



RL Number: 24-218

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

INTERNAL REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for possible consideration at City Council Work Sessions. Incomplete/incorrect RLs will be returned to applicant for revisions. Please include as much supplemental material as is necessary to substantiate the request for legislation. Use "Additional Presenters" line to include anyone that will appear to present this in City Council Work Session.

Applicant Presenting RL at Work Session

Jeffrey Kruger
(Name)

Superintendent Water / Sewer
(Title)

(607) 343 - 9027
(Phone number)

Additional Presenters:

To Be Completed By Applicant

Proposed Title:

A resolution authorizing the transfer of funds within the Sewer Capital Budget

Executive Summary (Explain why legislation is necessary):

I am requesting the transfer of funds in excess of \$10,000.00 within the Sewer Capital Lines. \$16,588.41 from H8120.525343 to H8120.590038 Equipment line.

Effective Date (if applicable): 10/31/24

*Budget transfer or amendment: RL Budget Transfer Worksheet **must** be attached w/ Department. Head signature.
RL related to a grant: RL Grant Worksheet **must** be attached.*

RL related to previously adopted legislation: Perm. Number:

Adoption Date:

Contract: Person/Company:

Total Cost: \$0.00

Funds available in Budget Line: H8120.525343

Title: Jett Cleaner

Public Hearing required? Yes Not Applicable

SEQRA required? Yes Not Applicable

Additional information related to this RL attached? Yes No

Expedition requested for this RL? Yes No

Please explain why expedition is necessary:

Mayor:

For Internal Use Only

Comptroller:

Corp. Counsel:



CITY OF BINGHAMTON

Request for Transfer of Funds

Transfer requests of \$2500 or less must be approved by the Comptroller.
 Transfer requests over \$2500 and not in excess of \$10,000 must be approved by Board of Ed&A and Chair of Finance Committee.
 Transfer requests in excess of \$10,000 must be approved by City Council.

This worksheet must be attached to any RL submitted to the Clerk's Office that includes a budget funding transfer or amendment. For additional instructions, see 'RL Instructions' document.
 Incomplete/incorrect RLs to be returned to applicant for revisions. Additional transfer lines in the same format may be attached.

Adopted Budget Year Amended: 2024

Department: Water & Sewer
 Department Head Signature: *[Signature]*

Transfer From (Decrease)		Transfer To (Increase)	
Amount	Budget Line	Amount	Budget Line Title
\$ 16,588.41	H8120.525343 Jet Cleaner	\$ 16,588.41	H8120.590038 Equipment
\$ 16,588.41		\$ 16,588.41	

Amount	Increase/Decrease	Revenue/Expense / Fund Balance	Budget Line	Budget Line Title

Office Use Only for Transfers Under \$10,000

I hereby certify that the above funds are unencumbered and available for Transfer. Certified by the Comptroller.

I hereby certify that the above described funds have been transferred, in accordance with the Code of the City of Binghamton Chapter, Appropriations. Certified by the Treasurer.

Transfer of funds Approved / Dated on / Certified by the Secretary of the Board of Estimate and Apportionment.

Transfer of funds reviewed by the Binghamton City Council Finance Chair. Recommendations to be attached.

Signature: _____ Date: _____

Signature: _____ Date: _____

Signature: _____ Date: _____

Signature: _____ Date: _____



RL Number: 24-219

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

INTERNAL REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for possible consideration at City Council Work Sessions. Incomplete/incorrect RLs will be returned to applicant for revisions. Please include as much supplemental material as is necessary to substantiate the request for legislation. Use "Additional Presenters" line to include anyone that will appear to present this in City Council Work Session.

Applicant Presenting RL at Work Session

Ronald B. Lake P.E.
(Name)

City Engineer
(Title)

(607) 772-7007
(Phone number)

Additional Presenters:

To Be Completed By Applicant

Proposed Title:

MAIN STREET COORIDOR STUDY AND IMPROVEMENTS SUPPLEMENTAL AGREEMENT #2 *with NYSDOT*

Executive Summary (Explain why legislation is necessary):

Supplemental Agreement #2 to perform the Preliminary Engineering/Design, Right-of-Way Incidentals, Right-of-Way Acquisition, and Construction, Construction Support, and Construction Inspection work. This safety project will identify and implement improvements that will reduce the number of pedestrian and bicycle accidents on Main Street.

Effective Date (if applicable):

Budget transfer or amendment: RL Budget Transfer Worksheet **must** be attached w/ Department. Head signature.

RL related to a grant: RL Grant Worksheet **must** be attached.

RL related to previously adopted legislation: Perm. Number: RL 17-58

Adoption Date: 5/4/17

Contract: Person/Company: Dave MacEwan, P.E./NYSDOT

Total Cost: \$4,352,000.00

Funds available in Budget Line: H5110-525213 *

Title: MAIN ST CORRIDOR STUDY..

Public Hearing required? Yes Not Applicable

SEQRA required? Yes Not Applicable

Additional Information related to this RL attached? Yes No

Expedition requested for this RL? Yes No

Please explain why expedition is necessary:

*H5112-525150-12523 ST RESURFACING (MILL & PAVE)

For Internal Use Only

Mayor: 

Comptroller: 

Corp. Counsel: 



September 17, 2024

Ron Lake, P.E.
City Engineer
City of Binghamton
38 Hawley Street
Binghamton, New York 13901

Dear Mr. Lake:

**RE: PIN 9754.37, D035470
MAIN STREET COORIDOR STUDY AND IMPROVEMENTS
CITY OF BINGHAMTON, BROOME COUNTY**

Enclosed for processing are two copies of Supplemental Agreement #2 to Federal Aid Local Project Agreement (D035470) to perform the Preliminary Engineering/Design, Right-of-Way Incidentals, Right-of-Way Acquisition, and Construction, Construction Support, and Construction Inspection work. This safety project will identify and implement improvements that will reduce the number of pedestrian and bicycle accidents on Main Street, coincidentally signed as New York Route 17C, from Floral Avenue to Front Street in the City of Binghamton, Broome County. This is a Locally Administered Project.

Both copies must have original signatures and both copies must be notarized. In addition, two certified copies of the necessary City Resolution must accompany the Agreements (a sample resolution is included in the agreement). Please return both copies to our Regional Office at 44 Hawley Street, Binghamton, NY 13901 for further processing. A completed copy will be returned to you once the agreement has been fully executed.

The estimated cost for the Construction, Construction Support, and Construction Inspection work is \$4,352,000. The City will be reimbursed 100% of \$3,774,000 with Federal funds. Therefore, the necessary City Resolution must authorize \$4,352,000 for this phase of the project.

Sponsor: **City of Binghamton**
PIN: **9754.37** BIN: **NA**
Comptroller's Contract No. **D035470**
Supplemental Agreement No. **2**
Date Prepared: **9/17/2024** By: **KB**
Initials

Press F1 for instructions in the blank fields:

SUPPLEMENTAL AGREEMENT No. 2 to D035470 (Comptroller's Contract No.)

This Supplemental Agreement is by and between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at 50 Wolf Road, Albany, NY 12232, on behalf of New York State ("State")
and

City of Binghamton (the Sponsor)
Acting by and through the **Mayor Jared Kraham**
with its office at **38 Hawley Street, Binghamton, NY 13901.**

This amends the existing Agreement between the parties in the following respects only:

Amends a previously adopted Schedule A by (check as applicable):

- amending a project description
- amending the contract end date
- amending the scheduled funding by:
 - adding additional funding (check and enter the # phase(s) as applicable):
 - adding phase **C/CS/CI** which covers eligible costs incurred on/after **9/13/2024**
 - adding phase _____ which covers eligible costs incurred on/after / /
 - increasing funding for a project phase(s)
 - adding a pin extension
 - change from Non-Marchiselli to Marchiselli
 - deleting/reducing funding for a project phase(s)
 - other (_____)

Amends a previously adopted Schedule "B" (Phases, Sub-phase/Tasks, and Allocation of Responsibility)

Amends a previously adopted Agreement by replacing the Appendix A dated October 2019 with the Appendix A dated June 2023.

Amends a previously adopted Agreement by adding:

- Appendix B M/WBE/SDVOB.
- Retention Exhibit.
- Other: _____

Amends the text of the Agreement as follows (insert text below):

Sponsor: City of Binghamton
PIN: 9754.37 BIN: NA
Comptroller's Contract No. D035470
Supplemental Agreement No. 2
Date Prepared: 9/17/2024 By: KB
Initials

Press F1 for instructions in the blank fields:

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officials as of the date first above written.

SPONSOR:

SPONSOR ATTORNEY:

By: _____

By: _____

Print Name: _____

Print Name: _____

Title: _____

STATE OF NEW YORK

)ss.:

COUNTY OF Broome

On this _____ day of _____, 2024 before me personally came _____ to me known, who, being by me duly sworn did depose and say that he/she resides at _____; that he/she is the _____ of the Municipal/Sponsor Corporation described in and which executed the above instrument; (except New York City) that it was executed by order of the _____ of said Municipal/Sponsor Corporation pursuant to a resolution which was duly adopted on _____ and which a certified copy is attached and made a part hereof; and that he/she signed his/her name thereto by like order.

Notary Public

APPROVED FOR NYSDOT:

**APPROVED AS TO FORM:
STATE OF NEW YORK ATTORNEY GENERAL**

BY: _____

For Commissioner of Transportation

Agency Certification: In addition to the acceptance of this contract I also certify that original copies of this signature page will be attached to all other exact copies of this contract.

By: _____
Assistant Attorney General

Date: _____

COMPTROLLER'S APPROVAL:

By: _____
For the New York State Comptroller
Pursuant to State Finance Law § 112

**SCHEDULE A – Description of Project Phase, Funding and Deposit Requirements
 NYSDOT/ State-Local Agreement - Schedule A for PIN 9754.37**

OSC Contract #: <u>D035470</u>	Contract Start Date: <u>12/13/2016</u> (mm/dd/yyyy)	Contract End Date: <u>6/30/2026</u> (mm/dd/yyyy)
<input checked="" type="checkbox"/> Check, if date changed from the last Schedule A		
Purpose:	<input type="checkbox"/> Original Standard Agreement	<input checked="" type="checkbox"/> Supplemental Schedule A No. 2
Agreement Type:	<input checked="" type="checkbox"/> Locally Administered Municipality/Sponsor (Contract Payee): City of Binghamton	
	Other Municipality/Sponsor (if applicable):	
<input type="checkbox"/> State Administered	List participating Municipality(ies) and the % of cost share for each and indicate by checkbox which Municipality this Schedule A applies.	
	<input type="checkbox"/> Municipality:	% of Cost share
	<input type="checkbox"/> Municipality:	% of Cost share
	<input type="checkbox"/> Municipality:	% of Cost share
Authorized Project Phase(s) to which this Schedule applies:	<input checked="" type="checkbox"/> PE/Design	<input checked="" type="checkbox"/> ROW Incidentals
	<input checked="" type="checkbox"/> ROW Acquisition	<input checked="" type="checkbox"/> Construction/CI/CS
Work Type: HWY SAFETY	County (If different from Municipality): County of Broome	
(Check, if Project Description has changed from last Schedule A): <input type="checkbox"/>		
Project Description: This safety project will identify and implement improvements on Main Street from Floral Avenue to Front Street that will reduce the number of (continued in footnotes)		
Marchiselli Eligible <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

A. Summary of Participating Costs FOR ALL PHASES For each PIN Fiscal Share below, show current costs on the rows indicated as "Current.". Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.

PIN Fiscal Share	"Current" or "Old" entry indicator	Funding Source (Percentage)	TOTAL Costs	FEDERAL Funds	STATE Funds	LOCAL Funds	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
9754.37.121	Current	HSIP	\$400,000.00	\$400,000.00	\$0.00	\$0.00	\$0.00
	Old	HSIP	\$400,000.00	\$400,000.00	\$0.00	\$0.00	\$0.00
9754.37.221	Current	HSIP	\$69,930.00	\$69,930.00	\$0.00	\$0.00	\$0.00
	Old	HSIP	\$69,930.00	\$69,930.00	\$0.00	\$0.00	\$0.00
9754.37.321	Current	HSIP	\$3,774,000.00	\$3,774,000.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
9754.37.NPS	Current	100% Local	\$578,000.00	\$0.00	\$0.00	\$578,000.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
. .	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
. .	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
. .	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
. .	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
. .	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL CURRENT COSTS:			\$4,821,930.00	\$4,243,930.00	\$ 0.00	\$578,000.00	\$ 0.00

NYSDOT/State-Local Agreement – Schedule A PIN 9754.37

B. Local Deposit(s) from Section A:	\$ 0.00
Additional Local Deposit(s)	\$0.00
Total Local Deposit(s)	\$ 0.00

C. Total Project Costs <i>All totals will calculate automatically.</i>			
Total FEDERAL Cost	Total STATE Cost	Total LOCAL Cost	Total ALL SOURCES Cost
\$4,243,930.00	\$ 0.00	\$578,000.00	\$4,821,930.00
		Total FEDERAL Cost	\$4,243,930.00
		Total STATE Cost	\$ 0.00
SFS TOTAL CONTRACT AMOUNT			\$4,243,930.00

D. Point of Contact for Questions Regarding this Schedule A (Must be completed)	Name: <u>Kahna Beers</u> Phone No: <u>607-217-6571</u>
--	---

See Agreement (or Supplemental Agreement Cover) for required contract signatures.

Footnotes (FN): (See LPB's SharePoint for link to sample footnotes)

- Project Description continued: ...pedestrian and bicycle accidents. City of Binghamton; County of Broome. Main Street, a City of Binghamton owned and maintained street, is coincidentally signed as New York Route 17C. The project limits run from Mile Point 9.53 (Floral Avenue) to Mile Point 11.20 (Front Street), a project length of 1.67 miles.
- 9754.37.121- Authorized for Preliminary and Final Design.
- 9754.37.221- Authorized for Right of Way Incidentals and Right of Way Acquisition.
- 9754.37.321 - Authorized for Construction, Construction Support, and Construction Inspection.
- 9754.37.NPS in the amount of \$578,000 is being provided for Construction, Construction Support, and Construction Inspection.
-
-
-
-
-
-
-

SCHEDULE B: Phases, Sub-phase/Tasks, and Allocation of Responsibility

Instructions: Identify the responsibility for each applicable Sub-phase task by entering X in either the *NYSDOT* column to allocate the task to State labor forces or a State Contract, or in the *Sponsor* column indicating non-State labor forces or a locally administered contract.

