



LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Phil Strawn, City Council President

Leighton Rogers, City Clerk

COUNCIL OF THE CITY OF BINGHAMTON
Business Meeting Agenda
City Hall, 38 Hawley Street, Binghamton, NY 13901
Wednesday, May 4, 2022

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. ACKNOWLEDGEMENTS AND RECOGNITIONS

V. REPORTS FROM COMMITTEES AND APPROVAL OF MINUTES

Approval of Minutes

Approve the Minutes from the April 20, 2022 Business Meeting.

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

No items to report.

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

No items to report.

City Council Municipal & Public Affairs Committee: Scaringi (Chair), Resciniti, Riley

No items to report.

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

No items to report.

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

No items to report.

City Council Rules & Procedures/Special Studies Committee: Resciniti (Chair), Scanlon, Friedman

No items to report.

VI. APPROVAL OF APPOINTMENTS

VII. PUBLIC HEARING

VIII. SET PUBLIC HEARINGS

IX. PUBLIC COMMENT/COMMUNICATION

Residents wishing to submit public comment may do so electronically by emailing their comments prior to 1:00pm on the day of the meeting to clerk@cityofbinghamton.com or virtually via zoom during the meeting.



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X. REVIEW OF MAYORAL VETO

XI. SECOND READING LEGISLATION

XII. FIRST READING LEGISLATION

A. PREFERRED AGENDA

Introductory Ordinance 22-79. Considered in Finance: Scaringi

An Ordinance to amend the 2022 Binghamton-Johnson City Joint Sewage Board budget to increase the insurance recovery revenue and the 2022 budget appropriations as related to the BAF complex repair and rehabilitation

Introductory Ordinance 22-80. Considered in Finance: Scaringi

An Ordinance to amend the 2022 budget to allocate ARPA funds to support mental health and substance use treatment

Introductory Ordinance 22-81. Considered in Finance: Scaringi

An Ordinance to amend the 2022 Personnel & Civil Service budget to defund a Program Assistant position, fund a Personnel & Civil Service Assistant position, and amend the Code accordingly

Introductory Ordinance 22-82. Considered in Finance: Scaringi

An Ordinance to amend the 2022 Personnel & Civil Service budget to defund an Assistant Director of Personnel & Safety position, fund a Civil Service Administrator position, and amend the Code accordingly

Introductory Resolution 22-44. Considered in Finance: Scaringi

A Resolution authorizing the Mayor to enter into an agreement with the Broome County Urban League to support the ATTAIn Lab at 47 North Street

Introductory Resolution 22-45. Considered in Planning: Scanlon

A Resolution authorizing the Mayor to enter into an extension lease agreement with VINES for 46 Park Street

Introductory Resolution 22-46. Considered in Planning: Scanlon

A Resolution authorizing the Mayor to enter into an extension lease agreement with VINES for 26 Mather Street

Introductory Resolution 22-47. Considered in Finance: Scaringi

A Resolution authorizing the Mayor to enter into a term agreement with Keystone Environmental Services for environmental services

Introductory Resolution 22-48. Considered in Finance: Scaringi



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A Resolution authorizing the Mayor to enter into a term agreement with Hulbert Engineering and Land Surveying, DPC for surveying services

Introductory Resolution 22-49. Considered in Planning: Scanlon

A Resolution authorizing the Mayor to amend the FY47 Annual Action Plan

Introductory Resolution 22-50. Considered in Planning: Scanlon

A Resolution authorizing the Mayor to amend the agreement with Greater Opportunities for Broome and Chenango, INC. for use of FY47 CDBG and ESG funds

Introductory Resolution 22-51. Considered in Finance: Scaringi

A Resolution authorizing the Mayor to enter into an agreement with the Family & Children's Society, INC. to support a new building for outpatient mental health and addiction services

Introductory Resolution 22-52. Considered in Finance: Scaringi

A Resolution authorizing the City of Binghamton to accept donations for the Parks Department bird house building competition

Introductory Resolution 22-53. Considered in Planning: Scanlon

A Resolution authorizing the Mayor to enter into an agreement with Chianis & Anderson Architects PLLC for additional architectural and engineering services

B. NON PREFERRED AGENDA

Introductory Resolution 22-43. Considered in Finance: Scaringi

A Resolution to accept \$7,164 from the Governor's Traffic Safety Committee to fund Police overtime

XIII. COMMUNICATIONS FROM COUNCIL MEMBERS

XIV. ADJOURNMENT



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

Date: May 4, 2022

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

Introduced by Committee: Finance

ORDINANCE

entitled

AN ORDINANCE TO AMEND THE 2022 BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD BUDGET TO INCREASE THE INSURANCE RECOVERY REVENUE AND THE 2022 BUDGET APPROPRIATIONS AS RELATED TO THE BAF COMPLEX REPAIR AND REHABILITATION

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

WHEREAS, the BJCJSTF is operated and maintained by the Binghamton-Johnson City Joint Sewage Board (the "JSB") under a series of inter-municipal agreements between the City and the Village; and

WHEREAS, the Council of the City and the Board of Trustees of the Village approve the BJCJSTF budget; and

WHEREAS, the JSB has requested an amendment to the 2022 BJCJSTF budget to (i) increase the Insurance Recovery Revenue for ongoing rehabilitation work and (ii) adjust the 2022 budget appropriations as related to the BAF complex repair and rehabilitation.

