



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, September 21, 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 September 7, 2022 Business Meeting and the September 15, 2022 Special 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

1. The City of Binghamton will hold a Public Hearing regarding RL22-215 entitled "An Ordinance amending Chapter 410 of the Code of Ordinances, Zoning, to allow Cannabis-related businesses in certain zoning districts"



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2. The City of Binghamton will hold a Public Hearing regarding RL22-216 entitled “An Ordinance amending Chapter 410 of the Code of Ordinances, Zoning, to address student housing”
3. The City of Binghamton will hold a Public Hearing regarding RL22-217 entitled “An Ordinance to rezone 187 Clinton Street From L-2 Light & Medium Industrial to C-4 Neighborhood Commercial”
4. The City of Binghamton will hold a Public Hearing regarding RL22-218 entitled “A Resolution authorizing the Mayor to submit an application for funding from the Empire State Development Corporation Restore New York Communities Initiative Round 6”

Residents wishing to participate in the Public Hearing(s) may do so electronically by emailing their comments prior to 1:00pm on the day of the meeting to clerk@cityofbinghamton.com or in-person during the meeting.

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 in-person during the meeting.

X. REVIEW OF MAYORAL VETO

XI. SECOND READING LEGISLATION

XII. FIRST READING LEGISLATION

A. PREFERRED AGENDA

Introductory Ordinance 22-127. Considered in Planning: Scanlon

An Ordinance authorizing the sale of 14 College Street to James R. Cramer and Yvonne M. Cramer for \$500

Introductory Ordinance 22-128. Considered in Finance: Scaringi

An Ordinance to amend the 2022 Public Works budget for equipment

Introductory Ordinance 22-129. Considered in Finance: Scaringi

An Ordinance to amend the 2022 Engineering budget for increased overtime costs

Introductory Ordinance 22-130. Considered in Finance: Scaringi

An Ordinance to amend the 2022 Refuse Fund budget for increased vehicle parts costs

Introductory Ordinance 22-131. Considered in Finance: Scaringi

An Ordinance to amend the 2022 General Fund budget for increased legal costs



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Introductory Ordinance 22-132. Considered in Finance: Scaringi

An Ordinance to amend the 2022 Binghamton-Johnson City Joint Sewage Treatment Facilities budget for State and Federal Emergency Disaster Assistance

Introductory Ordinance 22-134. Considered in Finance: Scaringi

An Ordinance to amend the 2022 budget for demolition and air monitoring of a fire-damaged building at 44 Lake Avenue

Introductory Resolution 22-77. Considered in Finance: Scaringi

A Resolution authorizing the Mayor to enter into a supplemental agreement with Peter M. Popovic for construction management services at Mirabito Stadium

B. NON PREFERRED AGENDA

Introductory Ordinance 22-133. Considered in Finance: Scaringi

An Ordinance to amend the 2022 General Fund and Insurance Fund budgets to use the Insurance Reserve and Insurance Fund balance to pay for settlement

XIII. COMMUNICATIONS FROM COUNCIL MEMBERS

XIV. ADJOURNMENT



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

Date: September 21, 2022

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

Introduced by Committee: Planning

ORDINANCE

entitled

**AN ORDINANCE AUTHORIZING THE SALE OF
14 COLLEGE STREET TO JAMES R. CRAMER
AND YVONNE M. CRAMER FOR \$500**

WHEREAS, the City of Binghamton is the owner of certain real property located at 14 College Street, Binghamton, New York, Tax Parcel No. 160.38-1-14 (the “Premises”); and

WHEREAS, the City received an Offer to Purchase the Premises from James R. Cramer and Yvonne M. Cramer (the “Applicants”) 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 September 21, 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 James R. Cramer and Yvonne M. Cramer, by Quitclaim Deed for \$500 to be paid by cash, certified check, 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 Applicants’ adjacent property located at 16 College Street, Binghamton, New York, Tax Parcel No. 160.38-1-15, within one year of the date of this legislation.

Section 3. That this Ordinance shall take effect immediately.

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

Project Number: None

Date: September 21, 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 14 College Street, Binghamton, New York.

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

The City of Binghamton is transferring 14 College Street, Binghamton, New York, Tax Parcel No. 160.38-1-14 to James R. Cramer and Yvonne M. Cramer.