A1. Preliminary Engineering ("PE") Phase

<u>Phase/Sub-phase/Task</u>	Responsibility: <u>NYSDOT</u>	<u>Sponsor</u>
1. <u>Scoping</u> : Prepare and distribute all required project reports, including an Expanded Project Proposal (EPP) or Scoping Summary Memorandum (SSM), as appropriate.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Perform data collection and analysis for design, including traffic counts and forecasts, accident data, Smart Growth checklist, land use and development analysis and forecasts.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Smart Growth Attestation (NYSDOT ONLY).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. <u>Preliminary Design</u> : Prepare and distribute Design Report/Design Approval Document (DAD), including environmental analysis/assessments, and other reports required to demonstrate the completion of specific design sub-phases or tasks and/or to secure the approval/authorization to proceed.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Review and Circulate all project reports, plans, and other project data to obtain the necessary review, approval, and/or other input and actions required of other NYSDOT units and external agencies.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Obtain aerial photography and photogrammetric mapping.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Perform all surveys for mapping and design.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. <u>Detailed Design</u> : Perform all project design, including preparation of plan sheets, cross-sections, profiles, detail sheets, specialty items, shop drawings, and other items required in accordance with the Highway Design Manual, including all Highway Design, including pavement evaluations, including taking and analyzing cores; design of Pavement mixes and applications procedures; preparation of bridge site data package, if necessary, and all Structural Design, including hydraulic analyses, if necessary, foundation design, and all design of highway appurtenances and systems [e.g., Signals, Intelligent Transportation System (ITS) facilities], and maintenance protection of traffic plans. Federal Railroad Administration (FRA) criteria will apply to rail work.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Perform landscape design (including erosion control).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Design environmental mitigation, where appropriate, in connection with: Noise readings, projections, air quality monitoring, emissions projections, hazardous waste, asbestos, determination of need of cultural resources survey.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>Phase/Sub-phase/Task</u>	<u>Responsibility: NYSDOT</u>	<u>Sponsor</u>
11. Prepare demolition contracts, utility relocation plans/contracts, and any other plans and/or contract documents required to advance, separate, any portions of the project which may be more appropriately progressed separately and independently.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Compile PS&E package, including all plans, proposals, specifications, estimates, notes, special contract requirements, and any other contract documents necessary to advance the project to construction.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. Conduct any required soils and other geological investigations.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. Obtain utility information, including identifying the locations and types of utilities within the project area, the ownership of these utilities, and prepare utility relocations plans and agreements, including completion of Form HC-140, titled Preliminary Utility Work Agreement.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. Determine the need and apply for any required permits, including U.S. Coast Guard, U.S. Army Corps of Engineers, Wetlands (including identification and delineation of wetlands), SPDES, NYSDOT Highway Work Permits, and any permits or other approvals required to comply with local laws, such as zoning ordinances, historic districts, tax assessment and special districts.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Prepare and execute any required agreements, including: <ul style="list-style-type: none"> - Railroad force account - Maintenance agreements for sidewalks, lighting, signals, betterments - Betterment Agreements - Utility Work Agreements for any necessary Utility Relocations of Privately owned Utilities 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Provide overall supervision/oversight of design to assure conformity with Federal and State design standards or conditions, including final approval of PS&E (Contract Bid Documents) by NYSDOT.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

A2. Right-of-Way (ROW) Incidentals

<u>Phase/Sub-phase/Task</u>	<u>Responsibility: NYSDOT</u>	<u>Sponsor</u>
1. Prepare ARM or other mapping, showing preliminary taking lines.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. ROW mapping and any necessary ROW relocation plans.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Obtain abstracts of title and certify those having an interest in ROW to be acquired.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Secure Appraisals.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Perform Appraisal Review and establish an amount representing just compensation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Phase/Sub-phase/Task

Responsibility: NYSDOT Sponsor

- | | | |
|---|--------------------------|-------------------------------------|
| 6. Determination of exemption from public hearing that is otherwise required by the Eminent Domain Procedure Law, including <i>de minimis</i> determination, as may be applicable. If NYSDOT is responsible for acquiring the right-of-way, this determination may be performed by NYSDOT only if NYSDOT is responsible for the Preliminary Engineering Phase under Phase A1 of this Schedule B. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Conduct any public hearings and/or informational meetings as may be required by the Eminent Domain Procedures Law, including the provision of stenographic services, preparation and distribution of transcripts, and response to issues raised at such meetings. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

B. Right-of-Way (ROW) Acquisition

Phase/Sub-phase/Task

Responsibility: NYSDOT Sponsor

- | | | |
|---|--------------------------|-------------------------------------|
| 1. Perform all Right-of-Way (ROW) Acquisition work, including negotiations with property owners, acquisition of properties and accompanying legal work, payments to and/or deposits on behalf of property owners; Prepare, publish, and pay for any required legal notices; and all other actions necessary to secure title to, possession of, and entry to required properties. If NYSDOT is to acquire property, including property described as an uneconomic remainder, on behalf of the Municipality/Sponsor, the Municipality/Sponsor agrees to accept and take title to any and all permanent property rights so acquired which form a part of the completed Project. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Provide required relocation assistance, including payment of moving expenses, replacement supplements, mortgage interest differentials, closing costs, mortgage prepayment fees. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Conduct eminent domain proceedings, court and any other legal actions required to acquire properties. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Monitor all ROW Acquisition work and activities, including review and processing of payments of property owners. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Provide official certification that all right-of-way required for the construction has been acquired in compliance with applicable Federal, State or Local requirements and is available for use and/or making projections of when such property(ies) will be available if such properties are not in hand at the time of contract award. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Conduct any property management activities, including establishment and collecting rents, building maintenance and repairs, and any other activities necessary to sustain properties and/or tenants until the sites are vacated, demolished, or otherwise used for the construction project. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Subsequent to completion of the Project, conduct ongoing property management activities in a manner consistent with applicable Federal, State and Local requirements including, as applicable, the development of any ancillary uses, establishment and collection of rent, property maintenance and any other related activities. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

C. Construction, Construction Support (C/S) and Construction Inspection (C/I) Phase

<u>Phase/Sub-phase/Task</u>	<u>Responsibility: NYSDOT Sponsor</u>	
1. Advertise contract lettings and distribute contract documents to prospective bidders.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Conduct all contract lettings, including receipt, opening, and analysis of bids, evaluation/certification of bidders, notification of rejected bids/bidders, and awarding of the construction contract(s).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Receive and process bid deposits and verify any bidder's insurance and bond coverage that may be required.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Compile and submit Contract Award Documentation Package.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Review/approve any proposed subcontractors, vendors, or suppliers.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Conduct and control all construction activities in accordance with the plans and proposal for the project. Maintain accurate, up-to-date project records and files, including all diaries and logs, to provide a detailed chronology of project construction activities. Procure or provide all materials, supplies and labor for the performance of the work on the project, and insure that the proper materials, equipment, human resources, methods and procedures are used.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7a. For non-NHS or non-State Highway System Projects: Test and accept materials, including review and approval for any requests for substitutions.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7b. For NHS or State Highway System Projects: Inspection and approval of materials such as bituminous concrete, Portland cement concrete, structural steel, concrete structural elements and/or their components to be used in a federal aid project will be performed by, and according to the requirements of NYSDOT. The Municipality/Sponsor shall make or require provision for such materials inspection in any contract or subcontract that includes materials that are subject to inspection and approval in accordance with the applicable NYSDOT design and construction standards associated with the federal aid project.	<input type="checkbox"/>	<input type="checkbox"/>
7c. For projects that fall under both 7a and 7b above, check boxes for each.		
8. Design and/or re-design the project or any portion of the project that may be required because of conditions encountered during construction.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Administer construction contract, including the review and approval of all contractor requests for payment, orders-on-contract, force account work, extensions of time, exceptions to the plans and specifications, substitutions or equivalents, and special specifications.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Review and approve all shop drawings, fabrication details, and other details of structural work.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Administer all construction contract claims, disputes or litigation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Phase/Sub-phase/Task

Responsibility: NYSDOT Sponsor

12. Perform final inspection of the complete work to determine and verify final quantities, prices, and compliance with plans specifications, and such other construction engineering supervision and inspection work necessary to conform to Municipal, State and FHWA requirements, including the final acceptance of the project by NYSDOT.
13. Pursuant to Federal Regulation 49 CFR 18.42(e)(1) The awarding agency and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of grantees and subgrantees which are pertinent to the grant, in order to make audits, examinations, excerpts, and transcripts.

APPENDIX A

STANDARD CLAUSES FOR NEW YORK STATE CONTRACTS

**PLEASE RETAIN THIS DOCUMENT
FOR FUTURE REFERENCE.**

June 2023

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STANDARD CLAUSES FOR NYS CONTRACTS

The parties to the attached contract, license, lease, amendment or other agreement of any kind (hereinafter, "the contract" or "this contract") agree to be bound by the following clauses which are hereby made a part of the contract (the word "Contractor" herein refers to any party other than the State, whether a contractor, licensor, licensee, lessor, lessee or any other party):

1. **EXECUTORY CLAUSE.** In accordance with Section 41 of the State Finance Law, the State shall have no liability under this contract to the Contractor or to anyone else beyond funds appropriated and available for this contract.

2. **NON-ASSIGNMENT CLAUSE.** In accordance with Section 138 of the State Finance Law, this contract may not be assigned by the Contractor or its right, title or interest therein assigned, transferred, conveyed, sublet or otherwise disposed of without the State's previous written consent, and attempts to do so are null and void. Notwithstanding the foregoing, such prior written consent of an assignment of a contract let pursuant to Article XI of the State Finance Law may be waived at the discretion of the contracting agency and with the concurrence of the State Comptroller where the original contract was subject to the State Comptroller's approval, where the assignment is due to a reorganization, merger or consolidation of the Contractor's business entity or enterprise. The State retains its right to approve an assignment and to require that any Contractor demonstrate its responsibility to do business with the State. The Contractor may, however, assign its right to receive payments without the State's prior written consent unless this contract concerns Certificates of Participation pursuant to Article 5-A of the State Finance Law.

3. **COMPTROLLER'S APPROVAL.** In accordance with Section 112 of the State Finance Law, if this contract exceeds \$50,000 (or \$75,000 for State University of New York or City University of New York contracts for goods, services, construction and printing, and \$150,000 for State University Health Care Facilities) or if this is an amendment for any amount to a contract which, as so amended, exceeds said statutory amount, or if, by this contract, the State agrees to give something other than money when the value or reasonably estimated value of such consideration exceeds \$25,000, it shall not be valid, effective or binding upon the State until it has been approved by the State Comptroller and filed in his office. Comptroller's approval of contracts let by the Office of General Services, either for itself or its customer agencies by the Office of General Services Business Services Center, is required when such contracts exceed \$85,000. Comptroller's approval of contracts established as centralized contracts through the Office of General Services is required when such contracts exceed \$125,000, and when a purchase order or other procurement transaction issued under such centralized contract exceeds \$200,000.

4. **WORKERS' COMPENSATION BENEFITS.** In accordance with Section 142 of the State Finance Law, this contract shall be void and of no force and effect unless the Contractor shall provide and maintain coverage during the life of this contract for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.

5. **NON-DISCRIMINATION REQUIREMENTS.** To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment, nor subject any individual to harassment, because of age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or domestic violence victim status or because the individual has opposed any practices forbidden under the Human Rights Law or has filed a complaint, testified, or assisted in any proceeding under the Human Rights Law. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public work or for the manufacture, sale or distribution of materials, equipment or supplies, and to the extent that this contract shall be performed within the State of New York, Contractor agrees that neither it nor its subcontractors shall, by reason of race, creed, color, disability, sex, or national origin: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. If this is a building service contract as defined in Section 230 of the Labor Law, then, in accordance with Section 239 thereof, Contractor agrees that neither it nor its subcontractors shall by reason of race, creed, color, national origin, age, sex or disability: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. Contractor is subject to fines of \$50.00 per person per day for any violation of Section 220-e or Section 239 as well as possible termination of this contract and forfeiture of all moneys due hereunder for a second or subsequent violation.

6. **WAGE AND HOURS PROVISIONS.** If this is a public work contract covered by Article 8 of the Labor Law or a building service contract covered by Article 9 thereof, neither Contractor's employees nor the employees of its subcontractors may be required or permitted to work more than the number of hours or days stated in said statutes, except as otherwise provided in the Labor Law and as set forth in prevailing wage and supplement schedules issued by the State Labor Department. Furthermore, Contractor and its subcontractors must pay at least the prevailing wage rate and pay or provide the prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in

accordance with the Labor Law. Additionally, effective April 28, 2008, if this is a public work contract covered by Article 8 of the Labor Law, the Contractor understands and agrees that the filing of payrolls in a manner consistent with Subdivision 3-a of Section 220 of the Labor Law shall be a condition precedent to payment by the State of any State approved sums due and owing for work done upon the project.

7. NON-COLLUSIVE BIDDING CERTIFICATION. In accordance with Section 139-d of the State Finance Law, if this contract was awarded based upon the submission of bids, Contractor affirms, under penalty of perjury, that its bid was arrived at independently and without collusion aimed at restricting competition. Contractor further affirms that, at the time Contractor submitted its bid, an authorized and responsible person executed and delivered to the State a non-collusive bidding certification on Contractor's behalf.

8. INTERNATIONAL BOYCOTT PROHIBITION. In accordance with Section 220-f of the Labor Law and Section 139-h of the State Finance Law, if this contract exceeds \$5,000, the Contractor agrees, as a material condition of the contract, that neither the Contractor nor any substantially owned or affiliated person, firm, partnership or corporation has participated, is participating, or shall participate in an international boycott in violation of the federal Export Administration Act of 1979 (50 USC App. Sections 2401 et seq.) or regulations thereunder. If such Contractor, or any of the aforesaid affiliates of Contractor, is convicted or is otherwise found to have violated said laws or regulations upon the final determination of the United States Commerce Department or any other appropriate agency of the United States subsequent to the contract's execution, such contract, amendment or modification thereto shall be rendered forfeit and void. The Contractor shall so notify the State Comptroller within five (5) business days of such conviction, determination or disposition of appeal (2 NYCRR § 105.4).

9. SET-OFF RIGHTS. The State shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for the purposes of set-off any moneys due to the Contractor under this contract up to any amounts due and owing to the State with regard to this contract, any other contract with any State department or agency, including any contract for a term commencing prior to the term of this contract, plus any amounts due and owing to the State for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The State shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the State agency, its representatives, or the State Comptroller.

10. RECORDS. The Contractor shall establish and maintain complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under this contract (hereinafter, collectively, the "Records"). The Records

must be kept for the balance of the calendar year in which they were made and for six (6) additional years thereafter. The State Comptroller, the Attorney General and any other person or entity authorized to conduct an examination, as well as the agency or agencies involved in this contract, shall have access to the Records during normal business hours at an office of the Contractor within the State of New York or, if no such office is available, at a mutually agreeable and reasonable venue within the State, for the term specified above for the purposes of inspection, auditing and copying. The State shall take reasonable steps to protect from public disclosure any of the Records which are exempt from disclosure under Section 87 of the Public Officers Law (the "Statute") provided that: (i) the Contractor shall timely inform an appropriate State official, in writing, that said records should not be disclosed; and (ii) said records shall be sufficiently identified; and (iii) designation of said records as exempt under the Statute is reasonable. Nothing contained herein shall diminish, or in any way adversely affect, the State's right to discovery in any pending or future litigation.

11. IDENTIFYING INFORMATION AND PRIVACY NOTIFICATION. (a) Identification Number(s). Every invoice or New York State Claim for Payment submitted to a New York State agency by a payee, for payment for the sale of goods or services or for transactions (e.g., leases, easements, licenses, etc.) related to real or personal property must include the payee's identification number. The number is any or all of the following: (i) the payee's Federal employer identification number, (ii) the payee's Federal social security number, and/or (iii) the payee's Vendor Identification Number assigned by the Statewide Financial System. Failure to include such number or numbers may delay payment. Where the payee does not have such number or numbers, the payee, on its invoice or Claim for Payment, must give the reason or reasons why the payee does not have such number or numbers.

