



LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Sophia Resciniti, City Council President
Leighton Rogers, City Clerk

COUNCIL OF THE CITY OF BINGHAMTON
Business Meeting Agenda
City Hall, 38 Hawley Street, Binghamton, NY 13901
Wednesday, September 22, 2021

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. ACKNOWLEDGEMENTS AND RECOGNITIONS

V. REPORTS FROM COMMITTEES AND APPROVAL OF MINUTES

Approval of Minutes

Approve the Minutes from September 1, 2021 Business Meeting and September 9, 2021 Special Business Meeting.

City Council Finance Committee: Strawn (Chair), Scanlon, Burns

No items to report.

City Council Planning & Community Development Committee: Strawn (Chair), Scaringi, Friedman

No items to report.

City Council Municipal & Public Affairs Committee: Scanlon (Chair), Strawn, Riley

No items to report.

City Council Public Works/Parks & Recreation Committee: Scanlon (Chair), Scaringi, Riley

No items to report.

City Council Employees Committee: Scaringi (Chair), Scanlon, Burns

No items to report.

City Council Rules & Procedures/Special Studies Committee: Scaringi (Chair), Strawn, Friedman

No items to report.

VI. APPROVAL OF APPOINTMENTS

VII. PUBLIC HEARING

Binghamton City Council and the Mayor will hold a Public Hearing regarding RL21-177: A Local Law amending the residency requirements for employment for the City of Binghamton.

VIII. SET PUBLIC HEARINGS

Binghamton City Council and the Mayor will hold a Public Hearing regarding refunding of 2015 bond ordinances.



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This Public Hearing will take place during the next regular City Council Business Meeting at 6pm on October 6, 2021, in City Hall, 38 Hawley Street, Binghamton, NY and virtually via zoom.

Residents wishing to submit comments may do so electronically by emailing their comments prior to 5:00pm on the day of the meeting to clerk@cityofbinghamton.com or virtually via zoom during the meeting. For any questions, please contact the City Clerk's Office at (607) 772-7005.

IX. PUBLIC COMMENT/COMMUNICATION

*Please note: Residents wishing to submit public comment may do so electronically by emailing their comments prior to 5:00pm on the day of the meeting to clerk@cityofbinghamton.com

X. REVIEW OF MAYORAL VETO

XI. SECOND READING LEGISLATION

Reconsideration of Permanent Ordinance 21-94. Considered in Employees: Scaringi

An Ordinance to amend Chapter 124-39, Personnel Policies, of the Code of the City of Binghamton, to add two positions to the list of 8 hour per standard work day employees.

Introductory Ordinance 21-89. Considered in Finance: Strawn

An Ordinance to amend the 2021 budget to use the Fund Balance and ARPA funds to reduce debt cost associated with the new Community Center and park improvements at Columbus Park

XII. FIRST READING LEGISLATION

A. PREFERRED AGENDA

Introductory Ordinance 21-96. Considered in Rules/Special Studies: Scaringi

An Ordinance amending the Code of the City of Binghamton, Chapter 26, City Council, to regulate and provide for public comment at most business meetings

Introductory Ordinance 21-97. Considered in Finance: Strawn

An Ordinance to amend the 2021 Capital Fund budget to close grant lines that are no longer active

Introductory Ordinance 21-98. Considered in Finance: Strawn

An Ordinance to amend the 2021 Refuse fund for an increase in bag production expenses for \$50,000

Introductory Ordinance 21-100. Considered in Planning: Strawn

An Ordinance authorizing the sale of 28 Lyon Street to Greater Opportunities for Broome for \$1 (SEQRA)

Introductory Ordinance 21-101. Considered in Finance: Strawn.

An Ordinance to amend the 2021 JT Sewer Project budget to use the Sewer Fund balance for personal and professional services



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Introductory Resolution 21-76. Considered in PW/Parks: Scanlon

A Resolution to accept a donation of 10 pole replacements as part of NYSEG electrical service upgrades at Recreation Park

B. NON PREFERRED AGENDA

Introductory Local Law 21-01. Considered in Employees: Scaringi

A Local Law amending the Charter of the City of Binghamton, Chapter 13, Eligibility, regarding residency requirements for City of Binghamton employees

Introductory Ordinance 21-99. Considered in Finance: Strawn

An Ordinance to amend the 2021 Fire budget for relocation expenses for the temporary fire station

Introductory Ordinance 21-102. Considered in Planning: Strawn

An Ordinance authorizing the sale of 7 Harrison Street to Roger T. Howe for \$53,000 (SEQRA)

Introductory Resolution 21-75. Considered in Finance: Strawn

A Resolution to accept \$231,285 from the NYS DCJS Grant to implement the GIVE initiative and fund the STCAC

Introductory Resolution 21-77. Considered in Finance: Strawn

A Resolution authorizing the Mayor to amend work order No. 7 with GHD Consulting Services, Inc. for the BAF Restoration and Rehabilitation phase at the Binghamton Johnson City Joint Sewage Treatment Facility

