



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, August 3, 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 July 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

1. The City of Binghamton will hold a Public Hearing regarding RL22-186 entitled "An Ordinance amending the Bond Ordinance adopted January 22, 2020 for an increase in the cost of the replacement of the tennis courts"

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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VIII. SET PUBLIC HEARINGS

IX. PUBLIC COMMENT/COMMUNICATION

A. 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.

Communication – Planning Commission

B. Request to Planning Commission for review and recommendations of Cannabis and Student Housing zoning proposals

X. REVIEW OF MAYORAL VETO

XI. SECOND READING LEGISLATION

XII. FIRST READING LEGISLATION

A. PREFERRED AGENDA

Introductory Ordinance 22-114. Considered in Finance: Scaringi

An Ordinance to amend the 2022 General Fund budget to pay for demolition expenses to be reimbursed by Broome County

Introductory Resolution 22-72. Considered in Planning: Scanlon

A Resolution authorizing the Mayor to enter into a term agreement with Evans Mechanical and All-Phase Electric to install an HVAC unit at the First Ward Senior Center Library

B. NON PREFERRED AGENDA

Introductory Ordinance 22-112. Considered in Planning: Scanlon

An Ordinance authorizing the sale of 49 Lydia Street to David Tomasko and Sherry M. Tomasko for \$500

Introductory Ordinance 22-113. Considered in Finance: Scaringi

An Ordinance amending the Bond Ordinance adopted January 22, 2020 and Bond Ordinance adopted July 22, 2020 on account of an increase in the cost of the replacement of the tennis courts

XIII. COMMUNICATIONS FROM COUNCIL MEMBERS

XIV. ADJOURNMENT



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

Date: August 3, 2022

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

Introduced by Committee: Finance

ORDINANCE

entitled

AN ORDINANCE TO AMEND THE 2022
GENERAL FUND BUDGET TO PAY FOR
DEMOLITION EXPENSES TO BE
REIMBURSED BY BROOME COUNTY

WHEREAS, the Comptroller of the City of Binghamton finds it proper and necessary to amend the 2022 General Fund budget to pay for demolition expenses to be reimbursed by Broome County in an amount not to exceed \$23,020.50; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on August 3, 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 General Fund budget to pay for demolition expenses to be reimbursed by Broome County in an amount not to exceed \$23,020.50 as follows:

- (i) \$23,020.50 increase revenue budget line A.42210 (Gen.Ser.Other Gov.)
- (ii) \$23,020.50 increase expense budget line A1364.54470 (Demolition)

Section 2. That this Ordinance shall take effect immediately.

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

Chuck Shager, Comptroller



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

Date: August 3, 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
EVANS MECHANICAL AND ALL-PHASE
ELECTRIC TO INSTALL AN HVAC UNIT AT
THE FIRST WARD SENIOR CENTER LIBRARY

WHEREAS, the Mayor of the City of Binghamton wishes to enter into an agreement with Evans Mechanical and All-Phase Electric to install an HVAC unit at the First Ward Senior Center Library, at a cost not to exceed \$15,000.

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 Evans Mechanical and All-Phase Electric to install an HVAC unit at the First Ward Senior Center Library, at a cost not to exceed \$15,000; and that funds shall be deducted from budget line CD8662.533549.CDY47 (Capital Program Set Aside) 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: August 3, 2022

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

Introduced by Committee: Planning

ORDINANCE

entitled

**AN ORDINANCE AUTHORIZING THE SALE OF
49 LYDIA STREET TO DAVID TOMASKO AND
SHERRY M. TOMASKO FOR \$500**

WHEREAS, the City of Binghamton is the owner of certain real property located at 49 Lydia Street, Binghamton, New York, Tax Parcel No. 144.79-4-3 (the "Premises"); and

WHEREAS, the City received an Offer to Purchase the Premises from David Tomasko and Sherry M. Tomasko (the "Applicant") for \$500 as part of the City's side lot program; and

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

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

WHEREAS, the Board of Estimate and Apportionment approved and recommended sale of the Premises on August 3, 2022.

