



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

Date: July 22, 2020

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

Introduced by Committee: Finance

**ORDINANCE**  
*entitled*

AMENDING BOND ORDINANCE OF THE CITY OF BINGHAMTON, NEW YORK, ADOPTED JULY 22, 2020, AMENDING THE BOND ORDINANCE ADOPTED JANUARY 22, 2020 ON ACCOUNT OF AN INCREASE IN THE COST OF THE REPLACEMENT OF TENNIS COURTS

WHEREAS, the Council of the City of Binghamton (the "City"), in the County of Broome, New York, has heretofore duly authorized the issuance of bonds in the principal amount of not to exceed \$8,992,235 to finance various capital projects in and for the City, including the replacement of tennis courts, at an estimated maximum cost of \$600,000, all as specified in the bond ordinance adopted on January 22, 2020; and

WHEREAS, the Council has now determined that the total cost of the replacement of tennis courts is \$1,300,000, and it is necessary and in the public interest to increase the appropriation for such project by \$700,000 and to amend said bond ordinance to authorize the issuance of an additional \$700,000 bonds to finance said increased appropriation.

NOW, THEREFORE, BE IT

RESOLVED BY THE COUNCIL OF THE CITY OF BINGHAMTON, IN THE COUNTY OF BROOME, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Board of Trustees) AS FOLLOWS:

Section A. The bond ordinance of said City duly adopted by the Council of the City on January 22, 2020 entitled:

Bond Ordinance of the City of Binghamton, New York, adopted January 22, 2020, authorizing various capital improvements in and for the City, stating the estimated maximum cost thereof is \$8,992,235, appropriating said amount for such purpose and authorizing the issuance of bonds of the City in the principal amount of not to exceed \$8,992,235 to finance said appropriation,"

is hereby amended to read as follows:



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BOND ORDINANCE OF THE CITY OF BINGHAMTON, NEW YORK, ADOPTED JANUARY 22, 2020 AND AMENDED ON JULY 22, 2020, AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE CITY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$9,692,235, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE AND AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$9,692,235 TO FINANCE SAID APPROPRIATION

WHEREAS, the Council of the City of Binghamton recognizes the need to provide for various capital improvements in and for the City, as more specifically described herein;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BINGHAMTON, NEW YORK, DULY CONVENEED (by the favorable vote of not less than two-thirds of all the members of said Council) AS FOLLOWS:

Section 1. The City of Binghamton, in the County of Broome, New York (herein called the "City"), is hereby authorized to construct, acquire or undertake the various projects as described in Column A of said Schedule I, attached hereto and made a part hereof, at the estimated maximum costs indicated in Column B of said Schedule I. The estimated total cost of such projects, including preliminary costs and costs incidental thereto and the financing thereof, is \$9,692,235 and said amount is hereby appropriated therefor, such appropriation having been authorized by the Council pursuant to Ordinance Nos. 020-16 and 020-70. The plan of financing includes the issuance of bonds of the City in the principal amount of not to exceed \$9,692,235 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Debt service on the obligations herein authorized is expected to be paid from the respective funds of the City set forth in Column D of said Schedule I. Any grant funds received from the United States of America, the State of New York or from any other source, including the grant funds referenced in Column E of said Schedule I, in connection with the various projects described in Column A of said Schedule I, are authorized to be applied towards the cost of said projects or redemption of the City's bonds or notes issued therefor, or to be budgeted as an offset to the amounts to be collected for the payment of the principal of and interest on said bonds or notes.

Section 2. Bonds of the City in the aggregate principal amount of not to exceed \$9,692,235 are hereby authorized to be issued in the principal amounts indicated in Column C of said Schedule I for each of the respective objects or purposes indicated in Column A of said Schedule I, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance the appropriation referred to herein.

Section 3. The respective periods of probable usefulness of the specific objects or purposes and classes of objects or purposes for which said bonds are authorized to be issued, within the limitations of §11.00 a. of the Law as referenced in Column G of said Schedule I, are set forth in Column F of said Schedule I.

Section 4. The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the City for expenditures made



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after the effective date of this ordinance for the purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

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

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

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

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such ordinance, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

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

Section B. The amendment of the bond ordinance set forth in Section A of this ordinance, shall in no way affect the validity of the liabilities incurred, obligations issued, or action



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taken pursuant to said bond ordinance, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond ordinance, as so amended.

Introductory No. 020-69

Permanent No. 020-70

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

AMENDING BOND ORDINANCE OF THE CITY OF BINGHAMTON, NEW YORK, ADOPTED JULY 22, 2020, AMENDING THE BOND ORDINANCE ADOPTED JANUARY 22, 2020 ON ACCOUNT OF AN INCREASE IN THE COST OF THE REPLACEMENT OF TENNIS COURTS

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

7/27/2020

Date

City Clerk

Resciniti G. Resciniti

Date Presented to Mayor

7/28/2020

Date Approved

Michael J. Rao

Mayor

	Ayes	Nays	Abstain	Absent
Councilman Scaringi	✓			
Councilwoman Resciniti	✓			
Councilwoman Riley		✓		
Councilwoman Friedman		✓		
Councilman Burns	✓			
Councilman Strawn	✓			
Councilman Scanlon	✓			
<b>Total</b>	<b>5</b>	<b>2</b>	<b>0</b>	<b>0</b>

Code of the City of Binghamton

Adopted  Defeated

5 Ayes 2 Nays 0 Abstain 0 Absent

I hereby certify the above to be a true copy of the legislation adopted by the Council of the City of Binghamton at a meeting held on 7/27/2020. Approved by the Mayor on 7/28/2020.

Michael J. Rao



**State Environmental Quality Review**  
**Determination of Type II Action**  
**and an Unlisted Action For One Additional Tennis Court**

**Project Number:** None

**Date:** July 22, 2020

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

**Nature of action.** On January 22, 2020, the City of Binghamton City Council authorized and completed SEQRA for a variety of capital projects, including improvements to tennis courts. This project is for upgrades to Recreation Park in the City of Binghamton. These upgrades focus mainly on the existing seven tennis courts located along Seminary Avenue at the intersection of Beethoven Street. This will include improvements to the court surfacing, layouts, drainage features, and seating areas. Subsequently it was determined that the cost to improve the tennis courts would exceed the January 22, 2020, bond approval. Thus the City is amending the January 22, 2020, bond approval to increase the allocation for Item “J. Replace Tennis Courts” to increase the total amount to \$1,300,000. A Type II determination was made on January 22, 2020.

**Findings.** The City of Binghamton City Council has determined that the proposed action described above is a Type II action based on §617.5 Type II C (1) maintenance or repair involving no substantial changes in an existing structure or facility, (2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part, and (21) minor temporary uses of land having negligible or no permanent impact on the environment.

There is one proposed new tennis court, which will be within the same footprint of the existing facilities. As there are already seven tennis courts, one additional tennis court in the same footprint will be a benefit to the community and will have no change of impact on the park. No further environmental review is necessary.

**For Further Information**

Contact Person: Thomas Scanlon, President  
City of Binghamton City Council

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Binghamton, NY 13901

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