XIII. COMMUNICATIONS FROM COUNCIL MEMBERS

XIV. ADJOURNMENT

BRL



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

Date: September 9, 2021

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

Introduced by Committee: Employees

ORDINANCE

entitled

AN ORDINANCE TO AMEND CHAPTER 124-39,
PERSONNEL POLICIES, OF THE CODE OF THE
CITY OF BINGHAMTON, TO ADD TWO
POSITIONS TO THE LIST OF 8 HOUR PER
STANDARD WORK DAY EMPLOYEES

WHEREAS, the Council of the City of Binghamton wishes to amend the Code of the City of Binghamton, Chapter 124, *Personnel Policies*, Article VIII, *Officers and Employees not covered by Collective Bargaining Agreements*, §124-39.A, *Standard Work Day*, to add two (2) positions.

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

Section 1. That the Code of the City of Binghamton, Chapter 124, *Personnel Policies*, Article VIII, *Officers and Employees not covered by Collective Bargaining Agreements*, §124-39.A, *Standard Work Day*, is hereby amended to add to the list of 8 hour per standard work day employees as follows:

- (i) City Clerk
- (ii) Deputy City Clerk

Section 2. That this ordinance shall take effect immediately.

MOTION TO RECONSIDER PERM. ORDINANCE 21-94

An Ordinance to amend Chapter 124-39, Personnel Policies, of the Code of the City of Binghamton, to add two positions to the list of 8 hour per standard work day employees

1. A motion to reconsider Perm. Ordinance 21-94, adopted on September 9, 2021.

Motion made by _____,

Second _____,

Voice Vote (majority required)

2. A motion to amend Perm. Ordinance 21-94, to replace section 2 as follows:

Section 2. That this ordinance shall take effect January 1, 2022.

Motion made by _____,

Second _____,

Roll Call Vote (majority required)

3. A motion to approve Perm. Ordinance 21-94 as amended.

Motion made by _____,

Second _____,

Roll Call Vote (majority required)



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

Date: September 1, 2021

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

Introduced by Committee: Finance

ORDINANCE

entitled

AN ORDINANCE TO AMEND THE 2021 BUDGET TO USE FUND BALANCE AND ARPA FUNDS TO REDUCE THE COST ASSOCIATED WITH THE NEW COMMUNITY CENTER AND PARK IMPROVEMENTS AT COLUMBUS PARK

WHEREAS, the Mayor, Acting Commissioner of Parks and Recreation, and Comptroller of the City of Binghamton find it proper and necessary to amend the 2021 budget to use fund balance and ARPA funds to reduce the cost associated with building the new Community Center and park improvements at Columbus Park; and

WHEREAS, the expected total project cost is \$7,200,000, to be paid (i) \$1,100,000 from CDBG funds, (ii) \$3,000,000 from fund balance, and (iii) the remaining \$3,100,000 from American Rescue Plan Act (ARPA) funds; and

WHEREAS, to accomplish these allocations the 2021 budget must be amended to (i) transfer \$3,000,000 from fund balance to the Community Center and Columbus Park, (ii) create expense budget lines for the Community Center and Columbus Park for ARPA funds, and (iii) allocate ARPA funds in the amount of \$3,100,000 for same.

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on September 1, 2021, and September 22, 2021.

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

Section 1. That the Comptroller and City Treasurer of the City of Binghamton are hereby authorized and directed to amend the 2021 budget to (i) transfer \$3,000,000 from fund balance to the Community Center and Columbus Park, (ii) create expense budget lines for the Community Center and Columbus Park for ARPA funds, and (iii) allocate ARPA funds in the amount of \$3,100,000 as follows:

- (i) \$3,000,000 decrease the Fund Balance
- (ii) \$3,000,000 increase expense budget line A9950.59000 (Transfer to Capital)
- (iii) \$3,000,000 increase revenue budget line H.45031 (Interfund Transfer)
- (iv) \$3,000,000 increase expense budget line H7110.525800 (Community Center-Columbus Park)
- (v) \$3,100,000 increase revenue budget line A44089.F0015 (Federal ARPA Revenue)

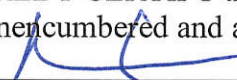
**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: September 1, 2021

- (vi) \$3,100,000 increase expense budget line A9950.59000.F0015 (Transfer to Capital ARPA)
- (vii) \$3,100,000 increase revenue budget line H.45031.F0015 (Interfund Transfer ARPA)
- (viii) \$3,100,000 increase expense budget line H7110.525800.F0015 (Community Center-Columbus Park ARPA)

Section 2. That this ordinance shall take effect immediately.

