



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
Thursday, August 25, 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 August 3, 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.

IX. SET PUBLIC HEARINGS

X. 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.



LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Phil Strawn, City Council President

Leighton Rogers, City Clerk

XI. REVIEW OF MAYORAL VETO

XII. SECOND READING LEGISLATION

XIII. FIRST READING LEGISLATION

A. PREFERRED AGENDA

Introductory Ordinance 22-115. Considered in Finance: Scaringi

An Ordinance to amend the Capital and General Fund budget

Introductory Ordinance 22-116. Considered in Finance: Scaringi

An Ordinance to amend the Capital and General Fund budget

Introductory Ordinance 22-117. Considered in Planning: Scanlon

An Ordinance authorizing the Mayor to amend the lease agreement with Metro Interfaith for a fence on the sidewalk at 22-24 New Street

Introductory Ordinance 22-118. Considered in Planning: Scanlon

An Ordinance to amend the 2022 budget to transfer funds for the Lead Risk Assessment

Introductory Ordinance 22-119. Considered in Employees: Resciniti

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

Introductory Ordinance 22-120. Considered in Finance: Scaringi

An Ordinance to amend the 2022 Finance budget for a responsibility adjustment for the Purchasing Agent until December 31, 2022

Introductory Ordinance 22-121. Considered in Finance: Scaringi

An Ordinance to update the City of Binghamton's Chart of Accounts to provide for a Custodial Trust Fund and corresponding accounts per GASB Announcement 84

Introductory Ordinance 22-122. Considered in Finance: Scaringi

An Ordinance to amend the 2022 Capital budget to allocate ARPA funds for sewer and water line improvements

Introductory Resolution 22-73. Considered in Finance: Scaringi

A Resolution approving a revolving loan in the amount of \$100,000 and a special projects (UDAG) loan in the amount of \$150,000 from the BLDC to KLAW Industries, LLC. for equipment and working capital

B. NON PREFERRED AGENDA

Introductory Resolution 22-74. Considered in MPA: Scaringi



LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Phil Strawn, City Council President

Leighton Rogers, City Clerk

A Resolution authorizing the Mayor to extend the agreement with the Binghamton City School District for School Resource Officers at the High School and Middle Schools for 2022-2023

XIV. COMMUNICATIONS FROM COUNCIL MEMBERS

XV. ADJOURNMENT



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

Date: August 25, 2022

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

Introduced by Committee: Finance

ORDINANCE

entitled

**AN ORDINANCE TO AMEND THE CAPITAL
AND GENERAL FUND BUDGET**

WHEREAS, pursuant to Permanent Ordinance 21-92, dated September 1, 2021, City Council approved amendments to the 2021 budget to use the fund balance to purchase equipment for (i) Police, to purchase pickup trucks, unmarked vehicles, crime scene vehicles, and SUV's in the amount of \$500,000, and (ii) Department of Public Works for purchase of garbage trucks, a freightliner M2, an international CV515, and a front end loader in the amount of \$800,000; and

WHEREAS, the Commissioner of Public Works and the Comptroller of the City of Binghamton find it proper and necessary to amend Permanent Ordinance 21-92 to increase the budget line for purchase of garbage trucks by \$53,655; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on August 24, 2022.

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

Section 1. That Permanent Ordinance 21-92 is amended to (i) increase the budget line for purchase of garbage trucks by \$53,655, and (ii) as a result, the total budget amount is increased from \$1,300,000 to \$1,353,655 as follows:

- (i) \$53,655 decrease the Fund Balance
- (ii) \$53,655 increase expense budget line A9950.59000 (Transfer to Capital)
- (iii) \$53,655 increase revenue budget line H.45031 (Interfund Transfer)
- (iv) \$53,655 increase expense budget line H8160.55026 (Garbage Truck)