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

Section 1. That the Council approves and directs the Comptroller/JSB Fiscal Officer to amend and make journal budget entries in the 2022 BJCJSTF budget to (i) increase the Insurance Recovery Revenue for ongoing rehabilitation work and (ii) adjust the 2022 budget appropriations as related to the BAF complex repair and rehabilitation as follows:

- (i) \$40,000 increase revenue budget line J.42680.CNBAF (Insurance Recovery – CNBAF)
- (ii) \$15,000 increase expense budget line J8130.54520.CNBAF (Equipment Rentals)
- (iii) \$25,000 increase expense budget line J8130.54804.CNBAF (Sludge and Waste Hauling)

Section 2. That the Council approves and directs the Comptroller/JSB Fiscal Officer to amend and make journal budget entries in the 2022 BJCJSTF budget to adjust the 2022 budget appropriations as related to the BAF complex repair and rehabilitation as follows:

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

Date: May 4, 2022

Transfer From (Decrease):

\$25,000 J8130.54150 (Chemicals)

Transfer To (Increase):

\$25,000 J8130.54610 (Building/Equipment
Repair)

Section 3. That this Ordinance shall be effective when also approved by sufficient members of the Board of Trustees of the Village.

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



Chuck Shager, Comptroller/JSB Fiscal Officer



THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: May 4, 2022

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

Introduced by Committee: Finance

ORDINANCE

entitled

AN ORDINANCE TO AMEND THE 2022
PERSONNEL & CIVIL SERVICE BUDGET TO
DEFUND A PROGRAM ASSISTANT POSITION,
ADD AND FUND A PERSONNEL & CIVIL
SERVICE ASSISTANT POSITION, AND AMEND
THE CODE ACCORDINGLY

WHEREAS, the Director of Personnel & Safety and Comptroller of the City of Binghamton find it proper and necessary to amend the 2022 Personnel & Civil Service budget to defund a “Program Assistant” position, including a responsibility adjustment as provided in Permanent Ordinance 22-48, dated March 23, 2022, and to add a “Personnel & Civil Service Assistant” position at an annual salary of \$43,000; and

WHEREAS, the “Personnel & Civil Service Assistant” position was approved by the Civil Service Commission on April 27, 2022; and

WHEREAS, the Council of the City of Binghamton wishes to amend the Code of the City of Binghamton, Chapter 124, *Personnel Policies*, Article VIII, *Officers and Employees not covered by Collective Bargaining Agreements*, §124-39, *Definition*, Section 2. *Management Tested*, to replace K. Program Assistant with Personnel & Civil Service Assistant; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on May 4, 2022.

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 2022 Personnel & Civil Service budget to (i) defund a “Program Assistant” position, including a responsibility adjustment as provided in Permanent Ordinance 22-48, dated March 23, 2022, (ii) add a “Personnel & Civil Service Assistant” position at an annual salary of \$43,000; and (iii) fund the a “Personnel & Civil Service Assistant” position from May 16 through December 31, 2022 as follows:

Transfer From (Decrease):

\$25,543.15 A1430.51000 (Per.Ser-Program Asst.)
10,200.00 A1430.51000 (Per.Ser-Resp.Adjust
Prog.Asst.)

\$35,743.15

Transfer To (Increase):

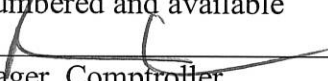
\$28,115.15 A1430.51000 (Per.Ser-Personnel
& Civil Service Assistant)
7,628.00 A1990.55000 (Contingency)

\$35,743.15

Section 2. That the Code of the City of Binghamton, Chapter 124, *Personnel Policies*, Article VIII, *Officers and Employees not covered by Collective Bargaining Agreements*, §124-39, *Definition*, Section 2. *Management Tested*, is hereby amended to replace K. Program Assistant with Personnel & Civil Service Assistant.

Section 3. That this Ordinance shall take effect May 16, 2022.

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



Chuck Shager, Comptroller



THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: May 4, 2022

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

Introduced by Committee: Finance

ORDINANCE*entitled*

AN ORDINANCE TO AMEND THE 2022 PERSONNEL & CIVIL SERVICE BUDGET TO ADD AND FUND A CIVIL SERVICE ADMINISTRATOR POSITION AND DEFUND AN ASSISTANT DIRECTOR OF PERSONNEL & SAFETY POSITION AND AMEND THE CODE ACCORDINGLY

WHEREAS, the Director of Personnel & Safety and Comptroller of the City of Binghamton find it proper and necessary to amend the 2022 Personnel & Civil Service budget to defund the “Assistant Personnel & Safety Director” position and to add a “Civil Service Administrator” position at an annual salary of \$55,003; and

WHEREAS, the “Civil Service Administrator” position was approved by the Civil Service Commission on April 27, 2022; and

WHEREAS, the Council of the City of Binghamton wishes to amend the Code of the City of Binghamton, Chapter 124, *Personnel Policies*, Article VIII, *Officers and Employees not covered by Collective Bargaining Agreements*, §124-39, *Definition*, Section 2. *Management Tested*, to replace R. Assistant Director of Personnel & Safety (a/k/a Assistant Personnel & Safety Director) with Civil Service Administrator; and

WHEREAS, the Council of the City of Binghamton wishes to amend the Code of the City of Binghamton, Chapter 124, *Personnel Policies*, Article VIII, *Officers and Employees not covered by Collective Bargaining Agreements*, §124-39.A, *Standard Work Day*, to remove Q. Assistant Director of Personnel & Safety (a/k/a Assistant Personnel & Safety Director); and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on May 4, 2022.