Location: 14 College 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 16 College 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.

State Environmental Quality Review Act

Read the title of the Legislation for 14 College 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 16 College 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.



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

Date: September 21, 2022

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

Introduced by Committee: Finance

ORDINANCE

entitled

**AN ORDINANCE TO AMEND THE 2022 PUBLIC
WORKS BUDGET FOR EQUIPMENT**

WHEREAS, the Commissioner of Public Works and the Comptroller of the City of Binghamton find it proper and necessary to amend the 2022 Public Works budget for equipment in the amount of \$5,000; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on September 21, 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 Public Works budget for equipment in the amount of \$5,000 as follows:

Transfer From (Decrease):

\$4,000 A5110.52600 (Equipment)
\$1,000 A5110.54191 (Protective Clothing)
\$5,000

Transfer To (Increase):

\$5,000 A1640.52600 (Equipment)

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: September 21, 2022

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

Introduced by Committee: Finance

ORDINANCE

entitled

**AN ORDINANCE TO AMEND THE 2022
ENGINEERING BUDGET FOR INCREASED
OVERTIME COSTS**

WHEREAS, the City Engineer and the Comptroller of the City of Binghamton find it proper and necessary to amend the 2022 Engineering budget for increased overtime costs in the amount of \$10,000; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on September 21, 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 Engineering budget for increased overtime costs in the amount of \$10,000 as follows:

Transfer From (Decrease):

\$7,000 A1440.54620 (Equip.Rep./Maint.)

\$3,000 A1440.54420 (Tech.Ser.)

\$10,000

Transfer To (Increase):

\$10,000 A1440.51900 (Overtime)

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: September 21, 2022

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

Introduced by Committee: Finance

ORDINANCE

entitled

**AN ORDINANCE TO AMEND THE 2022
REFUSE FUND BUDGET FOR INCREASED
VEHICLE PARTS COSTS**

WHEREAS, the Commissioner of Public Works and the Comptroller of the City of Binghamton find it proper and necessary to amend the 2022 Refuse Fund budget for increased vehicle parts costs in the amount of \$15,000; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on September 21, 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 Refuse Fund budget for increased vehicle parts costs in the amount of \$15,000 as follows:

Transfer From (Decrease):

\$15,000 CL8160.51000 (Per.Ser.-MEO)

Transfer To (Increase):

\$15,000 CL8160.54410 (Vehicle Parts)

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: September 21, 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 FOR INCREASED
LEGAL COSTS**

WHEREAS, the Corporation Counsel and the Comptroller of the City of Binghamton find it proper and necessary to amend the 2022 General Fund budget for increased legal costs in the amount of \$195,000; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on September 21, 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 for increased legal costs in the amount of \$195,000 as follows:

Transfer From (Decrease):

Transfer To (Increase):

\$ 20,000 M1910.51000 (Per.Ser.-Asst.Corp)
10,000 M1910.54450 (Veh.Repair)
45,000 M1910.54900 (Inc.Loss)
10,000 M9040.54904 (WC Ins.)
10,000 M1910.54754 (Emer.Safety Repairs)
100,000 M.49999 (Fund Balance)

\$195,000 M1910.54430 (Legal Services)

\$195,000

Section 2. That this Ordinance shall take effect immediately.

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

Chuck Shager, Comptroller



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

Date: September 21, 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 TREATMENT FACILITIES BUDGET
FOR STATE AND FEDERAL EMERGENCY
DISASTER ASSISTANCE

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 State Aid – Emergency Disaster Fund and the Federal Aid – Emergency Disaster Fund, and (ii) increase appropriations for Reimburse Owner Recovery Expense and Professional Services to reflect the FEMA NYS-DHSES check.

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

Section 1. That 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 State Aid – Emergency Disaster Fund and the Federal Aid – Emergency Disaster Fund, and (ii) increase appropriations for Reimburse Owner Recovery Expense and Professional Services to reflect the FEMA NYS-DHSES check as follows:

- (i) \$ 633,409.90 increase revenue budget line J.43960 (State Aid – Emergency Disaster Asst.)
- (ii) \$1,900,229.69 increase revenue/expense budget line J.44960 (Fed. Aid – Emergency Disaster Asst.)
- (iii) \$2,479,672.92 increase expense budget line J8130.54899 (Reimburse Owner Recovery Expense)
- (iv) \$ 53,966.67 increase expense budget line JF8130.559105 (Pro.Ser.)