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

Section 1. That the Mayor of the City of Binghamton is hereby authorized to enter into a contract of sale and to execute all necessary and appropriate documentation, approved as to form and content by the Office of Corporation Counsel, to transfer the Premises to David Tomasko and Sherry M. Tomasko, by Quitclaim Deed for \$500 to be paid by cash, certified, or local bank check.

Section 2. This transfer is subject to the following conditions (i) the Premises may only be used as green space and (ii) the Premises must be merged with the Applicant's adjacent property located at 51 Lydia Street, Binghamton, New York, Tax Parcel No. 144.79-4-2.

Section 3. That this Ordinance shall take effect immediately.

State Environmental Quality Review Act

Read the title of the Legislation for 49 Lydia Street before a vote, do the following:

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

Motion made by _____,

Seconded by _____,

Voice vote

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

Motion made by _____,

Seconded by _____,

Voice vote

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

This is a vacant lot in a residential area. The Purchaser owns the adjoining property at 51 Lydia Street. The proposed use is green space. The transfer will preserve green space and provide for future maintenance. This transfer is made as part of the City’s Side-Lot program.

Motion made by _____,

Seconded by _____,

Roll call vote

After SEQRA: Approve the legislation, roll call vote.

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

Project Number: None

Date: August 3, 2022

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

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

Name of Action: Sale of 49 Lydia Street, Binghamton, New York.

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

The City of Binghamton is transferring 49 Lydia Street, Binghamton, New York, Tax Parcel No. 144.79-4-3 to David Tomasko and Sherry M. Tomasko.

Location: 49 Lydia Street, Binghamton, New York.

Reasons Supporting This Determination:

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

This is a vacant lot in a residential area. The Purchasers own the adjoining property at 51 Lydia Street. The proposed use is green space. The transfer will preserve green space and provide for future maintenance. This transfer is made as part of the City's Side-Lot program.

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

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

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

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

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

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

The action will not create a hazard to human health.

The action will not cause a substantial change in the use or intensity of use of land including agriculture, open space or recreation resources, or in its capacity to support existing uses.

The action will not change two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together results in a substantial adverse impact on the environment.

Impacts from the action may combine with impacts of other, possible independent actions in the vicinity. The lead agency finds that when considered cumulatively such combination will not create a significant adverse impact on the environment.

For Further Information

Contact Person: Philip Strawn, President
City of Binghamton City Council

Address: City Hall
38 Hawley Street
Binghamton, NY 13901

Telephone Number: 607-772-7005 (City Clerk's Office)



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

Date: August 3, 2022

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

Introduced by Committee: Finance

ORDINANCE

entitled

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

WHEREAS, the Council of the City of Binghamton (the “City”), in the County of Broome, New York, has heretofore duly authorized the issuance of bonds in the principal amount of not to exceed \$8,992,2350 to finance various capital projects in and for the City, including the replacement of tennis courts, at an estimated maximum cost of \$600,000, all as specified in the bond Ordinance adopted on January 22, 2020; and

WHEREAS, on July 22, 2022, the Council determined that the total cost of the replacement of tennis courts was \$1,300,000, and it was necessary and in the public interest to increase the appropriation for such project by \$700,000 and to amend said bond Ordinance to authorize the issuance of an additional \$700,000 bonds to finance said increased appropriation.

WHEREAS, the Council has now determined that the total cost the replacement of tennis courts is \$1,875,000, and it is necessary and in the public interest to increase the appropriation for such project by \$575,000 and to amend said bond Ordinance to authorize the issuance of an additional \$575,000 bonds to finance said increased appropriation.