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 2022 Personnel & Civil Service budget to (i) defund an “Assistant Director of Personnel & Safety (8)” position, (ii) add a “Civil Service Administrator” position at an annual salary of \$55,003; and (iii) fund the new “Civil Service Administrator” position from May 16 through December 31, 2022 as follows:

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

Date: May 4, 2022

Transfer From (Decrease):

\$43,003.00 A1430.51000 (Per.Ser-Assistant
Personnel & Safety Director)

\$43,003.00

Transfer To (Increase):

\$35,963.50 A1430.51000 (Per.Ser-Civil
Service Administrator)
7,039.50 A1990.55000 (Contingency)

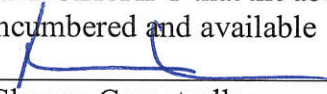
\$43,003.00

Section 2. That the Code of the City of Binghamton, Chapter 124, *Personnel Policies*, Article VIII, *Officers and Employees not covered by Collective Bargaining Agreements*, §124-39, *Definition*, Section 2. *Management Tested*, is hereby amended to replace R. Assistant Director of Personnel & Safety (a/k/a Assistant Personnel & Safety Director) with Civil Service Administrator.

Section 3. That the Code of the City of Binghamton, Chapter 124, *Personnel Policies*, Article VIII, *Officers and Employees not covered by Collective Bargaining Agreements*, §124-39.A, *Standard Work Day*, is hereby amended to remove Q. Assistant Director of Personnel & Safety (a/k/a Assistant Personnel & Safety Director).

Section 4. That this Ordinance shall take effect May 16, 2022

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



Chuck Shager, Comptroller

Legal Counsel Approval BM
RL 22-118

Introductory No. R22-44
Permanent No. _____



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

Date: May 4, 2022

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

Introduced by Committee: Finance

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE MAYOR
TO ENTER INTO AN AGREEMENT WITH THE
BROOME COUNTY URBAN LEAGUE TO
SUPPORT THE ATTAIN LAB AT 47 NORTH
STREET

WHEREAS, the Mayor of the City of Binghamton wishes to enter into an agreement with the Broome County Urban League to support the Advanced Technology Training and Information Networking (ATTAIN) Lab at 47 North Street; and

WHEREAS, the amount is not to exceed \$8,760.

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

RESOLVE that the Mayor of the City of Binghamton, or his designee, is hereby authorized to enter into an agreement, approved as to form and content by the Office of Corporation Counsel, with the Broome County Urban League to support the ATTAIN Lab at 47 North Street, at a cost not to exceed \$8,760; that funds shall be deducted from budget line CD8676.533515.CDY47 (Human Services) for this purpose.

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

Chuck Shager, Comptroller



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

Date: May 4, 2022

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

Introduced by Committee: Planning

RESOLUTION

entitled

**A RESOLUTION AUTHORIZING THE MAYOR
TO ENTER INTO AN EXTENSION LEASE
AGREEMENT WITH VINES FOR 46 PARK
STREET**

WHEREAS, pursuant to Permanent Resolution 17-27, dated February 22, 2017, the Mayor of the City of Binghamton entered into a lease agreement with Volunteers Improving Neighborhood Environments (VINES) for 46 Park Street, Binghamton, New York, Tax Parcel No. 143.83-2-22, for use as a community garden open to the public; and

WHEREAS, the lease agreement expired on December 31, 2021; and

WHEREAS, the Mayor of the City of Binghamton wishes to enter into an extension lease agreement with VINES for 46 Park Street for five (5) years as stated in the attached extension lease agreement; and

WHEREAS, VINES has the option to renew this lease for up to one (1) additional five (5) year term, for a total of up to ten (10) years.

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

RESOLVE that the Mayor of the City of Binghamton, or his designee, is hereby authorized to enter into an extension lease agreement, approved as to form and content by the Office of Corporation Counsel, with VINES for 46 Park Street, Binghamton, New York, Tax Parcel No. 143.83-2-22 for five (5) years as stated in the attached extension lease agreement.

LEASE AGREEMENT

THIS LEASE AGREEMENT, dated as of May ____, 2022, by and between CITY OF BINGHAMTON, having offices at City Hall, Government Plaza, Binghamton, New York 13901 ("City"), and VOLUNTEERS IMPROVING NEIGHBORHOOD ENVIRONMENTS, a not-for-profit corporation, whose address is P.O. Box 3104, Binghamton, New York 13902 ("VINES").

WHEREAS, City is the owner of certain real property located at 46 Park Street, Binghamton, New York, Tax Parcel No. 143.83-2-22 (the "Premises"); and

WHEREAS, City, by its Mayor and City Council, by Permanent Ordinance No. _____, has authorized this Lease Agreement; and

WHEREAS, VINES, by its Board of Directors, has authorized this Lease Agreement.

NOW THEREFORE, in consideration of the mutual covenants herein set forth, the parties agree as follows:

FIRST: LEASE OF PREMISES AND TERM

City leases to VINES and VINES leases from City the Premises for a term from the date hereof to December 31, 2027.

The term of this Lease ("Term") shall commence as of the date provided above, and continue for five (5) years. VINES has the option to renew this Lease for up to one (1) additional five (5) year Term, for a total of up to ten (10) years. If VINES does not wish to renew this Lease, then VINES must give City written notice of non-renewal at least six (6) months prior to the expiration of the applicable five (5) year Term. From and after the commencement date, and provided there is no breach of this Lease, VINES shall be entitled to exclusive possession of the Parcel during the Term.

