



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

Date: October 23, 2024

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

Introduced by Committee: Planning

**ORDINANCE**

*entitled*

**AN ORDINANCE TO DISCONTINUE A  
PORTION OF OVERLAND DRIVE**

WHEREAS, a portion of Overland Drive in the City of Binghamton beginning at the fire hydrant adjacent to 25 Overland Drive and ending at the intersection with Harding Avenue has been determined to be an underutilized and substandard section of a city street and impassable for emergency vehicles; and

WHEREAS, the Common Council has determined that it is in the best interest of the citizens in the City of Binghamton and of the adjacent neighborhoods that this portion of Overland Drive be discontinued; and

WHEREAS, the Director of Planning, Housing, and Community Development for the City of Binghamton has also determined that this portion of Overland Drive be discontinued;

NOW, THEREFORE, the Council of the City of Binghamton does hereby ordain as follows:

Section 1. It is hereby directed that the section of Overland Drive beginning at the fire hydrant adjacent to 25 Overland Drive and ending at the intersection with Harding Avenue be discontinued.

Section 2. That the City of Binghamton is hereby directed to pursue all approvals, consents, authorizations, purchases or sales of this real estate.

Section 3. That this Ordinance shall take effect immediately.

Introductory No.       O24-86      

Permanent No. \_\_\_\_\_

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

**AN ORDINANCE TO DISCONTINUE A  
PORTION OF OVERLAND DRIVE**

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				
<b>Total</b>				

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: October 23, 2024

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

Introduced by Committee: Planning

**ORDINANCE**

*entitled*

**AN ORDINANCE AUTHORIZING THE SALE OF  
A PORTION OF OVERLAND DRIVE**

WHEREAS, pursuant to General City Law section 20(7), the City of Binghamton discontinued that portion of Overland Drive adjacent to 25 Overland Drive and ending at the intersection with Harding Avenue, beginning approximately 224' south of the intersection with Dewey Ave and ending at the intersection with Harding Ave (the Premises); and

WHEREAS, the contiguous property owner Mian N. Shah has submitted an Offer to Purchase the Premises for \$4,500.00; 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 October 9, 2024.

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, or his designee, is hereby authorized to enter into a contract for 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 Mian N. Shah or its designee, by quitclaim deed for \$4,500, to be paid by cash, certified, or local bank check; and

Section 2. That this sale is subject to such conditions as may be determined by the Corporation Counsel, including, but not limited to, the City's right of access for maintenance, repair, or replacement of all existing utilities; and

Section 3. That this Ordinance shall take effect immediately.

Introductory No.     O24-87    

Permanent No. \_\_\_\_\_

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

AN ORDINANCE AUTHORIZING THE SALE OF  
A PORTION OF OVERLAND DRIVE

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				
<b>Total</b>				

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 \_\_\_\_\_.



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

Dated: October 23, 2024

Sponsored by Councilmember(s): Cavanaugh, Kosty, Hotchkiss, Mativetsky

Introduced by Committee(s) on: Finance

**LOCAL LAW NO. 5 OF 2024**  
*entitled*

A LOCAL LAW AMENDING THE CITY OF BINGHAMTON  
CODE TO ADD CHAPTER 105 ROOM OCCUPANCY TAX

WHEREAS, Section 1202 of the New York State Tax Law allows municipalities to adopt and amend local laws imposing a tax upon persons occupying hotels, motels, tourist homes, motel courts, bed-and-breakfast establishments, clubs and all similar facilities, whether or not meals are served to guests or residents thereof; and

WHEREAS, the City is prepared and budgeted to implement this occupancy tax and received 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 submitted a home rule request resolution 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; and

WHEREAS, the City's request for this legislation was passed by the New York State Senate and Assembly and was signed into law by the Governor of the State of New York on September 27, 2024.

NOW, THEREFORE, be it enacted by the Council of the City of Binghamton, duly convened in regular session as follows:

Section 1. Legislative Findings, Intent, and Purpose. Pursuant to Tax Law 1202-jj, the City of Binghamton is authorized to adopt a local law relating to the implementation and assessment of tax on persons occupying hotel or motel rooms in such City. Pursuant to the state enabling legislation, the City is authorized to charge up to 5% tax on overnight accommodations.

Section 2. That the Code of the City of Binghamton be amended to add Chapter 105, *Room Occupancy Tax*, as attached hereto, and that the Council of the City of Binghamton hereby adopts the occupancy tax and Chapter 105 as attached hereto.

CHAPTER 105 Room Occupancy Tax

§105-1. Definitions. When used in this chapter, the following terms shall mean:

CITY CLERK/TREASURER – The City Clerk/Treasurer of the City of Binghamton or such other person as may be designated by the Mayor to administer and collect the tax provided for herein.

COMPTROLLER — The Comptroller of the City of Binghamton or such other person as may be designated by the Mayor to administer and collect the tax provided for herein.

EFFECTIVE DATE — The date on which the Secretary of State files this chapter.