(b) Privacy Notification. (1) The authority to request the above personal information from a seller of goods or services or a lessor of real or personal property, and the authority to maintain such information, is found in Section 5 of the State Tax Law. Disclosure of this information by the seller or lessor to the State is mandatory. The principal purpose for which the information is collected is to enable the State to identify individuals, businesses and others who have been delinquent in filing tax returns or may have understated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. The information will be used for tax administration purposes and for any other purpose authorized by law. (2) The personal information is requested by the purchasing unit of the agency contracting to purchase the goods or services or lease the real or personal property covered by this contract or lease. The information is maintained in the Statewide Financial System by the Vendor Management Unit within the Bureau of State Expenditures, Office of the State Comptroller, 110 State Street, Albany, New York 12236.

12. EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN.

In accordance with Section 312 of the Executive Law and 5 NYCRR Part 143, if this contract is: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of \$25,000.00, whereby a contracting agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; or (ii) a written agreement in excess of \$100,000.00 whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; or (iii) a written agreement in excess of \$100,000.00 whereby the owner of a State assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project, then the following shall apply and by signing this agreement the Contractor certifies and affirms that it is Contractor's equal employment opportunity policy that:

(a) The Contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status, shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on State contracts and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;

(b) at the request of the contracting agency, the Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the Contractor's obligations herein; and

(c) the Contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the State contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

Contractor will include the provisions of "(a), (b) and (c)" above, in every subcontract over \$25,000.00 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work") except where the Work is for the beneficial use of the Contractor. Section 312 does not

apply to: (i) work, goods or services unrelated to this contract; or (ii) employment outside New York State. The State shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity which effectuates the purpose of this clause. The contracting agency shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such federal law and if such duplication or conflict exists, the contracting agency shall waive the applicability of Section 312 to the extent of such duplication or conflict. Contractor will comply with all duly promulgated and lawful rules and regulations of the Department of Economic Development's Division of Minority and Women's Business Development pertaining hereto.

13. CONFLICTING TERMS. In the event of a conflict between the terms of the contract (including any and all attachments thereto and amendments thereof) and the terms of this Appendix A, the terms of this Appendix A shall control.

14. GOVERNING LAW. This contract shall be governed by the laws of the State of New York except where the Federal supremacy clause requires otherwise.

15. LATE PAYMENT. Timeliness of payment and any interest to be paid to Contractor for late payment shall be governed by Article 11-A of the State Finance Law to the extent required by law.

16. NO ARBITRATION. Disputes involving this contract, including the breach or alleged breach thereof, may not be submitted to binding arbitration (except where statutorily authorized), but must, instead, be heard in a court of competent jurisdiction of the State of New York.

17. SERVICE OF PROCESS. In addition to the methods of service allowed by the State Civil Practice Law & Rules ("CPLR"), Contractor hereby consents to service of process upon it by registered or certified mail, return receipt requested. Service hereunder shall be complete upon Contractor's actual receipt of process or upon the State's receipt of the return thereof by the United States Postal Service as refused or undeliverable. Contractor must promptly notify the State, in writing, of each and every change of address to which service of process can be made. Service by the State to the last known address shall be sufficient. Contractor will have thirty (30) calendar days after service hereunder is complete in which to respond.

18. PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS. The Contractor certifies and warrants that all wood products to be used under this contract award will be in accordance with, but not limited to, the specifications and provisions of Section 165 of the State Finance Law, (Use of Tropical Hardwoods) which prohibits purchase and use of tropical hardwoods, unless specifically exempted, by the State or any governmental agency or political subdivision or public benefit corporation. Qualification for an exemption under this

law will be the responsibility of the contractor to establish to meet with the approval of the State.

In addition, when any portion of this contract involving the use of woods, whether supply or installation, is to be performed by any subcontractor, the prime Contractor will indicate and certify in the submitted bid proposal that the subcontractor has been informed and is in compliance with specifications and provisions regarding use of tropical hardwoods as detailed in § 165 State Finance Law. Any such use must meet with the approval of the State; otherwise, the bid may not be considered responsive. Under bidder certifications, proof of qualification for exemption will be the responsibility of the Contractor to meet with the approval of the State.

19. MACBRIDE FAIR EMPLOYMENT PRINCIPLES (APPLICABLE ONLY IN NON-FEDERAL AID NEW YORK STATE CONTRACTS). In accordance with the MacBride Fair Employment Principles (Chapter 807 of the Laws of 1992), the Contractor hereby stipulates that the Contractor either (a) has no business operations in Northern Ireland, or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles (as described in Section 165 of the New York State Finance Law), and shall permit independent monitoring of compliance with such principles.

20. OMNIBUS PROCUREMENT ACT OF 1992 (APPLICABLE ONLY IN NON-FEDERAL AID NEW YORK STATE CONTRACTS). It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority- and women-owned business enterprises as bidders, subcontractors and suppliers on its procurement contracts.

Information on the availability of New York State subcontractors and suppliers is available from:

NYS Department of Economic Development
Division for Small Business and Technology Development
625 Broadway
Albany, New York 12245
Telephone: 518-292-5100

A directory of certified minority- and women-owned business enterprises is available from:

NYS Department of Economic Development
Division of Minority and Women's Business Development
633 Third Avenue 33rd Floor
New York, NY 10017
646-846-7364
email: mwbebusinessdev@esd.ny.gov
<https://ny.newnycontracts.com/FrontEnd/searchcertifieddirectory.asp>

The Omnibus Procurement Act of 1992 (Chapter 844 of the Laws of 1992, codified in State Finance Law § 139-i and Public

Authorities Law § 2879(3)(n)-(p)) requires that by signing this bid proposal or contract, as applicable, Contractors certify that whenever the total bid amount is greater than \$1 million:

(a) The Contractor has made reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subcontractors, including certified minority- and women-owned business enterprises, on this project, and has retained the documentation of these efforts to be provided upon request to the State;

(b) The Contractor has complied with the Federal Equal Opportunity Act of 1972 (P.L. 92-261), as amended;

(c) The Contractor agrees to make reasonable efforts to provide notification to New York State residents of employment opportunities on this project through listing any such positions with the Job Service Division of the New York State Department of Labor, or providing such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The Contractor agrees to document these efforts and to provide said documentation to the State upon request; and

(d) The Contractor acknowledges notice that the State may seek to obtain offset credits from foreign countries as a result of this contract and agrees to cooperate with the State in these efforts.

21. RECIPROCITY AND SANCTIONS PROVISIONS. Bidders are hereby notified that if their principal place of business is located in a country, nation, province, state or political subdivision that penalizes New York State vendors, and if the goods or services they offer will be substantially produced or performed outside New York State, the Omnibus Procurement Act 1994 and 2000 amendments (Chapter 684 and Chapter 383, respectively, codified in State Finance Law § 165(6) and Public Authorities Law § 2879(5)) require that they be denied contracts which they would otherwise obtain. NOTE: As of May 2023, the list of discriminatory jurisdictions subject to this provision includes the states of South Carolina, Alaska, West Virginia, Wyoming, Louisiana and Hawaii.

22. COMPLIANCE WITH BREACH NOTIFICATION AND DATA SECURITY LAWS. Contractor shall comply with the provisions of the New York State Information Security Breach and Notification Act (General Business Law §§ 899-aa and 899-bb and State Technology Law § 208).

23. COMPLIANCE WITH CONSULTANT DISCLOSURE LAW. If this is a contract for consulting services, defined for purposes of this requirement to include analysis, evaluation, research, training, data processing, computer programming, engineering, environmental, health, and mental health services, accounting, auditing, paralegal, legal or similar services, then, in accordance with Section 163 (4)(g) of the State Finance Law (as amended by Chapter 10 of the Laws of 2006), the Contractor shall timely, accurately and properly comply with the requirement to submit an annual

employment report for the contract to the agency that awarded the contract, the Department of Civil Service and the State Comptroller.

24. PROCUREMENT LOBBYING. To the extent this agreement is a “procurement contract” as defined by State Finance Law §§ 139-j and 139-k, by signing this agreement the contractor certifies and affirms that all disclosures made in accordance with State Finance Law §§ 139-j and 139-k are complete, true and accurate. In the event such certification is found to be intentionally false or intentionally incomplete, the State may terminate the agreement by providing written notification to the Contractor in accordance with the terms of the agreement.

25. CERTIFICATION OF REGISTRATION TO COLLECT SALES AND COMPENSATING USE TAX BY CERTAIN STATE CONTRACTORS, AFFILIATES AND SUBCONTRACTORS.

To the extent this agreement is a contract as defined by Tax Law § 5-a, if the contractor fails to make the certification required by Tax Law § 5-a or if during the term of the contract, the Department of Taxation and Finance or the covered agency, as defined by Tax Law § 5-a, discovers that the certification, made under penalty of perjury, is false, then such failure to file or false certification shall be a material breach of this contract and this contract may be terminated, by providing written notification to the Contractor in accordance with the terms of the agreement, if the covered agency determines that such action is in the best interest of the State.

26. IRAN DIVESTMENT ACT. By entering into this Agreement, Contractor certifies in accordance with State Finance Law § 165-a that it is not on the “Entities Determined to be Non-Responsive Bidders/Offerers pursuant to the New York State Iran Divestment Act of 2012” (“Prohibited Entities List”) posted at: <https://ogs.ny.gov/iran-divestment-act-2012>

Contractor further certifies that it will not utilize on this Contract any subcontractor that is identified on the Prohibited Entities List. Contractor agrees that should it seek to renew or extend this Contract, it must provide the same certification at the time the Contract is renewed or extended. Contractor also agrees that any proposed Assignee of this Contract will be required to certify that it is not on the Prohibited Entities List before the contract assignment will be approved by the State.

During the term of the Contract, should the state agency receive information that a person (as defined in State Finance Law § 165-a) is in violation of the above-referenced certifications, the state agency will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then the state agency shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, imposing sanctions,

seeking compliance, recovering damages, or declaring the Contractor in default.

The state agency reserves the right to reject any bid, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities list after contract award.

27. ADMISSIBILITY OF REPRODUCTION OF CONTRACT. Notwithstanding the best evidence rule or any other legal principle or rule of evidence to the contrary, the Contractor acknowledges and agrees that it waives any and all objections to the admissibility into evidence at any court proceeding or to the use at any examination before trial of an electronic reproduction of this contract, in the form approved by the State Comptroller, if such approval was required, regardless of whether the original of said contract is in existence.

SAMPLE RESOLUTIONS

SAMPLE RESOLUTION BY MUNICIPALITY

(Locally Administered Project)

RESOLUTION NUMBER: _____

Authorizing the implementation, and funding in the first instance 100% of the Federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation Federal-aid project, and appropriating funds therefore.

WHEREAS, a Project for the **Main Street Corridor Study and Improvements P.I.N. 9754.37** (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of **100%** Federal funds and **0%** non-Federal funds; and

WHEREAS, the **City of Binghamton** desires to advance the Project by making a commitment of 100% of the Federal and non-Federal share of the costs of the **Preliminary Engineering/Design, Right-of-Way Incidentals, Right-of-Way Acquisition, and Construction, Construction Support, and Construction Inspection** work.

NOW, THEREFORE, the **Binghamton City Council**, duly convened does hereby

RESOLVE, that the **Binghamton City Council** hereby approves the above-subject project; and it is hereby further

RESOLVED, that the **Binghamton City Council** hereby authorizes the **City of Binghamton** to pay in the first instance 100% of the Federal and non-Federal share of the cost of the **Construction, Construction Support, and Construction Inspection** work for the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$4,352,000** is hereby appropriated from _____ [or, appropriated pursuant to _____] and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the **Binghamton City Council** shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the _____ of the **City of Binghamton**, and it is further

RESOLVED, that the _____ of the **City of Binghamton** be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the **City of Binghamton** with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.



RL Number: 24-220

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

INTERNAL REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for possible consideration at City Council Work Sessions. Incomplete/incorrect RLs will be returned to applicant for revisions. Please include as much supplemental material as is necessary to substantiate the request for legislation. Use "Additional Presenters" line to include anyone that will appear to present this in City Council Work Session.

Applicant Presenting RL at Work Session

Josh Paludi
(Name)

Commissioner of Public Works
(Title)

607-772-7021
(Phone number)

Additional Presenters:

To Be Completed By Applicant

Proposed Title:

Ordinance to amend the 2024 Sanitation budget to increase Bag Production/Distribution and decrease Tipping Fees

Executive Summary (Explain why legislation is necessary):

Sanitation is requesting an increase of \$25,238.24 to CL8160.54460 Bag Production/Distribution line to cover costs of blue bags for 2024

Effective Date (if applicable):

*Budget transfer or amendment: RL Budget Transfer Worksheet **must** be attached w/ Department. Head signature.*

*RL related to a grant: RL Grant Worksheet **must** be attached.*

RL related to previously adopted legislation: Perm. Number:

Adoption Date:

Contract: Person/Company:

Total Cost:

Funds available in Budget Line:

Title:

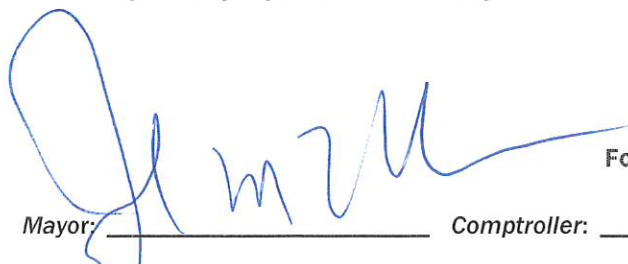
Public Hearing required? Yes Not Applicable

SEQRA required? Yes Not Applicable


Additional information related to this RL attached? Yes No

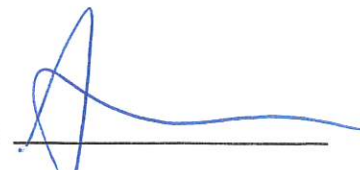
Expedition requested for this RL? Yes No

Please explain why expedition is necessary:


Mayor: _____

For Internal Use Only

Comptroller:  _____

Corp. Counsel:  _____



CITY OF BINGHAMTON

Request for Transfer of Funds

Transfer requests of \$2,500 or less must be approved by the Comptroller.
 Transfer requests over \$2,500 and not in excess of \$10,000 must be approved by Board of E&A and Chair of Finance Committee.
 Transfer requests in excess of \$10,000 must be approved by City Council.

*This worksheet must be attached to any RL submitted to the Clerk's Office that includes a budget funding transfer or amendment. For additional instructions, see 'RL Instructions' document.
 Incomplete/incorrect RLS to be returned to applicant for revisions. Additional transfer lines in the same format may be attached.*

Adopted Budget Year Amended: 2024

Department: _____
 Department Head Signature: _____
 Signature: _____

Transfer From (Decrease)		Transfer To (Increase)	
Amount	Budget Line	Amount	Budget Line
\$ 25,238.74	CL8160.54661 Tipping Fees	\$ 25,238.74	CL8160.54460 Bag Production/Distribution
\$ 25,238.74		\$ 25,238.74	

Revenue & Fund Balance Amendments			
Amount	Increase/Decrease	Revenue/Expense / Fund Balance	Budget Line

Office Use Only for Transfers Under \$10,000

I hereby certify that the above funds are unencumbered and available for Transfer. Certified by the Comptroller.

Signature: _____ Date: _____

I hereby certify that the above described funds have been transferred, in accordance with the Code of the City of Binghamton (Chapter 9, Appropriations) Certified by the Treasurer.