SECOND: USE OF THE PREMISES

(a) VINES will use the Premises exclusively for an urban agriculture project. VINES will not use the Premises for any other purpose without the written consent of City, which consent may be denied for any or no reason.

VINES will maintain the Premises in reasonably good condition, normal wear and tear excepted, including snow and ice removal. If VINES fails or refuses to maintain the Premises as provided herein, then City will give VINES written notice specifically identifying the unacceptable condition and require VINES to correct such unacceptable condition within a reasonable time as demanded in the notice. The failure or refusal to correct the unacceptable condition within the time set forth herein will allow the City to declare a default under this Lease Agreement.

VINES will indemnify and hold the City harmless against any and all liability, damages or expenses, and reasonable attorney's fees, regarding its use of the Premises. VINES will provide and maintain public liability insurance coverage to protect the City and VINES against loss by reason of personal injury, death or property damage caused directly or indirectly by activities at the Premises. Such insurance shall name the City as an additional insured on a primary, non-contributory basis, and be approved as to form and sufficiency by the City Corporation Counsel's Office.

THIRD: RENT, REAL PROPERTY TAXES AND WATER

(a) For the term of this Lease Agreement, the rent is one (\$1.00) dollar per year, or part of a year due on April 15 of each year. This rent is based on the presumption that VINES will use the Premises for an urban agriculture project.

(b) Insofar as the Premises are owned by the City of Binghamton and VINES, as a not-for-profit corporation, has agreed to use the Premises for a public purpose, no real property taxes

are expected to be due and owing. If VINES defaults under this Lease Agreement or if VINES otherwise takes any action to make the Premises taxable, then VINES will be responsible for such real property taxes and assessments. If the Premises becomes taxable for any other reason, then VINES may cancel this Lease on five (5) days written notice, after written notice from the City of such change in tax status and VINES will have no liability for such taxes.

(c) The City may install a water meter for the Premises and may bill VINES for water consumption. However, the City, at its option may provide water free of charge. If the City does provide water free of charge at any time, the City will not have any continuing obligation to do so.

FOURTH: DEFAULT AND TERMINATION

(a) In the event of any default under the terms and conditions of this Lease Agreement, and after an opportunity to cure or correct the default as provided herein, City may terminate this Lease Agreement by giving VINES written notice and fifteen (15) days to vacate the Premises. If VINES fails or refuses to vacate the Premises in a timely manner, then City may commence an action in Binghamton City Court to evict VINES from the Premises. In addition to any decision the Court may make regarding VINES's occupancy of the Premises, the Court may award City a money judgment for the fair market value of the Premises from the date of default until the date VINES vacates the Premises and for the costs of any improvements which VINES has not yet paid for, together with all costs and expenses of the action, including reasonable attorney's fees.

(b) Upon termination of this Lease Agreement, all permanent improvements to the Premises will become the property of City, free and clear of any charges or liens.

FIFTH: MISCELLANEOUS

(a) All notices required hereunder to be served by either of the parties hereto shall be in writing and shall be either personally delivered to or mailed by registered or certified mail to the parties at the above addresses. Any notice to the City will be sent to the attention of the Mayor and Corporation Counsel, City Hall, 38 Hawley Street, Binghamton, New York 13901, and any notice to VINES will be sent to the attention of VINES, P.O. Box 3104, Binghamton, New York 13902, with a courtesy copy to info@vinesgardens.org.

(b) Provided VINES is not in default of this Lease Agreement, VINES will have quiet enjoyment of the Premises.

(c) This Lease Agreement shall be binding upon the parties hereto, but shall not be assignable in whole or in part by VINES without prior consent of the City, which may be withheld for any or no reason.

IN WITNESS WHEREOF, all parties have caused this instrument to be executed by the City of Binghamton Mayor and the President of the Board of Directors of VINES and as such each has caused this instrument to be executed all as of the day and year first above written.

VOLUNTEERS IMPROVING NEIGHBORHOOD ENVIRONMENTS

By: _____

CITY OF BINGHAMTON

By: _____
JARED M. KRAHAM, MAYOR



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

Date: May 4, 2022

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

Introduced by Committee: Planning

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE MAYOR
TO ENTER INTO AN EXTENSION LEASE
AGREEMENT WITH VINES FOR 26 MATHER
STREET

WHEREAS, the Council of the City of Binghamton adopted Permanent Resolution 11-44, dated June 9, 2011, to enter into a lease agreement with Volunteers Improving Neighborhood Environments (VINES) at 26 Mather Street, Binghamton, New York, Tax Parcel No. 160.31-1-32, for use as a community garden open to the public; and

WHEREAS, pursuant to Permanent Resolution 16-130, dated December 21, 2016, the Mayor of the City of Binghamton entered into an extension lease agreement with VINES for 26 Mather Street, for use as a community garden open to the public; and

WHEREAS, the extended lease agreement expired on December 31, 2021; and

WHEREAS, the Mayor of the City of Binghamton wishes to enter into an extension lease agreement with VINES for 26 Mather Street for five (5) years as stated in the attached extension lease agreement; and

WHEREAS, VINES has the option to renew this lease for up to one (1) additional five (5) year term, for a total of up to ten (10) years.

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

RESOLVE that the Mayor of the City of Binghamton, or his designee, is hereby authorized to enter into an extension lease agreement, approved as to form and content by the Office of Corporation Counsel, with VINES for 26 Mather Street, Binghamton, New York, Tax Parcel No. 160.31-1-32 for five (5) years as stated in the attached extension lease agreement.

