



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, January 11, 2023

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 December 21, 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

1. Planning Commission – Mario Difulvio

2. Community Development Advisory Committee (CDAC) At-Large Position – Nathan Hotchkiss & Jacob Kumpon

VII. PUBLIC HEARING

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.gov or in-person during the meeting.



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- 1) The City of Binghamton will hold a Public Hearing regarding RL22-299 entitled “An Ordinance to amend the official zoning map of the City of Binghamton to rezone portions of Conklin Avenue.”
 - 2) The City of Binghamton will hold a Public Hearing regarding RL22-309 entitled “Bond Ordinance of the City of Binghamton, authorizing various capital improvements in and for the city, stating the estimated maximum cost thereof is \$16,369,000, appropriating said amount for such purpose and authorizing the issuance of bonds of the city in the principal amount of not to exceed \$16,369,000 to finance said appropriation.”
 - 3) The City of Binghamton will hold a Public Hearing regarding RL22-311 entitled “Bond Ordinance of the City of Binghamton, authorizing the 6th ward interceptor sanitary sewer project, stating the estimated maximum cost thereof is \$13,000,000, appropriating said amount for such purpose and authorizing the issuance of bonds of the city in the principal amount of not to exceed \$13,000,000 to finance said appropriation.”

VIII. SET PUBLIC HEARINGS

The City of Binghamton will hold a Public Hearing regarding RL23-07, “Authorizing the Mayor to submit an application for funding from the Empire state Development Corporation Restore New York Communities Initiative Round 7”

This public hearing will take place at 6pm during the January 25, 2023 regular City Council Business Meeting in City Council Chambers, 38 Hawley Street, Binghamton, NY. 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.gov 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.gov or in-person during the meeting.

X. REVIEW OF MAYORAL VETO

XI. SECOND READING LEGISLATION

XII. FIRST READING LEGISLATION

A. PREFERRED AGENDA

Introductory Ordinance 23-01. Considered in Employees: Resciniti

An Ordinance to amend various sections of Chapter 124, Personnel Policies, of the Code of City of Binghamton



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Introductory Ordinance 23-02. Considered in Employees: Resciniti

An ordinance to amend various sections of the Code of the City of Binghamton to reflect increases in stipends for various boards and commissions

Introductory Ordinance 23-04. Considered in Finance: Scaringi

An ordinance to amend the 2022 DPW budget for overtime and equipment

Introductory Ordinance 23-05. Considered in Finance: Scaringi

An ordinance to amend the 2022 General Fund budget for temporary services in parks & recreation

Introductory Ordinance 23-06. Considered in Finance: Scaringi

An ordinance to amend the 2022 General Fund budget for retirement payout

Introductory Ordinance 23-07. Considered in Finance: Scaringi

An ordinance to amend the 2022 General Fund budget for unemployment

Introductory Ordinance 23-08. Considered in Finance: Scaringi

An ordinance to amend the 2022 General Fund budget for bond principal

Introductory Ordinance 23-09. Considered in Finance: Scaringi

An ordinance to amend the 2022 General Fund budget for temporary services

Introductory Ordinance 23-10. Considered in Finance: Scaringi

An ordinance to amend the 2022 General Fund budget for various services

Introductory Ordinance 23-11. Considered in Finance: Scaringi

An ordinance to amend the 2022 General Fund budget for holiday pay

Introductory Ordinance 23-14. Considered in Finance: Scaringi

An ordinance to amend the 2023 Binghamton-Johnson City Joint Sewage Treatment Facilities budget to defund an operator III and fund an operator II position

Introductory Ordinance 23-15. Considered in Employees: Resciniti

An ordinance to amend Chapter 26, City Council, of the Code of the City of Binghamton

Introductory Ordinance 23-16. Considered in Rules/Special Studies: Resciniti

An ordinance to amend the Binghamton-Johnson City Joint Sewage IMA

Introductory Ordinance 23-17. Considered in Finance: Scaringi

An ordinance to amend the 2023 Fire budget to accept the second round of the NYS health care workers bonus for personal services



