



LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Phil Strawn, City Council President

Leighton Rogers, City Clerk

CITY COUNCIL WORK SESSION AGENDA

City Hall, 38 Hawley St, Binghamton

6pm Monday, March 7, 2022

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	Planning	Scanlon	RL22-63: Authorizing the sale of 43 Schubert Street	1-2	Grace Doherty
6:05pm	Finance	Scaringi	RL22-64: Amend the 2022 Insurance Fund for damage of the State Street Garage entry lane equipment	3-4	Chuck Shager
6:10pm	Finance	Scaringi	RL22-69: Transfer funds for a responsibility adjustment in the Personnel department	5	Sharon Sorkin
6:15pm	MPA	Scaringi	*RL22-66: Approve the Water Street Local Development Corp. by-laws	6-6r	Megan Heiman
6:20pm	Planning	Scanlon	RL22-67: Extend Perm O20-49, waiving Chapter 327 rights of way for outdoor cafes	7-10	Megan Heiman
6:25pm	Finance	Scaringi	*RL22-65: Amend the 2022 budget to un-allocated ARPA funds from the Community Center at Columbus Park *RL22-68: Amend the 2022 budget to allocate ARPA funds for demolition of vacant and abandoned buildings RL22-70: Amend the 2022 Mayor budget to allocate ARPA funds for a community food pantry RL22-71: Authorizing the Mayor to enter into an agreement with Outreach Ministries RL22-73: Amend the 2022 Parks budget to allocate ARPA funds for 2 new laborer positions RL22-74: Amend the 2022 Code budget to allocate ARPA funds for a new code inspector RL22-75: Amend the 2022 Law budget to allocate ARPA funds to create a new prosecutor position for code	11-24	Megan Heiman
6:35pm	Rules	Resciniti	RL22-72: Local Law to amend the code to reduce permissible grass and weed height from 10 inches to 8 inches	25-28	Megan Heiman
6:40pm	Finance	Scaringi	RL22-76: Amend the Admin Assist. position in DPW from 8hr to 7hr	29	Jared Kraham
6:45pm	-----	-----	Pending Legislation:	---	Leighton Rogers



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Phil Strawn, City Council President

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		<p><i>*Found on the website calendar with the prior Work Session documents.</i></p> <p>RL22-46: Additional funding for the 2021 Emergency Repairs to City owned streets & utilities contract</p> <p>RL22-50: Increase the Senior Crime Analyst position</p> <p>RL22-54: Amend the BJCSB budget for an additional Operator/Trainee</p> <p>RL22-55: Amend the FY47 CDBG budget to purchase and equip a fire rescue truck</p> <p>RL22-56: Supplemental Agreement No. 1 for the Pedestrian Safety Improvements</p> <p>RL22-57: Modify the bond ordinance for the Pedestrian Improvements</p> <p>RL22-58: Rumble Ponies fireworks</p> <p>RL22-59: Designate all City parks, playgrounds, recreational facilities smoke free zones</p> <p>RL22-61: Amend the 2022 Central Services budget</p> <p>RL22-62: Extend the contract with First Ward Action Council</p>		
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COMMITTEE REPORTS

**Please Expedite for Next Business Meeting*



Legislative Branch

RL Number:

22-63

Date Submitted:

2/25/22

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: Grace Doherty

Title/Department: Mayor's Office

Contact Information: gvdoherty@cityofbinghamton.com

RL Information

Proposed Title: A resolution authorizing the sale of 43 Schubert St. to Sarah Walker

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): _____

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



OFFICE OF THE MAYOR ■ CITY OF BINGHAMTON

Richard C. David, Mayor

OFFER TO PURCHASE

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

PROPERTY INFORMATION

Street Address of Property: 43 Schubert Street, Binghamton, NY 13905

Tax Parcel Identification Number: 160.29-1-34

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

Offered Purchase Price: \$300.00

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

Please describe the intended use of the property. Please include an attached site plan or illustration depicting the intended use of the property, detailing the estimated dimensions and materials of all sheds, garages, fences, driveways, gardens, etc.

This side lot would be kept as green space where my young child could safely play. I would demolish the old unsafe garage, remove the large invasive tree-of-heaven, clean up and landscape the lot so that it can be easily mowed and maintained, and install fencing.

APPLICANT INFORMATION

Applicant Name: Sarah Walker

Note: If the applicant is a company or corporation, please list all shareholders or members.

Mailing Address: 45 Schubert Street, Binghamton, NY 13905

Telephone Number(s): 607-759-7551

Email Address: sarahkwalker@gmail.com

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

45 Schubert Street, Binghamton, NY 13905

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

Signature [Handwritten Signature]

8/31/2021 Date



Legislative Branch

RL Number:

22-64

Date Submitted:

2/25/22

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: An ordinance to amend the 2022 Insurance Fund budget to increase

Revenue and Expenses for damage on State Street Garage Entry Lane equipment pending insurance recoveries.

Suggested Content: ordinance to increase M.42680 (Insurance Recovery) by \$17,695.00 and increase M1910.52600 (Equipment) by \$17,695.00.

Additional Information

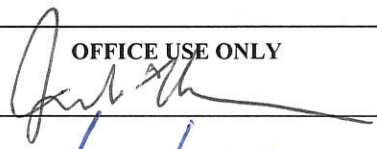


Does this RL concern grant funding? Yes No

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"/>

BER-NATIONAL CONTROLS, INC.

105 Arterial Road

Syracuse, NY 13206-1576

Specialist in Parking, Access Controls, Fire, CCTV & Photo ID Systems and Supplies

Phone: (315) 432-1818 Fax: (315) 432-1842 Email: Mail@Bernationalcontrols.com Website: www.bernationalcontrols.com

February 22, 2022

Ref#: 22-090W

Ph#: 607-772-7151

Email: ceshager@cityofbinghamton.com

Mr. Chuck Shager
City of Binghamton
142 State Street
Binghamton, NY 13902

SUBJECT: QUOTATION FOR THE PARKING REVENUE CONTROL ENTRY LANE EQUIPMENT

Dear Mr. Shager:

We, at Ber-National Controls, Inc. are pleased to provide a quotation for an Automated Parking Control System for the State Street parking garage as manufactured by Designa USA. The system we are proposing will allow for manless operation.

We will install the new entry machine on the State street entrance lane of the parking garage. Designa has been a leader in parking management systems for over 60 years. They have a clear versatile approach to creating a network based system that aims to provide the highest quality and superior customer support.

For this application, we propose the following equipment:

Entrance Lane Equipment

- 1 Ea. Revenue Interface Controller
- 1 Ea. Barcode Based Entry Ticket Machine
- 1 Ea. VOIP Intercom Substation
- 1 Ea. Access Control Card Reader
- 1 Lot Installation as Described within the Body of this Quotation

Net Price of Equipment and Installation: \$17,695.00

Upon approval, we estimate an installation date of 4 weeks from acceptance of this proposal.