LEASE AGREEMENT

THIS LEASE AGREEMENT, dated as of May ____, 2022, by and between CITY OF BINGHAMTON, having offices at City Hall, Government Plaza, Binghamton, New York 13901 ("City"), and VOLUNTEERS IMPROVING NEIGHBORHOOD ENVIRONMENTS, a not-for-profit corporation, whose address is P.O. Box 3104, Binghamton, New York 13902 ("VINES").

WHEREAS, City is the owner of certain real property located at 26 Mather Street, Binghamton, New York, Tax Parcel No. 160.31-1-32 (the "Premises"); and

WHEREAS, City, by its Mayor and City Council, by Permanent Ordinance No. _____, has authorized this Lease Agreement; and

WHEREAS, VINES, by its Board of Directors, has authorized this Lease Agreement.

NOW THEREFORE, in consideration of the mutual covenants herein set forth, the parties agree as follows:

FIRST: LEASE OF PREMISES AND TERM

City leases to VINES and VINES leases from City the Premises for a term from the date hereof to December 31, 2027.

The term of this Lease ("Term") shall commence as of the date provided above, and continue for five (5) years. VINES has the option to renew this Lease for up to one (1) additional five (5) year Term, for a total of up to ten (10) years. If VINES does not wish to renew this Lease, then VINES must give City written notice of non-renewal at least six (6) months prior to the expiration of the applicable five (5) year Term. From and after the commencement date, and provided there is no breach of this Lease, VINES shall be entitled to exclusive possession of the Parcel during the Term.

SECOND: USE OF THE PREMISES

(a) VINES will use the Premises exclusively for an urban agriculture project. VINES will not use the Premises for any other purpose without the written consent of City, which consent may be denied for any or no reason.

VINES will maintain the Premises in reasonably good condition, normal wear and tear excepted, including snow and ice removal. If VINES fails or refuses to maintain the Premises as provided herein, then City will give VINES written notice specifically identifying the unacceptable condition and require VINES to correct such unacceptable condition within a reasonable time as demanded in the notice. The failure or refusal to correct the unacceptable condition within the time set forth herein will allow the City to declare a default under this Lease Agreement.

VINES will indemnify and hold the City harmless against any and all liability, damages or expenses, and reasonable attorney's fees, regarding its use of the Premises. VINES will provide and maintain public liability insurance coverage to protect the City and VINES against loss by reason of personal injury, death or property damage caused directly or indirectly by activities at the Premises. Such insurance shall name the City as an additional insured on a primary, non-contributory basis, and be approved as to form and sufficiency by the City Corporation Counsel's Office.

THIRD: RENT, REAL PROPERTY TAXES AND WATER

(a) For the term of this Lease Agreement, the rent is one (\$1.00) dollar per year, or part of a year due on April 15 of each year. This rent is based on the presumption that VINES will use the Premises for an urban agriculture project.

(b) Insofar as the Premises are owned by the City of Binghamton and VINES, as a not-for-profit corporation, has agreed to use the Premises for a public purpose, no real property taxes

are expected to be due and owing. If VINES defaults under this Lease Agreement or if VINES otherwise takes any action to make the Premises taxable, then VINES will be responsible for such real property taxes and assessments. If the Premises becomes taxable for any other reason, then VINES may cancel this Lease on five (5) days written notice, after written notice from the City of such change in tax status and VINES will have no liability for such taxes.

(c) The City may install a water meter for the Premises and may bill VINES for water consumption. However, the City, at its option may provide water free of charge. If the City does provide water free of charge at any time, the City will not have any continuing obligation to do so.

FOURTH: DEFAULT AND TERMINATION

(a) In the event of any default under the terms and conditions of this Lease Agreement, and after an opportunity to cure or correct the default as provided herein, City may terminate this Lease Agreement by giving VINES written notice and fifteen (15) days to vacate the Premises. If VINES fails or refuses to vacate the Premises in a timely manner, then City may commence an action in Binghamton City Court to evict VINES from the Premises. In addition to any decision the Court may make regarding VINES's occupancy of the Premises, the Court may award City a money judgment for the fair market value of the Premises from the date of default until the date VINES vacates the Premises and for the costs of any improvements which VINES has not yet paid for, together with all costs and expenses of the action, including reasonable attorney's fees.

(b) Upon termination of this Lease Agreement, all permanent improvements to the Premises will become the property of City, free and clear of any charges or liens.

FIFTH: MISCELLANEOUS

(a) All notices required hereunder to be served by either of the parties hereto shall be in writing and shall be either personally delivered to or mailed by registered or certified mail to the parties at the above addresses. Any notice to the City will be sent to the attention of the Mayor and Corporation Counsel, City Hall, 38 Hawley Street, Binghamton, New York 13901, and any notice to VINES will be sent to the attention of VINES, P.O. Box 3104, Binghamton, New York 13902, with a courtesy copy to info@vinesgardens.org.

(b) Provided VINES is not in default of this Lease Agreement, VINES will have quiet enjoyment of the Premises.

(c) This Lease Agreement shall be binding upon the parties hereto, but shall not be assignable in whole or in part by VINES without prior consent of the City, which may be withheld for any or no reason.

IN WITNESS WHEREOF, all parties have caused this instrument to be executed by the City of Binghamton Mayor and the President of the Board of Directors of VINES and as such each has caused this instrument to be executed all as of the day and year first above written.