EXEMPT OCCUPANT — Any occupant of any room or rooms in a hotel whose rent is paid from public assistance from the County of Broome shall be deemed an "exempt occupant" with respect to the period of such occupancy, regardless of the length thereof.

HOTEL — A facility or portion thereof, which is regularly used and kept open as such for the lodging of guests on an overnight basis. For the purposes of this article, the term "hotel" includes hotels, motels, tourist homes, motel courts, bed-and-breakfast establishments, clubs and all similar facilities, whether or not meals are served to guests or residents thereof.

OCCUPANCY — The use or possession or the right to the use or possession of any room in a hotel.

OCCUPANT — A person who, for a consideration, uses, possesses or has the right to use or possess any room in a hotel under any lease, concession, permit, right of access, license to use or other agreement or otherwise.

OPERATOR — Any person operating a hotel in the City of Binghamton, including, but not limited to, an owner or proprietor of such premises, lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such hotel.

PERMANENT RESIDENT — Any occupant of any room or rooms in a hotel for at least 90 consecutive days shall be considered a "permanent resident" with regard to the period of such occupancy.

PERSON — An individual, partnership, society, association, joint-stock company, corporation, estate, receiver, trustee, assignee, referee and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

POLICE CHIEF — The Police Chief of the City of Binghamton or his/ her successor in office.

RENT — The consideration received for occupancy valued in money, whether received in money or otherwise, for the occupancy of a room in a hotel for any period of time.

RETURN — Any return filed or required to be filed as herein provided.

ROOM — Any room or rooms or suite of rooms with sleeping accommodations, whether or not such accommodations are used, of any kind in any part or portion of a hotel which is available for or let out for any purpose.

§105-2. Imposition of tax. On and after January 1, 2025, there is hereby imposed and there shall be paid a tax of 5% upon the per diem retail rental rate for every occupancy of a room or rooms in a hotel in this City, except that the tax shall not be imposed upon a permanent resident or an exempt occupant.

§105-3. Transitional provisions. The tax imposed by this chapter shall be paid upon any occupancy on and after January 1, 2025, even if such occupancy is pursuant to a prior contract, lease or other arrangement. However, for any occupancy taking place on or after January 1, 2025, where rent for such occupancy has been pre-paid through a third-party room remarketer or pre-paid in full to the hotel and where such rent is paid prior to the effective date, and for which the hotel has no other direct financial transaction with the occupant, that occupancy shall not be subject to the tax. Where rent is paid on a weekly, monthly or other term basis, the rent shall be subject to the tax imposed by this chapter to the extent that it covers any period on and after January 1, 2025.

§105-4. Exempt organizations. Except as otherwise provided in this section, any use or occupancy by any of the following shall not be subject to the tax imposed by this chapter:

A. The State of New York, or any of its agencies or instrumentalities, public corporations (including a public corporation created pursuant to agreement or compact with another state or Canada), improvement districts or political subdivisions of the state;

B. The United States of America, or any of its agencies and instrumentalities, insofar as it is immune from taxation;

C. Any corporation, association, trust or community chest, fund or foundation, organized and operated exclusively for religious, charitable or education purposes or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation; provided, however, that nothing in this subsection shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this subsection. Where any organization described in this subsection carries on its activities in furtherance of the purposes for which it was organized in premises in which, as part of said activities, it operates a hotel, occupancy of rooms in the premises and rents therefrom received by such corporation or association shall not be subject to tax hereunder.

§105-5. Territorial limits. The tax imposed by this chapter shall apply only within the territorial limits of the City of Binghamton.

§105-6. Registration; certificates of authority.

A. Within 10 days after the effective date of this chapter or, in the case of operators commencing business after such effective date, within three days after such commencement or opening, every operator shall file with the Comptroller a certificate of registration in a form prescribed by the Comptroller.

B. The Comptroller shall, within five days after such registration, issue without charge to each operator a certificate of authority empowering such operator to collect the tax from the occupant and a duplicate thereof for each additional hotel of such operator. Each certificate or duplicate shall state the hotel to which it is applicable. Such certificate of authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy. Such certificate shall be nonassignable and nontransferable and shall be surrendered immediately to the Comptroller upon the cessation of business at the hotel named or upon its sale or transfer.

§105-7. Administration and collection.

A. The tax imposed by this chapter shall be administered and collected by the Comptroller, or his/her designee, by such means and in such manner as are other taxes which are now collected and administered or as otherwise are provided by this chapter.

B. The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement of charges made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the City, and the operator shall be liable for the collection thereof and for the tax. The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this chapter, and the operator shall have the same right in respect to collecting the tax from the occupant, or in respect to nonpayment of the tax by the occupant, as if the tax were part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any innkeeper's lien that he/she may have in the event of nonpayment of rent by the occupant; provided, however, that the Comptroller or employees or agents duly designated by him/her shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax.

C. The Comptroller may, wherever he/she deems it necessary for the proper enforcement of this chapter, provide by regulation that the occupant shall file returns and pay directly to the Comptroller the tax imposed at such times as returns are required to be filed and as payments are required to be made by the operator.