The system prices are based on the customer providing AC power to all points required, useable concrete mounting bases, any required road work, protective ballards and static IP connections.

Ber-National Controls, Inc. will provide equipment as noted, mount equipment, utilize existing in ground vehicle detection loops, load base software, interconnect system, perform final turn on and test and provide operating and maintenance instructions to owner personnel.

State License # 12000063930 Licensed by the N.Y.S. Department of State

ALBANY • BINGHAMTON • ITHACA • UTICA • WATERTOWN



Legislative Branch

RL Number:
22-69
Date Submitted:
3/2/22

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

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Sharon A. Sorkin
Title/Department: Acting Director of Personnel & Safety
Contact Information: 607.772.7067

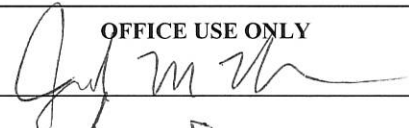


RL Information

Proposed Title: Resolution to transfer funds within Personnel Department to provide a Responsibility Adjustment to Program Assistant due to staff vacancy

Suggested Content: Transfer \$3,371.29 from A1430.51000 "Personal Services- Asst Personnel & Safety Director" to A1430.51000 Responsibility Adjustment - "Program Assistant, (retroactive for work performed since December 2021); and authorizing transfer of same to same in amount of \$612.96 per pay period until Assistant Director position is filled.

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"/>	



Expedite

Legislative Branch

RL Number:

22-66

Date Submitted:

3/2/22

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: Megan Heiman

Title/Department: Mayor's Office

Contact Information: 772-7001

RL Information

Proposed Title: Resolution to approve the Water Street Local Develment Corp By-Laws

Suggested Content: By-Laws attached

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 type="checkbox"/>	Planning <input type="checkbox"/>	MPA <input checked="" type="checkbox"/>	PW/Parks <input type="checkbox"/>	Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>

CITY OF BINGHAMTON WATER STREET DEVELOPMENT CORPORATION

A NOT-FOR-PROFIT CORPORATION

BY LAWS

Adopted _____, 2022

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BY-LAWS OF CITY OF BINGHAMTON WATER STREET DEVELOPMENT CORPORATION

ARTICLE I

THE CORPORATION

Section 1. Name. The name of this Corporation is the City of Binghamton Water Street Development Corporation and it shall be referred to in these by-laws as “the Corporation.”

Section 2. Purpose.

a) The chief purpose of the Corporation is the design, development, construction, reconstruction and financing of a City-owned parking facility located on Water Street in the City, for the purpose of providing necessary and desirable parking in the City, and lessening the burdens of government and acting in the public interest.

b) The objects and purposes of this Corporation are those objects and purposes stated in its Certificate of Incorporation.

ARTICLE II

OFFICE AND BOOKS

Section 1. Place of Business. The Corporation shall maintain a reasonably accessible place of business and shall be open to the public during normal business hours.

Section 2. Principal Office. The principal office of the Corporation shall be located at City Hall, in the City of Binghamton, County of Broome and State of New York.

Section 3. Records. There shall be kept at the principal office of the Corporation correct records of account of the activities and transactions of the Corporation, including a minute book, which will contain a copy of the Certificate of Incorporation, a copy of these by-laws, and all minutes of meetings of the Corporation’s Board of Directors.

ARTICLE III

MEMBER

Section 1. Class of Members. The Corporation shall have one class of members. The sole member of the Corporation shall be the City of Binghamton, New York (the “City”). Actions on behalf of the City as the sole member shall be taken by the Mayor, as designee of the City. The Corporation shall be managed by a Board of Directors, as provided herein.

ARTICLE IV

BOARD OF DIRECTORS

Section 1. Powers and Duties. The Board of Directors shall have general power to control and manage the affairs and property of the Corporation and shall have full power, by majority vote, to adopt rules and regulations governing the action of the Board of Directors and shall have full and complete authority with respect to the payment and distribution of the monies received by the Corporation, provided that the primary purposes of the Corporation, as expressed in the Certificate of Incorporation shall not be amended or changed.

Section 2. Number of Directors and Term of Office.

a) The Board of Directors shall consist of five directors, four of whom shall be appointed by the Mayor and one of whom shall be appointed by the Council. Directors shall have terms of three years, provided, however, that the initial term of one initial director shall be designated to expire on December 31, 2022, the initial terms of two directors shall be designated to expire on December 31, 2023 and the initial terms of two directors shall be designated to expire on December 31, 2024. The initial directors, and the expiration dates of their initial terms, are as stated in the Certificate of Incorporation. The initial term of the director appointed by the Council shall expire on December 31, 2024. Members of the Council and other City officers or personnel are eligible to serve as members of the Board of Directors the Corporation.

b) Notwithstanding durations of the terms of directors set forth above, a director's term shall be extended until the earlier to occur of such director's (i) re-appointment to the Board of Directors, (ii) appointment of a replacement member to the Board of Directors, or (iii) resignation as a member of the Board of Directors.

c) Each director shall have one vote.

Section 3. Organization. At each meeting of the Board of Directors, the President, or, in the absence of the President, the Vice President, shall preside, or in the absence of either of such officers, a chairman chosen by a majority of the directors present shall preside. The Secretary or an Assistant Secretary shall act as secretary of the Board of Directors. In the event the Secretary and each Assistant Secretary shall be absent from any meeting of the Board of Directors, the meeting shall select its secretary.

Section 4. Resignations and Removal of Directors. Any director of the Corporation may resign at any time. Any director of the Corporation who was appointed by the Council may be removed, with or without cause, by action of the Council, pursuant to an ordinance duly adopted by the Council, a copy of which shall be filed with the Secretary of the Corporation. Any director of the Corporation who was appointed by the Mayor may be removed, with or without cause, by a written direction of the Mayor, a copy of which shall be filed with the Secretary of the Corporation.

Section 5. Vacancies. Vacancies occurring for any reason with respect to any director of the Corporation who was appointed by the Council shall be filled by action of the

Council, pursuant to an ordinance duly adopted by the Council, a copy of which shall be filed with the Secretary of the Corporation. Vacancies occurring for any reason with respect to any director of the Corporation who was appointed by the Mayor shall be filled by a written direction of the Mayor, a copy of which shall be filed with the Secretary of the Corporation.

Section 6. Action by the Board of Directors.

a) Except as otherwise provided by law, the Certificate of Incorporation or these By-laws, an act of the Board of Directors means action at a meeting of the Board of Directors by vote of a majority of the directors present at the time of the vote, if a quorum is present at such time.

b) To the extent permitted by law, any action required or permitted to be taken by the Board of Directors may be taken without a meeting if all members of the Board of Directors consent in writing to the adoption of a resolution authorizing the action. The resolution and the written consents thereto by the members of the Board of Directors shall be filed with the minutes of the proceedings of the Board of Directors.

c) To the extent permitted by law, any one or more members of the Board of Directors may participate in a meeting of the Board of Directors by means of a conference telephone or similar communications equipment allowing all persons participating in the meeting to hear each other at the same time. Participation by such means shall constitute presence in person at a meeting.