VOLUNTEERS IMPROVING NEIGHBORHOOD ENVIRONMENTS

By: _____

CITY OF BINGHAMTON

By: _____
JARED M. KRAHAM, MAYOR

B.M.



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

Date: May 4, 2022

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

Introduced by Committee: Finance

RESOLUTION

entitled

**A RESOLUTION AUTHORIZING THE MAYOR
TO ENTER INTO A TERM AGREEMENT WITH
KEYSTONE ENVIRONMENTAL SERVICES
FOR ENVIRONMENTAL SERVICES**

WHEREAS, the Mayor of the City of Binghamton wishes to enter into a term agreement with Keystone Environmental Services (KES) for environmental services; and

WHEREAS, the total annual cost is not to exceed \$50,000; and

WHEREAS, the rate for each service to be provided is set forth in the attached fee schedule;
and

WHEREAS, a requisition for a purchase order must be submitted for requested work; and

WHEREAS, funding for such services must be drawn from applicable department budget lines and approved by the Board of Contract and Supply; and

WHEREAS, the term agreement will be in effect for one (1) year with an option to renew for two (2) additional years.

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

RESOLVE that the Mayor of the City of Binghamton, or his designee, is hereby authorized to enter into a term agreement, approved as to form and content by the Office of Corporation Counsel, with Keystone Environmental Services (KES) for environmental services at an annual cost not to exceed \$50,000; a requisition for a purchase order must be submitted for requested work, that funding for this purpose will be deducted from applicable department budget lines and must be approved by the Board of Contract and Supply, and the term agreement will be in effect for one (1) year with an option to renew for two (2) additional years.



A Division of Keystone Material Testing, LLC

2022 ENVIRONMENTAL CONSULTING FEE SCHEDULE

SERVICE	UNIT FEE
PERSONNEL	
Member/Director	\$ 120.00/Hour
Professional Engineer	\$ 120.00/Hour
Project Manager	\$ 90.00/Hour
Sr. Environmental Scientist	\$ 85.00/Hour
Environmental Hygienist	\$ 85.00/Hour
Environmental Field Sampling Technician	\$ 75.00/Hour
Lead Inspector/Risk Assessor	\$ 75.00/Hour
Asbestos Building Inspector	\$ 75.00/Hour
Asbestos Project Designer	\$ 75.00/Hour
Asbestos Project Monitor/Air Sampling Technician	\$ 65.00/Hour
Asbestos Project Administrator/Management Planner	\$ 60.00/Hour
Thermal Imaging Level I Technician with Camera	\$ 110.00/Hour
CADD Technician	\$ 65.00/Hour
Administration	\$ 60.00/Hour
Light Duty Field Sampling Vehicle Fully Equipped	\$ 175.00/Day
REIMBURSABLE EXPENSES	
Laboratory Fees – Asbestos, Lead, Mold, HAZMAT	
Sample Analysis	Per Quote (Cost +)
Reproduction/Prints/Scans/Photocopies	
In-House Prints 24x36	\$ 2.50/Each
30x42	\$ 3.00/Each
In-House Mylars 24x36	\$ 10.00/Each
30x42	\$ 15.00/Each
In-House Copy Services 8 1/2x11	\$ 0.20/Each
11x17	\$ 0.30/Each
Outside Copy Services	Cost + 15%
Travel	
Mileage	\$ 0.60/Mile
Meals/Lodging	Cost + 15%
Vehicle Rental/Fuel	Cost + 15%
Postage/Courier	
Bulk Postage, Express Mail, UPS, FedEx, DHL, etc.	Cost + 15%
Miscellaneous	
Subcontracted Services	Per Quote (Cost +)
Consumable Supplies	Cost + 15%

The above hourly rates include compensation for professional, technical and non-technical personnel time, equipment, materials, and overhead, which ordinarily would be incurred during the performance of our work. Services are normally billed monthly. A finance charge of 1.5% per month will be billed on all accounts not paid within 30 days of the invoice date. Rates will be revised on January 1 of every year.



RFP PRICING

Pre-Demolition Surveys and Asbestos Testing

RFP unit pricing for Asbestos Testing PLM/DS \$ 7.00 EA

RFP unit pricing for Asbestos Testing GMR/PLM \$ 17.50 EA

RFP unit pricing for Asbestos Testing TEM \$ 19.00 EA

RFP pricing for pre-demolition Report \$ 424.00 EA

Project Monitoring and Air Sampling

RFP pricing for Daily Labor rate per hour.
(Up to 9 hours) \$ 378.00 DAY

RFP pricing for Half-Day Labor rate
(UP to 4 hours) \$ 168.00 Half-Day

RFP pricing for PCM Air Sampling
(24 Hour Turnaround) \$ 5.75 EA

RFP pricing for PCM Air Sampling
(Immediate Turnaround) \$ 7.75 EA

NOTE: Additional fees not noted here are shown on the attached 2022 KES Fee Schedule.

Company Name, Address, and Phone Number

Keystone Environmental Services

58 Exchange Street, Binghamton, NY 13901

Tel: (607) 770-9098

Authorized Signature for Company

BA



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

Date: May 4, 2022

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

Introduced by Committee: Finance

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE MAYOR
TO ENTER INTO A TERM AGREEMENT WITH
HULBERT ENGINEERING AND LAND
SURVEYING, DPC FOR SURVEYING
SERVICES

WHEREAS, the Mayor of the City of Binghamton wishes to enter into a term agreement with Hulbert Engineering and Land Surveying, DPC for surveying services; and

WHEREAS, the total annual cost is not to exceed \$50,000; and

WHEREAS, the rate for each service to be provided is set forth in the attached fee schedule; and

WHEREAS, a requisition for a purchase order must be submitted for requested work; and

WHEREAS, funding for such services must be drawn from applicable department budget lines and approved by the Board of Contract and Supply; and

WHEREAS, the term agreement will be in effect for one (1) year with an option to renew for two (2) additional years.