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B. NON PREFERRED AGENDA

Introductory Ordinance 23-03. Considered in Planning: Scanlon

An ordinance to amend the official zoning map of the City of Binghamton to rezone multiple properties on Conklin Avenue

Introductory Ordinance 23-12. Considered in Finance: Scaringi

An ordinance authorizing various capital improvements in and for the City, stating the estimated maximum cost thereof is \$16,369,000, appropriating said amount for such purpose and authorizing the issuance of bonds of the City in the principal amount of not to exceed \$16,369,000 to finance said appropriation

Introductory Ordinance 23-13. Considered in Finance: Scaringi

An ordinance authorizing the 6th ward interceptor sanitary sewer project, stating the estimated maximum cost thereof is \$13,000,000, appropriating said amount for such purpose and authorizing the issuance of bonds of the City in the principal amount of not to exceed \$13,000,000 to finance said appropriation

Introductory Ordinance 23-17. Considered in Finance: Scaringi

An ordinance to update the contract of sale for 72 Court Street

XIII. COMMUNICATIONS FROM COUNCIL MEMBERS

XIV. ADJOURNMENT

BML



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

Date: January 11, 2023

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

Introduced by Committee: Employees

ORDINANCE

entitled

AN ORDINANCE TO AMEND VARIOUS
SECTIONS OF CHAPTER 124, PERSONNEL
POLICIES, OF THE CODE OF THE CITY OF
BINGHAMTON

WHEREAS, the Council of the City of Binghamton wishes to amend various sections of the Code of the City of Binghamton, Chapter 124, *Personnel Policies*.

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*, §124-39, *Definition*; Chapter 124, *Personnel Policies*, §124-39.A, *Standard Work Day*; Chapter 124, *Personnel Policies*, §124-40, *Salary Increases*; and Chapter 124, *Personnel Policies*, §124-44, *Health Insurance & Disability Benefits*, be amended as shown in the attachment.

Section 2. That this Ordinance shall take effect January 1, 2023.

Chapter 124, PERSONNEL POLICIES

[HISTORY: Adopted by the City Council of the City of Binghamton as indicated in article histories. Amendments noted where applicable.]

ARTICLE VIII, Officers and Employees Not Covered by Collective Bargaining Agreements [Added 6-6-1983 by Ord. No. 86-83]

§ 124-39. Definition. [Amended 12-16-1985 by Ord. No. 174-85; 5-1-1989 by Ord. No. 49-89; 2-20-1996 by Ord. No. 18-96; 12-20-1999 by Ord. No. 99-187; Amended 6-20-2005 by Ord. No. 05-40; Amended 4-7-08 by Ord. No. 16-2008; Amended 8-18-10 by Ord. No. 10-39; Amended 11-22-2013 by No. Ord. 13-87; Amended 12-17-2014 by Ord. No. 14-71; Amended 1-6-2017 by Ord. No. 16-105; Amended 12-5-2018 by Ord. No. 18-116; Amended 1-8-2020 by Ord. No. 20-04; Amended 12-23-2020 by Ord. No. 20-115; Amended 11-17-2021 by Ord. No. 21-132; Amended 5-4-2022 by Ord No. 22-81 & Ord No. 22-82]

Wherever the term “officers and employees” is used in this article, said term shall be deemed to include only the positions set forth in sections 1 and 2 below or their equivalents, except where specified to the contrary. Should any of the below enumerated positions become part of a collective negotiation unit, said position shall be deleted from this section. The provisions of this article shall be applicable to the officers and employees to the extent allowable under law.