ARTICLE V

MEETINGS

Section 1. Annual Meeting. The Annual Meeting of the Board of Directors shall be held for the transaction of business each year on such day as determined by the Board of Directors. All meetings of the Board of Directors shall be held at the principal office of the Corporation or any such other time or place as the Board of Directors shall designate. At such meeting, officers of the Corporation shall be elected and the Board of Directors shall transact other such business as is within the power of the Board of Directors.

Section 2. Annual Report. The Board of Directors shall present at the Annual Meeting an Annual Report, verified by the President and Treasurer or by the majority of directors, showing the whole amount of real and personal property owned by the Corporation, where located, where and how invested, the amount and nature of the property acquired during the year immediately preceding such date and the manner of the acquisition, the amount applied, appropriated or expended during the year immediately preceding such date and the manner of the appropriation, and the purposes, objects or persons to or for which such applications, appropriations or expenditures have been made, and the names of the persons who have been admitted as directors of the Corporation during such year. Said Annual Report shall be filed with the records of the Corporation and an abstract thereof entered in the minutes of the proceeding Annual Meeting. A copy of said Annual Report shall be filed in the office of the City Clerk of Binghamton prior to the Annual Meeting. Said Annual Report shall be a public document.

Section 3. Notice of Annual Meeting. Notice of the time and place of such Annual Meeting shall be given by mailing a copy thereof or delivering the same to each director not less than ten nor more than twenty days before such meeting, or pursuant to waiver of notice signed before or after such meeting by all directors. If for any reason the Annual Meeting is not so held, it shall be held at such time and place as may be designated in a notice of said Annual Meeting which shall be given hereinafter as provided for special meetings of the Board of Directors or by a waiver of notice signed before or after such meeting by all of the directors.

Specific notice shall be given when the business or the proposals to be acted upon at such meeting includes one or more of the following:

- a) A proposal to amend the Certificate of Incorporation.
- b) A proposal to merge or consolidate with another corporation, domestic or foreign.
- c) A proposal to lease, sell, convey, transfer, exchange or otherwise dispose of all or substantially all of the assets of the Corporation.
- d) A proposal to dissolve the Corporation.

Section 4. Regular Meetings Notice. Regular meetings of the Board of Directors shall be held at such time and place as the Board may determine and notice of such meeting need not be given.

Section 5. Special Meetings Notice. Special meetings of directors may be held at the principal office of the Corporation or at such other place as may be designated in the notice of such meeting, upon the call of the President or any two (2) of the directors. Notice of the time, place and purpose of any special meeting of the Board of Directors shall be given by the mailing a copy thereof or by delivering the same to each director at least seventy-two (72) hours before such meeting or pursuant to waiver of notice signed before or after such meeting by the directors.

Section 6. Quorum, Majority Vote. At all meetings of the Corporation, including annual meetings, regular meetings and special meetings, a majority of the directors shall constitute a quorum for the transaction of business. Any one or more directors may participate in a meeting of such Board by means of a conference telephone or similar equipment that allows all persons participating in the meeting to hear each other simultaneously. Participation by such means shall constitute presence in person at such a meeting. A majority vote shall be defined as a majority of the quorum. Such a definition of the majority vote shall be applicable to the annual meetings, regular meetings and special meetings.

Section 7. Adjournment of Meetings. In the absence of a quorum, a majority of the directors present may adjourn the meeting for a period of not greater than twenty (20) days until a quorum is obtained. At any such adjourned meeting at which a quorum is present, any business may be transacted which might have been transacted at the meeting as originally called. At all meetings of directors at which a quorum is present, except as provided herein, all matters shall be decided by the vote of half of the total Directorship plus one, in person or by proxy.

Section 8. Organization. The President of the Corporation shall preside at all meetings, or, in the absence of the President, the Vice President shall preside. The Secretary of the Corporation shall act as Secretary at all meetings of the directors. In the absence of the Secretary, the presiding officer may appoint any person to act as Secretary of the meeting.

Section 9. Committees. Any committee which shall be authorized by the Board and which is delegated any of the management function of the Corporation must conform with the same requirements as does the Board.

Section 10. Compensation. No director of the Corporation shall receive, directly or indirectly, any salary or compensation for his services as director or any other capacity with the Corporation, except they may be reimbursed for the expenses reasonably incurred by them in the performance of their duties.

ARTICLE VI

OFFICERS

Section 1. Number and Qualifications. The Officers of the Corporation shall be a President, a Vice President, a Secretary, a Treasurer and such other officers, if any, including one or more Vice Presidents, as the Board of Directors may appoint. One person may hold more than one office in the Corporation, except that one person may not hold both the offices of President and Secretary. No instrument required to be signed by more than one officer shall be signed by one person in more than one capacity.

Section 2. Elections, Term of Office and Removal. Officers of the Corporation shall be elected annually at the Annual Meeting of the Board of Directors and each shall continue in office until death, resignation or removal. Any officer of the Corporation may be removed, with or without cause, by the vote of a majority of the entire Board of Directors.

Section 3. Other Agents. The Board of Directors may from time to time appoint such agents as it shall deem necessary, each of whom shall hold office at the pleasure of the Board of Directors. Such agents shall have such authority as the Board of Directors shall determine.

Section 4. Vacancies. In the case of any vacancy in any office, a successor to fill the unexpired portion of the term may be elected by the Board of Directors at a regular or special meeting called for that purpose.

Section 5. President: Powers and Duties. The President shall be a member of the Board of Directors and the Chief Executive Officer of the Corporation. The President shall preside at all meetings of the Board of Directors. The President shall generally manage and supervise the affairs of the Corporation. The President shall keep the Board of Directors fully informed and shall freely consult with them concerning the activities of the Corporation. He or she shall have the power to sign alone, unless the Board of Directors shall specifically require an additional signature in the name of the Corporation, all contracts authorized either generally or specifically by the Board of Directors. He or she shall perform all duties incident to the office of

President subject, however, to the control of the Board of Directors, and such other duties as shall from time to time be assigned to him or her by the Board of Directors.

Section 6. Vice President: Powers and Duties. The Vice President shall be a member of the Board of Directors and shall have such powers and duties as may be assigned to him or her by the Board of Directors. In the absence of the President, the Vice President shall in general have the powers and perform the duties of the President.

Section 7. Secretary: Powers and Duties. The Secretary shall be a member of the Board of Directors and shall act as secretary of all meetings of the Board of Directors and shall keep or cause to be kept the minutes of all such meetings in the books proper for that purpose. He or she shall attend to the giving and serving of all notices of the Corporation. He or she shall perform all duties incident to the office of the Secretary subject, however, to the control of the Board of Directors, and such other duties as shall from time to time be assigned to him or her by the Board of Directors.