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



Chuck Shager, Comptroller

BMS



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

Date: September 22, 2021

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

Introduced by Committee: Rules/Special Studies

ORDINANCE

entitled

AN ORDINANCE AMENDING THE CODE OF THE CITY OF BINGHAMTON, CHAPTER 26, CITY COUNCIL, TO REGULATE AND PROVIDE FOR PUBLIC COMMENT AT MOST BUSINESS MEETINGS

WHEREAS, the Council of the City of Binghamton wishes to amend the City Code to regulate and provide for public comment at most business meetings.

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

Section 1. That the Code of the City of Binghamton, Chapter 26, *City Council*, is hereby amended as follows:

§ 26-5. Rules adopted. [Amended 10-5-1992 by Ord. No. 92-92; 2-6-1995 by Ord. No. 10-95; 6-1-1998 by Ord. No. 98-57; 7-20-1998 by Ord. No. 98-107; 12-21-1998 by Ord. No. 98-172; 1-19-1999 by Ord. No. 99-4; 12-17-07 by Ord. No. 57-2007; 2-4-08 by Ord. No. 11-2008; 4-5-2017 by Ord. No. 17-26; **Amended 9-22-21 by Ord. No. _____**]

B. [New] Business Meetings.

(1) Order of business. Except as set forth in (2) and (3) below, the order of business at a regularly scheduled business meeting, which shall not in any case be departed from unless by the unanimous consent of the members of City Council present, shall be as follows:

Same as currently in Code

(2) At a special business meeting with pending legislation to be voted upon the order of business shall be as follows:

I. Call to Order

II. Pledge of Allegiance

III. Roll call

IV. Public comment/communication related to the pending legislation only

V. Business specified in the notice of meeting, must include legislation to be voted upon

VI. Adjournment

**THE COUNCIL OF THE CITY OF BINGHAMTON
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Date: September 22, 2021

(3) For all other special business meetings where no legislation is to be voted upon, e.g., City Council Organizational meeting, State of the City, and the Mayor's presentation of the annual budget, the order of business shall be as follows:

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll call
- IV. Business specified in the notice of meeting, no legislation will be on the agenda for a vote
- V. Adjournment

O. [New] Members of public addressing City Council and attendance at meetings.

(1) Public Comment is permitted at all City Council business meetings in which there is pending legislation to be voted upon, see § 26-5 B(1) and (2) above. Public comment is not permitted at a business meeting where no legislation is to be voted upon, see § 26-5 B(3) above, or at work sessions and committee meetings. Public comment is subject to the following rules:

- (a) Speakers must provide their name and any organization they are representing, if any; and state (i) if they live in the City, (ii) work in the City, (ii) live and work in the City, or (iv) do not live or work in the City. Speakers may include a home or work address at the speaker's discretion.
- (b) Speakers will appear in person, unless in person meetings are suspended by New York State. If a person wishes to submit public comment but is unable to attend a meeting in person, they may submit a letter or email to the City Clerk no later than 1 pm on the day of the meeting. The letter or email should provide a name and any organization they are representing, if any; and state (i) if they live in the City, (ii) work in the City, (ii) live and work in the City, or (iv) do not live or work in the City. The letter or email will be distributed to members of Council. The letter will be included in the record. The letter may be read by any member of City Council during the public comment period.
- (c) Speakers will have up to five (5) minutes to address City Council regarding pending legislation and issues affecting the City.
- (d) Public comment is not a question and answer period. It is an opportunity for the public to address City Council. Members of Council should not interrupt speakers.
- (e) Speakers will conduct themselves in a professional and respectful manner and they will not defame, intimidate, make personal affronts, make threats of violence, or use profanity.
- (f) Speakers will address their remarks to City Council, not to other members of the public nor City staff.
- (g) Speakers and attendees will not interfere with, touch, manipulate, or disturb City equipment, including microphones and audio visual equipment, nor will they move tables or barriers.
- (h) Speakers and attendees are not permitted to advance beyond the table designated for public comment without the consent of the Presiding Officer.

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STATE OF NEW YORK**

Date: September 22, 2021

Any time a "Point of Order" is raised and pending resolution of the "Point of Order," the speaker's microphone will be turned off, if possible. The time to raise and resolve a "Point of Order" will be deducted from the speaker's five minutes, unless it is determined that the speaker did not violate the rules.

If violations continue by other persons, in addition to the above procedure, then any member of Council, including the Presiding Officer, may again raise a "Point of Order" and ask for a vote to end public comment for that meeting, and if passed by a majority vote public comment will be terminated.

EE. [New] Work Sessions and Committee Meetings. The Presiding Officer at a work session is the President or President Pro Tem. The Presiding Officer at a committee meeting is the Chair of that committee. The Presiding Officer will conduct the meeting. While the Presiding Officer or City Clerk may prepare an agenda, other items may be presented if permitted by the Presiding Officer. Members of City Council will appear in person or otherwise comply with the Open Meetings Law. City employees, consultants, and other invited guests making a presentation may be permitted to appear remotely with consent of the Presiding Officer. There is no public comment at a work session or a committee meeting.

Section 2. That this ordinance shall take effect immediately.