1. The positions (elected and management appointed) to be included in this Section 1 are designated as follows:
 - A. 1st Assistant Corporation Counsel
 - B. 1st Deputy Commissioner
 - C. Assessor
 - D. Assistant Corporation Counsel (2)
 - E. City Clerk
 - F. City Engineer
 - G. Comptroller
 - H. Commissioner of Parks
 - I. Corporation Counsel
 - J. Deputy City Clerk
 - K. Director of Economic Development
 - L. Director of Planning, Housing and Community Development
 - M. Commissioner of Public Works
 - N. Executive Assistant to the Mayor
 - O. Mayor
 - P. Personnel & Safety Director
 - Q. Secretary to Corporation Counsel
 - R. Secretary to the Mayor
 - S. City Treasurer

Salary increases for officers and employees listed in this Section 1, except for the Mayor, are pursuant to §124-40, *Salary Increases*, below

Salary increases for the Mayor are pursuant to §92-12, *Salary established annually*.

2. The positions (management tested) to be included in this Section 2 are designated as follows:
 - A. Administrative Assistant ~~(6)~~ (7)
 - B. Assistant Director of Economic Development
 - C. Assistant Director of Parks & Recreation
 - D. Assistant Police Chief ~~(2)~~ (1)
 - E. Assistant Director of Planning, Housing & Community Development
 - F. Economic Development Specialist Financial Analyst
 - G. Fire Chief

- H. Legal Typist
- I. Payroll Supervisor
- J. Police Chief
- K. Personnel & Civil Service Assistant
- L. Purchasing Agent
- M. Risk Assistant/Paralegal
- N. Staff Accountant
- O. Superintendent of City Streets
- P. Supervisor of Building, Inspection & Construction
- Q. Water and Sewer Superintendent
- R. Civil Service Administrator
- S. Assistant City Engineer
- T. Assistant Comptroller
- U. Financial Payroll Specialist
- V. Information Technology Manager
- W. Assistant to the Mayor for Youth and Neighborhood Affairs
- X. Project Analyst
- Y. Manager/HUD Administration and Housing
- Z. Payroll Assistant
- AA. Assistant Purchasing Agent
- BB. Assistant Supervisor of Building Construction & Code Enforcement
- CC. ~~Administrative Assistant (from the Bureau of Police, 2020 salary \$42,000)~~
- DD. Director of Community Outreach & Recruitment
- EE. Assistant IT Manager

Salary increases for officers and employees listed in this Section 2, except the Police Chief, Fire Chief, and Assistant Police Chiefs, are pursuant to Permanent Ordinance No. 05-40, to wit: (i) That the Mayor is authorized to provide annual salary increases to positions contained in this in Section 2 on parity with those received by represented CSEA employees; (ii) In no year shall the annual salary increase provided for in this Section 2 be paid out until a collective bargaining agreement has been fully executed by and between the City of Binghamton and the CSEA for that year; and (iii) No retroactive payment shall be issued to the positions listed in this Section 2 until after or contemporaneous with the date upon which retroactive payments are issued to the members of the CSEA.

Salary increases for the Police Chief, Fire Chief, and Assistant Police Chiefs are pursuant to § 124-40, *Salary increases*, below.

§ 124-39. A, Standard work day [Added 12-7-2011 by Ord. No. 11-47; Amended 11-20-2013 by No. Ord. 13-87; Amended 1-6-2017 by Ord. No. 16-105; Amended 1-8-2020 by No. Ord. 20-04; Amended 4-7-2021 by Ord. No. 21-31; Amended 9-9-2021 by Ord. No. 21-94; Amended 11-17-2021 by Ord. No. 21-132; Amended 5-4-2022 by Ord No. 22-82; Amended 6-22-2022 by Ord No. 22-98; Amended 8-25-2022 by Ord No. 22-119]

The standard work day for “officers and employees” as defined in §124-39 above, is seven (7) hours per day, not including ~~one (1) hour for~~ lunch, five days per week; except the standard work day for the following positions is eight (8) hours per day, not including ~~one (1) hour for~~ lunch, five days per week are listed below as follows: Lunch for all employees will be one (1) hour or one-half (1/2) hour as approved by the Mayor.