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 25, 2022

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

Introduced by Committee: Finance

ORDINANCE

entitled

**AN ORDINANCE TO AMEND THE CAPITAL
AND GENERAL FUND BUDGET**

WHEREAS, pursuant to Permanent Ordinance 22-101, dated June 22, 2022, City Council approved amendments to the 2022 Department of Public Works budget to use fund balance to purchase 2 garbage trucks, 1 dump truck with plow, and 1 small truck with plow in the total amount of \$749,874.47; and

WHEREAS, the Commissioner of Public Works and the Comptroller of the City of Binghamton find it proper and necessary to amend Permanent Ordinance 22-101 to remove purchase of the 1 large dump truck with plow and add an additional small truck with plow, resulting in a reduction of \$103,140; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on August 24, 2022.

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

Section 1. That Permanent Ordinance 22-101 is amended to (i) remove purchase of the 1 large dump truck with plow, (ii) to add an additional small truck with plow, and (iii) as a result the total budget amount is reduced by \$103,140 from \$749,874.47 to \$646,734.47 as follows:

- (i) \$103,140 decrease revenue budget line A.49999 (Fund Balance-Loss Revenue)
- (ii) \$103,140 decrease expense budget line A9950.59000 (Transfer to Capital)
- (iii) \$103,140 decrease revenue budget line H.45031 (Interfund Transfer)
- (iv) \$103,140 decrease expense budget line H5197.525097 (Dump Truck)

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 25, 2022

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

Introduced by Committee: Planning

ORDINANCE

entitled

AN ORDINANCE AUTHORIZING THE MAYOR
TO AMEND THE LEASE AGREEMENT WITH
METRO INTERFAITH FOR A FENCE ON THE
SIDEWALK AT 22-24 NEW STREET

WHEREAS, pursuant to Permanent Ordinance 20-100, dated December 9, 2020, the City of Binghamton authorized the lease of 22-24 New Street, Binghamton, New York, Tax Parcel No. 160.65-3-20, to Metro Interfaith to be used to support the establishment of a Volunteers Improving Neighborhood Environment, Inc. (VINES) community garden; and

WHEREAS, Metro Interfaith wishes to amend the lease to include partial use of the City sidewalk in front of the community garden for a fence at 22-24 New Street; and

WHEREAS, the fence would be 6 inches into the City owned sidewalk and approximately 40 feet along the sidewalk.

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

Section 1. That the Mayor of the City of Binghamton, or his designee, is hereby authorized to enter into an amended lease agreement, approved as to form and content by the Office of Corporation Counsel, with Metro Interfaith to provide use of the City sidewalk for up to 6 inches and approximately 40 feet along the sidewalk for a fence.

Section 2. That the fence must be approved by the City, and upon termination of the lease, at the City's option, Metro Interfaith must remove the fence and repair the sidewalk. If the City elects not to require Metro Interfaith to remove the fence, then the fence becomes the City's property at no cost.



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

Date: August 25, 2022

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

Introduced by Committee: Planning

ORDINANCE

entitled
AN ORDINANCE TO AMEND THE 2022
BUDGET TO TRANSFER FUNDS FOR THE
LEAD RISK ASSESSMENT

WHEREAS, the HUD Manager and the Comptroller of the City of Binghamton find it proper and necessary to amend the 2022 budget to transfer funds for the Lead Risk Assessment in an amount not to exceed \$15,000; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on August 24, 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 budget to transfer funds for the Lead Risk Assessment in an amount not to exceed \$15,000 as follows:

Transfer From (Decrease):

\$ 5,000 CD8668.533509.CDY45
(Homeownership/Rehab)
\$10,000 CD8668.533509.CDY46
(Homeownership/Rehab)

Transfer To (Increase):

\$15,000 CD8668.533526.CDY47 (Lead
Risk Assessment)

\$15,000

Section 2. That this Ordinance shall take effect immediately.

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

Chuck Shager, Comptroller

BMM



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

Date: August 25, 2022

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

Introduced by Committee: Employees

ORDINANCE

entitled

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

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

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

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

Z. Purchasing Agent

Section 2. That this Ordinance shall take effect September 3, 2022.