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

Date: September 22, 2021

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

Introduced by Committee: Finance

ORDINANCE

entitled

**AN ORDINANCE TO AMEND THE 2021
CAPITAL FUND BUDGET TO CLOSE GRANT
LINES THAT ARE NO LONGER ACTIVE**

WHEREAS, the Comptroller of the City of Binghamton finds it proper and necessary to amend the 2021 Capital Fund budget to close grant lines that are no longer active; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on September 22, 2021.


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

Section 1. That the Comptroller and City Treasurer of the City of Binghamton are hereby authorized and directed to amend the 2021 Capital Fund budget to close grant lines that are no longer active as follows:

- (i) \$27,000.01 decrease revenue budget line H.43089.D0011 (State Aid - DASNY-ADA C/SW)
- (ii) \$27,000.01 decrease expense budget line H5110.555555.D0011 (ADA Curb & SW Improv.)

Section 2. That this ordinance shall take effect immediately.

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



Chuck Shager, Comptroller

BMA



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

Date: September 22, 2021

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

Introduced by Committee: Finance

ORDINANCE

entitled

**AN ORDINANCE TO AMEND THE 2021
REFUSE FUND FOR AN INCREASE IN BAG
PRODUCTION EXPENSES FOR \$50,000**

WHEREAS, the Comptroller of the City of Binghamton finds it proper and necessary to amend the 2021 Refuse Fund due to the increase in sales of residential city trash bags and therefore an increase to the City for the bag production expenses for \$50,000; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on September 22, 2021.

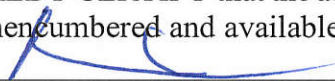
NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That the Comptroller and City Treasurer of the City of Binghamton are hereby authorized and directed to amend the 2021 Refuse Fund due to the increase in sales of residential city trash bags and therefore an increase to the City for the bag production expenses for \$50,000 as follows:

- (i) \$50,000 increase revenue budget line CL.42130 (Refuse and Garbage)
- (ii) \$50,000 increase expense budget line CL8160.54460 (Bag Prod/Dist.)

Section 2. That this ordinance shall take effect immediately.

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



Chuck Shager, Comptroller



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

Date: September 22, 2021

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

Introduced by Committee: Planning

ORDINANCE

entitled

**AN ORDINANCE AUTHORIZING THE SALE OF
28 LYON STREET TO GREATER
OPPORTUNITIES FOR BROOME FOR \$1**

WHEREAS, the City of Binghamton is the owner of certain real property located at 28 Lyon Street, Binghamton, New York, Tax Parcel No. 144.83-1-18 (the "Premises"); and

WHEREAS, the City received an Offer to Purchase the Premises from Greater Opportunities for Broome Inc. (the "Applicant"), for \$1 for use of the Premises as a parking lot for the newly renovated affordable housing development units at its adjacent property at 39-49 Munsell Street, Binghamton, New York; and

WHEREAS, the City has no public use for the Premises; and

WHEREAS, the Assessor of the City of Binghamton has determined the sale price to be fair and equitable; and

WHEREAS, the Board of Estimate and Apportionment approved and recommended sale of the Premises on September 22, 2021.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain by at least a three-fourths vote as follows:

Section 1. That the Mayor of the City of Binghamton is hereby authorized to enter into a contract of sale and to execute all necessary and appropriate documentation, approved as to form and content by the Office of Corporation Counsel, to transfer the Premises to Greater Opportunities for Broome Inc., by Quitclaim Deed for \$1 to be paid by cash, certified, or local bank check.

Section 2. This transfer is subject to the following conditions (i) the Premises may only be used as a parking lot for housing located at 39-49 Munsell Street and (ii) the Premises must be merged with the Applicant's adjacent property located at 39-49 Munsell Street, Binghamton, New York, Tax Parcel No. 144.83-1-22.

Section 3. That this Ordinance shall take effect immediately.

State Environmental Quality Review Act

Read the title of the Legislation for 28 Lyons Street, before a vote, do the following:

The Planning Commission previously issued a negative declaration under SEQRA and approved the proposed development for 28 Lyons Street. Therefore no further action under SEQRA is necessary.



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STATE OF NEW YORK**

Date: September 22, 2021

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

Introduced by Committee: Finance

ORDINANCE

entitled

**AN ORDINANCE TO AMEND THE 2021 JT
SEWER PROJECT BUDGET TO USE SEWER
FUND BALANCE FOR PERSONAL AND
PROFESSIONAL SERVICES**

WHEREAS, the Comptroller of the City of Binghamton finds it proper and necessary to amend the 2021 JT Sewer Project budget to use Sewer Fund Balance for Personal and Professional Services; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on September 22, 2021.

