



LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Sophia Resciniti, City Council President
Leighton Rogers, City Clerk

CITY COUNCIL WORK SESSION AGENDA
City Hall, 38 Hawley St, Binghamton
6pm Monday, October 4, 2021

The Work Session begins at 6pm. Times for RL(s)/Topics are approximate only and items may be considered earlier or later.

Time	Committee	Chair	RL/Topic	Pages	Presenter
6:00pm	PW/Parks	Scanlon	RL21-206: Authorize the Mayor to accept a donation of a plaque and bench for the Rec Park Reflection pool by the Mica & Resciniti families *RL21-207: Authorize the Mayor to accept a donation of Halloween candy from local businesses for a Halloween event at Rec Park	1-2	Pat McGinnis
6:05pm	Finance	Strawn	RL21-201: Amend the 2021 JT Sewer project budget for personal services and professional services RL21-204: Amend the 2021 Capital fund to adjust the serial bond revenue for NYSDOT RL21-205: Amend the 2021 Capital fund to adjust the serial bond revenue for grant pay downs *RL21-208: Transfer from the general fund to the capital fund for the Water Street ramps for the cost of demo and geo tech study *RL21-213: Enter into an agreement with Pike-United for the Water Street parking garage RL21-210: Amend the 2021 General budget for legal services in the law department RL21-211: Amend the 2021 Insurance fund to increase the Risk Management budget for legal services	3-10	Chuck Shager
6:20pm	Finance	Strawn	RL21-212: Renew the contract with the Broome County Dog Shelter	11-21	Leighton Rogers
6:25pm	-----	-----	Pending Legislation: <i>*Found on the website calendar with the prior Work Session documents.</i> RL21-188: Amend the 2021 CDBG budget to adjust for excess program income RL21-189: Amend the 2021 HOME budget to adjust for shortage of program income RL21-192: Design and bidding of repairs and replacement of WTP filter media from GHD	---	Leighton Rogers



LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Sophia Resciniti, City Council President
Leighton Rogers, City Clerk

			<p>RL21-195: Supplemental agreement No. 5 with GHD for additional engineering services for WTP</p> <p>RL21-196: Additional fees for construction and observation needed for tennis courts, NYSEG upgrades, and ice rink construction</p> <p>RL21-197: Amend the 2021 Risk Management budget for salary adjustment for the Assistant Engineer position</p> <p>RL21-198: Amend the 2021 Police budget - personal services, uniform budget, and transfer to capital</p> <p>RL21-199: Amend the 2021 beaches and pool temporary services</p> <p>RL21-200: Amend the 2021 Capital fund to transfer funds to purchase road castings</p> <p>RL21-202: Refunding bond ordinance of 2015 bonds</p> <p>RL21-203: Amend the BJCSB 2021 budget to transfer funds needed to support the CBA for hourly union employees</p>		
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COMMITTEE REPORTS

**Please Expedite for Next Business Meeting*



Legislative Branch

RL Number:
21-206
Date Submitted:
9/27/21

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 consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Pat McGinnis
Title/Department: Acting Commissioner of Parks and Recreation
Contact Information: 722-7017 prmcginnis@cityofbinghamton.com

RL Information

Proposed Title: An ordinance authorizing the Mayor to accept a donation of a plaque and bench for the Recreation Park Reflection pool by the Mica & Resciniti families.