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

Date: August 25, 2022

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

Introduced by Committee: Finance

ORDINANCE

entitled

AN ORDINANCE TO AMEND THE 2022
FINANCE BUDGET FOR A RESPONSIBILITY
ADJUSTMENT FOR THE PURCHASING AGENT
UNTIL DECEMBER 31, 2022

WHEREAS, the Mayor and Comptroller of the City of Binghamton find it proper and necessary to amend the 2022 Finance budget for a responsibility adjustment for the Purchasing Agent from September 3 until December 31, 2022; and

WHEREAS, the Purchasing Agent position was vacant for part of 2022, which allows for the responsibility adjustment to be transferred from the existing annual salary of the Purchasing Agent; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on August 24, 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 Finance budget for a responsibility adjustment for the Purchasing Agent from September 3 until December 31, 2022, as follows:

Transfer From (Decrease):

Transfer To (Increase):

\$1,663.83 A1310.51000 (Per.Ser-Purch.Agent)

\$1,663.83 A1310.51000 (Per.Ser-Stipend)

Section 2. That this Ordinance shall take effect September 3, 2022.

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

Chuck Shager, Comptroller

BML



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

Date: August 25, 2022

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

Introduced by Committee: Finance

ORDINANCE

entitled

AN ORDINANCE TO UPDATE THE CITY OF
BINGHAMTON'S CHART OF ACCOUNTS TO
PROVIDE FOR A CUSTODIAL TRUST FUND
AND CORRESPONDING ACCOUNTS PER
GASB ANNOUNCEMENT 84

WHEREAS, the Comptroller of New York State requires municipalities to update its Chart of Accounts to provide for a custodial trust fund and corresponding accounts per Governmental Accounting Standards Board ("GASB") Announcement 84; and

WHEREAS, City Council is required to approve amendments to the City's Chart of Accounts.

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 update the City of Binghamton's Chart of Accounts to provide for a custodial trust fund and corresponding accounts per GASB Announcement 84 as attached.

Section 2. That this ordinance shall be effective as of July 31, 2022.

DECREASE

TA.85.TC001	OTHER FUNDS - ACA MEMORIAL	(9,354.23)
TA.85.TC006	OTHER FUNDS - KABOOM REBUILD	(556.32)
TA.85.TC007	OTHER FUNDS - 911 MEMORIAL FND	(12,605.85)
TA.85.TC012	OTHER FUNDS - SHADE TR COMM	(999.74)
TA.85.TC013	OTHER FUNDS - YOUTH FUND	(1,145.43)
TA.85.TC016	OTHER FUNDS - TODDLER/REC PARK	(204.37)
TA.85.TC028	OTHER FUNDS-REC PK CARSL CARE	(920.00)
TOTAL		\$ (25,785.94)

INCREASE

TC.85.TC001	OTHER FUNDS - ACA MEMORIAL	9,354.23
TC.85.TC002	OTHER FUNDS - KABOOM REBUILD	556.32
TC.85.TC003	OTHER FUNDS - 911 MEMORIAL FND	12,605.85
TC.85.TC004	OTHER FUNDS - SHADE TR COMM	999.74
TC.85.TC005	OTHER FUNDS - YOUTH FUND	1,145.43
TC.85.TC006	OTHER FUNDS - TODDLER/REC PARK	204.37
TC.85.TC007	OTHER FUNDS-REC PK CARSL CARE	920.00
TOTAL		\$ 25,785.94



THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: August 25, 2022

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

Introduced by Committee: Finance

ORDINANCE*entitled*

AN ORDINANCE TO AMEND THE 2022
CAPITAL BUDGET TO ALLOCATE AMERICAN
RESCUE PLAN ACT FUNDS FOR SEWER AND
WATER LINE IMPROVEMENTS

WHEREAS, the Comptroller of the City of Binghamton finds it proper and necessary to amend the 2022 Capital budget to allocate American Rescue Plant Act (ARPA) funds in the amount of \$400,000 for sewer and water line improvements; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on August 24, 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 Capital budget to allocate American Rescue Plant Act (ARPA) funds in the amount of \$400,000 for sewer and water line improvements as follows:

- (i) \$400,000 increase expense budget line A9950.59000.F0015 (Interfund Transfer-ARPA)
- (ii) \$400,000 increase revenue budget line A44089.F0015 (Federal Aid-ARPA)
- (iii) \$400,000 increase revenue budget line H.45031.F0015 (Interfund Transfer-ARPA)
- (iv) \$350,000 increase expense budget line H8120.525055.F0015 (Replace Sewer Lines)
- (v) \$ 50,000 increase expense budget line H8320.525058.F0015 (Water lines)

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 25, 2022

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

Introduced by Committee: Finance

RESOLUTION

entitled

A RESOLUTION APPROVING A REVOLVING LOAN IN THE AMOUNT OF \$100,000 AND A SPECIAL PROJECTS (UDAG) LOAN IN THE AMOUNT OF \$150,000 FROM THE BINGHAMTON LOCAL DEVELOPMENT CORPORATION (BLDC) TO KLAW INDUSTRIES, LLC. FOR EQUIPMENT AND WORKING CAPITAL

WHEREAS, the Binghamton Local Development Corporation (“BLDC”) approved a revolving loan in the amount of \$100,000 and a special projects (UDAG) loan in the amount of \$150,000 to KLAW Industries, LLC for equipment and working capital pursuant to BLDC Resolutions 22-13 and 22-14, dated July 28, 2022; and

WHEREAS, pursuant to the funding agreement between the City and the BLDC, the BLDC has requested City Council to approve the loans.

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

RESOLVE that the Council of the City of Binghamton does hereby authorize and approve a revolving loan in the amount of \$100,000 and a special projects (UDAG) loan in the amount of \$150,000 to KLAW Industries, LLC for equipment and working capital; and be it further

RESOLVED that BLDC Resolutions 22-13 and 22-14, dated July 28, 2022, setting forth the terms and conditions of such loans is annexed hereto and made a part hereof, and that such loans shall be subject to other terms and conditions as Corporation Counsel may find necessary and proper.

Binghamton Local Development Corporation

July 28, 2022

RESOLUTION 22-13: A RESOLUTION OF THE BINGHAMTON LOCAL DEVELOPMENT CORPORATION APPROVING A SPECIAL PROJECTS LOAN TO KLAU INDUSTRIES, LLC IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000), FROM THE URBAN DEVELOPMENT ACTION GRANTS (UDAG) ACCOUNT, FOR EQUIPMENT AND WORKING CAPITAL

WHEREAS, Jacob Kumpon and Jack Lamuraglia of KLAU Industries, LLC have submitted a Special Projects Loan Application to assist with the purchase of new equipment and working capital; and

WHEREAS, the loan application meets all eligibility requirements set forth by the BLDC Special Projects Loan Program; and

WHEREAS, the BLDC Finance Committee has reviewed and recommended said application for approval; and

WHEREAS, the loan shall be funded from the Binghamton Urban Development Action Grants; and

NOW, THEREFORE, the Board of Directors of the Binghamton Local Development Corporation duly convened at a regular meeting, does hereby:

RESOLVE that the Special Projects (UDAG) loan to KLAU Industries, LLC be approved in an amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000); and be it further:

RESOLVED, that terms of the loan, together with the loan collateral and contingencies, are listed in the narrative attached hereto and made a part hereof; and be it further

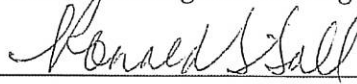
RESOLVED, that this loan is subject to approval by Binghamton City Council; and be it further

RESOLVED, that after approval from the Binghamton City Council the President of the

Binghamton Local Development Corporation

BLDC is hereby authorized and empowered to transmit a letter of commitment to the applicant and to complete the loan process.

I, Ron Sall, hereby certify the above resolution was approved by the Binghamton Local Development Corporation at its regular meeting held on July 28, 2022.