D. Except as to and where the occupant has paid rent in full prior to the effective date, the tax imposed by this chapter shall be paid upon any occupancy on and after January 1, 2025, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date. Where rent is paid or charged or billed or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after January 1, 2025. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Comptroller may, by regulation, provide for credit and/or refund of the amount of such tax upon application therefore as provided in this Chapter.

E. For the purpose of the proper administration of this Chapter and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator or occupant. Where an occupant claims exemption from the tax under the provisions of Subsection C of §105-4 of this Chapter, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a copy of a New York State sales tax exemption certificate.

§105-8. Records to be kept. Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the Comptroller may by regulation require. Such records shall be available for inspection and examination at any time upon demand by the Comptroller or his/her duly authorized agent or employee and shall be preserved for a period of three years, except that the Comptroller may consent to their destruction within that period or may require that they be kept longer.

§105-9. Returns.

A. Every operator shall file with the Comptroller a return of occupancy and of rents and of the taxes payable thereon for the three-month periods ending the last day of February (for December, January, and February), May (for March, April, and May), August (for June, July and August), and November (for September, October and November) on and after January 1, 2025. Such returns shall be filed within 20 days from the expiration of the period covered thereby. The Comptroller may permit or require returns to be made by other periods and upon such dates as he/she may specify. If the Comptroller deems it necessary in order to ensure the payment of the tax imposed by this chapter, he/she may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as he/she may specify.

B. The forms of return shall be prescribed by the Comptroller and shall contain such information as he/she may deem necessary for the proper administration of this chapter. The Comptroller may require amended returns to be filed within 20 days after notice and to contain the information specified in the notice.

C. If a return required by this chapter is not filed or if a return is incorrectly filed or is insufficient on its face, the Comptroller shall take such steps as he/she deems necessary to enforce the filing of such return or of a corrected return.

§105-10. Payment of tax. At the time of filing a return of occupancy and of rents, each operator shall pay to the Comptroller the taxes imposed by this chapter upon the rents required to be included in such return, as well as all other moneys collected by the operator acting or purporting to act under the provisions of this chapter; even though it may be later judicially determined that the tax collected is invalidly required to be filed, it shall be due from the operator and payable to the Comptroller on the date prescribed herein for the filing of the return for such period, without regard to whether a return is filed or whether the return which is filed correctly shows the amount of rents and taxes due thereon. Where the Comptroller in his/her discretion deems it necessary to protect revenues to be obtained under this chapter, he/she may require any operator required to collect the tax imposed by this chapter to file with him/her a bond, issued by a surety company authorized to transact business in this state and approved by the Superintendent of Insurance of this state as to solvency and responsibility, in such amount as the Comptroller may find to secure the payment of any tax and/or penalties and interest due or which may become due from such operator. In the event that the Comptroller determines that an operator is to file such bonds, he/she shall give notice to such operator to that effect, specifying the amount of the bond required. The operator shall file such bond within five days after the giving of such notice unless, within such five days, the operator shall request, in writing, a hearing before the Comptroller at which the necessity, propriety and amount of the bond shall be determined by the Comptroller. Such determination shall be final and shall be complied with within 15 days after the giving of notices thereof. In lieu of such bond, securities approved by the Comptroller or cash in such amount as he/she may prescribe may be deposited with him/ her, which shall be kept in the custody of the Comptroller, who may at any time, without notice of the depositor, apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by him/her at public or private sale without notice to the depositor thereof.

§105-11. Determination of tax. If a return required by local law is not filed or if a return, when filed is incorrect or insufficient, the amount of tax due shall be determined by the Comptroller from such information as may be obtainable, and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, locations, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall be given to the person liable for the collection and/or payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within 30 days after giving notice of such determination, shall apply to the Comptroller for a hearing or unless the Comptroller on his/ her own motion shall redetermine the same. After such hearing, the Comptroller shall give notice of his/her determination to the person against whom the tax is assessed. The determination of the Comptroller shall be reviewable for error, illegality, unconstitutionality or any other recognizable basis whatsoever by proceeding under Article 78 of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within 30 days after the giving of the notice of such determination. A proceeding under Article 78 of the Civil Practice Law and Rules shall not be instituted unless the amount of any tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited with the Comptroller and there shall be filed with the Comptroller an undertaking, issued by a surety company authorized to transact business in this state and approved by the Superintendent of Insurance of this state as to solvency and responsibility, in such amount as a Justice of the Supreme Court shall approve to the effect that, if such proceedings be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue, including reasonable counsel fees, in the prosecution of the proceeding, or, at the option of the applicant, such undertaking filed with the Comptroller may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such determination plus the costs and charges, including reasonable counsel fees, which may accrue against it in the prosecution of the proceedings, in which event the applicant shall not be required to deposit such taxes, penalties and interest as a condition precedent to the application.

§105-12. Disposition of revenues. All revenue resulting from the imposition of the tax under this article shall be paid into the treasury of the City and shall be credited to and deposited in the general fund of the City. The City shall be authorized 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 enhance the general economy of the City of Binghamton.

§105-13. Refunds.