Suggested Content: This is to replace a bench that was previously donated to the City circa 1990

Additional Information

- Does this RL concern grant funding? Yes No
- If 'Yes', is the required RL Grant Worksheet attached? Yes No
- Is additional information related to the RL attached? Yes No
- Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY	
Mayor:	<u>[Signature]</u>
Comptroller:	<u>[Signature]</u>
Corporation Counsel:	<u>[Signature]</u>
Finance <input type="checkbox"/>	Planning <input type="checkbox"/>
MPA <input type="checkbox"/>	PW/Parks <input checked="" type="checkbox"/>
Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>



Expedite

Legislative Branch

RL Number:

21-207

Date Submitted:

9/28/21

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 consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Pat McGinnis

Title/Department: Acting Commissioner of Parks and Recreation

Contact Information: 722-7017 prmcginnis@cityofbinghamton.com

RL Information

Proposed Title: An ordinance authorizing the Mayor to accept a donation of Halloween candy from local businesses and groups for a free Parks Department Halloween event at Rec Park

Suggested Content: _____

Additional Information

Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): R-19-85

OFFICE USE ONLY

Mayor: [Signature]

Comptroller: _____

Corporation Counsel: [Signature]

Finance Planning MPA PW/Parks Employees Rules/Special Studies



Legislative Branch

RL Number:
21-201
Date Submitted:
9/20/21

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 consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Chuck Shager

Title/Department: Comptroller

Contact Information: 772-7011

RL Information

Proposed Title: An Ordinance to Amend the 2021 Budget -JT Sewer Project - Personal

Services and 2021 Budget - JT Sewer Project- Professional Services.

Suggested Content: Increase the 2021 Budget -JT Sewer Project - Personal Services G8150.51000

\$10,500 and Increase the 2021 Budget-JT Sewer Project-Temporary Services G8150.54410 \$9,600

Decrease in Contingency A1990.55000 of \$20,100.

Additional Information




Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY					
Mayor:					
Comptroller:					
Corporation Counsel:					
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/>	MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>	Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>



Legislative Branch

RL Number:
21-204
Date Submitted:
9/27/21

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 consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: CHUCK SHAGER
Title/Department: COMPTROLLER/FINANCE
Contact Information: 607-772-7011

RL Information

Proposed Title: ordinance to amend the 2021 Capital fund budget to adjust the Serial Bond Revenue for NYSDOT grant pay-downs that will reduce the amount of Bonds issued and received.

Suggested Content: ordinance to amend the 2021 Capital fund budget to ^{reduce}~~close~~ Serial Bond revenue line for grant funds received by decreasing H.45710 Serial Bonds by \$189,842.54 and increase H.44597 Fed Aid-Trans Cap Project by \$189,842.54 for NYSDOT projects PIN's 9754.63, 9754.37, and 9754.87.

Additional Information

Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): 17-09, 19-86,

OFFICE USE ONLY	
Mayor:	<u>[Signature]</u>
Comptroller:	<u>[Signature]</u>
Corporation Counsel:	<u>[Signature]</u>
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>



Legislative Branch

RL Number: 21-206
 Date Submitted: 9/27/21

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

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: CHUCK SHAGER
Title/Department: COMPTROLLER/FINANCE
Contact Information: 607-772-7011

RL Information

Proposed Title: ordinance to amend the 2021 Capital fund budget to adjust the Serial Bond Revenue for grant paydowns that reduced the amount of Bonds issued and received.

Suggested Content: ordinance to amend the 2021 Capital fund budget to close Serial Bond revenue line for grant funds received by decreasing H.45710 Serial Bonds by \$8,758,271.79 and increase H.43597 State Aid-Trans Cap Project by \$3,062,794.09 and increase H.44597 Fed Aid-Trans Cap Project by \$5,695,477.70.

Additional Information

Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): see attached

OFFICE USE ONLY						
Mayor:						
Comptroller:						
Corporation Counsel:						
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/>	MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>	Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>	

S

Expedite



Legislative Branch

RL Number:
21-208
Date Submitted:
9/28/21

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 consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: CHUCK SHAGER
Title/Department: COMPTROLLER/FINANCE
Contact Information: 607-772-7011

RL Information

Proposed Title: AN ORDINANCE APPROVING A TRANSFER FROM THE GENERAL FUND FUND BALANCE TO THE CAPITAL FUND FOR THE WATER STREET RAMPS FOR THE COSTS OF DEMOLITON AND GEO TECH STUDY, Administration + legal Fees

Suggested Content: AN ORDINANCE to REQUEST A TRANSFER OF \$1,600,000 FROM "GENERAL FUND" FUND BALANCE TO CAPITAL FUND H5650.XXXXXX FOR THE WATER STREET PARKING GARAGE. SEE ATTACHED FOR SPECIFIC BUDGET LINES.