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

Section 1. That the Comptroller and City Treasurer of the City of Binghamton are hereby authorized and directed to amend the 2021 JT Sewer budget for Personal Services and Professional Services as follows:

- (i) \$10,900 decrease the Sewer Fund Balance
- (ii) \$ 6,400 increase expense budget line G8150.51000 (Per.Ser-Project Analyst)
- (iii) \$ 4,500 increase expense budget line G8150.54410 (Prof.Ser-Project Ass't)

Section 2. That this Ordinance shall take effect immediately.

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

Chuck Shager, Comptroller



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

Date: September 22, 2021

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

Introduced by Committee: PW/Parks

RESOLUTION

entitled

**A RESOLUTION TO ACCEPT A DONATION OF
10 POLE REPLACEMENTS AS PART OF NYSEG
ELECTRICAL SERVICE UPGRADES AT
RECREATION PARK**

WHEREAS, the City of Binghamton wishes to accept a donation of 10 pole replacements as part of NYSEG electrical service upgrades at Recreation Park.

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

RESOLVE that the Mayor, or his designee, is hereby authorized to execute any and all documents, approved as to form and content by the Office of Corporation Counsel, to accept a donation of 10 pole replacements as part of NYSEG electrical service upgrades at Recreation Park.



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

Date: September 22, 2021

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

Introduced by Committee: Employees

LOCAL LAW NO. 1 OF 2021

entitled

A LOCAL LAW AMENDING THE CHARTER OF
THE CITY OF BINGHAMTON, CHAPTER 13,
ELIGIBILITY, REGARDING RESIDENCY
REQUIREMENTS FOR CITY OF BINGHAMTON
EMPLOYEES

WHEREAS, the City Charter § C-13, *Eligibility*, provides that no person shall be eligible for appointment to a City office or as a City employee, unless, at the time of his or her appointment, he or she is a bona fide resident of the City of Binghamton, unless the Municipal Civil Service Commission of the City of Binghamton waive the residence requirements set forth; and

WHEREAS, the Municipal Civil Service Commission of the City of Binghamton has recommended that this restriction be eliminated for non-elected employees; and

WHEREAS, the Council of the City of Binghamton wishes to amend § C-13 to provide that applicants residing Broome County will no longer need a waiver if there are no such applicants eligible that reside in the City of Binghamton; and

WHEREAS, the Council of the City of Binghamton wishes to (i) amend § C-13, first paragraph, (ii) replace section A, and (iii) to delete in their entirety sections B, C, and D.

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

Section 1. That the Charter of the City of Binghamton, § C-13, *Eligibility*, is hereby amended as follows:

§ C-13. Eligibility. [L.L. No. 1-1951, § 1; L.L. No. 3-1955, § 1; L.L. No. 4-1962, § 1; L.L. No. 1-1963, § 1; L.L. No. 3-1966, § 2; L.L. No. 6-1977, § 1; L.L. No. 8-1977, § 1; L.L. No. 5-1978, § 1; Amended 2-5-14 by Ord. No. 5-2014; **Amended 9-22-21 by L.L. No. 1-2021**]

No person shall be eligible for ~~appointment or election~~ to a City office ~~or as a City employee~~, unless, at the time of his or her ~~election or appointment~~, he or she is a bona fide resident of said City, ~~nor to any ward office unless he or she shall be at the time a bona fide resident elector of the ward for which he or she is elected or appointed~~, nor to the office of Councilperson unless he or she shall be at the time a bona fide resident elector of the Councilmanic district for which he or she is elected or appointed, ~~nor appointment as a City employee unless he or she is a bona fide resident of Broome County~~; and whenever any elected official of said City shall cease to be a resident of said City ~~or of the ward~~ or of the Councilmanic district for which he or she was elected the office or position shall thereby become vacant; and whenever any other employee

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

Date: September 22, 2021

of said City shall cease to be a resident of the County of Broome the position shall thereby become vacant. *Notwithstanding the foregoing, residents of the City of Binghamton will be given a preference in hiring if they have equal or greater education, professional training, or experience for a position to be filled.* ~~residency provisions of this section, the Municipal Civil Service Commission of the City of Binghamton shall have the power to waive the residence requirements hereinabove set forth, for City employees, except elected officials, under the following circumstances:~~

A. The Commission may grant a waiver from residency in Broome County for non-elected officials who reside in New York State for (i) a contract employee, e.g., the City Assessor, or (ii) other employees for a period not to exceed three (3) months for such employee to move into Broome County. Whenever it shall be established to the satisfaction of the Commission that there are no applicants residing in the City of Binghamton who meet the necessary requirements of education, professional training or experience for a position to be filled in the City of Binghamton, waiver may be granted to enable a nonresident to take a civil service examination for such position, but residents of the City of Binghamton shall be preferred in appointment from the list established after such examination prior to the appointment of any nonresident.

Section 2. That the Charter of the City of Binghamton, § C-13, *Eligibility*, is hereby amended to delete sections B, C, and D.

Section 3. That this Local Law shall take effect upon filing with the Secretary of State.