A. In the manner provided in this section, the Comptroller shall refund or credit, without interest, any tax penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the Comptroller for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the Comptroller, he/she shall state his/ her reason therefor in writing. Such application may be made by the occupant, operator or other person who has actually paid the tax. Such application may also be made by an operator who has collected and paid over such tax to the Comptroller, provided that the



application is made within one year of the payment by the occupant to the operator, but no actual refund of moneys shall be made to such operator until he/she shall establish to the satisfaction of the Comptroller, under such regulations as the Comptroller may prescribe, that he/she has repaid to the occupant the amount for which the application for refund is made. The Comptroller may, in lieu of any refund required to be made, allow credit therefor on payments due or to become due from the applicant.

B. An application for a refund or credit made as herein provided shall be deemed an application for a revision of any tax, penalty or interest complained of, and the Comptroller may receive evidence with respect thereto. After making his/her determination, the Comptroller shall give notice thereof to the applicant, who shall be entitled to review such determination by a proceeding pursuant to Article 78 of the Civil Practice Law and Rules, provided that such proceeding is instituted within 30 days after the giving of the notice of such determination, and provided that a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the Comptroller in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that, if such proceedings be dismissed or the tax confirmed, the petitioner will pay costs and charges which may accrue in the prosecution of such proceeding.

C. A person shall not be entitled to a revision, refund or credit under this section of a tax, interest or penalty which had been determined to be due pursuant to the provisions of §105-11 of this chapter where he/she has had a hearing or an opportunity for a hearing, as provided in said section, or has failed to avail himself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the Comptroller made pursuant to §105-11 of this chapter unless it be found that such determination was erroneous, illegal or unconstitutional or otherwise improper by the Comptroller after a hearing or on his/her own motion or in a proceeding under Article 78 of the Civil Practice Law and Rules, pursuant to the provisions of said section, in which event refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

§105-14. Reserves. In cases where the occupant or operator has applied for a refund and has instituted a proceeding under Article 78 of the Civil Practice Law and Rules to review a determination adverse to him/her on his/her application for refund, the Comptroller shall have the option of crediting future tax payments to meet the cost of any settlements or judgments or, at his/her option, may, in the first instance, set up appropriate reserves to meet any decision adverse to the City.

§105-15. Remedies exclusive. The remedies provided by §§105-11 and 13 of this chapter shall be the exclusive remedies available to any person for the review of tax liability imposed by this chapter, and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by any action or proceeding other than a proceeding in a nature of a certiorari proceeding under Article 78 of the Civil Practice Law and Rules; provided, however, that a taxpayer may proceed by declaratory judgment if he/she institutes suit within 30 days after a deficiency assessment is made and pays the amount of the deficiency assessment to the Comptroller prior to the institution of such suit and posts a bond for costs as provided in §105-11 of this chapter.

§105-16. Proceedings to recover tax.

A. Whenever any operator or any officer of a corporate operator or any occupant or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this chapter as herein provided, the City Corporation Counsel shall, upon the request of the Comptroller, bring or cause to be brought an action to enforce the payment of the same on behalf of the City of Binghamton in any court of the State of New York or of any other state or of the United States. If, however, the Comptroller in his/her discretion believes that any such operator, officer, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, he/she may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.

B. As an additional or alternate remedy, the Comptroller may direct the City Assessor to, in the preparation of the next assessment roll, assess the amount of such tax or penalty upon the property occupied by business giving rise to such tax or penalty, and this amount shall be levied, collected and enforced in the same manner as taxes upon said property for City purposes are levied collected, and enforced.

C. Whenever an operator shall make a sale, transfer or assignment in bulk of any part of the whole of his/her hotel or its assets or his/her lease, license or other agreement or right to possess or operate such facility or of the equipment, furnishings, fixtures, supplies or stock of merchandise or the said premises or lease, license or other agreement or right to possess or operate such hotel and the equipment, furnishings, fixtures, supplies and stock or merchandise pertaining to the conduct or operation of said hotel otherwise than in the ordinary and regular prosecution of business, the purchaser, transferee or assignee shall, at least 10 days before taking possession of the subject of said sale, transfer or assignment or paying therefor, notify the Comptroller by registered mail of the proposed sale and of the price, terms and conditions thereof, whether or not the seller, transferor or assignor has represented to or informed the purchaser, transferee or assignee that it owes any tax pursuant to this chapter and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing and whether any such taxes are in fact owing.

D. Whenever the purchaser, transferee or assignee shall fail to give notice to the Comptroller as required by the preceding subsection or whenever the Comptroller shall inform the purchaser, transferee or assignee

that a possible claim for such tax or taxes exists, any sums of money, property or chose in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over, the seller, transferor or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the seller, transferor or assignor to the City, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property or chose in action to the extent of the amount of the City's claim. For failure to comply with the provisions of this subsection, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of the Uniform Commercial Code, shall be personally liable for the payment to the City of any such taxes theretofore or thereafter determined to be due to the City from the seller, transferor or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this chapter.