Section 8. Treasurer: Powers and Duties. The Treasurer shall be a member of the Board of Directors and shall have custody of all funds and securities of the Corporation that may come into his or her hands. He or she shall keep or cause to be kept complete and accurate accounts of receipts and disbursements of the Corporation, and shall deposit all monies and other valuable effects of the Corporation in the name and to the credit of the Corporation in such banks or depositories as the Board of Directors may designate. Whenever required by the Board of Directors, the Treasurer shall render a statement of the accounts. He or she shall exhibit the books and accounts upon request to any Officer or director of the Corporation. He or she shall perform all duties incident to the office of Treasurer subject, however, to the control of the Board of Directors. He or she shall perform other duties as shall be assigned to him or her from time to time by the Board of Directors. The Treasurer shall give such security for the faithful performance of his or her duties as the Board of Directors may require.

Section 9. Executive Director and/or Employees. The Board of Directors may employ an Executive Director or other employees who are subject to the supervision of the President and the Board of Directors. Such employees shall be either full or part-time employees and shall carry out the purposes of the Corporation. Such employees shall receive such compensation as may be determined by the Board of Directors in accordance with law.

ARTICLE VII

CONTRACTS, CHECKS, BANK ACCOUNTS, INVESTMENTS, PROCUREMENT AND PROHIBITIONS

Section 1. Contracts. No director of the Corporation shall contract or incur any debt or obligation on behalf of the Corporation or in any way render it liable unless duly authorized by the Board of Directors.

Section 2. Checks, Notes, and Contracts etc. The Board of Directors is authorized to select such banks or depositories as it shall deem proper for the funds of the Corporation. The Board of Directors may empower the staff of the Corporation to make deposits

in any of its duly authorized bank accounts or depositories without countersignature by any Officer of the Corporation. Otherwise, such deposits will be made by the Treasurer of the Corporation in any of the Corporations duly authorized bank accounts or depositories without countersignature by any Officer of the Corporation. The Board of Directors shall determine, who, if anyone, in addition to the President, shall be authorized on the Corporation's behalf to sign checks, drafts or other orders for payment of money, acceptances, notes or other evidences of indebtedness, enter into contracts, or execute and deliver other documents and instruments.

Section 3. Investments. The funds of the Corporation may be retained in whole or in part in cash or be invested and reinvested from time to time in such property, real, personal or otherwise, or stocks, bonds or other securities, as the Board of Directors in its discretion may deem desirable, in accordance with the provisions of the City of Binghamton Code of Ordinances for policy Investment (Chapter 5, 5-7); Article V of the Not-for-Profit Corporation Law and other applicable laws, rules or regulations.

Section 4. Procurement. The Board of Directors will adopt a procurement policy as may be permitted for local development corporations in the State of New York.

Section 5. Prohibitions. The Corporation is prohibited from extending credit to directors and employees. No director or employee of the Corporation, or its designees or agents, shall have any interest, direct or indirect, in a contract or sub-contract, or the proceeds thereof, for work to be performed in connection with any project or function of the Corporation.

ARTICLE VIII

CORPORATION SEAL

The Seal of the Corporation shall be circular in form and shall bear the name of the Corporation.

ARTICLE IX

LIABILITY AND INDEMNIFICATION

Section 1. Personal Liability. No director of the Corporation shall be personally liable to any person or party dealing with the Corporation for any amount arising out of any claim, charge, service, obligation or otherwise against the Corporation; and any such person or claimant shall be paid and reimbursed solely out of the funds of the Corporation. No director of the Corporation shall be liable for any of his or her acts, actions or omissions either to the Corporation or to anyone else in the absence of bad faith or fraud. Such director shall be entitled to reimbursement for any and all expenses incurred by him or her in defense of any action as provided by the laws of the State of New York. A blanket fiduciary bond covering the financial acts of all officers and directors and those entrusted with the handling of funds or property of the corporation shall be provided for by the Board of Directors.

Section 2. Employee and Board Member Protection Policy. If any employee or director reasonably believes that any policy, practice, or activity of the Corporation is in

violation of law, a written complaint must be filed by that employee or director with the Corporation Counsel of the City of Binghamton or the President of the Corporation.

ARTICLE X

ETHICS

Section 1. Code of Ethics. This Code of Ethics shall apply to all directors and employees of the Corporation. These policies shall serve as a guide for official conduct and are intended to enhance the ethical and professional performance of the Corporation’s directors and employees and to preserve public confidence in the Corporation’s mission.

Section 2. Responsibility of Directors and Employees.

a. Directors and employees shall perform their duties with transparency, without favor and shall refrain from engaging in outside matters of financial or personal interest, including other employment, that could impair independence of judgment, or prevent the proper exercises of one’s official duties.

b. Directors and employees shall not directly or indirectly, make, advise, or assist any person to make any financial investment based upon information available through the director’s or employee’s official position that could create any conflict between their public duties and interested and their private interests.

c. Directors and employees shall not accept or receive any gift or gratuities where the circumstances would permit the inference that: (a) the gift is intended to influence the individual in the performance of official business or (b) the gift constitutes a tip, reward, or sign of appreciation for any official act by the individual. This prohibition extends to any form of financial payments, services, loans, travel reimbursement, entertainment, hospitality, thing or promise from any entity doing business with or before the Corporation.

d. Directors and employees shall not use or attempt to use their official position with the Corporation to secure unwarranted privileges for themselves, members of their family or others, including employment with the Corporation or contracts for materials or services with the Corporation.

e. Directors and employees must conduct themselves at all times in a manner that avoids any appearance that they can be improperly or unduly influenced, that they could be affected by the position of or relationship with any other party, or that they are acting in violation of their public trust.

f. Directors and employees may not engage in any official transaction with an outside entity in which they have a direct or indirect financial interest that may reasonably conflict with the proper discharge of their official duties.

g. Directors and employees shall manage all matters within the scope of the Corporation’s mission independent of any other affiliations or employment. Directors,

62

including ex officio board members, and employees employed by more than one government shall strive to fulfill their professional responsibility to the Corporation without bias and shall support the Corporation's mission to the fullest.

h. Directors and employees shall not use Corporation property, including equipment, telephones, vehicles, computers, or other resources, or disclose information acquired in the course of their official duties in a manner inconsistent with State or local law or policy and the Corporation's mission and goals.

i. Directors and employees are prohibited from appearing or practicing before the Corporation for two (2) years following employment with the Corporation, consistent with the provisions of Public Officers Law.

j. Directors and employees shall not disclose confidential information acquired by them in the course of their official duties or use such information to further their personal interests.

Section 3. Ethics Officer. The Corporation shall designate an Ethics Officer, who shall report to the Board of Directors and shall have the duty to Counsel in confidence the Corporation's directors and employees who seek advice about ethical behavior. The designated Ethics Officer shall change every three months. The designated Ethics Officers must meet the following criteria:

- (1) Be a director of the Corporation.
- (2) Not be an employee of the City of Binghamton.
- (3) Not work for a local bank, credit union, or commercial lending institution.