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

Date: September 21, 2022

Section 2. 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: September 21, 2022

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

Introduced by Committee: Finance

ORDINANCE

entitled

AN ORDINANCE TO AMEND THE 2022
BUDGET FOR DEMOLITION AND AIR
MONITORING OF A FIRE-DAMAGED
BUILDING AT 44 LAKE AVENUE

WHEREAS, the Mayor and the Comptroller of the City of Binghamton find it proper and necessary to amend the 2022 budget for demolition and air monitoring of a fire-damaged building at 44 Lake Avenue, in the amount of \$26,740.25; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on September 21, 2022.

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

Section 1. That the 2022 budget for demolition and air monitoring of a fire-damaged building at 44 Lake Avenue, in the amount of \$26,740.25 as follows:

- (i) \$26,740.75 increase revenue budget line M.42680 (Insurance Recoveries)
- (ii) \$26,740.75 increase expense budget line M1910.54470 (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: September 21, 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 SUPPLEMENTAL
AGREEMENT WITH PETER M. POPOVIC FOR
CONSTRUCTION MANAGEMENT SERVICES
AT MIRABITO STADIUM

WHEREAS, the Mayor of the City of Binghamton wishes to enter into a supplemental agreement with Peter M. Popovic for construction management services at Mirabito Stadium for Phase 2 Professional Development League (PDL) improvements, at a cost not to exceed \$38,000.

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 a supplemental agreement, approved as to form and content by the Office of Corporation Counsel, with Peter M. Popovic for construction management services at Mirabito Stadium for Phase 2 Professional Development League (PDL) improvements, at a cost not to exceed \$38,000; 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: September 21, 2022

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

Introduced by Committee: Finance

ORDINANCE

entitled

AN ORDINANCE TO AMEND THE 2022
GENERAL FUND AND INSURANCE FUND
BUDGETS TO USE THE INSURANCE RESERVE
AND INSURANCE FUND BALANCE TO PAY
FOR SETTLEMENT

WHEREAS, pursuant to Permanent Ordinances 17-33 and 17-34, adopted May 3, 2017, City Council established an Insurance Reserve Fund in the General Fund and the Insurance Fund; and

WHEREAS, the Comptroller of the City of Binghamton finds it proper and necessary to amend the 2022 General Fund and Insurance Fund to use the Insurance Reserve to pay for settlements using the prior reserve and accrued interest in the total amount of \$1,558,450.94; and

WHEREAS, the Comptroller of the City of Binghamton finds it proper and necessary to amend the 2022 Insurance Fund – Fund Balance to pay for settlements in the total amount of \$1,440,549.06; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on September 21, 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 (i) amend the 2022 General Fund and Insurance Fund budget to use the Insurance Reserve to pay for settlements using the prior reserve and accrued interest in the total amount of \$1,558,450.94, and (ii) amend the 2022 Insurance Fund – Fund Balance to pay for settlements in the total amount of \$1,440,549.06 as follows:

- (i) \$ 522,963.87 decrease budget line A.49999 (General Fund Balance – Using A.863)
- (ii) \$ 522,963.87 increase expense budget line A9901.59000 (Interfund Transfer)
- (iii) \$ 522,963.87 increase revenue budget line M.42801 (Interfund Revenues)
- (iv) \$ 522,963.87 increase expense budget line M1910.54900 (Prov.Inc.Loss)
- (v) \$1,036,487.07 decrease budget line M.49999 (Fund Balance – Using M.923)
- (vi) \$1,036,487.07 increase expense budget line M1910.54900 (Prov.Inc.Loss)
- (vii) \$1,440,549.06 decrease budget line M.49999 (Fund Balance – Using M.924)
- (viii) \$1,440,549.06 increase budget line M1910.54900 (Prov.Inc.Loss)

Section 2. That this Ordinance shall take effect immediately.

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

Date: September 21, 2022

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Chuck Shager, Comptroller