§105-17. General powers of Comptroller. In addition to the powers granted to the Comptroller by the General City Law and this chapter, he/she is hereby authorized and empowered:

- A. To make, adopt and amend rules and regulations appropriate to the carrying out of this chapter and the purposes thereof;
- B. To extend, for cause shown, the time of filing any return for a period not exceeding 30 days; and, for cause shown, to remit penalties but not interest computed at the rate of 1% per annum per month or fraction thereof during which a tax is unpaid although due; and to compromise disputed claims in connection with the taxes hereby imposed;
- C. To request information from the Tax Commission of the State of New York or the Treasury Department of the United States relative to any person; and to afford information to such Tax Commission or such Treasury Department relative to any person, any other provision of this chapter to the contrary notwithstanding;
- D. To delegate his/her functions hereunder to any employee or employees of the City of Binghamton as the Mayor may approve;
- E. To prescribe methods for determining the rents for occupancy and to determine the taxable and nontaxable rents;
- F. To require any operator within the City to keep detailed records of the nature and type of hotel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this chapter, and to furnish such information upon request to the Comptroller;
- G. To assess, determine, revise and readjust the taxes imposed under this chapter;
- H. To require any operator to submit with the return required hereunder a copy of any tax return for sales, occupancy or use taxes submitted to the Tax Commission or other instrumentality of the State of New York.

§105-18. Administration of oaths; authority to compel testimony and produce records; penalties; fees.

- A. The Comptroller or his/her employees or agents duly designated and authorized by him/her shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this chapter. The Comptroller shall have power to subpoena and require the attendance of witnesses and the production of books, papers and documents, to secure information pertinent to the performance of his/her duties hereunder and of the enforcement of this chapter and to examine them in relation thereto and to issue commissions for the examination of witnesses who are out of the state or unable to attend before him/ her or excused from attendance.
- B. A Justice of the Supreme Court, either in court or at chambers, shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Comptroller under this chapter.
- C. Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Comptroller under this chapter shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than \$1,000 or imprisonment for not more than one year, or both such fine and imprisonment.
- D. The officers who serve the summons or subpoena of the Comptroller and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such officers shall be the Police Chief and his/her duly appointed designee(s) or any officers, employees or other persons of the Comptroller designated by him/her to serve such process.

§105-19. Reference to tax. Wherever reference is made in placards or advertisements or in any other publications to this tax, such reference shall be substantially in the following form: "Tax on occupancy of hotel rooms," except that in any bill, receipt, statement or other evidence or memorandum of occupancy or rent charge issued or employed by the operator, the term "City tax" will suffice.

§105-20. Penalties for offenses; interest.

- A. Any person failing to file a return or to pay or pay over any tax to the Comptroller within the time required by this chapter shall be subject to a penalty of 5% of the amount of tax due per month or any fraction of a month to a maximum of 25% for each year; plus interest at the rate of 1% of such tax for each month of delay or fraction of a month after such return was required to be filed or such tax became due; but

the Comptroller, if satisfied that the delay was excusable, may remit all or any part of such penalty; but not interest. Such net penalties and interest shall be paid and disposed of in the same manner as other revenues from this chapter. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this chapter.

B. Any operator or occupant and any officer of an operator or occupant failing to file a return required by this chapter, or file or causing to be filed or making or causing to be made or giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this chapter which is willfully false, and any operator and any officer of a corporate operator willfully failing to file a bond required to be filed pursuant to §105-11 of this chapter or failing to file a registration certificate and such data in connection therewith as the Comptroller may by regulation or otherwise require to display or surrender the certificate of authority as required by this chapter or assigning or transferring such certificate of authority; and any operator or any officer of a corporate operator willfully failing to charge separately from the rent the tax herein imposed or willfully failing to state such tax separately on any evidence of occupancy and on any bill or statement or receipt of rent issue or employed by the operator or willfully failing or refusing to collect such tax from the occupant, any operator or any officer of a corporate operator who shall refer or cause reference to be made to this tax in a form or manner other than that required by this chapter, and any such person or operator failing to keep records required by this chapter, shall, in addition to the penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishable by a fine of up to \$1,000, imprisonment for not more than one year, or both such fine and imprisonment. Officers of a corporate operator shall be personally liable for the tax collected or required to be collected by such corporation under this chapter and penalties and interest thereon and subject to the fine and imprisonment herein authorized.

C. The certificate of the Comptroller to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this chapter shall be presumptive evidence thereof.

#### §105-21. Returns to be confidential; preservation of returns; penalties.

A. Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the Comptroller or employee or designee of the Comptroller to divulge or make known in any manner the rents or other information relating to the business of a taxpayer contained in any return required under this chapter. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Comptroller in an action or proceeding under the provisions of this chapter or on behalf of any party to any action or proceeding under the provisions of this chapter when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his/her duly authorized representative of a certified copy of any return filed in connection with his/her tax nor to prohibit the publication of statistics so classified to prevent the identification of particular returns and items thereof or the inspection by the City Corporation Counsel or other legal representatives of the City or by the District Attorney of any county of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three years and thereafter until the Comptroller permits them to be destroyed.