Signature: _____ Date: _____

Transfer of funds Approved _____ / Denied _____ on _____ / _____ / _____ Certified by the Secretary of the Board of Estimate and Apportionment

Signature: _____ Date: _____

Transfer of funds reviewed by the Binghamton City Council Finance Chair. Recommendations to be attached

Signature: _____ Date: _____



RL Number: 24-221

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

INTERNAL REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for possible consideration at City Council Work Sessions. Incomplete/incorrect RLs will be returned to applicant for revisions. Please include as much supplemental material as is necessary to substantiate the request for legislation. Use "Additional Presenters" line to include anyone that will appear to present this in City Council Work Session.

Applicant Presenting RL at Work Session

Juliet Berling
(Name)

Director PHCD
(Title)

607-772-7028
(Phone number)

Additional Presenters:

To Be Completed By Applicant

Proposed Title:

ADOPTING ENERGY BENCHMARKING REQUIREMENTS FOR CERTAIN MUNICIPAL BUILDINGS

Executive Summary (Explain why legislation is necessary):

A resolution to track and report the energy use of municipal buildings and share data with NYSERDA using USEPA Energy Star Portfolio Manager

Effective Date (if applicable):

Budget transfer or amendment: RL Budget Transfer Worksheet **must** be attached w/ Department. Head signature.
RL related to a grant: RL Grant Worksheet **must** be attached.

RL related to previously adopted legislation: Perm. Number:

Adoption Date:

Contract: Person/Company:

Total Cost:

Funds available in Budget Line:

Title:

Public Hearing required? Yes Not Applicable

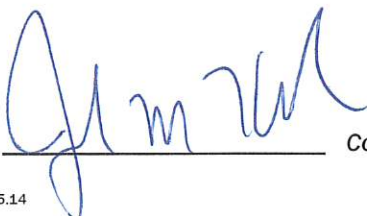
SEQRA required? Yes Not Applicable

Additional Information related to this RL attached? Yes No

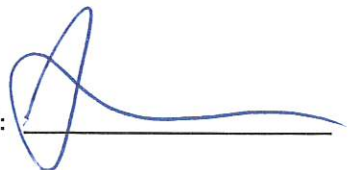
Expedition requested for this RL? Yes No

Please explain why expedition is necessary:

For Internal Use Only

Mayor: 

Comptroller: 

Corp. Counsel: 

**ADOPTING ENERGY BENCHMARKING REQUIREMENTS FOR
CERTAIN MUNICIPAL BUILDINGS**

WHEREAS, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the City of Binghamton is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the City of Binghamton desires to use Building Energy Benchmarking - a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the City of Binghamton; and

WHEREAS, the City of Binghamton City Council desires to establish procedure or guideline for City of Binghamton staff to conduct such Building Energy Benchmarking; and

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted;

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

(A) "Benchmarking Information" shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) "Building Energy Benchmarking" shall mean the process of measuring a building's Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) "Commissioner" shall mean the head of the Department.

(4) "Covered Municipal Building" shall mean a building or facility that is owned or occupied by the City of Binghamton that is 1,000 square feet or larger in size.

(5) "Department" shall mean the Department selected to enforce the Benchmarking Policy: Engineering.

(6) "Energy" shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) "Energy Performance Score" shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) "Energy Use Intensity (EUI)" shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) "Gross Floor Area" shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) "Portfolio Manager" shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) "Utility" shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) "Weather Normalized Site EUP" shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(1) No later than May 1, 2017, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1, 2017 and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to City Council including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

§7. EFFECTIVE DATE

This policy shall be effective immediately upon passage.

§8. SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.



RL Number: 24-222

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

INTERNAL REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for possible consideration at City Council Work Sessions. Incomplete/incorrect RLs will be returned to applicant for revisions. Please include as much supplemental material as is necessary to substantiate the request for legislation. Use "Additional Presenters" line to include anyone that will appear to present this in City Council Work Session.

Applicant Presenting RL at Work Session

Sarah Glose
(Name)

Director of Economic Development
(Title)

607-772-7161
(Phone number)

Additional Presenters:

To Be Completed By Applicant

Proposed Title:

A RESOLUTION TO SUBMIT AN APPLICATION FOR FUNDING FOR RESTORE NY ROUND 9

Executive Summary (Explain why legislation is necessary):

Full title: A RESOLUTION AUTHORIZING THE CITY OF BINGHAMTON TO SUBMIT AN APPLICATION FOR FUNDING THROUGH ROUND 9 OF THE EMPIRE STATE DEVELOPMENT CORPORATION RESTORE NEW YORK COMMUNITIES INITIATIVE

The program requires a municipal resolution to be included in the application packet.

Effective Date (if applicable):

*Budget transfer or amendment: RL Budget Transfer Worksheet **must** be attached w/ Department. Head signature.
RL related to a grant: RL Grant Worksheet **must** be attached.*

RL related to previously adopted legislation: Perm. Number:

Adoption Date:

Contract: Person/Company:

Total Cost:

Funds available in Budget Line:

Title:

Public Hearing required? Yes Not Applicable

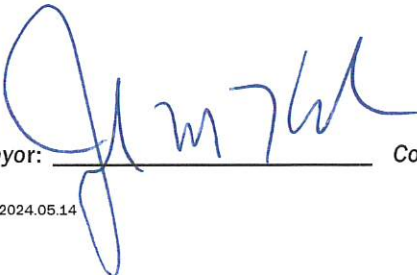
SEQRA required? Yes Not Applicable

Additional information related to this RL attached? Yes No

Expedition requested for this RL? Yes No

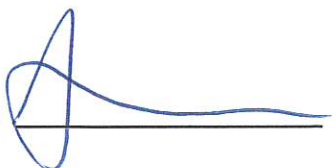
Please explain why expedition is necessary:

Please see attached timeline for deadlines.

Mayor: 

For Internal Use Only

Comptroller: 

Corp. Counsel: 

City of Binghamton Municipal Authorization Resolution DRAFT:

AUTHORIZATION TO SUBMIT AN APPLICATION FOR FUNDING FROM EMPIRE STATE DEVELOPMENT CORPORATION RESTORE NEW YORK COMMUNITIES INITIATIVE ROUND 9

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 9 in an amount not to exceed \$550,000; and

WHEREAS, the City Council has determined that such funding should be used to assist in the proposed 191 Front Street Blight Reduction Project. The proposed demolition and site preparation of four currently vacant and blighted properties will set the stage for approximately 68,000 sqft of unused space to be transformed into mixed-use facilities equipped with commercial/retail space and up to 156 affordable apartment units. The proposed project is consistent with the City's goals and plans, the financing proposed for the project is appropriate, and the project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized to sign and submit the Restore New York Round 9 application for consideration; and

BE IT FURTHER 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.

Dated:



Mayor Jared M. Kraham

Department of Economic Development

Sarah Glöse, Director

Restore NY Round 9 Application Timeline:

October 23, 2024 – Intent to Apply form due to NYS

November 4, 2024 – Request for Legislation presented at City Council Work Session

November 6, 2024 – City Council sets a Public Hearing related to the application to be held November 20, 2024, at 6:00 PM in City Council Chambers

November 20, 2024 – Public Hearing is held at a Regular Business Meeting

December 4, 2024 – City Council vote

December 20, 2024 – Application due

2025 – Award announcements



Empire State Development

Intent to Apply for Restore NY Funding

If a Municipality is intending to apply for Restore NY funding, this form must be submitted by the leading municipal official. Please submit this form by Wednesday October 23rd at 5pm. All municipalities are eligible to submit two letters of intent for normal projects. Eligible municipalities can also submit one additional letter of intent for a special project as defined in Section 7 of the guidelines. Please document on the Intent to Apply forms if it is for a special project or not.

Applications from municipalities that do not submit this form will not be accepted.

The contact person listed below will receive two emails after submitting this form:

1. A confirmation email, including a link to upload additional properties, if applicable.
2. An email from DocuSign with a link to electronically sign this completed form.

It is the responsibility of the municipality to ensure that the Letter of Intent has been received by ESD. If an e-mail confirmation notice is not received via email, please contact ESD at (518) 292-5200.

MUNICIPALITY INFORMATION

Municipality Name:	City of Binghamton				
Street Address: (not PO Box)	38 Hawley Street				
Apt/Suite/Office:					
City:	Binghamton	State:	NY	Zip:	13901
County:	Broome				
Type of Municipality:	<input type="radio"/> County	<input checked="" type="radio"/> City	<input type="radio"/> Town	<input type="radio"/> Village	

PRIMARY CONTACT INFORMATION (Officer with legal authority to represent the municipality)

First Name:	Jared	Last Name:	Kraham
Title:	Mayor	Phone:	607-772-7001
Email:	jmkraham@cityofbinghamton.gov		

ELECTED OFFICIAL INFORMATION (This person will be required to DocuSign this document)

First Name:	Jared	Last Name:	Kraham
Title:	Mayor	Phone:	607-772-7001
Email:	jmkraham@cityofbinghamton.gov		

How many letters of intent are you submitting for REGULAR PROJECTS?	<input type="radio"/> 0	<input checked="" type="radio"/> 1	<input type="radio"/> 2
How many letters of intent are you submitting for SPECIAL PROJECTS?	<input checked="" type="radio"/> 0	<input type="radio"/> 1	

In the section below, provide a brief project description that includes how the project meets Restore NY goals (e.g., that the project will demolish/deconstruct and/or rehabilitate/reconstruct vacant, abandoned, surplus and/or condemned residential, commercial and/or mixed-use buildings). The description should include the size of the project (e.g., number of and square feet of building(s) in the project). It should also include the intended reuse of the properties and other salient information such as its location in a target area of the community, or that it is part of a local revitalization or urban development plan. The description should not exceed 150 words. **Please see below to enter information for the project and included properties that will be the subject of the application. If the project has more than five properties, please fill out the first five. The contact entered above will be prompted via email to submit the remaining properties following submission of this form. You may not submit an application for a project that was not the subject of an approved letter of intent.**

PROJECT INFORMATION

Is this a special project?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Name of Project:	191 Front Street Blight Reduction Project	
Number of Properties:	4	
Estimated Project Cost:	\$ 699138	Estimated Restore NY Request: \$ 550000
Development Company:	Walison Corp.	

Brief Project Description

Walison Corp. will demolish (four properties) and revitalize 4 currently vacant and dilapidated properties located within a low-to-moderate income neighborhood in the City of Binghamton. Restore NY funds are requested to support the demolition of a 68,000 sqft vacant car dealership and outbuildings in preparation for affordable housing development. After demolition, site work will be completed to prepare the space for future construction of an affordable housing development anticipated to create 156 units with 6,000 sqft of commercial space. Consistent with Restore NY objectives, removing blighted properties in Binghamton in preparation for affordable housing and commercial spaces will boost the local economy by attracting new residents, increasing property values, and generating tax revenue. Affordable housing helps to stabilize neighborhoods, while commercial spaces create jobs and stimulate local businesses. The revitalization of these areas can enhance the surrounding housing stock by raising demand and improving neighborhood aesthetics,

PROPERTY 1

Street Address: (not PO Box)	13 Elizabeth St				
Suite/Office:					
City:	Binghamton	State:	NY	Zip:	13903
Current Zoning:	Mixed Use	Future Zoning:	Mixed Use		
Project Type:	Demolition	Square Footage:	38768	Number of Units:	39

PROPERTY 2

Street Address: (not PO Box)	5 Elizabeth Street				
Suite/Office:					
City:	Binghamton	State:	NY	Zip:	13903
Current Zoning:	Mixed Use	Future Zoning:	Mixed Use		
Project Type:	Demolition	Square Footage:	13212	Number of Units:	39

PROPERTY 3

Street Address: (not PO Box)	191 Front Street		
Suite/Office:			
City:	Binghamton	State:	NY
		Zip:	13905
Current Zoning:	Mixed Use	Future Zoning:	Mixed Use
Project Type:	Demolition	Square Footage:	44867
		Number of Units:	39

PROPERTY 4

Street Address: (not PO Box)	16 Gerard Ave		
Suite/Office:			
City:	Binghamton	State:	NY
		Zip:	13905
Current Zoning:	Mixed Use	Future Zoning:	Mixed Use
Project Type:	Demolition	Square Footage:	6098
		Number of Units:	39

PROPERTY 5

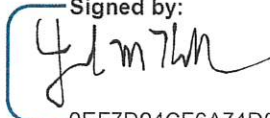
Street Address: (not PO Box)			
Suite/Office:			
City:		State:	
		Zip:	
Current Zoning:		Future Zoning:	
Project Type:		Square Footage:	
		Number of Units:	

Note: If more than 5 properties are included in this project, you will receive an email to enter additional information once this form is submitted.

SIGNATURES

Name:	Jared Kraham
Signature:	
Title:	Mayor
Date:	

By clicking on the "Submit" button you are affirming your legal authority to represent the municipality referenced in this application seeking funding. If your municipality is awarded any such funds through this process, you agree to the terms and conditions outlined in this application and its guidelines for acceptance and use of these funds.

Signed by:

 9EF7D94CF6A74D0...



Legislative Branch

RL Number: 24-223
Date Submitted: _____

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for possible consideration at City Council Work Sessions. Incomplete/incorrect RLs will be returned to applicant for revisions. Please include as much supplemental material as is necessary to substantiate the request for legislation. Use "Additional Presenters" line to include anyone that will appear to present this in City Council Work Session.

Applicant Presenting RL at Work Session

TITO MARTINEZ

ASSISTANT DIR. OF PLANNING

607-772-7028

(Print Name)

(Title)

(Phone number)

(Additional Presenters)

To Be Completed By Applicant

Proposed Title:

An Ordinance to Amend Ch. 410 Zoning to control certain land uses that present a hazard to public health

Executive Summary (Explain why legislation is necessary):

The purpose of the legislation is to control the proliferation of gasoline stations, smoke shops, and other sensitive uses, particularly near schools and residential areas.

Effective Date: (if applicable) _____

Budget transfer or amendment: RL Budget Transfer Worksheet must be attached w/ Dep. Head signature.

RL related to a grant: RL Grant Worksheet must be attached.

RL related to previously adopted legislation: Perm. number _____, adoption date _____

Contract: Person/Company _____

Total Cost _____ Funds available in Budget Line _____ Title _____

Public Hearing required? Yes Not Applicable **SEQRA required?** Yes Not Applicable

Additional information related to this RL attached? Yes No

Expedition requested for this RL? Yes No

Please explain why expedition is necessary:

[Handwritten signatures in blue ink]



City of Binghamton Planning Department

PUBLIC HEALTH LEGISLATION

Gas stations have the potential for groundwater contamination through UST's, can generate runoff mixed with spilled fuel, and can release vapors into the air, presenting a hazard to human health and the environment. The typical increase in lighting, noise, and traffic associated with gas stations can also have a negative impact on their surroundings. The City recognizes the need for gas stations, but wants to limit the potential harm to the public by preventing the concentration of gas stations and limiting their overall number.

- No gas stations abutting a residential property or residential zoning district
- Include a density regulation for gas stations. 1000' from other gas stations and 500' from schools and hospitals.

Tobacco use and vaping are leading causes of preventable diseases and deaths, and a high density of tobacco/vape retailers is associated with greater tobacco and e-cigarette use. The City is seeking ways to limit the proliferation of these retailers, particularly near residential areas and sensitive uses such as schools. The following changes would reduce the concentration of tobacco/vape retailers and limit exposure to tobacco advertising for people attempting to quit and minors.