Additional Information

- Does this RL concern grant funding? Yes No
- If 'Yes', is the required RL Grant Worksheet attached? Yes No
- Is additional information related to the RL attached? Yes No
- Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY	
Mayor:	<u>[Signature]</u>
Comptroller:	<u>[Signature]</u>
Corporation Counsel:	<u>[Signature]</u>
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>

BUDGET LINES

\$ 1,500,000.00	A.49999	DECREASE FUND BALANCE
\$ 1,500,000.00	A9950.59000	INCREASE TRANSFER TO CAPITAL
\$ 1,500,000.00	H.45031	INCREASE INTERFUND TRANSFER
\$ 1,500,000.00	H5650.XXXXXX	INCREASE "WATER STREET PARKIING GARAGE"

7 Hawley Street



Parking spots: 302

Total cost: \$10 million (\$33,112 per parking spot)

Financing:

- NYS ESD grant: \$2.1 million
- Fund balance: \$1.5 million
- Bonded: \$6.4 million

Water Street Parking Ramp



Parking spots: 672

Constructed: 1970

Plagued with structural issues,
costly repairs

2006: A 7,000-pound concrete slab
fell off the garage, splitting a trailer
parked near the Boscov's loading
dock

The future of the Water Street ramp



To keep the ramp open another **2 to 3 years: \$2 to 3 million** in structural repairs (not including Code, electrical or elevator work)

To **demolish** the existing ramp and **rebuild: \$17 million**

In any scenario, a geotechnical study must occur after demolition. **Foundation work** could cost up to **\$2 million**

Mixed-Use Development



Housing

122 market-rate units

\$25 million - 100% privately funded

Parking

549 parking spots

\$23 million - City cost (\$30,965 per parking spot)

- \$17 million for garage
- \$3 million for podium and Code
- \$2 million (maximum) for foundation work
- \$1 million contingency

\$48
= million
total

City's Cost Breakdown

\$ 7 million fund balance

+ **\$3 million** PILOT bond

+ **\$13 million** bond

\$23 million total*

*Cost projections represent “worst case scenario” pricing

Tax Revenue From 183 Water St.

- **Existing parking ramp: \$0** (in City, County & School District)
- **Rebuilt parking ramp: \$0**
- **Mixed-use (parking + housing): \$12.6 million** over 30 years
 - \$1.3 million in air right payments to the City
 - \$11 million in PILOT payments



Expedite

Legislative Branch

RL Number:
21-213
Date Submitted:
10/1/21

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

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Chuck Shager

Title/Department: Finance Office

Contact Information: 772-7011

RL Information

Proposed Title: City to guarantee the finances of the LDC's contract with Pike-United LLC

Suggested Content: LDC is entering into an agreement with Pike-United to build a parking garage
the city is a guarantor to the contract

Additional Information

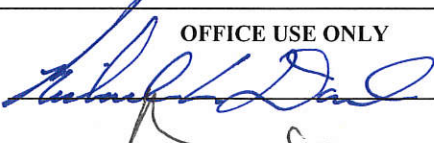

Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY	
Mayor:	<u></u>
Comptroller:	<u></u>
Corporation Counsel:	_____
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>

8



Legislative Branch

RL Number:
21-210
Date Submitted:
9/29/21

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 consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Chuck Shager

Title/Department: Comptroller

Contact Information: 772-7011

RL Information

Proposed Title: An Ordinance to Amend the 2021 General Budget to Fund Legal Services
in the Law Department.