NOW, THEREFORE, be it resolved by the Council of the City of Binghamton, in the County of Broome, New York (by the favorable vote of not less than two-thirds of all members of said board of trustees) as follows:

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

“BOND ORDINANCE OF THE CITY OF BINGHAMTON, NEW
YORK, ADOPTED JANUARY 22, 2020 AND AMENDED ON
JULY 22, 2020, AUTHORIZING VARIOUS CAPITAL

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STATE OF NEW YORK**

Date: August 3, 2022

IMPROVEMENTS IN AND FOR THE CITY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$9,692,235, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE AND AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$9,692,235 TO FINANCE SAID APPROPRIATION,"

is hereby amended to read as follows:

ORDINANCE

Entitled

BOND ORDINANCE OF THE CITY OF BINGHAMTON, NEW YORK, ADOPTED JANUARY 22, 2020 AND AMENDED ON JULY 22, 2020 AND AUGUST 3, 2022, AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE CITY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$10,267,235, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE AND AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$10,267,235 TO FINANCE SAID APPROPRIATION

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

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain (by the favorable vote of not less than two-thirds of all the members of said Council) as follows:

Section 1. The City of Binghamton, in the County of Broome, New York (herein called the "City"), is hereby authorized to construct, acquire or undertake the various projects as described in Column A of said Schedule I, attached hereto and made a part hereof, at the estimated maximum costs indicated in Column B of said Schedule I. The estimated total cost of such projects, including preliminary costs and costs incidental thereto and the financing thereof, is \$10,267,235 and said amount is hereby appropriated therefor, such appropriation having been authorized by the Council pursuant to Ordinance Nos. 020-16, 020-70 and _____. The plan of financing includes the issuance of bonds of the City in the principal amount of not to exceed \$10,267,235 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Debt service on the obligations herein authorized is expected to be paid from the respective funds of the City set forth in Column D of said Schedule I. Any grant funds received from the United States of America, the State of New York or from any other source, including the grant funds referenced in Column E of said Schedule I, in connection with the various projects described in Column A of said Schedule I, are authorized to be applied towards the cost of said projects or redemption of the City's bonds or notes issued therefor, or to be budgeted as an offset to the amounts to be collected for the payment of the principal of and interest on said bonds or notes.

**THE COUNCIL OF THE CITY OF BINGHAMTON
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Date: August 3, 2022

Section 2. Bonds of the City in the aggregate principal amount of not to exceed \$10,267,235 are hereby authorized to be issued in the principal amounts indicated in Column C of said Schedule I for each of the respective objects or purposes indicated in Column A of said Schedule I, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance the appropriation referred to herein.

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

Section 4. The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the City for expenditures made after the effective date of this Ordinance for the purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

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

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

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

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

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STATE OF NEW YORK**

Date: August 3, 2022

- (b) the provisions of law which should be complied with at the date of the publication of such ordinance, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

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

Section B. The amendment of the bond Ordinance set forth in Section A of this Ordinance, shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond ordinance, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond ordinance, as so amended.

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

Date: August 3, 2022

Schedule I

2022 Capital Improvement Plan

A	B	C	D	E	F	G
Project Description (Object or Purpose)	Estimated Maximum Cost	Amount of Bonds Authorized	Fund	Grant Funding Expected to be Received	Period of Probable Usefulness	PPU Section 11.00a. Reference
A. Construction of Improvements to City Hall	\$ 200,000	\$ 200,000	General	\$ 0	15	12(a)(2)
B. Street Reconstruction	2,400,000	2,400,000	General	0	15	20(c)
C. Construction of ADA Improvements to Ramps	800,000	800,000	General		15	12(a)(2)
D. Water Line Improvements	500,000	500,000	Water	0	40	1
E. Sewer Line Improvements	1,600,000	1,600,000	Sewer	0	40	4
F. Deco District Improvements	2,411,847	2,411,847	General	<u>1,205,923</u>	15	20(c)
G. Replace Tennis Courts	1,875,000	1,875,000	General		15	19(c)
H. Parks Garage Improvements	250,000	250,000	General		15	12(a)(2)
I. Plow Attachments	<u>230,388</u>	<u>230,388</u>	General		15	28
		0				
Totals:	<u>\$10,267,235</u>	<u>\$10,267,235</u>		<u>\$1,205,923</u>		