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

RESOLVE that the Mayor of the City of Binghamton, or his designee, is hereby authorized to enter into a term agreement, approved as to form and content by the Office of Corporation Counsel, with Hulbert Engineering and Land Surveying, DPC for surveying services at an annual cost not to exceed \$50,000; a requisition for a purchase order must be submitted for requested work, that funding for this purpose will be deducted from applicable department budget lines and must be approved by the Board of Contract and Supply, and the term agreement will be in effect for one (1) year with an option to renew for two (2) additional years.

**City of Binghamton
Survey Services Term Contract
Rate Schedule 4/2022 - 12/2024**

Title	Rates/hour	Rates/hour	Rates/hour
	2022	2023	2024
PERSONNEL TIME			
Sr. Land Surveyor	107.00	116.50	127.00
GIS Specialist	83.00	90.50	98.50
Land Surveyor	88.00	96.00	104.50
GIS Technician	72.00	78.50	85.50
Senior Technician	64.50	70.50	77.00
Technician	59.00	64.50	70.50
1-Man Crew	64.50	70.50	77.00
1-Man Crew w/ Robotic	89.50	97.50	106.50
2-Man Crew	124.00	135.00	147.00
2-Man Hazardous Waste Crew	146.50	159.50	174.00
2-Man Public Works Crew	214.00	233.50	254.50
Party Chief Public Works	116.50	127.00	138.50
Rodman Public Works	97.50	106.50	116.00
Instrument Person Public Works	97.50	106.50	116.00
PERSONNEL INVESTIGATIONS			
Research with Deed copies	96.00	104.50	114.00
Abstract of Title (each)	298.50	325.50	355.00
Closing Costs	416.50	454.00	495.00
PROPERTY APPRAISAL PREPARATION			
Single Family Residential (SFR Form 1004)	192.50	210.00	229.00
Commercial-Restricted, Summary, Self-Contained Reports	192.50	210.00	229.00
Property Appraisal Review	192.50	210.00	229.00
Participate in Public Hearings	213.00	232.00	253.00
Property Acquisition Negotiations	213.00	232.00	253.00
ROW CLEARANCE CERTIFICATE PREPARATION			
Administration	64.50	70.50	77.00
Prepare Reports	88.00	96.00	104.50
Attend Meetings	184.00	200.50	218.50
Attend and Respond to FHWA / NYSDOT audits	184.00	200.50	218.50
REIMBURSABLES			
Automobile Mileage	IRS allowable	IRS allowable	IRS allowable
Survey Van	.80/mile	.80/mile	.80/mile
Color Copies 8 1/2" x 11"	2.50 / copy	2.50 / copy	2.50 / copy
Color Copies 11" x 17"	2.50 / copy	2.50 / copy	2.50 / copy
Black & White 22" x 34"	2.00 / copy	2.00 / copy	2.00 / copy
Black & White 34" x 44"	2.00 / copy	2.00 / copy	2.00 / copy
Black & White Mylar	5.00 / copy	5.00 / copy	5.00 / copy
Direct Reimbursable Costs	Cost plus 15%	Cost plus 15%	Cost plus 15%
SUBCONSULTANTS			
	Direct Cost plus 15%	Direct Cost plus 15%	Direct Cost plus 15%



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

Date: May 4, 2022

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

Introduced by Committee: Planning

RESOLUTION

entitled

**A RESOLUTION AUTHORIZING THE MAYOR
TO AMEND THE FY47 ANNUAL ACTION PLAN**

WHEREAS, the Manager, HUD Administration and Housing, recommends amending the FY47 Annual Action Plan to accept \$300,000 in Revolving Loan funds from the Binghamton Local Development Corporation (“BLDC”) as Community Development Block Grant (“CDBG”) program income; and

WHEREAS, \$250,000 will be allocated for various economic activities and \$50,000 for historical preservation planning.

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

RESOLVE that the Mayor of the City of Binghamton, or his designee, is hereby authorized to amend the FY47 Annual Action Plan, approved as to form and content by the Office of Corporation Counsel, to accept \$300,000 in Revolving Loan funds from the BLDC as CDBG program income (CD.42170); and that \$250,000 will be allocated to budget line CD6889.54000.CDY47 (Contractual) to be used for various economic activities, and that \$50,000 will be allocated to budget line CD8684.533532.CDY47 (Planning Services) for historical preservation planning.

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

Chuck Shager, Comptroller



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

Date: May 4, 2022

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

Introduced by Committee: Planning

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE MAYOR
TO AMEND THE AGREEMENT WITH
GREATER OPPORTUNITIES FOR BROOME
AND CHENANGO, INC. FOR USE OF FY47
CDBG AND ESG FUNDS

WHEREAS, pursuant to Permanent Resolution 22-07, dated February 9, 2022, the City of Binghamton entered into an agreement with various agencies for the use of FY47 Community Development Block Grant ("CDBG") and Emergency Selter Grant ("ESG") funds; and

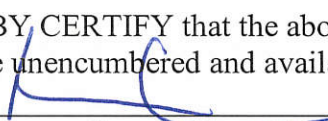
WHEREAS, the agreement with Greater Opportunities for Broome & Chenango, Inc. awarded FY47 CDBG funds in an amount not to exceed \$20,000 for parking lot renovations; and

WHEREAS, the Manager, HUD Administration and Housing, recommends a change in scope of the agreement from parking lot renovations to carpet replacement.