Suggested Content: Request a transfer from the Economic Development Personal Services
Budget A6989.51000 of \$20,000 from the vacant Director of Economic Development position
to the Law Budget - Legal Services A1420.51000.

Additional Information




Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY						
Mayor:						
Comptroller:						
Corporation Counsel:						
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/>	MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>	Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>	



Legislative Branch

RL Number:
21-211
Date Submitted:
9/29/21

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

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Chuck Shager

Title/Department: Comptroller

Contact Information: 772-7011

RL Information

Proposed Title: An Ordinance to Amend the 2021 Insurance Fund Budget to increase Risk Management - Legal Services and Risk Management - Prov for Incurred Loss from the Insurance Fund Balance.

Suggested Content: Request a transfer from the Insurance Fund Balance of \$100,000 to Risk Mgmt Legal Services - M1910.54430 for \$50,000 and Risk Mgmt - Prov for Incurred Loss M1910.54900 for \$50,000.

Additional Information


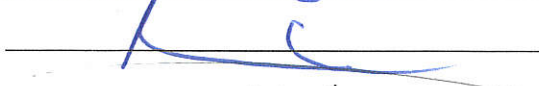
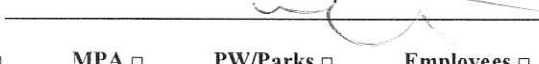
Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY						
Mayor:						
Comptroller:						
Corporation Counsel:						
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/>	MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>	Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>	



Legislative Branch

RL Number:

21-212

Date Submitted:

9/29/21

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

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Leighton Rogers

Title/Department: Clerk's Office

Contact Information: 772-7005

RL Information

Proposed Title: A Resolution authorizing the City of Binghamton to renew contract with the Broome County Dog Shelter for dog shelter services

Suggested Content: TBD by Corp. Counsel

Additional Information

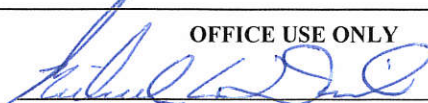

Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): Perm. R17-38

OFFICE USE ONLY					
Mayor:					
Comptroller:					
Corporation Counsel:	_____				
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/>	MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>	Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>



State of New York County of Broome Government Offices

Broome County Government Security Division
Jason T. Garnar, County Executive · Brian R. Norris, Director

July 27, 2021

Richard C. David, Mayor
City of Binghamton
38 Hawley Street
Binghamton, NY 13901


Dear Mayor David,

Over the past five years, Broome County has provided dog shelter services to the City of Binghamton for your stray, abandoned, seized, and court ordered dog population. By its terms, the contract for these services is set to expire on December 31, 2021. The Broome County Dog Shelter is looking forward to our continued relationship in providing these valuable services to the residents of your municipality through a renewed five-year contract. This agreement would be effective from January 1, 2022 through December 31, 2027. The services offered by the shelter are designed to assist your municipality in maintaining compliance with all State and Federal agriculture and market laws and include:

- 24 hour- 7 day a week access to the shelter and to professional veterinary services offering the utmost attention to sick and injured dogs in our care.
- Professional and knowledgeable shelter staff providing the highest level of care to the dogs within our shelter, initiating prompt action to locate and reunite responsible owners with their lost or stray impounded dog, and assisting the public in resolving issues of impoundments, surrenders, and adoptions.
- Housing and care for the unwanted or unredeemed dogs from your municipality that are made available for and up to their adoption back into our community.

The 2022 proposed rate of \$63,578.02 is based upon the population of your municipality and would adjust annually throughout the contract period in accordance with the CPI established in May of the previous year. Please forward a request for renewal to my attention by August 31, 2021 or contact me with any questions or concerns. Thank you for your consideration and I look forward to our continued partnership.