ARTICLE XI

CONFLICTS OF INTEREST

Section 1. Purpose. The purpose of the conflicts of interest policy is to protect the Corporation's interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of a director of the Corporation. This policy is intended to supplement but not replace any applicable state laws or regulations governing conflicts of interest.

Section 2. Definitions.

A. Interested Person. Any director, principal officer, or member of a committee with Board-delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person, which has received a loan.

B. Financial Interest. A person has a financial interest if the person has, directly or indirectly, through business, investment or family:

- (1) A loan with the Corporation;
- (2) A compensation arrangement with the Corporation or with any entity or individual with which the Corporation has a transaction or arrangement; or
- (3) A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Corporation is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are substantial in nature.

Section 3. Procedures.

A. Duty to Disclose. In connection with any actual or possible conflicts of interest, an interested person must disclose the existence of his or her financial interest and all material facts to the directors and members of committees with Board-delegated powers considering the proposed transaction or arrangement.

B. Determining Whether a Conflict of Interest Exists. After disclosure of the financial interest and all material facts and after any discussion with the interested person, he or she shall leave the Board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining Board or committee members shall decide if a conflict of interest exists.

C. Procedures for Addressing the Conflict of Interest.

(1) An interested person may make a presentation at the Board or committee meeting, but after such presentation, he/she shall leave the meeting during the discussion of and vote on the transaction or arrangement that results in the conflict of interest.

(2) The Chairperson of the Board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.

(3) After exercising due diligence, the Board or committee shall determine whether the Corporation can obtain a more advantageous transaction or arrangement with reasonable efforts from a person or entity that would not give rise to a conflict of interest.

(4) If a more advantageous transaction or arrangement is not reasonably attainable under circumstances that would not give rise to a conflict of interest, the Board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the Corporation's best interest and for its own benefit and whether the transaction is

fair and reasonable to the Corporation and shall make its decision as to whether to enter into the transaction or arrangement in conformity with such determination.

D. Violation of the Conflicts of Interest Policy.

(1) If the Board or committee has reasonable cause to believe that a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.

(2) If, after hearing the response of the member and making such further investigation as may be warranted in the circumstances, the Board or committee determines that the member has in fact failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

Section 4. Records of Proceedings.

The minutes of the Board and all Committees with Board-delegated powers shall contain:

A. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present and the Board's or committee's decision as to whether a conflict of interest in fact existed.

B. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement and a record of any votes taken in connection therewith.

Section 5. Compensation.

A. A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Corporation for services is precluded from voting on matters pertaining to that member's compensation.

B. Members, Directors, or Staff who receive compensation, directly or indirectly, from the Corporation, whether as employees or independent contractors, is precluded from membership on any committee whose jurisdiction includes compensation matters.

Section 6. Annual Statements.

Each director, principal Officer and member of a committee with Board-delegated powers shall annually sign a statement which affirms that such person:

- A. Has received a copy of the conflicts of interest policy;
- B. Has read and understands the policy;
- C. Has agreed to comply with the policy; and
- D. Understands that the Corporation is tax-exempt and that in order to maintain its federal tax-exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

Section 7. Periodic Reviews.

A. To ensure that the Corporation operates in a manner consistent with its charitable purposes and that it does not engage in activities that could jeopardize its status as an organization exempt from federal income tax, periodic reviews shall be conducted.

ARTICLE XII

AMENDMENT

Section 1. Method. These by-laws may be amended, altered or repealed at any meeting of the Board of Directors by a vote of a majority of all directors, provided that the action to be considered and acted upon is inserted in the notice or the waiver of notice of said meeting.

ARTICLE XIII

PUBLIC AUTHORITY ACCOUNTABILITY ACT COMPLIANCE

Section 1. Policies. In compliance with the PAAA the Corporation adopted several policies included in the City of Binghamton Code of Ordinances including: Records Management and Disposition (Chapter 5, 5-25, 5-27) and Public Real Estate Sales (Chapter 136).

Section 2. Annual Review and Reporting. The Corporation establishes the month of November for the review and adoption of the Annual Performance Measures, Conflict of Interest Disclosure Statement, Code of Ethics and the Confidential Evaluation of Board Performance.

ARTICLE XIV

MISCELLANEOUS

Section 1. Professional Staff. The Corporation shall implement the capability requirements set forth in Section 108 of the United States Small Business Administration (SBA) Regulations.

Section 2. Restrictions and Limitations. In addition to any and all other applicable statutes, rules and regulations, the Corporation and its directors shall comply with the

6p

prohibition on the beneficial ownership of more than five percent of the capital stock of a project occupant or business enterprise and shall comply with the rules and regulations of the New York Job Development Authority, as set forth in Section 1825 of the Public Authorities Law.

Section 3. Gender. Words herein which denote the masculine gender shall be read as if written in the male, female or neuter gender, or the plural number, as the case may be. Said words may be construed, where appropriate, to include firms, partnerships or corporations.

I, _____ hereby certify these By-laws were approved by the City of Binghamton Water Street Development Corporation by Resolution _____ at a regular meeting held on _____, 20__.

_____, Secretary
City of Binghamton Water Street Development Corporation

6r



Legislative Branch

RL Number:

22-67

Date Submitted:

3/2/22

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: Megan J. Heiman

Title/Department: Office of the Mayor

Contact Information: 607-772-7001

RL Information

Proposed Title: Ordinance to extend Perm. O20-49, temporarily amending or waiving Chapter 327, rights-of-way, use of, Article II, Outdoor Cafe permits, in accordance with New York State

Suggested Content: _____

Additional Information

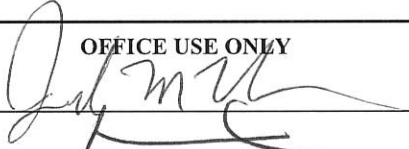
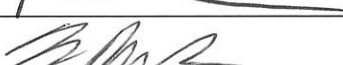
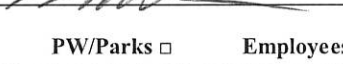
Does this RL concern grant funding? Yes No

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): Perm. O20-49

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



THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: June 3, 2020

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

Introduced by Committee: Planning

ORDINANCE

entitled

AN ORDINANCE TO TEMPORARILY AMEND
OR WAIVE CHAPTER 327, RIGHTS-OF-WAY,
USE OF, ARTICLE II, OUTDOOR CAFÉ
PERMITS CHAPTER 410, ZONING, SECTION
410-45, CATEGORIES OF REVIEW, AND THE
FEE SCHEDULE FOR SITE PLAN REVIEW OF
OUTDOOR SEATING

WHEREAS, the Governor of the State of New York has issued a series of Executive Orders related to the Covid-19 pandemic, including restrictions on restaurants and other food/drink services; and

WHEREAS, Phase Three of New York State's Re-opening Plan includes allowing restaurants and other food-service businesses to re-open for dine-in service with restrictions; and

WHEREAS, the City of Binghamton wishes to encourage outdoor dining to comply with New York State restrictions and social distancing; and

WHEREAS, the City regulates outdoor cafés on public property pursuant to Chapter 327, *RIGHTS-OF-WAY, USE OF, ARTICLE II, Outdoor Cafe Permits*, §§ 327-2A-M; and

WHEREAS, the City regulates outdoor seating on private property as part of site plan review, generally pursuant to Chapter 410, *Zoning*, §410-45, *Categories of Review, B. Administrative Planning Review and Approval*, for projects of less than 4,000 square feet; and

WHEREAS, the City wishes to streamline the outdoor café and outdoor seating application process to assist restaurants and other food/drink services.