- Increase radius of existing 500' from a school rule to 1000' from a school
- Define smoke shops and only allow in certain districts
- Include a 1000' density regulation for smoke shops and convenience stores that sell smoke products
- Include liquor/beer stores under Convenience Store definition. They are currently defined as General Retail and are permitted by right in many districts. This change would make them require a special use permit.

TEXT AMENDMENT

§ 410-5. Terms defined.

CONVENIENCE STORE— A small retail facility that accommodates the shopping needs of a limited area or neighborhood by offering some or all of the following: convenience items, fresh or packaged food, prepared food, packaged alcohol, tobacco products (see § 410-24P), and lottery tickets. Such facilities are distinct from "Retail Food Sales" (as defined in this chapter) when the following criteria are met:

- A. The facility is under 4,000 square feet;
- B. The facility operates 12 or more hours per day;
- C. Requires an Off-Premises Liquor License as defined by the New York State Liquor Authority..

For the purposes of this chapter, stores that predominantly sell packaged alcohol (e.g., liquor stores and beer stores) shall be considered convenience stores.

SMOKE OR VAPE SHOP

An establishment primarily engaged in the retail sale of tobacco, tobacco products, tobacco paraphernalia, electronic smoking devices, liquid nicotine containers or vapor products.

§ 410-24. Performance standards.

A. P. Tobacco Sales ~~Near Schools Prohibited~~. The sale of tobacco and tobacco products (including but not limited to: cigarettes, cigars, pipe tobacco, chewing tobacco, and electronic cigarettes) is expressly prohibited within ~~500~~ 1,000 feet of any property boundary of an existing Convenience Store or Smoke or Vape Shop, or any public or private elementary or secondary school, except upon appeal to the Common Council as provided herein.

(1) Common Council approval. Within 30 days, or such longer period as may be agreed upon by the applicant, of receipt and review of the written recommendations of the Planning Commission, the Common Council shall either deny the permit or, by ordinance duly adopted, approve the permit, with or without modifications to be accepted by the applicant as a condition of such approval. The failure of City Council to act within the aforementioned time period shall be deemed a final denial.

(2) Review by the Planning Commission. Before consideration of the Common Council, an applicant shall first submit an application to the Planning Commission for review, in accordance with the provisions of Articles VIII and IX of this chapter. The Planning Commission shall consider the application at the next available regularly scheduled meeting and thereafter forward to the Common Council its written recommendation within 30 business days following such meeting. In its report, the Planning Commission may recommend approval or denial

(3) The provisions of this section shall not preclude the occupancy, maintenance, and occupancy of any vehicle fuel station that existed lawfully prior to the effective date of this Section. Such uses shall be subject to a nonconforming use regulations in Article XII.

Q. Vehicle Fuel Stations. No Vehicle Fuel Station shall be established abutting a residential property or zoning district, within 1,000' of an existing Vehicle Fuel Station, or within 500' of a school or hospital, except upon appeal to the Common Council as provided herein.

(1) Common Council approval. Within 30 days, or such longer period as may be agreed upon by the applicant, of receipt and review of the written recommendations of the Planning Commission, the Common Council shall either deny the permit or, by ordinance duly adopted, approve the permit, with or without modifications to be accepted by the applicant as a condition of such approval. The failure of City Council to act within the aforementioned time period shall be deemed a final denial.

(2) Review by the Planning Commission. Before consideration of the Common Council, an applicant shall first submit an application to the Planning Commission for review, in accordance with the provisions of Articles VIII and IX of this chapter. The Planning Commission shall consider the application at the next available regularly scheduled meeting and thereafter forward to the Common Council its written recommendation within 30 business days following such meeting. In its report, the Planning Commission may recommend approval or denial

(3) The provisions of this section shall not preclude the occupancy, maintenance, and occupancy of any vehicle fuel station that existed lawfully prior to the effective date of this Section. Such uses shall be subject to a nonconforming use regulations in Article XII.

§ 410-32. Schedule II: Land Uses in Commercial and Industrial Zoning Districts.

A. C-1 Service Commercial District.

(1) [NO CHANGE]

(2) [NO CHANGE]

(3) Permitted with Planning Commission Review and Approval of a special use permit:

Cannabis Business, On-Site Consumption

Cannabis Business, Retail

Convenience store

Crematory

Drive-through business, subject to 410-34A, B, & F

Dwelling, multiple-unit, subject to 410-41A(1)

Educational institution

Event venue

Congregate living

Hospital, medical center, subject to 410-34A & J

Overnight lodging

Parking, ancillary, subject to 410-55

Parking, commercial, subject to 410-55

Pawn shop

Place of worship

Recreation outdoor

Self-service storage warehouse, subject to 410-34A & K

Smoke or Vape Shop

Social services

Telecommunications facility, subject to 410-42

Transportation service

Vehicle fuel station, subject to 410-34A, B, F, H, & I

Vehicle repair/service, subject to 410-34A, H, & I

Warehouse and distribution, subject to 410-34A, E, & H

B. [NO CHANGE]

C. [NO CHANGE]

D. C-4 Neighborhood Commercial District.

(1) [NO CHANGE]

(2) [NO CHANGE]

(3) Permitted with Planning Commission Review and Approval of a special use permit:

Cannabis Business, On-Site Consumption

Cannabis Business, Retail

Convenience store

Crematory

Drive-through business, subject to 410-34A, B, & F

Dwelling, multiple-unit, subject to 410-41A(1)

Educational institution

Event venue

Congregate living Hospital, medical center, subject to 410-34A & J
Overnight lodging
Parking, ancillary, subject to 410-55
Parking, commercial, subject to 410-55
Pawn shop
Place of worship
Recreation, outdoor
Smoke or Vape Shop
Social services
Telecommunications facilities, subject to 410-42
Townhouses, four or more attached
Transportation service
Vehicle fuel station, subject to 410-34A, B, F, H, & I
Vehicle repair/service, subject to 410-34A, H & I
Warehouse and distribution, subject to 410-34A, E, & H

E. [NO CHANGE]

F. [NO CHANGE] [NO CHANGE]

G. [NO CHANGE]

H. I-2 Light and Medium Industrial District.

(1) [NO CHANGE]

(2) Permitted with Planning Commission Review and Approval of a special use permit

Adult entertainment, subject to 410 -34L

Cannabis Business, Industrial

Cannabis Business, Retail

Crematory

Drive-through business

Educational institution

Overnight lodging

Parking area, ancillary, subject to 410-55

Parking, commercial, subject to 410-55

Recreation outdoor

Self-service storage warehouse, subject to 410-34A & K

Smoke or Vape Shop

Solar energy system, subject to 410-34A, B, E, & J

Telecommunications facility, subject to 410-42

Vehicle fuel station, subject to 410-34A, B, F, H, & I

Vehicle sales/rental, subject to 410-55 and 410-34A, I, & K

Warehouse and distribution, subject to 410-34A, E, & H

Waste-related services, subject to 410-34A, E, & L

**Full Environmental Assessment Form
Part 1 - Project and Setting**

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Public Health Zoning Amendment		
Project Location (describe, and attach a general location map): Citywide		
Brief Description of Proposed Action (include purpose or need): Amend zoning ordinance to control the location and number of gas stations and tobacco retailers.		
Name of Applicant/Sponsor: City of Binghamton	Telephone: 6077727028	E-Mail: planning@cityofbinghamton.gov
Address: 33 Hawley St		
City/PO: Binghamton	State: NY	Zip Code: 13901
Project Contact (if not same as sponsor; give name and title/role): TITO MARTINEZ	Telephone: 607-772-7028	E-Mail: TLMARTINEZ@CITYOFBINGHAMTON.GOV
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone:	E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	City of Binghamton City Council	
b. City, Town or Village <input type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission		
c. City, Town or <input type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption; or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> If Yes, complete sections C, F and G. If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s): NYS Major Basins: Upper Susquehanna, Remediation Sites: V00072, Remediation Sites: 704031, Remediation Sites: 704053, Remediation Sites: C704047, Remediation Sites: 704022, Remediation Sites: 704027, Remediation Sites: 704021, Remediation Sites: 704030, Remediation Sites: C704058, Remediation Sites: C704040, Remediation Sites: 704064, Remediation Sites: 704024, Remediation Sites: C704040, Remediation Sites: 704014, Remediation Sites: ...	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s): _____ _____ _____	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?

All _____

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No

If Yes,
i. What is the proposed new zoning for the site? R-2 converted to R-3

C.4. Existing community services.

a. In what school district is the project site located? BCSD _____

b. What police or other public protection forces serve the project site?
BPD _____

c. Which fire protection and emergency medical services serve the project site?
BFD _____

d. What parks serve the project site?
All _____

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? _____ acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

e. Is the proposed action an expansion of an existing project or use? Yes No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? Yes No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? Yes No
i. If No, anticipated period of construction: _____ months

ii. If Yes:
• Total number of phases anticipated _____
• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
• Anticipated completion date of final phase _____ month _____ year
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet Yes No

viii. Will the excavation require blasting? Yes No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

• Do existing sewer lines serve the project site? Yes No
 • Will a line extension within an existing district be necessary to serve the project? Yes No
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____
 v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
 ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

 • If to surface waters, identify receiving water bodies or wetlands: _____

• Will stormwater runoff flow to adjacent properties? Yes No
 iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No
 If yes:
 i. Provide details including sources, time of day and duration:

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
 Describe: _____

n. Will the proposed action have outdoor lighting? Yes No
 If yes:
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
 Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No
 If Yes:
 i. Product(s) to be stored _____
 ii. Volume(s) _____ per unit time _____ (e.g., month, year)
 iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No
 If Yes:
 i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No
 If Yes:
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:
 • Construction: _____ tons per _____ (unit of time)
 • Operation: _____ tons per _____ (unit of time)
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
 • Construction: _____
 • Operation: _____
 iii. Proposed disposal methods/facilities for solid waste generated on-site:
 • Construction: _____
 • Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

- Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? Yes No
 i. If Yes; explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
 If Yes,
 i. Identify Facilities: _____

e. Does the project site contain an existing dam? Yes No
 If Yes:
 i. Dimensions of the dam and impoundment:
 • Dam height: _____ feet
 • Dam length: _____ feet
 • Surface area: _____ acres
 • Volume impounded: _____ gallons OR acre-feet
 ii. Dam's existing hazard classification: _____
 iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
 If Yes:
 i. Has the facility been formally closed? Yes No
 • If yes, cite sources/documentation: _____
 ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____
 iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
 If Yes:
 i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
 If Yes:
 i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes - Spills Incidents database Provide DEC ID number(s): _____
 Yes - Environmental Site Remediation database Provide DEC ID number(s): V00072, 704031, 704053, C70...
 Neither database
 ii. If site has been subject of RCRA corrective activities, describe control measures: _____
 iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
 If yes, provide DEC ID number(s): V00072, 704031, 704053, C704047, 704022, 704027...
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: _____ %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained: _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 931-142, 930-4, 931-149, 931-902, 930-5, 931-143 Classification C, A, B
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters,... Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No

If yes, name of impaired water body/bodies and basis for listing as impaired:
 Name - Pollutants - Uses: Susquehanna River, Lower, Main Stem - Metals - Fish Consumption, Name - Pollutants - Uses: Susquehanna ...

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No

If Yes:

i. Name of aquifer: Principal Aquifer, Primary Aquifer, Sole Source Aquifer Names: Clinton Street Ballpark SSA

m. Identify the predominant wildlife species that occupy or use the project site: _____

n. Does the project site contain a designated significant natural community? Yes No

If Yes:
i. Describe the habitat/community (composition, function, and basis for designation): _____

ii. Source(s) of description or evaluation: _____

- iii. Extent of community/habitat:
- Currently: _____ acres
 - Following completion of project as proposed: _____ acres
 - Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? Yes No

If Yes:
i. Species and listing (endangered or threatened): _____

Peregrine Falcon, Bald Eagle, Brook Floater

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? Yes No

If Yes:
i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No
If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? Yes No
i. If Yes: acreage(s) on project site? _____
ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? Yes No
If Yes:
i. Nature of the natural landmark: Biological Community Geological Feature
ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? Yes No
If Yes:
i. CEA name: _____
ii. Basis for designation: _____
iii. Designating agency and date: _____

<p>e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District</p> <p>ii. Name: <u>Eligible property: 4 Sturges Street, Eligible property: Binghamton City Court City Hall, Governmental Plaza, Eligible p...</u></p> <p>iii. Brief description of attributes on which listing is based: _____</p>
<p>f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>g. Have additional archaeological or historic site(s) or resources been identified on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe possible resource(s): _____</p> <p>ii. Basis for identification: _____</p>
<p>h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Identify resource: _____</p> <p>ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____</p> <p>iii. Distance between project and resource: _____ miles.</p>
<p>i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Identify the name of the river and its designation: _____</p> <p>ii. Is the activity consistent with development restrictions contained in 6 NYCRR Part 666? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>

F. Additional Information

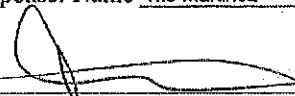
Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

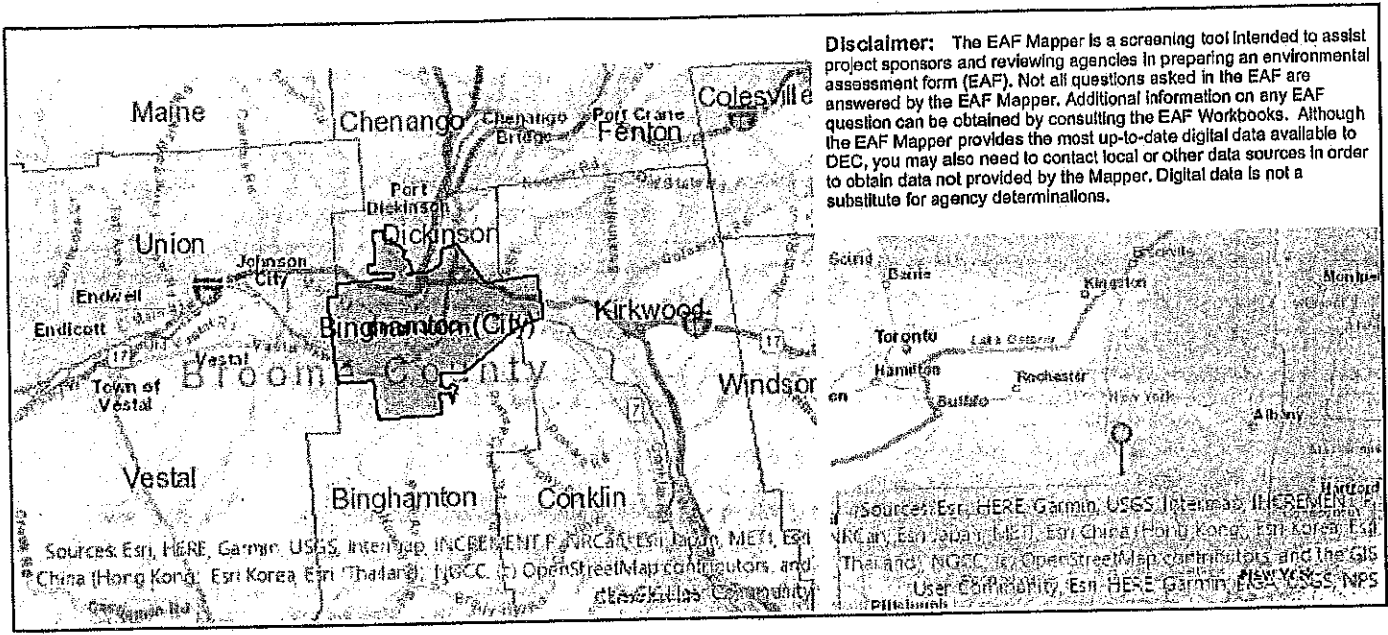
I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Tito Martinez Date 10-30-2024