Sincerely,



Brian R. Norris, Director of Security

Cc: Leslie Boulton, Commissioner
Kelly Conlon, Shelter Manager
Sue Brown, DPW



THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: March 8, 2017

Sponsored by Council Members: Mihalko, Papastrat, Scaringi, Cronce, Taylor

Introduced by Committee: Finance

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE CITY TO
RENEW THE CONTRACT WITH THE BROOME
COUNTY FRONT STREET DOG SHELTER FOR
DOG SHELTER SERVICES

WHEREAS, the City of Binghamton provides dog control services within City limits; and
WHEREAS, the City seizes dogs in accordance with Article 7 of the Agriculture and
Markets law; and

WHEREAS, the City wishes to renew the contract with the Broome County Front Street
Dog Shelter for dog shelter services for five (5) years, from January 1, 2017 through December
31, 2021; and

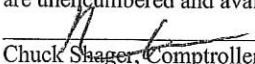
WHEREAS, this agreement may be terminated for any reason by either party as of the end
of any calendar year by delivering written notice to the other party by June of the prior year before
date of termination; and

WHEREAS, funds are available from budget line A3510.54442 (Front Street Dog Shelter)
for such services.

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

RESOLVE that the Mayor, or his designee, is authorized to enter into an agreement,
approved as to form and content by the Office of Corporation Counsel, with the Broome County
Front Street Dog Shelter for a period of five (5) years, from January 2017 through December 31,
2021, and that funding for such services be deducted from budget line A3510.54442 (Front Street
Dog Shelter).

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



Chuck Shager, Comptroller

Introductory No. RI7-39

Permanent No. B17-38

Sponsored by City Council Members:
Mihalko, Papastrat, Scaringi, Cronic, Taylor

A RESOLUTION AUTHORIZING THE CITY TO
RENEW THE CONTRACT WITH THE BROOME
COUNTY FRONT STREET DOG SHELTER FOR
DOG SHELTER SERVICES

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

Date

3/8/17

City Clerk

Leighton G. Rogers

Date Presented to Mayor

3/9/17

Date Approved

3/9/17

Mayor

Richard D. Duda

	Ayes	Nays	Abstain	Absent
Councilman Scaringi	✓			
Councilwoman Cronic	✓			
Councilman Taylor	✓			
Councilman Papastrat	✓			
Councilman Matzo		✓		
Councilman Scanlon				✓
Councilman Mihalko	✓			
Total	5	1	0	1

Code of the City of Binghamton

Adopted Defeated

5 Ayes 1 Nays 0 Abstain 1 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 3/8/17. Approved by the Mayor on 3/9/17.



State of New York
County of Broome Government Offices

Broome County Attorney's Office

Jason T. Garnar, County Executive · Robert G. Behnke, County Attorney

March 23, 2017

City of Binghamton
City Clerk's Office
38 Hawley St.
Binghamton, NY 13901


Re: Dog control services - 1/1/17-12/31/21 - CA 11-2137

Dear Sir or Madam:

Enclosed herewith please find a fully executed copy of the agreement in connection with the above-referenced matter, for your records

This contract was approved by: Resoluiton 16-462

Very truly yours,


Peter Roseboom
Law Department

Enc.

Cc: Security

Agreement between City of Binghamton
And the Broome County Dog Shelter

CA 11-2137

THIS AGREEMENT made on March 21, 2017 between Broome County, with his principal place of business located at 60 Hawley St., Binghamton, NY 13902 (hereinafter referred to as "the County") and City of Binghamton, a municipality incorporated pursuant to New York State General Municipal Law, with its principal place of business located at 38 Hawley St., Binghamton, NY 13901 (hereinafter referred to as "the Municipality").