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

Section 1. That Outdoor Café Permit fees, § 327-2E, are waived.

Section 2. That the Mayor, or his designee, and the Director of Planning, Housing, and Community Development, or her designee, may jointly amend or waive the Hours and Months of Operations, Area Requirements, Permit Approval Procedure, Site Plan Design Standards, Terms and Conditions, and such other sections of Article II to provide for a streamlined café application permit process.

Section 3. That the fee for site plan review, as provided in Appendix C of the 2020 budget, is waived for outdoor seating applications.

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

Section 4. That all applications for outdoor seating on private property shall qualify for Administrative Planning Review and Approval, even if the application exceeds 4,000 square feet.

Section 5. That nothing herein will be considered to allow for a waiver of (i) New York State Executive Orders or other laws, (ii) New York State Liquor Authority requirements, including any necessary extension of premises permit, (iii) Americans with Disabilities (ADA) Act, and (iv) City of Binghamton insurance requirements, where applicable.

Section 6. That this Ordinance shall become effective immediately and shall cease at the same time New York State removes any special restrictions on restaurants and other food/drink services related to the Covid-19 pandemic.

Introductory No. 020-50

Permanent No. 020-49

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

AN ORDINANCE TO TEMPORARILY AMEND
OR WAIVE CHAPTER 327, RIGHTS-OF-WAY,
USE OF, ARTICLE II, OUTDOOR CAFE PERMITS
CHAPTER 410, ZONING, SECTION 410-45,
CATEGORIES OF REVIEW, AND THE FEE
SCHEDULE FOR SITE PLAN REVIEW OF
OUTDOOR SEATING

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

Date 6/3/2020

City Clerk Friedman C. Ferguson

Date Presented to Mayor 6/4/2020

Mayor [Signature]

Page Approved [Signature]

Mayor [Signature]

	Ayes	Nays	Abstain	Absent
Councilman Searnigi	✓			
Councilwoman Resciniti	✓			
Councilwoman Riley	✓			
Councilwoman Friedman	✓			
Councilman Burns	✓			
Councilman Strawn	✓			
Councilman Scanlon	✓			
Total	7	0	0	0

Code of the City of Binghamton

Adopted Defeated

7 Ayes 0 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 6/3/2020. Approved by the Mayor on 6/4/2020 [Signature]

* PLEASE EXPEDITE *



Legislative Branch

RL Number:

22-65

Date Submitted:

3/2/22

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: MEGAN HEIMAN

Title/Department: MAYOR

Contact Information: 772-7001

RL Information

Proposed Title: ORDINANCE TO AMEND THE 2022 BUDGET TO UNALLOCATE

AMERICAN RESCUE PLAN ACT FUNDS ON PERMANNENT ORDINANCE 021-95 AND RETURN

OTHER FUNDS TO FUND BALANCE (LOSS REVENUE)

Suggested Content: THE CITY IS NOT MOVING FORWARD WITH THIS PROJECT THEREFORE

NEED TO MOVE BACK TO THE ARPA ACCOUNT AS WELL AS THE FUND BALANCE. SEE

ATTACHED SHEET FOR TRANSACTIONS.

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: [Signature]

Comptroller: [Signature]

Corporation Counsel: [Signature]

Finance Planning MPA PW/Parks Employees Rules/Special Studies

3,000,000 INCREASE FUND BALANCE
3,000,000 DECREASE EXPENSE BUDGET LINE a9950.59000 (TRANSFER TO CAPITAL)
3,000,000 DECREASE REVENUE BUDGET LINE H.45031 (INTERFUND TRANSFER)
3,000,000 DECREASE EXPENSE BUDGET LINE H7110.525800 (COMMUNITY CENTER -COLUMBUS PARK)
3,100,000 DECREASE REVENUE BUDGET LINE A44089.F0015 (FEDERAL ARPA REVENUE)
3,100,000 DECREASE EXPENSE BUDGET LINE A9950.59000.F0015 (TRANSFER TO CAPITAL-ARPA)
3,100,000 DECREASE REVENUE BUDGET LINE H.45031.F0015 (INTERFUND TRANSFER ARPA)
3,100,000 DECREASE EXPENSE BUDGET LINE H7110.525800.F0015 (COMMUNITY CENTER -COLUMBUS PARK-ARPA)



**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)

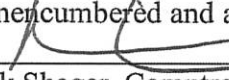
THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

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

Introductory No. 021-89

Permanent No. 021-95

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

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

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

9/22/21
Date

Jamie Fathner
City Clerk

9/23/21
Date Presented to Mayor

9/23/21
Date Approved
Richard D. D'Amico
Mayor

	Ayes	Nays	Abstain	Absent
Councilman Scaringi	✓			
Councilwoman Riley		✓		
Councilwoman Friedman		✓		
Councilman Burns		✓		
Councilman Strawn	✓			
Councilman Scanlon	✓			
Councilwoman Resciniti	✓			
Total	4	3	0	0

Code of the City of Binghamton

Adopted Defeated

4 Ayes 3 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 9/22/21. Approved by the Mayor on 9/23/21 (R)



Legislative Branch

RL Number:
22-68
Date Submitted:
3/2/22

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: MEGAN J. HEIMAN
Title/Department: OFFICE OF THE MAYOR
Contact Information: 607-772-7001

RL Information

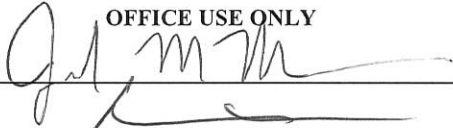

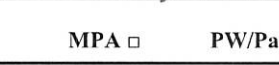
Proposed Title: ORDINANCE TO AMEND THE 2022 BUDGET TO ALLOCATE AMERICAN RESCUE PLAN ACT FUNDS FOR DEMOLITION OF VACANT AND ABANDONED PROPERTIES TO PROMOTE NEIGHBORHOOD STABILIZATION

Suggested Content: USE ARPA FUNDS FOR DEMOLITIONS NOT TO EXCEED \$250,000 INCREASE FEDERAL AID OTHER A44089.F0015 AND A1364.54470.F0015 (DEMOLITION-ARPA) BOTH BY \$250,000

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:

22-70

Date Submitted:

3/2/22

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: Megan J. Heiman

Title/Department: Office of the Mayor

Contact Information: 607-772-7001

RL Information

Proposed Title: Ordinance to amend the 2022 Mayor's budget to allocate American Rescue Plan

Act Funds toward a community food pantry

Suggested Content: Use ARPA funds for a community food pantry not to exceed \$30,000. Increase

Federal Aid Other A44089.F0015 and increase A6140.XXXXXX (Community Food Pantry) both by

\$30,000

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:	<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:

22-71

Date Submitted:

3/2/22

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

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Megan J. Heiman

Title/Department: Office of the Mayor

Contact Information: 607-772-7001

RL Information

Proposed Title: Resolution authorizing the Mayor to enter into an agreement with Outreach

Ministries for use of American Rescue Plan Act funds in an amount not to exceed \$30,000

Suggested Content: Budget line: A6140.XXXXXX Budget Line Title??