BAD



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

Date: September 22, 2021

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

Introduced by Committee: Finance

ORDINANCE

entitled

**AN ORDINANCE TO AMEND THE 2021 FIRE
BUDGET FOR RELOCATION EXPENSES FOR
THE TEMPORARY FIRE STATION**

WHEREAS, the Comptroller of the City of Binghamton finds it proper and necessary to amend the 2021 Fire budget for relocation expenses for the temporary fire station; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on September 22, 2021.

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

Section 1. That the Comptroller and City Treasurer of the City of Binghamton are hereby authorized and directed to amend the 2021 Fire budget for relocation expenses for the temporary fire station as follows:

Transfer From (Decrease):

\$32,000 A1990.55000 (Contingency)

Transfer To (Increase):

\$32,000 A3410.54205 (Relocation Expenses)

Section 2. That this Ordinance shall take effect immediately.

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

[Signature]

Chuck Shager, Comptroller



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

Date: September 22, 2021

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

Introduced by Committee: Planning

ORDINANCE

entitled

**AN ORDINANCE AUTHORIZING THE SALE OF
7 HARRISON STREET TO ROGER T. HOWE
FOR \$53,000**

WHEREAS, the City of Binghamton is the owner of certain real property located at 7 Harrison Street, Binghamton, New York, Tax Parcel No. 159.35-3-1 (the "Premises"); and

WHEREAS, pursuant to Permanent Resolution 20-03, dated February 5, 2020, City Council approved to receive a grant from Enterprise Community Partners in the amount of \$585,000 for the Cities RISE innovation program; and

WHEREAS, this property has been brought to code compliance as part of the Cities RISE Program and is ready to sell; and

WHEREAS, the City has no public use for the Premises; and

WHEREAS, the Assessor of the City of Binghamton has determined the sale price to be fair and equitable; and

WHEREAS, the Board of Estimate and Apportionment approved and recommended sale of the Premises on September 15, 2021.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain by at least a three-fourths vote as follows:

Section 1. That the Mayor of the City of Binghamton is hereby authorized to enter into a contract of sale and to execute all necessary and appropriate documentation, approved as to form and content by the Office of Corporation Counsel, to transfer the Premises to Roger T. Howe, by Quitclaim Deed for \$53,000 to be paid by cash, certified, or local bank check.

Section 2. This transfer is subject to the conditions in the attached contract of sale.

Section 3. That this Ordinance shall take effect immediately.

C o n t r a c t o f S a l e

THIS CONTRACT OF SALE dated as of the day of November, 2020, by and between the City of Binghamton, a municipal corporation, City Hall, 38 Hawley Street, Binghamton, New York 13901 ("Seller"), and ROGER T. HOWE ("Purchaser").

WITNESSETH:

WHEREAS, the Seller owns certain real property located at 7 Harrison Street, Binghamton, New York, Parcel ID Number: 159.35-3-1 (the "Premises"); and

WHEREAS, the Seller is willing to sell the Premises and the Purchaser is willing to purchase a portion of the Premises, upon the terms and conditions herein.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

1. Sale and Purchase. The Seller agrees to sell and convey, and the Purchaser agrees to purchase a portion of the Premises. Purchaser will pay for an obtain a survey and the description will be included in the deed.
2. Purchase Price. The purchase price for the Premises is FIFTY THREE THOUSAND AND 00/100 (\$53,000), to be paid at the time of the closing by certified or bank funds.
3. Contingencies. The Purchaser's obligations herein are contingent on the following:
 - 3.1 Within sixty (60) days from the date hereof, receipt of a mortgage commitment from a commercial lender for not more than ONE HUNDRED FIFTY (150) % of the purchase price.
 - 3.2 Within sixty (60) days from the date hereof, a satisfactory real property inspection, which may include inspections for infestation and radon Purchaser is relying solely on its own inspection and investigation to determine whether to purchase the Premises. Purchaser is accepting the Premises in its "AS IS" condition. Seller makes no representations or warranties regarding the condition of the Premises or any information supplied to or reviewed by Purchaser.
 - 3.3 Within sixty (60) days from the date hereof, a satisfactory title report. Seller may, but is not obligated to correct any title issues. See 6 below.
4. Subject to Provisions. The Premises are to be transferred subject to the following:
 - 4.1 Such state of facts as an accurate survey or personal inspection may disclose, provided the same does not render title unmarketable.
 - 4.2 Rights of the public in and to that portion of the Premises lying within the bounds of any public street or highway.
 - 4.3 Covenants, restrictions and easements, if any, of record, provided they are not violated by the existing use of the Premises.

4.4 Standard exceptions contained in the form of fee title insurance policy issued by the title insurance company insuring Purchaser's title to the Premises.