Ron Sall, Secretary
Binghamton Local Development Corporation

Binghamton Local Development Corporation

July 28, 2022

RESOLUTION 22-14: A RESOLUTION OF THE BINGHAMTON LOCAL DEVELOPMENT CORPORATION APPROVING A REVOLVING LOAN TO KLAW INDUSTRIES, LLC IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000), FROM THE REVOLVING LOAN FUND (RESTRICTED) ACCOUNT, FOR EQUIPMENT AND WORKING CAPITAL

WHEREAS, Jacob Kumpon and Jack Lamuraglia of KLAW Industries, LLC have submitted a Revolving Fund Loan Application to assist with the purchase of new equipment and working capital; and

WHEREAS, the loan application meets all eligibility requirements set forth by the BLDC Revolving Loan Program; and

WHEREAS, the BLDC Finance Committee has reviewed and recommended said application for approval; and

WHEREAS, the loan shall be funded from the Revolving Loan Fund; and

NOW, THEREFORE, the Board of Directors of the Binghamton Local Development Corporation duly convened at a regular meeting, does hereby:

RESOLVE that the Revolving loan to KLAW Industries, LLC be approved in an amount not to exceed One Hundred Thousand Dollars (\$100,000); and be it further:

RESOLVED, that terms of the loan, together with the loan collateral and contingencies, are listed in the narrative attached hereto and made a part hereof; and be it further

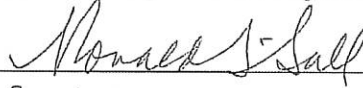
RESOLVED, that this loan is subject to approval by Binghamton City Council; and be it further

RESOLVED, that after approval from the Binghamton City Council the President of the

Binghamton Local Development Corporation

BLDC is hereby authorized and empowered to transmit a letter of commitment to the applicant and to complete the loan process.

I, Ron Sall, hereby certify the above resolution was approved by the Binghamton Local Development Corporation at its regular meeting held on July 28, 2022.



Ron Sall, Secretary

Binghamton Local Development Corporation



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

Date: August 25, 2022

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

Introduced by Committee: MPA

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE MAYOR
TO EXTEND THE AGREEMENT WITH THE
BINGHAMTON CITY SCHOOL DISTRICT FOR
SCHOOL RESOURCE OFFICERS AT THE HIGH
SCHOOL AND MIDDLE SCHOOLS FOR 2022-
2023

WHEREAS, the City of Binghamton wishes to extend the agreement with the Binghamton City School District for School Resource Officers at the High School and Middle Schools, whereby the City agrees to provide the High School and each Middle School with one (1) police officer designated by the Chief of Police, and that the Binghamton City School District will pay the City for providing such police officer as provided in said agreement.

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 and directed to extend the agreement, approved as to form and content by the Office of Corporation Counsel, with the Binghamton City School District for School Resource Officers at the High School and Middle Schools for 2022-2023.

School Resource Officer Agreement

This agreement made this ____ day of _____, 2022, by and between the Binghamton City School District and the City of Binghamton as follows:

WITNESETH:

WHEREAS the City of Binghamton (City) agrees to provide the Binghamton City School District (District) with a School Resource Officers (SRO) to be located at the Middles Schools and the District agrees to pay the City for providing the SRO; and

WHEREAS the District and the City desire to set forth in this SRO Agreement the specific terms and conditions of the services to be performed and provided by the said SRO in the District;

NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

Goals and Objectives - It is understood and agreed that the District and City officials share the following goals and objectives with regard to the School Resource Officer (SRO) Program in the Middles Schools:

1. Foster educational programs and activities that will increase student knowledge of and respect for the law and the function of law enforcement agencies;
2. Report serious crimes that occur on campus and cooperate with the law enforcement officials in their investigation of crimes that occur at school;
3. Cooperate with law enforcement officials in their investigations of criminal offenses which occur off campus;
4. Provide law enforcement and police services to the school, school grounds and areas adjacent to the school. Investigate allegations of criminal incidents per police department policies and procedures. Enforce state and local laws and ordinances. Make appropriate referrals to juvenile authorities or other governmental agencies.
5. Work to prevent juvenile delinquency through close contact and positive relationships with students. The SRO shall conduct security inspections as permitted by law to deter criminal or delinquent activities. The SRO should monitor crime statistics and work with local patrol officers and students together to design crime prevention strategies.
6. Establish and maintain a close partnership with school administrators in order to provide for a safe school environment. Assist school officials with their efforts to enforce Board of Education policies and procedures. Ensure school administrator safety by being present during school searches, which may involve weapons, controlled dangerous substances or in such cases that, the student's emotional state may present a risk to the administrator. Assist school administrators in emergency

crisis planning and building security matters. Provide a course of training for school personnel in handling crisis situations, which may arise at the school.

7. Build working relationships with the school's staff as well as with student and parent groups.
8. Work with guidance counselors and other student support staff to assist students and to provide services to students involved in situations where referrals to service agencies are necessary. Assist in conflict resolution efforts.
9. Initiate interaction with students in the classroom and general areas of the school building. Promote the profession of police officer and be a positive role model. The SRO shall be encouraged to be an active member of the school community and participate in school events.

Employment and Assignment of School Resource Officer

1. The SRO shall be assigned by the City to the District to be utilized primarily at the Middle Schools, reporting directly to the Principal with the Chief as the immediate supervisor.
2. The District agrees to pay to the City an amount equal to the salary of two (2) SROs on a monthly basis, in the manner described herein.
3. The City agrees to issue the checks for the SRO's salary and the City agrees to pay for the SRO's employment benefits in accordance with the applicable Collective Bargaining Agreement, salary schedules, and employment practices of the City.
4. The District agrees that the SRO will be the officer, which is assigned to each school. The District agrees that if either SRO is absent for any reason; including but not necessarily limited to: in service training, sick leave, annual leave, disability, or workers compensation, then the position of SRO will not be filled by the City with another police officer. If such a situation occurs, the District agrees that it must continue to make payment hereunder subject to the provisions of paragraph 14.3. This provision is not intended to limit rights created by any Collective Bargaining Agreement or any Laws, Statutes or Ordinances, including those which give the City the ability hire, fire, and discipline the SRO, or which gives the City the ability to dispute or deny the following: the performance of the SRO, alleged disabilities claim for workers' compensation, and claims for 207-c. The SRO shall be subject to all other personnel policies and practices of the City, except as such policies or practices which may have to be modified to comply with the terms and conditions of this Agreement. If it reasonably believed that the Officer who is assigned as SRO to the District will be absent for more than five (5) consecutive school days, the District has the right to request that a new Officer be assigned as SRO for any period of the extended absence. The City will not unreasonably deny the District's request for a new SRO.
5. The City, in its sole discretion, shall have the power and authority to hire, discharge and discipline the SRO. The City agrees to defend, hold harmless and indemnify the District from and against any and all claims, suits or causes of action arising out of SRO's employment by the City and the assignment of the Officer as the SRO at the District; this shall include but

not be limited to allegations of unfair or unlawful employment practices brought by the SRO; except where there is intentional misconduct or gross negligence on behalf of the District.

6. The SRO shall be assigned by the City in collaboration with the District to be utilized primarily at the Middle Schools. The Chief of Police will make all decisions regarding the selection of the SRO. The Chief of Police may consult with the District prior to placement at the Middle Schools.
7. In the event the SRO is absent from work, the SRO shall notify both his supervisor in the City and the Principal of the Middle Schools to which the SRO is assigned.