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"/>



Legislative Branch

RL Number:

22-73

Date Submitted:

3/2/22

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

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Megan J. Heiman

Title/Department: Office of the Mayor

Contact Information: 607-772-7001

RL Information

Proposed Title: Ordinance to amend the 2022 Parks budget to allocate American Rescue Plan

Act funds to fund two new laborer positions to support neighborhood stabilization efforts in distressed areas

Suggested Content: Use ARPA funds to create and fund two new laborer positions in Parks. See attachment

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"/>

INCREASE REVENUE

A44089.F0015	FEDERAL AID-ARPA	76,620.00
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INCREASE EXPENSES

A1420.51000.F0015	PARKS PERSONNEL SERVICE	39,930.00
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2- LABORERS (EFF 5/1/22)

1 new position

A9010.58000A.F0015	NYS RETIREMENT-ARPA	3,795.00
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A9030.58000B.F0015	SOCIAL SECURITY-ARPA	3,055.00
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A9060.58000D.F0015	HEALTH INSURANCE-ARPA	29,840.00
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ANNUAL SALARY-29661



Legislative Branch

RL Number:
22-74
Date Submitted:
3/2/22

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

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Megan J. Heiman

Title/Department: Office of the Mayor

Contact Information: 607-772-7001

RL Information

Proposed Title: Ordinance to amend the 2022 Code Enforcement budget to allocate American Rescue Plan Act funds to fund a new code enforcement inspector to support neighborhood stabilization efforts in distressed areas

Suggested Content: Use ARPA funds to create and fund code enforcement inspector. See attachment

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"/>	

INCREASE REVENUE

A44089.F0015	FEDERAL AID-ARPA	44,420.00
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INCREASE EXPENSES

A8664.51000.F0015	CODE ENFORCMENT PERSONNEL SERVICE	25,500.00
	CODE ENFORCMENT (EFF 4/1/22) new position	
A9010.58000A.F0015	NYS RETIREMENT-ARPA	2,425.00
A9030.58000B.F0015	SOCIAL SECURITY-ARPA	1,950.00
A9060.58000D.F0015	HEALTH INSURANCE-ARPA	14,545.00

↓ inspector



Legislative Branch

RL Number:

22-75

Date Submitted:

3/2/22

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: Megan J. Heiman

Title/Department: Office of the Mayor

Contact Information: 607-772-7001

RL Information

Proposed Title: Ordinance to amend the 2022 Law budget to allocate American Rescue Plan

Act funds to create and fund a new Assistant Corporation Counsel prosecutor to support neighborhood

stabilization efforts in distressed areas

Suggested Content: Use ARPA funds to create and fund a new Assistant Corporation Counsel

prosecutor. See attachment

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: [Signature]

Comptroller: [Signature]

Corporation Counsel: [Signature]

Finance Planning MPA PW/Parks Employees Rules/Special Studies

INCREASE REVENUE

A44089.F0015	FEDERAL AID-ARPA	77,630.00
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INCREASE EXPENSES

A1420.51000.F0015	LAW PERSONNEL SERVICE	53,850.00
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ASST CORP COUNSEL-PROSECUTOR (EFF 5/1/22)	new position
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A9010.58000A.F0015	NYS RETIREMENT-ARPA	5,115.00
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A9030.58000B.F0015	SOCIAL SECURITY-ARPA	4,120.00
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A9060.58000D.F0015	HEALTH INSURANCE-ARPA	14,545.00
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ANNUAL SALARY-80,000



Legislative Branch

RL Number: 22-72
Date Submitted: 3/2/22

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: Megan Heiman

Title/Department: Mayor's Office

Contact Information: 607.772.7001

RL Information

Proposed Title: Local Law to Amend Sections 265-H(1)(c) and 265-14(D)(5)(m) of the City of Binghamton Code of Ordinances to create more restrictive grass and weed height requirement, reducing permissible grass and weed height from 10 inches to 8 inches due to City's special conditions

Suggested Content: Adoption of Local Law amending language in both sections from "with the height of grass and weeds being no more than 10 inches" to "with the height of grass and weeks being no more than 8 inches" and including City's special conditions. See Section 265-H(1)(c): "Minimum exterior and interior requirements"; 265-14(D)(5)(m): "Vacant Building Registry and Maintenance).

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): Chapter 265 COB COO

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 type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input checked="" type="checkbox"/>

- E. In every rental unit, every occupant shall have access to his or her disconnecting means and overcurrent protection at all times, including their utility meters, furnace and hot water tanks, wherever located at all times.
- F. Heating facilities.
 - (1) In the absence of a written contract or an agreement to the contrary, the owner or operator shall be responsible for supplying heating facilities which are capable of safely and adequately heating every room in every rental unit to an average minimum temperature of 68° F. when the outside street temperature is below 55° F.
 - (2) The room temperature shall be measured from at least two distinct locations in the rooms at a distance of three feet from the floor level.
 - (3) Timing devices, or the use of timing devices, which cause the temperature within a dwelling unit to fall below the minimum temperature set both in Subsection F(1) shall be prohibited.
- G. Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement which might provide entry for rodents shall be supplied with a screen or another similar device to prevent their entrance.
- H. From May 1 to October, entrances to residential buildings (other than single-family owner-occupied) shall be provided with a minimum of one self-closing device or screen per room. Windows and other openings, including doors used for ventilation, shall be appropriately screened.
- I. Upon receipt of notice from utility companies that they intend to shut off service to a rented apartment(s) due to lack of payment by the landlord/property owners responsible for said service, the Code Enforcement Bureau will send a notice to the landlord/property owner advising that the discontinuance of utility service to occupied unit(s) without proper notice (see § 265-7F) is a violation of this code. Should a final notice of the intent to discontinue service be received, an appearance ticket shall be issued by the Code Enforcement Bureau to said offender. Should service be discontinued, an emergency order will then be issued.