4.5 Zoning, building, and other ordinances and regulations, if any, provided they are not violated by the existing use.

4.6 Special Conditions. The Premises are being conveyed as part of the CITIES RISE program. As a result, these special conditions apply to this transfer:

4.6 Special Condition. The Premises are being conveyed as part of the Cities Rise Neighborhood Stabilization Program. As a result, this special condition applies to this transfer: The Premises must be occupied as the Purchaser's primary residence for not less than five (5) years from the date of transfer (the "Recapture Period"). If the Premises or any part thereof is sold, leased, the Purchaser fails to reside at the Premises as Purchaser's primary residence (not less than eleven (11) months per year), or otherwise transfers any interest in the Premises during the Recapture Period, or if Purchaser fails or refuses to provide information so Seller can verify compliance, then Purchaser will pay Seller the amount of FIFTY FOUR THOUSAND EIGHT HUNDRED NINETY-FIVE AND 00/100 (\$54,895), representing the difference between the fair market value of the Premises and the purchase price herein. Such payment will be made to Seller within ten (10) days from the date of written demand for same. In any action or proceeding to enforce this provision, the prevailing party will be entitled to the costs and expenses of such proceeding, including reasonable attorney's fees. This provision will survive the closing of title.

5. Adjustments. Water/Sewer and Taxes, if any, will be adjusted as of the Closing date.

6. Title to be Conveyed and Deed. The transfer shall be by a Quit Claim Deed. If Purchaser is unable to obtain title insurance insuring good and marketable title to the Premises, then Purchaser may cancel this Contract. Seller may, at its sole cost and expense and prior to closing, cure any title defects, including by way of title endorsement.

7. Closing, Transfer of Title and Construction. Transfer of title shall occur on or about sixty (60) days from the date hereof. The closing will take place at City Hall, 38 Hawley Street, Binghamton, New York, at a mutually convenient time; or at a location in Broome County selected by the Mortgagee (i.e., a commercial lender).

8. Transfer Tax and Recording Fees. At the closing Purchaser shall deliver a check to the order of the recording officer of Broome County for the amount of the New York State and Broome County transfer tax, documentary stamps, if any. Purchaser shall pay all recording fees.

9. Broker. Seller and Purchaser represent to one another that no broker was involved in this transaction. The parties agree to indemnify and hold each other harmless against any and all costs and expenses, including reasonable attorney's fees, by any broker claiming that he/she represented the other party. This paragraph will survive the closing of title.

10. Risk of Loss. General Obligations Law Section 5-1311 establishes the risk of loss and obligation of the parties in the event of the destruction or taking by eminent domain of all or a portion of the Premises being conveyed prior to closing.

11. Compliance with Law. All notice or notices of violations of law, rules, statutes, ordinances, orders, requirements, etc. issued by any Federal, State or local government or agency thereof against or affecting the Premises at the date hereof, shall be complied with by the Seller and the Premises shall be conveyed free of the same. Upon request of the Purchaser, the Seller shall furnish the Purchaser with an authorization to make the necessary searches therefore.

12. Seller's Representations/Warranties. Seller has the right to enter into this Contract and consummate the transaction contemplated hereby without the consent of others. This sale was approved by City Council by Permanent Ordinance ___ - ___, dated _____. Seller makes no other representations.

13. Notices. All notices required or otherwise given under this Contract shall be deemed effective when received and shall be in writing, delivered, personally or by prepaid U.S. Certified Mail, return receipt requested, Federal Express, or similar overnight courier addressed as follows:

Seller: Corporation Counsel
City Hall, 38 Hawley Street
Binghamton, NY 13901

Purchaser: Roger T Howe
10 Livingston St
Apt 2
Binghamton, NY 13903

14. Miscellaneous.

14.1 This Contract shall not be binding or effective until duly executed and delivered by Seller and Purchaser.

14.2 This Contract shall not be recorded in the Clerk's Office in the County in which the property is located.

14.3 Neither this Contract nor any provision thereof may be waived, changed or canceled except in writing signed by the party to be charged.

14.4 Any and all disputes hereunder will be determined under the laws of the State of New York. Venue for any action will be Broome County, New York.

14.5 It is understood and agreed that all understandings and agreements heretofore had between the parties hereto are merged in this Contract, which alone fully and completely expresses their agreement with respect to the subject matter hereof.

IN WITNESS WHEREOF, this Contract has been duly executed by the parties hereto as of the day and year first above written.

SELLER: CITY OF BINGHAMTON

By: 

Richard C. David, Mayor

Dated: 9/20/21

PURCHASER:



Roger T. Howe

Dated: 09-20-21

Dated: _____

State Environmental Quality Review Act

Read the title of the Legislation for 7 Harrison Street, before a vote, do the following:

A. Motion to declare City Council as “Lead Agency” under SEQRA.

Motion made by _____,

Seconded by _____,

Voice vote

B. Motion to identify the proposed action as “Unlisted” under SEQRA.

Motion made by _____,

Seconded by _____,

Voice vote

C. Motion to issue a negative declaration under SEQRA for the following reasons:

This is an existing single family house that was renovated pursuant to the Cities RISE Innovation Program. The structure that has been brought to code compliance and is ready to sell. The Purchaser is a City resident that wishes to use the property for residential purposes. As a result, there is no change in use and no environmental impact.