Duty Hours

1. The maximum number of hours that a SRO shall be on duty in a work week shall be 40 hours. Specific SRO duty hours shall be set by mutual agreement between the District and the City.
2. The SRO shall be on duty at the school(s) from fifteen minutes before the beginning of the student instructional day until 15 minutes after the end of the students' school day unless modified by the mutual agreement between the City and District.
3. It is understood and agreed that time spent by the SRO attending court juvenile and/or criminal cases arising from and/or out their employment as an SRO shall be considered as hours worked under this Agreement.
4. In the event of an emergency, the SRO is ordered by the City to leave the school duty station during normal duty hours as described above and to perform other services for the City, the time spent shall not be considered hours worked under this Agreement. In such an event, the monthly compensation paid by the District to the City shall be reduced by the number of hours of SRO service not provided to the District or the hours shall be made up in a manner determined by mutual agreement of the parties.
5. At the discretion of the District and the SRO, a SRO can also work part time for the District. Part-time work is separate and distinct from the work defined under this SRO contract. Such Part-time work shall be requested by, and completely paid for by the District, including workers' compensation, etc.
6. Basic Qualifications of School Resource Officers - To be a SRO, an officer must first meet all of the following basic qualifications:
7. Shall be a commissioned officer and should have four years of law enforcement experience;
8. Shall possess a sufficient knowledge of the applicable Federal and State laws, City and County ordinances, and Board of Education policies and regulations.

9. Shall be capable of conducting criminal investigations.
10. Shall possess even temperament and set a good example for students; and
11. Shall possess communication skills, which would enable the officer to function effectively within the school environment.

Duties of School Resource Officer

1. To protect lives and property for the citizens and public-school students of the District;
2. The SRO shall present various subjects to the students. Such subjects shall include basic understanding of the laws, the role of the police officer, and the police mission.
3. As may be requested by the District, the SRO shall engage in individual and small group discussions with students based upon material presented in class to further establish rapport with students.
4. As may be requested by the District, the SRO shall make themselves available for conferences with students, parents, and faculty members in order to assist them with problems of law enforcement or of a crime prevention nature.
5. The SRO shall not act as a school disciplinarian, as disciplining students is a District responsibility. It is agreed and understood that the principal and appropriate school staff shall be responsible for investigating and determining, in their discretion, whether a student has violated school and/or board disciplinary codes or standards and the appropriate administrative action to take. However, this shall not be construed to prevent the SRO from sharing information with District administration/ staff, which may aid in the determination of whether a disciplinary offense occurred. Upon assignment, the SRO will be provided with copies of the Code of Conduct and expectations for behavior at each school. The SRO shall become familiar with district/school disciplinary codes and standards. The District will meet at least annually with the SRO for the purpose of reviewing applicable disciplinary standards.
6. To enforce Federal, State and Local criminal laws and ordinances, and to assist school officials with the enforcement of Board of Education Policies and Administrative Regulations regarding student conduct;
7. To investigate criminal activity committed on or adjacent to school property.
8. To answer questions that students may have about New York State criminal or juvenile laws;
9. To assist other law enforcement officers with outside investigations concerning students attending the school(s);
10. Shall participate in SRO training

Chain of Command

1. As an employee of the City, the SRO shall follow the chain of command as set forth in the City Police Department Policies and Procedure Manual.
2. In the performance of their duties, the SRO shall coordinate and communicate with the Principal or the Principals' designee, with regards to arrests, when appropriate.

Training/Briefing

1. The SRO shall be required by the City to attend training and briefing sessions. These sessions will be held at the direction of the police chief.
2. Training Sessions will be conducted to provide the SRO with appropriate in-service training such as up-dates in the law and in-service firearm training. The District also may provide training in Board of Education Policies, regulations and procedures.
3. The SRO shall participate in District training provided by the District as it relates to ensuring a physical and emotionally safe environment for learning.
4. Dress Code & Equipment - The SRO shall be required to wear a departmental issued uniform and carry departmental issued equipment including sidearm and radio. The SRO will not be provided a vehicle.
5. Investigation, Interrogation, Search and Arrest Procedures - school board policy and police department procedures shall apply.

