Sponsored by City Council Members: Dundon,
Mativetsky, Cavanaugh, Kosty

A RESOLUTION AUTHORIZING THE MAYOR
TO ENTER INTO AN AGREEMENT WITH THE
NEW YORK STATE DEPARTMENT OF
TRANSPORTATION (NYSDOT) FOR ROUTE 11
WALL REPLACEMENT PROJECT

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

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Councilmember Porter				
Councilmember Middleton				
Councilmember Cavanaugh				
Councilmember Hotchkiss				
Councilmember Mativetsky				
Councilmember Kosty				
Councilmember Dundon				
Total				

Code of the City of Binghamton

Adopted Defeated

____ Ayes ____ Nays ____ Abstain ____ 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 _____. Approved
by the Mayor on _____.



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

Date: May 8, 2024

Sponsored by Council Members: Hotchkiss, Kosty, Dundon, Mativetsky

Introduced by Committee: Finance

RESOLUTION

entitled

A RESOLUTION REQUESTING NEW YORK STATE SENATOR LEA WEBB AND ASSEMBLY MEMBER DONNA LUPARDO FOR INTRODUCTION OF HOME RULE LEGISLATION TO AMEND TAX LAW TO AUTHORIZE THE COLLECTION OF AN OCCUPANCY TAX IN THE CITY OF BINGHAMTON

WHEREAS, Section 1202 of the New York State Tax Law allows municipalities to adopt and amend local laws imposing a tax upon persons occupying hotel or motel rooms, bed and breakfast, and other tourist rental stay facilities; and

WHEREAS, the City is prepared and budgeted to implement this occupancy tax and seeks the support of the City's elected representatives in the New York State Senate and Assembly after discussion and acknowledgment by the City Council; and

WHEREAS, upon the introduction of legislation, the City of Binghamton will take further action to submit a home rule request pursuant to Article IX of the Constitution in support of legislation to authorize the City to implement a hotel and motel tax rate of up to five percent (5%) of the per-diem rental rate for each room;

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

RESOLVE, that the City of Binghamton City Council finds that the implementation of a hotel and motel tax rate would benefit the City by providing additional revenues for the promotion of tourism, cultural programs, parks and recreation, and the critical infrastructure and capital improvements necessary to support those items; and be it further

RESOLVED, that the City Council hereby requests that New York State Senator Lea Webb and Assembly Member Donna Lupardo, as elected representatives of the City of Binghamton, introduce legislation to authorize the City to adopt a local law giving the authority to implement the hotel and motel tax rate at a rate of up to five percent (5%) of the per-diem rental rate for each room; and be it further

RESOLVED, that the City Council requests the bill be drafted to include additional language clarifying that for the purposes of this particular section of law, definition of the terms "hotel" or "motel" are to mean and include any facility providing lodging on an overnight basis and shall include those facilities designated and commonly known as "bed and breakfast" and "tourist" facilities; and be it further

RESOLVED, that the City Council requests the bill include additional language for the purpose as to enable authorized local law(s) enacted by the City to provide that any tax imposed shall be paid by the person liable therefor to the owner of the hotel or motel room occupied or to the person entitled to be paid the rent or charge for the hotel or motel room occupied for and on account of the City of Binghamton imposing the tax and that such owner or person entitled to be paid the rent or charge shall be liable for the collection and payment of the tax; and be it further

RESOLVED, that the City Council requests the bill include additional language relating to the deposit of revenues resulting from the imposition of the tax be added with the purpose as to authorize the City to retain the necessary revenue to defer the expense of the City in administering such tax and the balance of such revenues shall be allocated to the promotion of tourism, cultural programs, parks and recreation, and the critical infrastructure and capital improvements necessary to support those activities, including all financial costs and obligations incurred by the city related to the creation of such events and activities as so determined by the City of Binghamton City Council; and be it further

RESOVLED, that the City Clerk is hereby directed to forward certified copies of this resolution to New York State Senator Lea Webb and Assembly Member Donna Lupardo.

Introductory No. R24-37

Permanent No. _____

Sponsored by City Council Members: Hotchkiss,
Cavanaugh, Kosty, Dundon, Mativetsky

A RESOLUTION REQUESTING NEW YORK
STATE SENATOR LEA WEBB AND ASSEMBLY
MEMBER DONNA LUPARDO FOR
INTRODUCTION OF HOME RULE
LEGISLATION TO AMEND TAX LAW TO
AUTHORIZE THE COLLECTION OF AN
OCCUPANCY TAX IN THE CITY OF
BINGHAMTON

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

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Councilmember Porter				
Councilmember Middleton				
Councilmember Cavanaugh				
Councilmember Hotchkiss				
Councilmember Mativetsky				
Councilmember Kosty				
Councilmember Dundon				
Total				

Code of the City of Binghamton

Adopted Defeated

____ Ayes ____ Nays ____ Abstain ____ 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 _____. Approved
by the Mayor on _____.