B. Any violation of Subsection A of this section shall be punishable by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or both, in the discretion of the court, and if the offender be an officer or employee of the City, he/she may be, at the discretion of the Mayor, in accordance with the provisions of the City Charter and Code, dismissed from office and be incapable of holding any further City office as may be determined according to law.

#### §105-22. Notices and limitations of time.

A. Any notice authorized or required under the provisions of this chapter may be given to the person to whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him/her pursuant to the provisions of this chapter or in any application made by him/her or, if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this chapter by the giving of notice shall commence five days after the date of mailing of such notice.

B. The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the City to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this chapter. However, except in the case of a willfully false, fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of filing of a return; provided, however, that, in the case of a return which should have been filed and has not been filed as provided by law, the tax may be assessed at any time.

C. Where, before expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented, in writing, that such period be extended, the amount of such additional tax due may

be determined at any time within such extended period. The period so extended may be further extended by subsequent consents, in writing, made before the expiration of the extended period.

Severability Clause. Severability is intended throughout and within the provisions of this Local Law. If any section, subsection, sentence, clause, phrase, or portion of this Local Law is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Local Law.

Effective Date. This Local Law shall take effect upon January 1, 2025 and filing in the office of the Secretary of State, and pursuant to the requirements of enabling legislation, this local law shall be in effect for three years from the effective date of its enactment. Upon expiration of this local law, another local law may be enacted to take its place.

**LOCAL LAW**

Intro. No LL24-05

Perm No. \_\_\_\_\_

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

**A LOCAL LAW AMENDING THE CITY OF BINGHAMTON CODE TO ADD CHAPTER 105 ROOM OCCUPANCY TAX**

The within Local Law was adopted by the Council of the City of Binghamton.

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Date Presented to the Mayor

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Mayor

	<b>Ayes</b>	<b>Nays</b>	<b>Abstain</b>	<b>Absent</b>
Councilmember Porter				
Councilmember Middleton				
Councilmember Cavanaugh				
Councilmember Hotchkiss				
Councilmember Mativetsky				
Councilmember Kosty				
Councilmember Dundon				
<b>Total</b>				

Code of the City of Binghamton

Adopted     Defeated

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 \_\_\_\_\_.

\_\_\_\_\_ Ayes    \_\_\_\_\_ Nays    \_\_\_\_\_ Abstained    \_\_\_\_\_ Absent



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

Date: October 23, 2024

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

Introduced by Committee: Planning

**ORDINANCE**

*entitled*

**AN ORDINANCE TO AMEND THE 2024 PHCD  
BUDGET TO ADJUST FOR RESPONSIBILITY  
ADJUSTMENTS**

WHEREAS, the Council of the City of Binghamton and the Comptroller find it necessary and proper to amend the 2024 Planning, Housing, and Community Development (PHCD) budget to provide a responsibility adjustment to the Housing and Community Development Specialist position; and

WHEREAS, the Planning, Housing, and Community Development department requests an inter-departmental transfer of \$2,791.67 for additional responsibilities from October, 21, 2024 to December 27, 2024; and

WHEREAS, the budget transfer was approved by the Board of Estimate and Apportionment on October 23, 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 Treasurer of the City of Binghamton are hereby authorized and directed to amend the 2024 Planning, Housing, and Community Development budget to provide for responsibility adjustments as follows:

<u>Transfer From (Decrease):</u>	<u>Transfer To (Increase):</u>
\$2,791.67 A8684.51000	\$2,791.67 A8684.51000
(PRS SVC- PROG ASST)	(PRS SVC- HOUSING SPECIALIST)

---

\$2,791.67	\$2,791.67
------------	------------

Section 2. That this Ordinance shall take effect immediately.

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

\_\_\_\_\_  
Charles Robinson, Comptroller

Introductory No.     O24-89    

Permanent No. \_\_\_\_\_

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

AN ORDINANCE TO AMEND THE 2024  
PHCD BUDGET TO ADJUST FOR  
RESPONSIBILITY ADJUSTMENTS

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				
<b>Total</b>				

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: October 23, 2024

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

Introduced by Committee: Finance

**ORDINANCE**

*entitled*

**AN ORDINANCE TO RESCIND O23-108**

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, on July 26, 2024, the Council of the City of Binghamton adopted Permanent Ordinance O23-108 to create and fund the Terminal Pump System (TPS) project; and

WHEREAS, the TPS project is now part of a bond ordinance and no longer requires the funding as outlined in O23-108.

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 Permanent Ordinance O23-108.

Section 2. That this Ordinance shall take effect immediately.



Introductory No.     O24-91    

Permanent No. \_\_\_\_\_

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

\_\_\_\_\_

AN ORDINANCE TO RESCIND O23-108

\_\_\_\_\_

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				
<b>Total</b>				

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: October 23, 2024

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

Introduced by Committee: Finance

**ORDINANCE**

*entitled*

**AN ORDINANCE TO PROVIDE A ONE-TIME  
PARKING TICKET AMNESTY FOR 2024**

WHEREAS, there are significant uncollected parking fines due to the City of Binghamton anticipated through December 31, 2024; and,

WHEREAS, the City desires to provide for a one-time amnesty program to assist in collection of these fines.