Controlled Substances

1. School officials shall notify the SRO in all cases involving the possession, sale or distribution of controlled substances at school or school activities.
2. Any controlled substances or suspected controlled substances confiscated by school officials shall be turned over to the SRO for proper identification and eventual destruction.
3. If there is probable cause to believe that a student or any other person has sold or is selling controlled substances at or near a school, the SRO shall be notified, and the SRO should file a juvenile petition or seek a criminal warrant. However, the decision to initiate a juvenile petition or criminal warrant will be the discretion of the SRO.

Riots and Civil Disorders

1. In the event a riot or civil disorder occurs the SRO shall act in accordance with the Binghamton Police Department Policies, Procedures and Manual.

2. To the extent possible, all communications should be made by telephone to avoid alarming the public and news media.
3. The principal or his designee shall be prepared to respond to questions from the news media, parents and other members of the public as soon as order is restored.
4. If deemed necessary by school and law enforcement officials, the media and the public may be restricted to an area off campus away from the disturbance until order is restored.
5. The SRO or officer in charge shall consult with the principal about the need or decision to arrest and/or remove students and other persons from the campus. However, law enforcement officials shall have the authority to arrest and remove any person who commits an offense in their presence.
6. The names of any students arrested and removed from campus should not be released to the news media until their parents have been notified and in no event shall the names of students under age 16 who have been removed from campus be released to the news media.

Access to Education Records

1. School officials shall allow the SRO to inspect and copy any public records maintained by the school including student directory information such as yearbooks. However, law enforcement officials may not inspect and/or copy confidential student education records except in accordance with Family Education Rights and Privacy Act ("FERPA").
2. Term of Agreement- The term of this Agreement is one year commencing on July 1, 2022, through June 30, 2023. This Agreement will be renewed on a yearly basis by the mutual consent of the parties.

Consideration

1. For and in consideration of the City providing the SRO as described herein, the District agrees to reimburse the City for two (2) SRO salaries pursuant to the Collective Bargaining Agreement for Police Officers First Grade and positions in the amount of \$100,000 for the 2022-23 contract year. Such salaries shall include any increases in salary pursuant to any negotiations or revised Collective Bargaining Agreement.
2. The District shall pay the said compensation to the City in twelve equal monthly installments on or about the first day of each calendar month. At the beginning of every month, the District shall provide that next month's salary (1/12 of the total salary amount) to the Comptrollers' Office at the following address:

Comptroller's Office City of Binghamton
38 Hawley Street, 2nd Floor
Binghamton NY 13901

The checks shall be made payable to the City of Binghamton and will have a notation on each check which will indicate that the check is the payment of the salary of the SRO for a specific month (i.e., SRO September 2022).

No reimbursement by the District will be due for any periods of unpaid leave or time off or any periods of leave for which the City is not required to pay the SRO or for which the City receives reimbursement from any other source, in whole or in part.

Insurance and Indemnification

1. The City is self-insured. The City shall provide a certificate of insurance in an amount of not less than Two million dollars (\$2,000,000).
2. The City agrees to defend and hold the District its agent and employees free, harmless and indemnified from and against any and all claims, suits or causes of actions arising from or in any way out of the performance of the duties of the SRO or the SRO Program except where there is intentional actions or gross negligence on behalf of the District.
3. The District is self-insured. The District shall provide a certificate of insurance in an amount of not less than Two million dollars (\$2,000,000).
4. The District agrees to defend and hold the City, its agent and employees, including the SRO, free, harmless and indemnified from and against any and all claims, suits or causes of actions arising from or in any way out of the performance of the duties of the District or any District Program, except where there is intentional actions or gross negligence on behalf of the SRO.

Evaluation - It is mutually agreed that the District shall evaluate annually the SRO Program and shall provide information concerning the performance of each SRO. It is further understood that the District's information is advisory only and that the City is the sole authority to evaluate the performance and take any employment actions concerning the SRO.

Date: _____

Date: _____

Jaren M. Kraham
City of Binghamton, Mayor

Dr. Tonia Thompson
Binghamton City School District
Superintendent of School