Motion made by _____,

Seconded by _____,

Roll call vote

After SEQRA: Approve the legislation, roll call vote.

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number: None

Date: September 22, 2021

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.

The City of Binghamton City Council as lead agency has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Sale of 7 Harrison Street, Binghamton, New York.

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

The City of Binghamton is transferring 7 Harrison Street, Binghamton, New York, Tax Parcel No. 159.35-3-1, to Roger T. Howe

Location: 7 Harrison Street, Binghamton, New York.

Reasons Supporting This Determination:

The lead agency has determined that the action will not have a significant adverse impact on the environment for the following reasons:

This is an existing single family house that was renovated pursuant to the Cities RISE Innovation Program. The structure that has been brought to code compliance and is ready to sell. The Purchaser is a City resident that wishes to use the property for residential purposes. As a result, there is no change in use and no environmental impact.

The action will not produce a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production, a substantial increase in potential for erosion, flooding, leaching or drainage problems.

The action will not involve the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant or the habitat of such a species; or other significant adverse impacts to natural resources.

The action will not cause the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR 617.14 (g).

The action will not create a material conflict with a community's current plans or goals as officially approved or adopted.

The action will not impair the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character.

The action will not cause a major change in the use of either the quantity or type of energy.

The action will not create a hazard to human health.



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

Date: September 22, 2021

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

Introduced by Committee: Finance

RESOLUTION

entitled

**A RESOLUTION TO ACCEPT \$231,285 FROM
THE NYS DCJS GRANT TO IMPLEMENT THE
GIVE INITIATIVE AND FUND THE STCAC**

WHEREAS, the City of Binghamton is eligible to receive a grant in the amount of \$231,285 from NYS DCJS; and

WHEREAS, the grant will be used to implement the Gun Involved Violence Elimination (GIVE) initiative in efforts to stop violent crime, targeting firearm related crime, and aggravated assaults; and

WHEREAS, the grant will also fund aspects of the Southern Tier Crime Analysis Center (STCAC) including (i) full salary and fringe benefits for a Civilian Crime Analyst and BPD FIO investigator, and (ii) training expenses and overtime for crime reduction; and

WHEREAS, there is no required City match; that pending reimbursement, funding for the project shall be drawn from the general fund; that the head of Crime Prevention in the Binghamton Police Department will be the grant project manager; and that the anticipated date of project completion is June 30, 2022.

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

RESOLVE that the Mayor, or his designee, is hereby authorized to execute any and all documents, approved as to form and content by the Office of Corporation Counsel, to accept a grant in the amount of \$231,285 from NYS DCJS to implement the GIVE initiative and fund the STCAC.



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

Date: September 22, 2021

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

Introduced by Committee: Finance

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE MAYOR
TO AMEND WORK ORDER NO. 7 WITH GHD
CONSULTING SERVICES, INC. FOR THE BAF
RESTORATION AND REHABILITATION
PHASE AT THE BINGHAMTON JOHNSON-
CITY JOINT SEWAGE TREATMENT FACILITY

WHEREAS, the City of Binghamton (the "City") is a joint owner of the Binghamton-Johnson City Joint Sewage Treatment Facility (the "BJCJSTF") with the Village of Johnson City (the "Village"); and

WHEREAS, the Council of the City of Binghamton adopted Permanent Resolutions R14-058, dated September 17, 2014; R15-031, dated April 8, 2015; R15-106, dated November 4, 2015; R17-50, dated April 19, 2017; and R20-33, dated April 22, 2020, approving a contract and supplemental agreements with GHD Consulting Services, Inc., Work Order 7, Amendment No. 1 to Work Order 7, Amendment No. 2 to Work Order 7, and Amendment No. 3 to Work Order No. 7, Amendment No. 4 to Work Order No. 7, respectively; for engineering consulting services for the restoration and rehabilitation of the BJCJSTF; and

WHEREAS, the Project Manager has recommended that the City enter into an agreement with GHD Consulting Services Inc. for Amendment No. 5 to Work Order 7 to provide \$265,000 for record drawings, \$7,000 for power monitors, and \$5,000 for additional services incidental to the scope of work at a total cost not to exceed \$277,000.

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

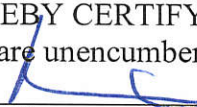
RESOLVE that the Mayor, or his designee, is hereby authorized to enter into Amendment No. 5 to Work Order 7, approved as to form and content by the Office of Corporation Counsel, with GHD Consulting Services, Inc. to provide \$265,000 for record drawings, \$7,000 for power monitors, and \$5,000 for additional services incidental to the scope of work at a total cost not to

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

Date: September 22, 2021

exceed \$277,000; and that funds be deducted from budget line H8150.500100.J11N (Professional Services-Non Flood) for this purpose.

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



Chuck Shager, Comptroller