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

RESOLVE that the Mayor of the City of Binghamton, or his designee, is hereby authorized to amend the agreement, approved as to form and content by the Office of Corporation Counsel, with Greater Opportunities for Broome & Chenango, Inc. for the use of FY47 CDBG funds from parking lot renovations to carpet replacement; and that this amendment does not change the total amount not to exceed \$20,000 and the funding source remains CD8662.533552.CDY47 (Human Services Capital Set Aside) for this purpose.

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



Chuck Shager, Comptroller

BAM



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

Date: May 4, 2022

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

Introduced by Committee: Finance

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE MAYOR
TO ENTER INTO AN AGREEMENT WITH THE
FAMILY & CHILDREN'S SOCIETY, INC. TO
SUPPORT A NEW BUILDING FOR
OUTPATIENT MENTAL HEALTH AND
ADDICTION SERVICES

WHEREAS, the Mayor of the City of Binghamton wishes to enter into an agreement with the Family & Children's Society, Inc., located at 257 Main St, Binghamton, New York, to support a new building to expand outpatient mental health and addiction services at the above address; and

WHEREAS, the amount is not to exceed \$200,000.

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

RESOLVE that the Mayor of the City of Binghamton, or his designee, is hereby authorized to enter into an agreement, approved as to form and content by the Office of Corporation Counsel, with the Family & Children's Society, Inc., to support a new building to expand outpatient mental health and addiction services at 257 Main St., Binghamton, New York, at a cost not to exceed \$200,000; and that funds shall be deducted from budget line A4320.54000.F0015 (Contractual) for this purpose.

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

[Signature]

Chuck Shager, Comptroller

Legal Counsel Approval *BM*
RL 22-130

Introductory No. R22-52
Permanent No. _____



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

Date: May 4, 2022

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

Introduced by Committee: Finance

RESOLUTION

entitled

**A RESOLUTION AUTHORIZING THE CITY OF
BINGHAMTON TO ACCEPT DONATIONS FOR
THE PARKS DEPARTMENT BIRD HOUSE
BUILDING COMPETITION**

WHEREAS, the Parks Department is holding a Bird House Building Competition; and

WHEREAS, the City of Binghamton wishes to accept a donation in the amount of \$250 from Belknap Lumber for the competition.

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

RESOLVE that the City of Binghamton is hereby authorized to accept donations from the public for the Parks Department Bird House Building Competition, the Comptroller is authorized to amend the 2022 budget accordingly, and such donations will be deposited in budget line TC.688.TC009 (Bird House Donations) for this purpose.



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

Date: May 4, 2022

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

Introduced by Committee: Planning

RESOLUTION*entitled*

A RESOLUTION AUTHORIZING THE MAYOR
TO ENTER INTO AN AGREEMENT WITH
CHIANIS & ANDERSON ARCHITECTS PLLC
FOR ADDITIONAL ARCHITECTURAL AND
ENGINEERING SERVICES

WHEREAS, pursuant to Permanent Resolution 22-17, dated February 23, 2022, the Mayor of the City of Binghamton entered into an agreement with Chianis & Anderson Architects PLLC for architectural and engineering services at Mirabito Stadium for Phase 2 Professional Development League improvements; and

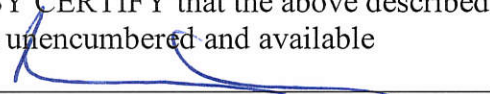
WHEREAS, the City Engineer recommends additional architectural and engineering services for a second female locker room facility to meet the standards of the Met's organization; and

WHEREAS, the estimated cost for such services is not to exceed \$12,600.

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

RESOLVE that the Mayor of the City of Binghamton, or his designee, is hereby authorized to enter into an agreement, approved as to form and content by the Office of Corporation Counsel, with Chianis & Anderson Architects PLLC for additional architectural and engineering services for a second female locker room facility to meet the standards of the Met's organization, at a cost not to exceed \$12,600; and that funds shall be deducted from budget line H1310.525209.11921 (Mirabito Stadium Improvements) for this purpose.

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



Chuck Shager, Comptroller



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

Date: May 4, 2022

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

Introduced by Committee: Finance

RESOLUTION

entitled

**A RESOLUTION TO ACCEPT \$7,164 FROM THE
GOVERNOR'S TRAFFIC SAFETY COMMITTEE
TO FUND POLICE OVERTIME**

WHEREAS, the City of Binghamton is eligible to receive \$7,164 from the Governor's Traffic Safety Committee to fund Police overtime for traffic safety in the City of Binghamton, as well as involve Binghamton Police Officers to engage with the community in a positive manor to keep pedestrians, drivers, and passengers safe while traveling; and

WHEREAS, this grant does not require a local match; the grant will be reimbursable; the grant funds will be administered by the Crime Prevention Lieutenant or his designee; and the estimated date of completion will be September 30, 2022.

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

RESOLVE that the Mayor, or his designee, is hereby authorized to execute any and all documents, approved as to form and content by the Office of Corporation Counsel, as may be necessary to accept \$7,164 from the Governor's Traffic Safety Committee to fund Police overtime for traffic safety in the City of Binghamton; and the Comptroller is authorized to amend the budget accordingly.