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

Section 1. The Code of the City of Binghamton, Vehicles and Traffic, Article VII, Stopping, Standing and Parking § 400-89. Penalties for violations of article, is hereby amended to add paragraph D as follows:

D. For the period from November 30, 2024, through December 31, 2024, the City of Binghamton offers an amnesty program for parking tickets issued prior to November 25, 2024. The total cost of any ticket, including any penalties and late fees, may be paid at the Original Fine rate (also to include any mandatory New York State surcharges). All payments must be made payable to the City of Binghamton and delivered to the Treasurer's Office, City Hall, 38 Hawley Street, Binghamton, NY 13901 on or before December 31, 2024. This paragraph will automatically expire on January 1, 2025, and will be of no further force or effect.

Section 2. That this ordinance shall take effect immediately.

Introductory No. O24-92

Permanent No. \_\_\_\_\_

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

**AN ORDINANCE TO PROVIDE A ONE-TIME  
PARKING TICKET AMNESTY FOR 2024**

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				
<b>Total</b>				

Code of the City of Binghamton

Adopted     Defeated

\_\_\_\_ Ayes    \_\_\_\_ Nays    \_\_\_\_ Abstain    \_\_\_\_ Absent

<p>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 _____.</p>
---



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

Date: October 23, 2024

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

Introduced by Committee: Planning

**ORDINANCE**

*entitled*

**AN ORDINANCE AUTHORIZING THE SALE OF  
35-41 CHARLOTTE STREET TO CHARLES  
ACKERMAN**

WHEREAS, the City of Binghamton is the owner of certain real property located at 35, 37, 39, and 41 Charlotte Street, Binghamton, NY, Tax Parcel Nos. #160.21-1-7, #160.21-1-8, #160.21-1-9, #160.21-1-10 (collectively, the “Premises”); and

WHEREAS, the City received an Offer to Purchase the Premises from Charles Ackerman or an entity sustainably owned and controlled by Charles Ackerman (the “Applicant”) for mixed-use affordable housing; 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 October 23, 2024.

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, or his designee, is hereby authorized to enter into a contract for 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 Charles Ackerman or an entity sustainably owned and controlled by Charles Ackerman, by quitclaim deed for \$7,000, to be paid by cash, certified, or local bank check; and

Section 2. That this sale is subject to the following conditions as may be determined by the Corporation Counsel, a) the City shall retain rights of access for maintenance, repair, or replacement of all existing utilities, if any; b) the Applicant will develop the Premise exclusively for use as very low income housing with very low-income being as defined in Section 3(b)(2) of the Housing Act of 1937 and with the plans for such development and to be approved by the City of Binghamton Planning Department, Planning Commission, and Zoning Board of Appeals, as applicable; c) that such construction be commenced within five (5) years; and d) that the Applicant

not sell or otherwise transfer the Premises to any third party for a period of at 30 years from the closing date; and

Section 3. Should any one of the conditions set forth in Section 2 of this Ordinance not be fulfilled at any time, the City shall have the right to repurchase the Premises, including any improvements made to said Premises, at the assessed value for the Premises as determined by the Assessor of the City of Binghamton; and

Section 4. That this Ordinance shall take effect immediately.

Introductory No.     O24-93    

Permanent No. \_\_\_\_\_

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

AN ORDINANCE AUTHORIZING THE SALE OF  
35-41 CHARLOTTE STREET TO CHARLES  
ACKERMAN

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				
<b>Total</b>				

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: October 23, 2024

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

Introduced by Committee: Public Works and Parks

**ORDINANCE**

*entitled*

**A RESOLUTION TO AMEND RESOLUTION  
R24-57**

WHEREAS, on July 10, 2024 City Council adopted Permanent Resolution R24-57 to authorize the Mayor to enter into a professional services agreement with Environmental Design & Research D.P.C.; and

WHEREAS, the funds for this professional services agreement were originally designated in line H1440.525340.22824 (Engineering Design); and

WHEREAS the City Engineer and the Comptroller of the City of Binghamton find it necessary and proper to amend Permanent Resolution R24-57 to designate funds from line H8130.525030.52224 (Terminal Pump Station Project).

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 Permanent Resolution R24-57 to change funding from H1440.525340.22824 (Engineering Design) to H8130.525030.52224 (Terminal Pump Station Project).

Section 2. That this Ordinance shall take effect immediately.

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

---

Charles Robinson, Comptroller

Introductory No.       R24-78      

Permanent No. \_\_\_\_\_

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

\_\_\_\_\_

A RESOLUTION TO AMEND RESOLUTION R24-57

\_\_\_\_\_

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				
<b>Total</b>				

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: October 23, 2024

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

Introduced by Committee: Finance

**RESOLUTION**

*entitled*

**A RESOLUTION AUTHORIZING THE MAYOR  
TO ACCEPT A DONATION FROM  
GREENLIGHT NETWORKS**

WHEREAS, Greenlight Networks has offered a donation to the City of Binghamton not to exceed a value of \$5,000 to support the 2024 Annual Tree Lighting Ceremony; and

WHEREAS, the City of Binghamton wishes to accept the donation.