Signature  Title Assistant Director of Planning

EAF Mapper Summary Report

Wednesday, August 14, 2024 10:21 AM



B.1.i [Coastal or Waterfront Area]	No
B.1.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Major Basins: Upper Susquehanna, Remediation Sites: V00072, Remediation Sites: 704031, Remediation Sites: 704053, Remediation Sites: C704047, Remediation Sites: 704022, Remediation Sites: 704027, Remediation Sites: 704021, Remediation Sites: 704030, Remediation Sites: C704058, Remediation Sites: C704046, Remediation Sites: 704061, Remediation Sites: 704024, Remediation Sites: C704048, Remediation Sites: 704011, Remediation Sites: V00298, Remediation Sites: C704057, Remediation Sites: C704049, Remediation Sites: C704059, Remediation Sites: C704059A, Remediation Sites: 704025, NYS Heritage Areas: Susquehanna
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	V00072, 704031, 704053, C704047, 704022, 704027, 704021, 704030, C704058, C704046, 704061, 704024, C704048, 704011, V00298, C704057, C704049, C704059, C704059A, 704025
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	V00072, 704031, 704053, C704047, 704022, 704027, 704021, 704030, C704058, C704046, 704016, 704061, 704024, C704048, C704041, C704060, 704011, V00298, C704057, C704049, C704059, C704059A, 704025
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes

E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	931-142, 930-4, 931-149, 931-902, 930-5, 931-143
E.2.h.iv [Surface Water Features - Stream Classification]	C, A, B
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	Yes
E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses: Susquehanna River, Lower, Main Stem -- Metals -- Fish Consumption, Name - Pollutants - Uses: Chenango River
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer, Primary Aquifer, Sole Source Aquifer Names: Clinton Street Ballpark SSA
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Peregrine Falcon, Bald Eagle, Brook Floater
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property: 4 Sturges Street, Eligible property: Binghamton City Court City Hall, Governmental Plaza, Eligible property: 42 North Street, Eligible property: 10 Edwards Street, Eligible property: 1 Balcom Avenue, Eligible property: Horace Mann Elementary School, Eligible property: Residence, Eligible property: BIN 2226120, East Clinton Street Bridge, Eligible property: Benjamin Franklin Elementary School, Eligible property: St. Ann's Rectory, Eligible property: 11 Doubleday Street, Eligible property: St. Paul's Roman Catholic Church Complex: Former Rectory, Eligible property: St. Ann's Catholic Church, Eligible property: Red Barn Computers, Eligible property: St. Paul's Roman Catholic Church Complex: Parish Offices and Garage, Eligible property: St. Ann's Convent, Eligible property: New Heights Ministries Church, Eligible property: 224 Front St., Eligible property: Thomas Jefferson Elementary School, Eligible property: West Middle School, Eligible property: HEATING PLANT A/BLDG 1 (1979) NON-CONTRIB, Eligible property: BUS STATION/BLDG 66, Eligible property: Binghamton Wolien Co/Gotham Shoe Mfg, Eligible property: Memorial Bridge, Eligible property: Tenement House, Eligible property: STORAGE/BLDG 8 (1880) NON-CONTRIB, Eligible property: Garvin Building (Building 75), Eligible property: STAFF HOUSE/BLDG 86, Eligible property: Crowley Milk Company, Eligible property: GARAGE/BLDG 30 (1886) DEMOLISHED, Eligible property: PUMP HOUSE/BLDG 56, Eligible property: STAFF HOUSE/BLDG 88 (1968), Eligible property: Lustron house & garage, Westchester model, Eligible property: HEATING PLANT B/BLDG 2 (1980) NON-CONTRIB, Eligible property: KIOSK/NORTH TUNNEL/BLDG 63,

Eligible property:KIOSK/SOUTH TUNNEL/BLDG 64, Eligible property:SHOP-
 MAINTENANCE/BLDG 94 (1948), Eligible property:National Cigar Box Co,
 Eligible property:88 Carroll Street, Eligible property:YMCA, Eligible
 property:North Presbyterian Church, Eligible property:A & J Manufacturing
 Company; W.A. Case & Sons Company, Eligible property:Columbus School,
 Eligible property:WATER TANK/BLDG 93, Eligible
 property:STOREHOUSE/BLDG 21 (1964), Eligible property:GARAGE/BLDG
 24 (1943), Eligible property:GARAGE/BLDG 25 (1905), Eligible
 property:GARAGE/BLDG 81, Eligible property:INDUSTRIAL SHOP/BLDG 31
 (1901), Eligible property:DIRECTOR'S RESIDENCE/BLDG 48 (1905), Eligible
 property:ROSS PARK: BEAR CAGE, 1919, Eligible property:Marine Midland
 Trust Company Building, Eligible property:SAFETY/BLDG 19 (1960), Eligible
 property:STAFF HOUSE/BLDG 83, Eligible property:STAFF HOUSE/BLDG
 84, Eligible property:Titchener Iron Works, Eligible property:CARPENTER
 STORAGE/BLDG 18 (1892) DEMOLISHED, Eligible property:DAY
 CARE/BLDG 36 (1929), Eligible property:MAINTENANCE SHOP/BLDG 17
 (1898), Eligible property:ROSS PARK: GRAINERY - FORMER PUMPHOUSE
 FOR WATERWORKS, Eligible property:ROSS PARK: OLD STONE
 BUILDING 1902 - ANIMAL OR BIRD HOUSE, Eligible property:226 Front St.,
 Eligible property:Greyhound Bus Terminal, Eligible property:TOOL
 HOUSE/BLDG 73, Eligible property:GROUNDS STORAGE/BLDG 7 (1909),
 Eligible property:VEHICLE STORAGE/OLD FIRE STATION/BLDG 32 (1891)
 DE, Eligible property:Business Officer's Residence, Eligible property:GOTHAM
 SHOE MANUFACTURING CO, Eligible property:Hazekiah Lee Residence,
 Eligible property:TRUCK GARAGE/BLDG 4 (1880) DEMOLISHED, Eligible
 property:LAUNDRY/BLDG 13 (1965), Eligible property:KEELER/BLDG 77,
 Eligible property:Binghamton Boiler Compound/Schuler Haas Electric, Eligible
 property:STAFF HOUSE/BLDG 82, Eligible property:HECOX HALL/BLDG 37
 (1929), Eligible property:Exchange St Bridge BIN 2226160, Eligible
 property:VEHICLE REPAIR/BLDG 55, Eligible property:HIGHLAND
 COTTAGE/BLDG 27 (1882), Eligible property:STAFF HOUSE/BLDG 89
 (1933), Eligible property:WOODLAWN/BLDG 15 (1848) DEMOLISHED,
 Eligible property:Virgil Whitney House, Eligible property:EAST
 BUILDING/BLDG 42 (1886) DEMOLISHED, Eligible property:STAFF
 HOUSE/CREDIT UNION/BLDG 41 (1890), Eligible
 property:FAIRMOUNT/BLDG 52 (1929) DEMOLISHED, Eligible
 property:GARAGE/BLDG 35 (1926) DEMOLISHED, Eligible
 property:COMMUNITY RESIDENCE/BLDG 87 (1968), Eligible
 property:BROADMOOR/BLDG 10 (1907), Eligible property:STAFF
 HOUSE/BLDG 11 (1882), Eligible property:LABORATORY/BLDG 28 (1896),
 Eligible property:ROSS PARK: OLD BARN, 1904; 1920, Eligible
 property:ROSS PARK: ELECTRICAL POWERHOUSE, C 1908, Eligible
 property:ROSS PARK: PICNIC SHELTERS, 1909 - TWO, Eligible
 property:218 Front St., Eligible property:WORK CONTROL CENTER/BLDG 54
 (1929), Eligible property:STORAGE/BLDG 16 (1894) (DEMOLISHED), Eligible
 property:LUMBER SHOP/BLDG 20 (1925), Eligible property:GARAGE/BLDG
 74, Eligible property:STAFF HOUSE/BLDG 85, Eligible property:Cream Dove
 Manufacturing; Binghamton Knitting Co., Eligible property:Gas Station, Eligible
 property:ROSS PARK: LION CAGE & HOUSE C 1900, Eligible
 property:Binghamton Armory (West End Armory), Eligible property:OLD
 POWER PLANT/BLDG 60 (1941), Eligible property:GLENVIEW/PHYSICIANS
 COTTAGE/BLDG 12 (1910), Eligible property:220 Front St., Eligible
 property:ROSS PARK: ZOOKEEPER'S COTTAGE 1896, Eligible
 property:Ross Park: Binghamton Zoo Educational Center, Eligible
 property:ROSS PARK: GIFT SHOP, Eligible property:Ross Park and Zoo,
 Eligible property:Lourdes Hospital, Eligible property:GAS STATION, Eligible
 property:FERRIS HALL/BLDG 44 (1908), Eligible property:WAGNER
 HALL/BLDG 53 (1917), Eligible property:ROSS PARK: STONE ENTRANCE
 PAVILLIONS & KITCHEN C 1903, Eligible property:ROSS PARK: OPEN AIR
 RESIDENCE/BLDG 1 (1920), Eligible property:STAFF HOUSE/BLDG 90
 (1933), Eligible property:Public Restroom/BLDG 80 (1917), Eligible
 property:INDEPENDENT HOSE CO BLDG #5, Eligible

property:STORAGE/GARAGE/BLDG 29 (1881) DEMOLISHED, Eligible property:31 Front Street, Eligible property:ROSS PARK: FIRST AID STATION, Eligible property:East Middle School, Eligible property:BARN & GROUNDS STORAGE/BLDG 6 (1925), Eligible property:MASON STORAGE/BLDG 9 (1880), Eligible property:ROSS PARK: CONCRETE BRIDGE , C 1933, Eligible property:POLE BARN/BLDG 14 (1979) NON-CONTRIB, Eligible property:GARAGE/BLDG 38 (1959), Eligible property:National Biscuit Company Warehouse (Greenblott Met, Eligible property:STAFF HOUSE/BLDG 26 (1905), Eligible property:HOLDEN HALL HOUSE; Eligible property:222 Front St., Eligible property:Woodrow Wilson Elementary School, Eligible property:TRUCK GARAGE/BLDG 3 (1880), Eligible property:GARAGE/BLDG 65, Eligible property:Binghamton Chair/Montgomery St Table & Chair, Eligible property:GARAGE/BLDG 72 (DEMOLISHED), Eligible property:The Larabee House, Eligible property:112 Grand Boulevard, Eligible property:110 Grand Boulevard, Eligible property:Brown Park, Eligible property:Discovery Center, Eligible property:Minden Court Apartments: Building 3, Eligible property:Minden Court Apartments: Building 7, Eligible property:Minden Court Apartments: Building 1, Eligible property:Minden Court Apartments: Garage (Building 10), Eligible property:Minden Court Apartments: Building 4, Eligible property:Minden Court Apartments: Building 8, Eligible property:Treadway Inn, Eligible property:Minden Court Apartments: Building 9, Eligible property:Minden Court Apartments: Building 2, Eligible property:US Post Office, Eligible property:Minden Court Apartments: Building 5, Eligible property:Minden Court Apartments: Building 6, Eligible property:Theodore Roosevelt School, Eligible property:Thomas Jefferson School, Eligible property:Columbus Education Center, Eligible property:Broome Day Services, Eligible property:Woodrow Wilson School, Eligible property:116 Grand Boulevard, Eligible property:242 Front, Eligible property:Horace Mann School, Eligible property:Calvin Coolidge Elementary, Eligible property:99 Grand Boulevard, Eligible property:104 Grand Boulevard, Eligible property:100 Grand Boulevard, Eligible property:Benjamin Franklin School, Eligible property:114 Grand Boulevard, Eligible property:9 Kress St Binghamton, NY 13903, Eligible property:Hamilton House & Apartments, Eligible property:Lincoln Court Apartments, Eligible property:6 Crandall Street, Eligible property:47 North Street, Eligible property:Floyd L. Maines Veterans Memorial Arena, Eligible property:8 Crandall Street, Eligible property:101 Grand Blvd., Eligible property:80 Walnut St, Eligible property:22 North St, Eligible property:16 North St, Eligible property:Binghamton Water Treatment Plant - Settling Tanks, Admin/Filter Building, EQ Basin, Eligible property:Broome County Office Building, Eligible property:NYS Office Building in Binghamton, Eligible property:13 Mather St., Railroad Terminal Historic District, State Street--Henry Street Historic District, Court Street Historic District, Binghamton City Hall, Phelps Mansion, Christ Church, South Washington Street Parabolic Bridge, Roberson Mansion, Rose, Robert H., House, Whitmore, John T., Broome County Courthouse, Dunk, Alfred, Johnson, George F., Recreation Park Carousel, Trinity Memorial Church, Clinton Street, Building at 171-177, Jones, General Edward F., Residence, Kilmer, Jonas M., Binghamton Railway Company Complex, Saints Cyril and Methodios Slovak Roman Catholic School, Bennett, Abel, Tract Historic District, Binghamton Theatre, Marlborough Building, Rivercrest Historic District, J. Stuart Wells House, Emmanuel Church of the Evangelical Association, Harlow E. Bundy House, Ansco Company Charles Street Factory Buildings, Endicott-Johnson Medical Clinic, Lithuanian National Association Hall, Ross Park Carousel, United States Post Office and Courthouse, Main Street Historic District, Sheltered Workshop for the Disabled Building, State Street--Henry Street Historic District Boundary Expansion, New York State Inebriate Asylum, Cameo Theatre, Johnson City Square Deal Arch, Johnson City Historic District, General Cigar Company-Ansco Camera Factory

E.3.f. [Archeological Sites]

Yes

E.3.i. [Designated River Corridor]

No



RL Number: 24-201

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

INTERNAL REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for possible consideration at City Council Work Sessions. Incomplete/incorrect RLs will be returned to applicant for revisions. Please include as much supplemental material as is necessary to substantiate the request for legislation. Use "Additional Presenters" line to include anyone that will appear to present this in City Council Work Session.

Applicant Presenting RL at Work Session

Megan J. Heiman
(Name)

Deputy Mayor
(Title)

(607) 772-7001
(Phone number)

Additional Presenters:

Jessica Haas, Executive Director of the Broome County Land Bank

To Be Completed By Applicant

Proposed Title:

An Ordinance to authorize the sale of 181 Hawley St. to the Broome County Land Bank for \$1

Executive Summary (Explain why legislation is necessary):

This legislation is to authorize the sale of the City-owned property at 181 Hawley St. to the Broome County Land Bank for rehabilitation into affordable housing.

Effective Date (if applicable):

Budget transfer or amendment: RL Budget Transfer Worksheet **must** be attached w/ Department. Head signature.

RL related to a grant: RL Grant Worksheet **must** be attached.