WHEREAS, pursuant to Agricultural and Markets Law, Article 7, the Municipality is required to provide certain dog control services, including but not limited to licensing and boarding of unlicensed dogs or emergency boarding (hereinafter referred to as "dog control services"); and

WHEREAS, the Broome County Legislature, by Permanent Resolution No. 462, adopted on November 17, 2016, authorized the Broome County Executive the authority to enter an agreement with the Municipality, pursuant to Agriculture and Markets Law, Article 7, for the County to provide dog control services to the Municipality; and

THEREFORE, in consideration of mutual covenants and promises contained within this Agreement, the County and the Municipality agree as follows:

1. The County will maintain a dog shelter, located at 110 Cutler Pond Rd., Binghamton, NY 13905, pursuant to Agriculture and Markets Law, Article 7 and will board dogs seized within the Municipality's jurisdiction through an authorized dog control officer. The County's duties with respect to the dog shelter are as follows:

- a. Shelter, care, feed, and water such seized dogs for the redemption period outlined in Agriculture and Markets Law §§ 117 [4], & [6]. The Municipality may provide for a different redemption period in accordance with Agriculture and Markets Law § 117 [8], which will be binding on the County upon written receipt of such local law. Any such local law will be attached to this Agreement by mutual written amendment and added as an addendum to this Agreement.
- b. Exercise reasonable diligence to notify any seized dog's owner and to facilitate returning the seized dog to the rightful owner pursuant to Agriculture and Markets Law §§ 117. The dog owner will be responsible to pay for all necessary fees incurred pursuant to Agriculture and Markets Law, Article 7 and any other fees pursuant to Broome County Code and Charter § 257-40, subheading "Dogs and Animals," subject to any subsequent amendments.
- c. The County will adopt out, or in its discretion euthanize, any un-redeemed dog after the redemption period has expired. The County will notify the Municipality of any adoption and provide the Municipality with a copy of any relevant adoption paperwork at the time of adoption, or shortly thereafter. The County will accept adoption fees, and other fees associated from the adoption from the adoptive-owner, except the appropriate licensing fee owed to the Municipality.
- d. The County may work with rescue organizations and other non-profit organizations for the safe and humane disposition of animals, in its discretion, when determining how to dispose of unredeemed or unadoptable dogs, without fees to be paid.

- e. The County will collect the appropriate fees pursuant to the schedule of fees outlined in Broome County Code and Charter § 257-40, subheading "Dogs and Animals," subject to any subsequent amendments.
2. The Municipality is responsible for ensuring all dogs within its jurisdiction are properly licensed and is responsible for collecting all appropriate licensing fees.
3. The Municipality will indemnify the County and hold it harmless against any claims, losses, suits, or damages, including reasonable attorney's fees, arising from negligent failure of the Municipality or its officers, agents, or employees for failure to provide the County with accurate information concerning dog ownership for any boarded dogs, or the circumstances for which the Municipality seized the dog and from any death of a seized dog at the redemption period expiration. The Municipality will further indemnify the County and hold it harmless against any claims, losses, suits, or damages, including reasonable attorney's fees, arising from any injury to the dog or other parties sustained while the Municipality's Dog Control Officer seized the dog and transported it to the Dog Shelter.
4. All amendments to this Agreement are to be in writing and both parties must provide written consent to the same.
5. This Agreement cannot be assigned without the non-assigning party's written consent, which will not be unreasonably withheld.
6. Any provision of this Agreement that is deemed unenforceable or is declared otherwise invalid does not invalidate the remainder of this Agreement.
7. This agreement contains the entire agreement between the parties. There are no outside agreements, expressed or implied, written or oral, that induced the parties to enter this Agreement.

8. Any provision of this Agreement that is not strictly enforced does not constitute a waiver of that provision and may be strictly enforced at any time without further notice of the same.
9. The term for this agreement is effective from January 1, 2017 through December 31, 2021, as authorized under Permanent Resolution No. 462, adopted on November 17, 2016.

IN WITNESS WHEREOF, the parties have entered into this agreement on the day and year above-written.