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

- A. Interior surfaces.
 - (1) All interior walls, floors, ceilings and other interior surfaces, including but not limited to trims and sills, in all rental units and public areas shall be free from any defects such as serious leaning, buckling, sagging, cracks or holes that cause the surfaces to be unsanitary, unsafe, or a threat to the normal use and occupation of these areas.
 - (2) All interior surfaces shall be painted or covered with acceptable covering whenever necessary to keep the surfaces sanitary and free from any and all defects.
- B. Every foundation, floor, wall and ceiling shall be weathertight and rodentproof; shall be capable of affording privacy; and shall be kept in good repair. Ceilings, walls, floors and all public areas shall be free from any serious defects such as severe bulging or leaning, large holes, loose surface material, severe or noticeable movement under normal stress, and missing parts or other serious damage.
- C. All exterior wall structures, doors, basement hatchways, and windows shall be maintained to prevent excessive heat loss during the winter months by the installation of insulation, weather stripping, or other devices reasonably calculated to prevent excessive loss. Where excessive heat loss is

preventable by the use of other methods than permanent storm windows or factory-produced energy efficient windows, the property owner shall initiate a request to the Housing Board of Appeals. It shall be the responsibility of the property owner to demonstrate that the proposed solution shall be compliant with state fire and building codes and demonstrate sufficient insulating value without the loss of minimum ventilation and provide access to the exterior in cases of emergency. If the tenant pays for the heat, the storm windows shall be provided from October 1 to May 1.

- D. The roof structure shall be firm, weather tight and watertight.
- E. Every structure or dwelling which has a controlled method of disposal of water from roofs such as gutters and downspouts shall be maintained in good repair.
- F. Every inside and outside stair, porch and appurtenance shall be constructed and maintained to be safe to use and capable of supporting the load that normal use may place on it. Guardrails, at least 33 inches in height with openings between balusters or balustrades no greater than six inches, shall be provided on all open postings of stairs, balconies, landings and stairwells where there are four or more steps or where more than 33 inches above surrounding ground or floor level. Stairs less than 44 inches in width shall be provided with a handrail on at least one side, and if 44 inches or more in width, on both sides; said handrails shall be started at the first tread, both top and bottom, and shall have no obstruction tending to break a handhold.
- G. All exterior surfaces, including chimneys and accessory buildings, shall be repaired, painted, coated, treated, sealed, pointed, sandblasted, or chemically cleaned or sealed when the surfaces require the above-stated maintenance to prevent or retard deterioration or weathering, to avoid health or safety hazards, or to promote an attractive appearance and prevent a substantial depreciation to the integrity of the neighborhood.
- H. Residential, commercial and industrial buildings and properties, whether vacant or occupied, and accessory structures, shall be maintained in conformity with the provisions of this chapter to promote an attractive appearance, prevent a substantial depreciation to the integrity of the neighborhood, or prevent health or safety hazards.
 - (1) In order to satisfy the requirements of this section, a person must comply with the following:
 - (a) Fences and other minor construction shall be maintained in a safe, substantial and attractive condition.
 - (b) Steps, walks, driveways, parking spaces and similar paved areas shall be maintained free of holes or other hazards and be maintained to afford safe passage under normal use.
 - (c) Yards, courts, vacant lots and grass medians shall be kept trimmed and mowed, with the height of grass and weeds being no more than 10 inches, and clean and free of physical hazards, rodent harborage and infestation. They shall be maintained in a manner that will prevent dust and other particles from being blown about the neighborhood, such as by the planting of grass.
 - (d) Open wells, cesspools or cisterns shall be securely closed or barricaded from access to the public.
 - (e) Heavy undergrowth and accumulations of plant growth which are noxious or detrimental to health shall be eliminated. Any trees or portions located on private property and constituting a hazard to persons or property shall be trimmed or removed.

- (j) Electrical fixtures, devices, wiring and systems will be maintained in safe working condition in a manner which will avoid a potential source of ignition or shock or service will be discontinued at the supply.
 - (k) Elevators, dumbwaiters and escalators will be maintained or taken out of service, in accordance with ANSI A17.1.
 - (l) The owner will provide for snow removal as required by § 265-13.I(4).
 - (m) The owner will maintain yards and vacant lots trimmed and mowed, with the height of grass and weeds being no more than 10 inches, and clean and free of physical hazards, rodent harborage and infestation as required by § 265-13.H.
- (6) Whenever the owner of a vacant building fails to comply with a notice from an Enforcement Officer to take steps and perform acts as are required of him or her to ensure that a building and its adjoining yards remain safe and secure and do not present a hazard to adjoining property in violation of subsection 2 above, the City may, pursuant to § 265-4, *Enforcement*, enter onto the building and the property and take steps and perform acts to render the building and its adjoining yards safe, secure and free from hazards to adjoining property and public. These acts will include but not be limited to removal of dangerous conditions, properly replacing or boarding up windows and doors, shutting off utilities, capping plumbing to prevent leakage of water or sewer gas, or removing flammable or otherwise hazardous materials and debris. A bill for the expenses incurred above will be presented to the owners of the building consistent with the provisions outlined in § 265-4 and § 265-13.J(2) of this chapter.
- E. Exemptions. A building which has suffered fire damage or damage caused by extreme weather conditions will be exempt from the registration requirement for a period of 90 days after the date of the fire or extreme weather event if the property owner submits a request for exemption in writing to the Code Enforcement/Fire Marshal Office. This request will include the following information supplied by the owner:
- (1) A description of the premises.
 - (2) The reason for an exemption.
 - (3) The names and addresses of the owner or owners. A post office box is not acceptable.
 - (4) A statement of intent to repair and reoccupy the building in an expedient manner, or the intent to demolish the building
- F. Inspections. By registering a vacant building, an owner consents to an Enforcement Officer inspecting the premises for the purpose of enforcing and assuring compliance with the provisions of this article. Upon the request of the Enforcement Officer, an owner will provide access to all interior portions of a vacant building in order to permit a complete inspection. Nothing contained herein, however, will diminish the owner's right to insist upon the procurement of a search warrant from a court of competent jurisdiction by the Enforcement Officer or his or her designee in order to enable such inspection, and the Enforcement Officer will be required to obtain a search warrant whenever an owner refuses to permit a warrantless inspection of the premises after having been advised of his or her constitutional right to refuse entry without same. In the case of an emergency this section will not apply.
- G. Annual reports. Once a year, the Office of Buildings and Construction or Code Enforcement/Fire Marshal's Office will send to the Mayor and to the Common Council a list of all buildings in the City declared vacant under the provisions of this article, as well as a list of all previously declared vacant buildings which are no longer subject to the provisions of this article. This information may be published on the City's website.



Legislative Branch

RL Number:
22-76
Date Submitted:
3/3/22

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

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Jared Kraham
Title/Department: Mayor's Office
Contact Information: 772-7001

RL Information

Proposed Title: Resolution to reduce the workday of the administrative assistant in DPW from 8 to 7 hours effective March 14.

Suggested Content: Reduce A1410.51000 City Hall Personnel Services (Administrative Assistant) \$4573.80 and increase A1990.58000 Contingency \$4,573.80

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): _____

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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"/>