RL related to previously adopted legislation: Perm. Number:

Adoption Date:

Contract: Person/Company: Broome County Land Bank

Total Cost:

Funds available in Budget Line:

Title:

Public Hearing required? Yes Not Applicable

SEQRA required? Yes Not Applicable

Additional information related to this RL attached? Yes No

Expedition requested for this RL? Yes No

Please explain why expedition is necessary:

For Internal Use Only

Mayor:

Comptroller:

Corp. Counsel:



OFFICE OF THE MAYOR ▪ CITY OF BINGHAMTON

OFFER TO PURCHASE

Please complete the below application, and submit this document to the Mayor's Office for consideration. Please note that if such sale is approved, the Applicant will be liable for all filing fees associated with the transfer of this property.

PROPERTY INFORMATION

Street Address of Property: 181 Hawley Street, Binghamton, NY 13901
Tax Parcel Identification Number: 160.42-2-46
Current Use of Property: [X] Residential [] Commercial [] Mixed Use [] Vacant Lot
Offered Purchase Price: \$1.00
Do you wish to opt-out of the free tree planting service? [X] Yes [] No

Please describe the intended use of the property. The inclusion of a map or illustration depicting the intended use of the property will expedite the review process.

The Land Bank would look to issue an RFP for the purchase and redevelopment of the property similar to the previously issued RFPs for 3 King Avenue and 21 Walnut Street in the City of Binghamton. The Land Bank would also consider offering a development incentive towards redevelopment with affordability requirements.

APPLICANT INFORMATION

Applicant Name: Jessica Haas, Executive Director - Broome County Land Bank Corporation
Note: Please provide the full legal name of the applicant. If the applicant is a company or corporation, please list all shareholders or members.
Mailing Address: 60 Hawley Street, 5th Floor, Binghamton, NY 13901
Telephone Number(s): 607-778-6001
Email Address: LandBank@Broomecountyny.gov

Please list any other properties owned by the Applicant located within Broome County.

34 Andrews Avenue, 52 Beethoven Street, 33 Elm Street, 8 Gray Street, 14 McNamara Avenue, 170 Moeller Street, 61 Park Avenue, 21 Walnut Street, 18 Broad Street (City of Binghamton); 2667 NYS Route 12 (Barker); 749 W. Main Street, 1209 Nanticoke Drive (Union); 714 E. Windsor Road (Windsor).

I hereby certify that the above information is a true account of my intended purchase and use of City-owned property. I understand that upon approval of any such sale, any deviance from the agreed-upon terms and conditions may result in the termination of such agreement through legal proceedings.

Signature: [Handwritten Signature]

Date: 10/16/2024



RL Number: 24-204

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

INTERNAL REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for possible consideration at City Council Work Sessions. Incomplete/incorrect RLs will be returned to applicant for revisions. Please include as much supplemental material as is necessary to substantiate the request for legislation. Use "Additional Presenters" line to include anyone that will appear to present this in City Council Work Session.

Applicant Presenting RL at Work Session

Sophie Bergman
(Name)

Corporation Counsel
(Title)

607.772.7013
(Phone number)

Additional Presenters:

To Be Completed By Applicant

Proposed Title:

An ordinance authorizing the sale of a portion of 138 Gaylord Street (previous Lot 78) to U.S. Bank Trust, NA as Trustee for L⁺

Executive Summary (Explain why legislation is necessary):

Previously known as Lot 78 and Lot 49 were incorporated into Parcel ID 145.54-4-6. Historical Titles indicate Lot 49 was purchased by US Bank NA while Lot 78 still belongs to the City of Binghamton. The owner of the Parcel ID 145.54-4-6 has put in an offer to purchase Lot 78 from the City so the house on Parcel 145.54-4-6 may be sold.

Effective Date (if applicable):

Budget transfer or amendment: RL Budget Transfer Worksheet **must** be attached w/ Department. Head signature.
RL related to a grant: RL Grant Worksheet **must** be attached.

RL related to previously adopted legislation: Perm. Number:

Adoption Date:

Contract: Person/Company:

Total Cost:

Funds available in Budget Line:

Title:

Public Hearing required? Yes Not Applicable

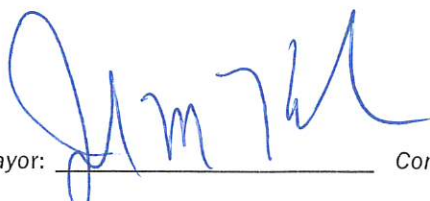
SEQRA required? Yes Not Applicable

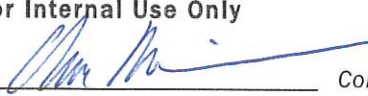
Additional Information related to this RL attached? Yes No

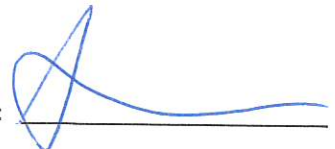
Expedition requested for this RL? Yes No

Please explain why expedition is necessary:

For Internal Use Only

Mayor: 

Comptroller: 

Corp. Counsel: 



OFFICE OF THE MAYOR • CITY OF BINGHAMTON

OFFER TO PURCHASE

Please complete the below application, and submit this document to the Mayor's Office for consideration. Please note that if such sale is approved, the Applicant will be liable for all filing fees associated with the transfer of this property.

PROPERTY INFORMATION

Street Address of Property: 138 Gaylord Street

Tax Parcel Identification Number: 145.54-4-6 Lot 78

Current Use of Property: [X] Residential [] Commercial [] Mixed Use [] Vacant Lot

Offered Purchase Price: \$500.00

Do you wish to opt-out of the free tree planting service? [X] Yes [] No

Please describe the intended use of the property. The inclusion of a map or illustration depicting the intended use of the property will expedite the review process. Continued residential use. Please see attached documents:

- Exhibit A, Tax Certificate to the City of Binghamton;
Exhibit B, Tax Map of Lot 78 indicating affected property as the cross-hatched area;
Exhibit C, Legal Description of Lot 78; and
Exhibit D, Referee Deed to U.S. Bank Trust, N.A.

APPLICANT INFORMATION

Applicant Name: U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust

Note: Please provide the full legal name of the applicant. If the applicant is a company or corporation, please list all shareholders or members.

Mailing Address: c/o William J. Hamilton, Esq., First American Law Group, Suite 401, 550 Mamaroneck Avenue, Harrison, New York 10528

Telephone Number(s): 914 839 3075

Email Address: whamilton@firstam.com

Please list any other properties owned by the Applicant located within Broome County. Please see Exhibit E attached hereto, list of properties owned by U.S. Bank Trust, N.A. within Broome County.

I hereby certify that the above information is a true account of my intended purchase and use of City-owned property. I understand that upon approval of any such sale, any deviance from the agreed-upon terms and conditions may result in the termination of such agreement through legal proceedings.

Handwritten signature of Jason Clemens

Jason Clemens

11/22/2023

Signature U.S. Bank Trust, N.A. as Trustee for LSF9 Master Participation Trust by Fay Servicing, LLC as Attorney-in-Fact

City Hall • 38 Hawley St., 4th Floor • Binghamton, NY 13901 • www.cityofbinghamton.com

Phone: (607) 772-7001 • Fax: (607) 772-7155



RL Number: 24-214

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

INTERNAL REQUEST FOR LEGISLATION

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Applicant Presenting RL at Work Session

Jared M. Kraham
(Name)

Mayor
(Title)

(607) 772-7001
(Phone number)

Additional Presenters:

Robert Heary, Corporation Counsel

To Be Completed By Applicant

Proposed Title:

A Local Law to establish a new chapter "Unlicensed Cannabis Activity" in the City of Binghamton Code.

Executive Summary (Explain why legislation is necessary):

The purpose of this Chapter is to prohibit the unlicensed and unpermitted marketing and sale of cannabis and cannabis products, to adopt procedures for conducting regulatory inspections of premises suspected of such activities, and to authorize the commencement of enforcement mechanisms, and to seek remedies to halt such activities to protect the public health, safety, and welfare and to promote the public good.

Effective Date (if applicable):

Budget transfer or amendment RL Budget Transfer Worksheet **must** be attached w/ Department. Head signature.
RL related to a grant RL Grant Worksheet **must** be attached.

RL related to previously adopted legislation: Perm. Number:

Adoption Date:

Contract: Person/Company:

Total Cost: \$0.00

Funds available in Budget Line:

Title:

Public Hearing required? Yes Not Applicable

SEQRA required? Yes Not Applicable

Additional information related to this RL attached? Yes No

Expedition requested for this RL? Yes No

Please explain why expedition is necessary:

For Internal Use Only

Mayor: [Signature]

Comptroller: [Signature]

Corp. Counsel: [Signature]

Section 1. Authorization, Title and Purpose.

A new Chapter, entitled "Unlicensed Cannabis Activity", of the City of Binghamton Code, is hereby enacted pursuant to New York Cannabis Law Section 131 as provided herein.

Section 2. Legislative Finding.

The State of New York, through amendments to the New York Cannabis Law, has granted local governments increased powers to inspect properties and to regulate and pursue enforcement remedies against unlicensed cannabis activity. The City Council of the City of Binghamton finds that the City has experienced unlicensed cannabis activity that is difficult to police under existing regulations and finds that adopting this local law to empower local authorities to conduct regulatory inspections of properties suspected of unlicensed cannabis activities, and to pursue enforcement remedies against such activities is necessary to protect the public health, safety and welfare and to promote the public good.

Section 3. Amendment.

A new Chapter, entitled "Unlicensed Cannabis Activity", shall be created under the City of Binghamton Code, and thereunder the following new subsections shall be created as follows:

§ []-1 Legislative intent.

The purpose of this Chapter is to prohibit the unlicensed and unpermitted marketing and sale of cannabis and cannabis products, to adopt procedures for conducting regulatory inspections of premises suspected of such activities, and to authorize the commencement of enforcement mechanisms, and to seek remedies to halt such activities to protect the public health, safety, and welfare and to promote the public good.

§ []-2 Definitions.

For purposes of this Chapter, the following terms shall be defined as follows:

OCM: New York State Office of Cannabis Management.

Unlicensed activity: the marketing or sale of cannabis or cannabis products without being registered with OCM or possessing the requisite license or permit from OCM to conduct such marketing or sale of cannabis or cannabis products.

Terms not defined herein shall have the meanings set forth in the New York Cannabis Law.

§ []-3 Inspections Permitted.

- A. The Police Department is hereby authorized to conduct regulatory inspections of any place of business located within the City, including any vehicle used for such business, that is

suspected of engaging in unlicensed activity or otherwise not being licensed or registered with OCM to engage in retail sales of cannabis or cannabis products.

- B. Scope of inspections. Regulatory inspections under this [Chapter] shall be limited to determining whether the premises is conducting activity for which a license from OCM is required. Any such regulatory inspection shall only occur during the operating hours of such place of business, with or without notice, and shall be conducted for the purpose of civil administrative enforcement with respect to whether the premises has a lawful OCM license. Nothing herein shall limit any enforcement action under any other applicable law when illegal activity is observed or occurs during such inspection.
- C. The Chief of Police, or his/her designee, is designated as the City's liaison to OCM and shall:
- (1) ensure that updates to the OCM directory of licensees are immediately incorporated into the local inspection process, coordinate with OCM on efforts to inspect unlicensed businesses, and assist with related local enforcement efforts;
 - (2) send biweekly reports to OCM in a manner and format prescribed by OCM detailing recent enforcement efforts, including information regarding the number and location of inspections conducted, notices of violation issued, and orders to seal issued and executed, and the amount and nature of the cannabis, cannabis products, or products marketed as such seized; and
 - (3) serve as the primary contact for OCM in connection with its training program and the sharing of materials made available to cities with regard to the inspection and enforcement of unlicensed cannabis businesses.

§ []-4 Complaints

Any person may file a written complaint with the Police Department which alleges or asserts the existence of an unlicensed activity. The Police Department shall review and investigate written complaints. The process for responding to a complaint shall include such of the following steps as the Police Department may deem to be appropriate:

- A. conduct a regulatory inspection pursuant to § []-3 and documenting the results of such inspection;
- B. issue a notice of violation and order to cease the unlicensed activity, setting forth the nature of the unlawful conduct along with any fines or penalties for such conduct in amounts not to exceed the fines set forth in § []-14, and order any person who is unlawfully selling cannabis, cannabis product, or any product marketed or labeled as such without obtaining the appropriate registration, license, or permit therefor, or engaging in indirect retail sale, to cease such prohibited conduct, provided that any such notice of violation and order to cease unlicensed activity may only be issued against the business that is conducting the unlicensed activity or an individual owner of the business. Any notice of violation and order to cease unlicensed activity shall be served by delivery of the order to the owner of the business or

other person of suitable age or discretion in actual or apparent control of the premises at the time of the inspection and shall be posted at the building or premises that have been sealed, secured and closed. A copy of the order shall also be mailed to any address for the owner of the business at any address provided by the person to whom such order was delivered pursuant to this paragraph;

- C. seize any cannabis, cannabis product, or any product marketed or labeled as such, found in the possession of a person engaged in unlicensed activity and in their place of business, including a vehicle used for such business, maintain documentation of the chain of custody of such seized products, and ensure that such products are properly stored, catalogued, and safeguarded until such time as they may properly be destroyed by the City or transferred to another government entity;
- D. issue an order to seal the building or premises of any business engaged in unlicensed activity, when such activity is conducted, maintained, or permitted in such building or premises, occupied as a place of business subject to the following procedures:
 - (1) Chief of Police, or his/her designee, may issue an order to seal with an immediate effective date if such order is based upon a finding by the Chief or Police, or his/her designee, of an imminent threat to the public health, safety, and welfare, as defined in § []-5.
 - (2) Any order to seal shall be served by delivery of the order to the owner of the business or other person of suitable age or discretion in actual or apparent control of the premises at the time of the inspection and shall be posted at the building or premises that have been sealed, secured and closed. A copy of the order shall also be mailed via first class mail to any address for the owner of the business provided by the person to whom such order was delivered pursuant to this paragraph. The order shall remain in effect pending a hearing and final determination of a court, or until such order is vacated by the Chief of Police, or his/her designee. An order to seal shall explicitly state that a request for a hearing must be submitted in writing to Corporation Counsel within seven (7) days. Upon receiving such a request for a hearing, Corporation Counsel shall file a copy of the request with the City Court Clerk.
 - (3) The City Court shall then fix the date of such hearing no later than three (3) business days from the date such notice is received by the Court and provide notice to the parties of the date, time, and location of the hearing. Upon such date, the Court shall hear testimony and receive evidence presented by the parties. Within four (4) business days of the conclusion of the hearing, the Court shall make a determination as to: (i) whether the person upon which the order to seal was issued was engaged in unlicensed activity, (ii) if the person is found to have engaged in unlicensed activity, then whether such unlicensed activity presents an imminent threat to public health, safety and welfare as provided herein, and (iii) whether the unlicensed activity as described in this section is more than a de minimis part of the business activity on the premises or in the building to be sealed pursuant to the order.

However, when an order to seal has been issued upon a second or subsequent inspection in which unlicensed activity is confirmed to be continuing more than ten (10) calendar days after a notice of violation and order to cease unlicensed activity was previously issued, the Court need only determine: (i) whether the person upon which the order to seal was issued was engaged in unlicensed activity; (ii) whether a notice of violation and order to cease unlicensed activity had been issued eleven (11) or more days prior to the issuance of the order to seal; and (iii) whether the order to seal was issued in compliance with § []-4(D)(4). If the Court determines that an order to seal was not properly issued, the Court shall vacate such order. If the Court is satisfied that an order to seal was properly issued, the Court shall render a judgment affirming the issuance of an order to seal, and direct the closing of the building or premises by any police officer or peace officer to abate the unlicensed activity and shall direct any police officer or peace officer to post a copy of the judgment and a printed notice of such closing conforming to the requirements of this Chapter. The closing directed by the judgment shall be for such period as the Court may direct but in no event shall the closing be for a period of more than one year from the posting of the judgment provided for in this section. Failure of a party that requested a hearing to appear at the hearing will result in a default and order of sealing to remain in effect for such period as the Court may direct but in no event shall the order be in effect for a period of more than one year from the posting of the judgment unless otherwise vacated as provided for herein.