Date: 3/21/2017




Jason T. Garnar
Broome County Executive

Date: 3/9/2017



Mayor/Town-Village Supervisor

Approved as to form
By 
BROOME COUNTY
ATTORNEY'S OFFICE

Intro No. 26
 Date 11/17/16
 Reviewed by [Signature]
 Co. Attorney
 Date 11-1-2016

RESOLUTION
BROOME COUNTY LEGISLATURE
 BINGHAMTON, NEW YORK

Permanent No. 2016-462
 Date Adopted 11/17/16
 Effective Date 11/21/16

Sponsored by: Public Safety and Emergency Services and Finance Committees
 Seconded by: Hon. Stephen J. Flagg

RESOLUTION AUTHORIZING RENEWAL OF THE AGREEMENTS WITH THE CITY OF BINGHAMTON AND VARIOUS BROOME COUNTY TOWNS FOR DOG SHELTER SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS DIVISION OF SECURITY FOR 2017-2021

WHEREAS, this County Legislature, by Resolution 470 of 2011 authorized renewal of agreements with the City of Binghamton and various Broome County Towns for dog shelter services at the Front Street Dog Shelter for the Department of Public Works Division of Security with revenue from impoundment fees, participating municipalities' Section III rebate of licensing fees, and adoption fees, plus the City of Binghamton and the participating Towns paying an annual fee to the County for the period January 1, 2012 through December 31, 2016, and

WHEREAS, said agreements expire by their terms on December 31, 2016, and it is desired at this time to renew said agreements with the 2017 annual fee and adjusted annually thereafter in accordance with the CPI of June the previous year for the period January 1, 2018 through December 31, 2021, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes the renewal of the agreements with the City of Binghamton and various Broome County Towns for dog shelter services for the Department of Public Works Division of Security for the period January 1, 2017 through December 31, 2021, and be it

FURTHER RESOLVED, that in consideration of said services, the County shall retain all impoundment fees as set by the Legislature and collected by the Shelter, all adoption fees collected by the Shelter and the City of Binghamton and the Towns of Barker, Binghamton, Chenango, Conklin, Dickinson, Fenton, Kirkwood, Nanticoke, Union and Windsor shall pay the County an annual fee for 2017 as follows:

<u>Municipality</u>	<u>2017</u>
Barker	\$ 3,616
Binghamton	\$ 6,546
Chenango	\$15,065
Conklin	\$ 7,814
Dickinson	\$ 7,024
Fenton	\$ 9,102
Kirkwood	\$ 7,439
Nanticoke	\$ 2,371
Union	\$55,643
Windsor	\$ 8,458
City of Binghamton	\$58,208

and be it

Intro No. 26
Date 11/17/16
Reviewed by
Co. Attorney _____
Date _____

RESOLUTION
BROOME COUNTY LEGISLATURE
BINGHAMTON, NEW YORK

Permanent No. 2016-462
Date Adopted 11/17/16
Effective Date 11/21/16

FURTHER RESOLVED, that the fee for 2018-2021 for the City of Binghamton and the Towns of Barker, Binghamton, Chenango, Conklin, Dickinson, Fenton, Kirkwood, Nanticoke, Union, and Windsor shall be adjusted annually thereafter in accordance with the CPI of June of the previous year, and be it

FURTHER RESOLVED, that the revenue hereinabove authorized shall be credited to budget line 22000103.5000187.1010 (Reimbursement Animal Shelter), and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

COUNTY OF BROOME) ss.
STATE OF NEW YORK)

I, the undersigned, Clerk of the Legislature of the County of Broome, DO HEREBY CERTIFY that the above is an original resolution of such Legislature duly adopted on the 17th day of November, 2016, by a majority of the members elected to the Legislature of said County at a regular meeting of said Legislature.

I FURTHER CERTIFY that at the time said resolution was adopted said Legislature was comprised of fifteen members.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Legislature this 18th day of November, 2016.

Date sent to County Executive November 18, 2016

Approved [Signature]
County Executive

[Signature]
Clerk, County Legislature
County of Broome

Date 11/21, 2016