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 accept a donation to the City of Binghamton not to exceed a value of \$5,000 to support the 2024 Annual Tree Lighting Ceremony.

Introductory No.       R24-79      

Permanent No. \_\_\_\_\_

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

\_\_\_\_\_  
A RESOLUTION AUTHORIZING THE MAYOR  
TO ACCEPT AN IN-KIND DONATION FROM  
GREENLIGHT NETWORKS  
\_\_\_\_\_

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				
<b>Total</b>				

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: October 23, 2024

Sponsored by Council Members: Hotchkiss, Middleton, Cavanaugh

Introduced by Committee: Planning

**RESOLUTION**

*entitled*

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BINGHAMTON APPROVING THE CONVEYANCE OF THE GROUND LEASE OF THE SARATOGA HEIGHTS PROJECT BY THE BINGHAMTON HOUSING AUTHORITY TO BINGHAMTON SARATOGA I HOUSING DEVELOPMENT FUND COMPANY, INC., AS NOMINEE FOR BINGHAMTON SARATOGA I LIMITED PARTNERSHIP AS DESCRIBED IN THE AGREEMENT FOR PAYMENT IN LIEU OF TAXES DATED APRIL 11, 2024 BY AND AMONG THE CITY OF BINGHAMTON, BINGHAMTON SARATOGA I HOUSING DEVELOPMENT FUND COMPANY, INC. AND BINGHAMTON SARATOGA I LIMITED PARTNERSHIP

WHEREAS, pursuant to Permanent Resolution R24-18 (the "Original PILOT Resolution"), adopted by the City Council of the City of Binghamton (the "City") on March 13, 2024, Binghamton Saratoga I Housing Development Fund Company, Inc. (the "HDFC") and Binghamton Saratoga I Limited Partnership, a New York limited partnership (the "Partnership") entered into an Agreement for Payment In Lieu of Taxes dated April 11, 2024 (the "PILOT Agreement") with respect to land located at 35 Felters Road in the City of Binghamton, Broome County, State of New York (the "Land"); and

WHEREAS, the Original PILOT Resolution contemplated that Binghamton Housing Authority ("BHA") would convey a fee interest in the Land to the HDFC, as nominee for the Partnership; and

WHEREAS, subsequent to the adoption of the Original PILOT Resolution, BHA, the Partnership and the HDFC determined that the Land would be conveyed to the HDFC and the Partnership via a long-term ground lease, rather than a deed conveyance of the fee interest, and reflected the ground lease structure in the PILOT Agreement; and

WHEREAS, the City desires to amend Permanent Resolution R24-18 to replace any and all references therein to BHA conveying a fee interest in the Land to the HDFC, as nominee for the Partnership, with references to BHA conveying a long-term leasehold interest in and to the Land to the HDFC, as the bare legal leasehold owner and the Partnership, as the beneficial leasehold owner.

NOW THEREFORE, BE IT RESOLVED that the City Council, in accordance with Section 58-b of the Public Housing Law of New York State, hereby approves the conveyance by ground lease from BHA to the Land to the HDFC, as the bare legal leasehold owner and the Partnership, as the beneficial leasehold owner as reflected in the PILOT Agreement; and it is

FURTHER RESOLVED, that this resolution shall take effect immediately.

Introductory No. R24-80

Permanent No. \_\_\_\_\_

Sponsored by City Council Members: Hotchkiss,  
Middleton, Cavanaugh

A RESOLUTION OF THE COMMON CITY COUNCIL OF THE CITY OF BINGHAMTON APPROVING THE CONVEYANCE OF THE GROUND LEASE OF THE SARATOGA HEIGHTS PROJECT BY THE BINGHAMTON HOUSING AUTHORITY TO BINGHAMTON SARATOGA I HOUSING DEVELOPMENT FUND COMPANY, INC., AS NOMINEE FOR BINGHAMTON SARATOGA I LIMITED PARTNERSHIP AS DESCRIBED IN THE AGREEMENT FOR PAYMENT IN LIEU OF TAXES DATED APRIL 11, 2024 BY AND AMONG THE CITY OF BINGHAMTON, BINGHAMTON SARATOGA I HOUSING DEVELOPMENT FUND COMPANY, INC. AND BINGHAMTON SARATOGA I LIMITED PARTNERSHIP

\_\_\_\_\_

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

\_\_\_\_\_

Date

\_\_\_\_\_

City Clerk

\_\_\_\_\_

Date Presented to Mayor

\_\_\_\_\_

Date Approved

\_\_\_\_\_

Mayor

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 \_\_\_\_\_.

	Ayes	Nays	Abstain	Absent
Councilmember Porter				
Councilmember Middleton				
Councilmember Cavanaugh				
Councilmember Hotchkiss				
Councilmember Mativetsky				
Councilmember Kosty				
Councilmember Dundon				
<b>Total</b>				

Code of the City of Binghamton