- (4) Upon a determination by the City Court that a person or place of business has engaged in unlicensed activity, the Chief of Police, or his/her designee, pursuant to New York Real Property Actions and Proceedings Law § 715-a, personally serve upon the owner or landlord of the premises, or upon their agent, a written notice requiring the owner or landlord to make an application for the removal of a commercial tenant so using or occupying the same for a violation of Article six of the Cannabis Law involving the unlicensed sale of cannabis or products marketed or labeled as such. The City may thereafter authorize the commencement of further legal proceedings pursuant to RPAPL § 715-a and seek an award of remedies provided thereunder.

§ []-5 Imminent Threat To Public Health, Safety, And Welfare.

Factors that determine an imminent threat to public health, safety, and welfare shall be limited to:

- A. documented sales to minors;
- B. unlicensed processing of cannabis products at the building or premises;
- C. orders to cease unlicensed activity issued following an inspection wherein the person engaged in the unlicensed activity engaged in violent, tumultuous, or other behaviors indicating expressed intent to not comply with the order to cease the unlicensed activity;
- D. documented presence of unlawful firearms at the building or premises;

- E. proximity of the building or premises to schools, houses of worship, or public youth facilities;
- F. presence of products deemed unsafe based on reports of illness or hospitalization; or
- G. sales of, or offers to sell, cannabis products not tested or labeled lawfully in accordance with the New York State Cannabis Law or OCM regulations.

§ []-6 Emergency Order to Seal.

Notwithstanding the factors listed in § []-5 and the restrictions set forth in § []- 6(b), the City may issue an order to seal with an immediate effective date upon a second or subsequent inspection in which unlicensed activity is confirmed to be continuing more than ten calendar days after a notice of violation and order to cease unlicensed activity was previously issued by the City, provided that the City has also provided notice that the premises may be subject to an order to seal if upon a subsequent inspection the Chief of Police, or his/her designee, finds that the violation has not been abated.

§ []-7 Issuance of Orders to Seal.

An order to seal may be issued by the City only if: (a) no part of the premises to be sealed is used in part as a residence and pursuant to local law or ordinance is zoned and lawfully occupied as a residence; and (b) the unlicensed activity as described in this section is more than a de minimis part of the business activity on the premises or in the building to be sealed pursuant to the order. In the event that an order to seal may not be issued pursuant to this subdivision, the Chief of Police, or his/her designee, shall issue a notice of violation and order to cease the unlicensed conduct, which shall constitute notice that such unlicensed activity must cease immediately.

§ []-8 De Minimis Factors.

In assessing whether unlicensed activity within a building or premises is more than de minimis, the City following factors shall be considered:

- A. the presence of signs or symbols, indoors or out, advertising the sale of cannabis or otherwise indicating that cannabis is sold on the premises;
- B. information shared in any advertisements or other marketing content in connection with the unlicensed business activity and any direct or indirect sales of cannabis or other conduct in violation of this Chapter;
- C. the volume of illicit cannabis products on site; and
- D. the variety of illicit cannabis products on site.

§ []-9 Enforcement of Orders to Seal.

Any police officer, peace officer with jurisdiction, or code enforcement officer may assist in the enforcement of an order to seal issued by the Chief of Police, or his/her designee, in accordance with the following procedures:

- A. The police officer serving and executing the order to seal shall forthwith make and return to the Chief of Police, or his/her designee, an inventory of personal property situated in and used in conducting, maintaining, or permitting the unlicensed activity within the scope of this Chapter and shall enter upon the building or premises for such purpose. Such inventory shall be taken in any manner which is deemed likely to evidence a true and accurate representation of the personal property subject to such inventory including, but not limited to photographing such personal property.
- B. The police officer serving and executing the order to seal shall enter the building or premises and, upon service of the order, command all persons present in the building or premises to vacate the premises forthwith. Upon the building or premises being vacated, the premises shall be securely locked and all keys delivered to the police officer serving the order who thereafter shall deliver the keys to the fee owner, lessor, or lessee of the building or premises involved. If the fee owner, lessor, or lessee is not at the building or premises when the order is being executed, the police officer shall securely padlock the premises and retain the keys until the fee owner, lessor, or lessee of the building is ascertained, in which event, the police officer shall deliver the keys to such fee owner, lessor, or lessee.
- C. Upon service and execution of the order to seal, the police officer shall post a copy thereof in a conspicuous place or upon one or more of the principal doors at entrances of such premises where the unlicensed activity is being conducted, maintained, or permitted. In addition, the police officer shall affix, in a conspicuous place or upon one or more of the principal doors at entrances of such premises, a printed notice that the premises have been closed by order of the City, and the name of the police officer posting the notice.
- D. Mutilation or removal of such a posted order or such a posted notice while it remains in force, in addition to any other punishment prescribed by law, shall be punishable, on conviction, by a fine of not more than five thousand dollars (\$5,000.00) or by a class **B** misdemeanor, or both, provided such order or notice contains therein a notice of such penalty, and shall be referred to the district attorney for enforcement. The City shall also adhere to the procedures in this subdivision when executing an order to seal issued in accordance with this section.

§ []-10 Duration of Orders to Seal.

Any order to seal issued pursuant to this section shall be effective for one year from the later of the posting of the order or the date of the judgment provided for in this Chapter. An order to seal shall be vacated by the Chief of Police, or his/her designee, if the respondent submits sufficient evidence to the Chief of Police, or his/her designee, by an affidavit and such other proof as may be submitted by the respondent that the unlicensed activity has been abated. An order vacating an order to seal shall include a provision authorizing the Chief of Police, or his/her designee, or any police officer assisted with the execution of the order to seal, to inspect the building or premises without notice for the purpose of ascertaining whether or not the unlicensed activity has

been abated. Any police officer, peace officer with jurisdiction, or code enforcement officer may, upon the request of the Chief of Police, or his/her designee, assist in the enforcement of an inspection provision of an order vacating an order to seal.

§ []-11 Notice of Orders to Seal.

The Chief of Police, or his/her designee, shall mail a copy, by certified mail, of any order to seal within five days following issuance of such order to the person in whose name the real estate affected by the order is recorded in the office of the county clerk, who shall be presumed to be the owner thereof. Such mailing shall constitute notice to the owner and shall be deemed to be complete upon such mailing by the office as provided above.

§ []-12 Vacating Orders to Seal.

If at any time a respondent vacates the building or premises subject to an order to seal issued by the Chief of Police, or his/her designee, or if the building owner provides sufficient proof thereof, any action or proceeding filed in accordance with these procedures relating to such building or premises shall be withdrawn by the Chief of Police, or his/her designee, and any order to seal shall be vacated.

§ []-13 Remedies.

The remedies provided for in this section are cumulative and not exclusive and the City may also request and recover penalties under any other applicable law.

§ []-14 Penalties.

Any person who engages in the unlawful sale of cannabis, cannabis product, or any product marketed or labeled as such, or in indirect retail sales, shall be subject to a civil penalty of not less than one hundred dollars (\$100.00) and not more than ten thousand dollars (\$10,000.00) for each day during which such violation continues, with a maximum penalty of no more than twenty-five thousand dollars (\$25,000.00). The penalty provided for herein may be recovered by an action or proceeding in a court of competent jurisdiction brought by the City to enforce the notice of violation provided for herein.

§ []-15 Other Civil Remedies.

In addition to, and not in limitation of any other remedies provided herein, the Mayor may direct Corporation Counsel to maintain an action or proceeding against any person in the name of the City in a court of competent jurisdiction to compel compliance with, or to permanently or preliminarily restrain by injunction the violation of, this Chapter or any other law or ordinance authorizing the use of the procedures of this Chapter, or any rule or regulation adopted pursuant thereto, including but not limited to the relief provided in Section 16-a of the New York Cannabis Law and Real Property and Proceedings Law§ 715-a.

Section 4. Validity and Severability.

Should any word, section, clause, paragraph, sentence, part or provision of this local law be declared invalid by a court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section 5. Construction with State Law.

This Local Law is intended to comply with New York state law, including New York Cannabis Law and Real Property and Proceedings Law§ 715-a, and shall be construed and applied in accordance with any applicable provisions of New York law. To the extent that any provisions of this Local Law are preempted by or conflict with state law, then the provisions of this Local Law shall not apply.

Section 6. Remainder.

Except as hereinabove amended, the remainder of the Code of the City of Binghamton shall remain in full force and effect.

Section 7. Effective Date.

This Local Law shall take effect the later of ten (10) days after its filing with the New York State Office of Cannabis Management, or upon its filing in the office of the New York State Secretary of State.



RL Number: _____

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

PUBLIC REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for possible consideration at City Council Work Sessions. Incomplete/incorrect RLs will be returned to applicant for revisions. Please include as much supplemental material as is necessary to substantiate the request for legislation. Use "Additional Presenters" line to include anyone that will appear to present this in City Council Work Session.

Applicant Presenting RL at Work Session

(Name) _____ (Title) _____ (Phone number) _____

Additional Presenters:

To Be Completed By Applicant

Proposed Title:

Executive Summary *(Explain why legislation is necessary):*

Effective Date *(if applicable):*

Expedition requested for this RL? Yes No

Please explain why expedition is necessary:

Amending section 265 of the code (as noted in bold and underline):

1. Amend 265-13(H)(1)(f)(2) – replace bolded language in (f)(2) with bolded and underlined language

§ 265-13. Minimum exterior and interior requirements. [Amended 9-15-1988 by Ord. No. 106-88; 10- 15-1990 by Ord. No. 114-90; 6-2-1997 by Ord. No. 78-97; 12-15-2003 by Ord. No. 03-130; Amended 6-7- 2004 by Ord. No. 57-2004; Amended 4-18-2005 by Ord. No. 05-25; Amended 7-17-2006 by Ord. No. 29-2006; Amended 4-16-07 by Ord. No. 10A-2007; Amended 7-20-09 by Ord. No. 23-2009; Amended by Local Law No. 22-01]

H. Residential, commercial and industrial buildings and properties, whether vacant or occupied, and accessory structures, shall be maintained in conformity with the provisions of this chapter to promote an attractive appearance, prevent a substantial depreciation to the integrity of the neighborhood, or prevent health or safety hazards.

(1) In order to satisfy the requirements of this section, a person must comply with the following:

(f) An unregistered and/or unlicensed vehicle may not be parked stored or left in the open, whether behind a fence or not, unless it is necessary for the operation of a licensed auto repair business, lawfully situated on the property where the vehicle is stored, as permitted by applicable zoning regulations and state and/or local law, or lawfully situated on the property pursuant to a special permit issued hereunder for the purpose of accommodating valid police agency removal orders issued by the City of Binghamton Police Department. But in no case shall the number of unregistered and/or unlicensed vehicles permitted in the open at a licensed auto repair business exceed a number equal to the number of repair bays located on that property. Any other unregistered and/or unlicensed vehicle or vehicles must be relocated to a completely enclosed garage or be removed from the property.

[2] Penalties for offenses.

[a] First offense: warning ticket.

[b] Second offense within one year of first offense: fine of \$50 per vehicle.

[c] Third offense within one year of second offense: fine of \$75 per vehicle.

[d] Fourth offense within one year of third offense: fine of \$100 per vehicle.

[e] Fifth offense within one year of fourth offense: Judge's discretion.

[2] Penalties for offenses.

[a] First offense: \$100 per vehicle.

[b] Second offense within five years of first offense: fine of \$250 per vehicle.

[c] Third offense within five years of second offense: fine of \$500 per vehicle.

[d] Fourth offense within one year of third offense: fine of \$750 per vehicle.

[e] Fifth offense within one year of fourth offense: Judge's discretion.

2. Add subsection 265-18 (F)

F. “Unless a specific penalty is already provided for in this Chapter, any person found guilty of violating or assisting in the violation of any provision of this Chapter, shall be found guilty of a violation and liable of a fine not less than 250 dollars and not exceeding 500 dollars and/or by imprisonment for a period of not more than 15 days, or both.”



RL Number: _____

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

PUBLIC REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for possible consideration at City Council Work Sessions. Incomplete/incorrect RLs will be returned to applicant for revisions. Please include as much supplemental material as is necessary to substantiate the request for legislation. Use "Additional Presenters" line to include anyone that will appear to present this in City Council Work Session.

Applicant Presenting RL at Work Session

Samantha Costello
(Name)

Deputy Clerk
(Title)

(607) 772-8715
(Phone number)

Additional Presenters:

Sarah Dinhofer (City Clerk)

To Be Completed By Applicant

Proposed Title:

An Ordinance to amend the 2024 General Fund budget to decrease Contingency \$6,208 and increase Clerk Personal \$6,208

Executive Summary (Explain why legislation is necessary):

An Ordinance to amend the 2024 General Fund budget to decrease Contingency \$6,208 (A1990.55000) and increase Clerk Personal Services (A1410.51000) \$6,208 to account for responsibility adjustments for Senior Licensing Clerk and Licensing Clerk (see O24-76 and O24-85)

Effective Date (if applicable): 11/6/20

Expedition requested for this RL? Yes No

Please explain why expedition is necessary:

Payroll expedition



CITY OF BINGHAMTON

Request for Transfer of Funds

Transfer requests of \$2500 or less must be approved by the Comptroller.
 Transfer requests over \$2500 and not in excess of \$10,000 must be approved by Board of E&A and Chair of Finance Committee.
 Transfer requests in excess of \$10,000 must be approved by City Council.

*This worksheet must be attached to any RL submitted to the Clerk's Office that includes a budget funding transfer or amendment. For additional instructions, see 'RL Instructions' document.
 Incomplete/incorrect RLs to be returned to applicant for revisions. Additional transfer lines in the same format may be attached.*

Adopted Budget Year Amended: _____ Department: _____
 Department Head Signature: _____

Transfers						
Transfer From (Decrease)			➔	Transfer To (Increase)		
Amount	Budget Line	Budget Line Title		Amount	Budget Line	Budget Line Title
\$ 6,208	A1990.55000	CONTINGENCY ACCT	➔	\$6,208	A1410.51000	PERSONAL SERVICES
			➔			
			➔			
			➔			
			➔			
			➔			
			➔			
			➔			
			➔			
\$ 6,208			➔	\$ 6,208		

Revenue & Fund Balance Amendments				
Amount	Increase/Decrease	Revenue/Expense / Fund Balance	Budget Line	Budget Line Title

Office Use Only for Transfers Under \$10,000

I hereby certify that the above funds are unencumbered and available for Transfer. Certified by the Comptroller. Signature: _____ Date: _____

I hereby certify that the above described funds have been transferred, in accordance with the Code of the City of Binghamton Chapter9, Appropriations. Certified by the Treasurer. Signature: _____ Date: _____

Transfer of funds Approved ___ / Denied ___ on ___/___/_____. Certified by the Secretary of the Board of Estimate and Apportionment. Signature: _____ Date: _____

Transfer of funds reviewed by the Binghamton City Council Finance Chair. Recommendations to be attached. Signature: _____ Date: _____