A. Commissioner of Public Works

- B. City Engineer
- C. 1st Deputy DPW Commissioner
- D. Supervisor of Building Inspection & Construction
- E. ~~Administrative Assistant (to Commissioner of Public Works)~~
- F. Fire Chief
- G. Police Chief

- H. Assistant Police Chief(s)
- I. Superintendent of City Streets
- J. Comptroller
- K. Assistant Comptroller
- L. Staff Accountant
- M. Assessor
- N. Information Technology Manager
- O. City Treasurer
- P. Commissioner of Parks
- Q. Assistant City Engineer
- R. Assistant to the Mayor for Youth and Neighborhood Affairs
- S. Assistant Supervisor of Building Construction and Code Enforcement
- T. Three (3) Administrative Assistants (from the Bureau of Police)
- U. City Clerk
- V. Deputy City Clerk
- W. Assistant Director of Parks & Recreation
- X. Water & Sewer Superintendent
- Y. Director of Planning, Housing, and Community Development
- Z. Assistant Director of Planning, Housing, and Community Development
- AA. Purchasing Agent
- [BB. Assistant IT Manager](#)

(See Permanent Resolution 11-19, adopted March 19, 2011; Permanent Resolution 13-87, Adopted November 20, 2013; Permanent Ordinance 16-105, Adopted December 21, 2016; Permanent Ordinance 18-91, Adopted October 17, 2018; Permanent Ordinance 20-04 Adopted January 8, 2020; Permanent Ordinance 21-31 Adopted April 7, 2021; Permanent Ordinance 21-94 Adopted September 9, 2021; Permanent Ordinance 21-132 Adopted November 17, 2021; Permanent Ordinance 22-82 Adopted May 4, 2022; Permanent Ordinance 22-98 Adopted June 22, 2022; Permanent Ordinance 22-119 Adopted August 25, 2022)

§ 124-40. Salary increases. [Amended 12-21-1992 by Ord. No. 92-122; Amended 4-7-2008 by Ord. No. 16-2008; Amended 8-18-2010 by Ord. No. 10-39; Amended 8-4-2021 by Ord. No. 21-75]

- A. Officers and employees, other than elected officials, may be awarded annual salary increases from an annual salary increase pool. The annual salary increase pool shall be the current annual salary of eligible officers and employees multiplied by the average rate increase received by the City's collective bargaining units for that year; provided, however, that any settlement imposed by an arbitration panel shall not be included in the average. If less than three bargaining units are settled in a particular year, then the annual salary increase pool shall be the current annual salary of eligible officers and employees multiplied by the average New York consumer price index as determined by the U.S. Department of Labor for the preceding twelve (12) month average as of October 1. When at least three bargaining units are settled thereafter, the annual salary increase pool will be adjusted accordingly. Only current or retired officers and employees will be eligible for retroactive pay adjustments. The City Council of the City of Binghamton may provide, by ordinance, for a rate increase in excess of that provided for above, for any position listed in § 124-39. This section does not include officers and employees covered under Permanent Ordinance No. 05-40. An increase in salary will not increase longevity pay, if any. This section is effective immediately.
- B. Except as provided in Subsection C below, using the average annual salary increase received by all the City's collective bargaining units, the administration, the Mayor, and his or her administrative staff may provide any amount of increase to eligible officers and employees based either on cost of living and/or merit or a combination of the two so long as the maximum amount of annual salary increases does not exceed the pool so established herein.
- C. Increases for City Clerk and Assistant City Clerk. [Added 6-20-2005 by Ord. No. 05-38]
- (1) The Common Council shall determine whether the City Clerk and/or the Assistant City Clerk should receive an annual salary increase and the amount of said increases if any are provided for.
 - (2) It shall be the responsibility of the Employees Committee of the Common Council to forward to the Council as a whole its recommendation as to whether there should be an increase in the salary of either the City Clerk or the Assistant City Clerk, along with the percentage of any increase for the next fiscal year, by the first work session of ~~August~~ July in the preceding fiscal year.
 - (3) The recommendation of the Employees Committee may or may not be adopted by the Common Council by a majority vote of its members for a resolution stating the percentage of any increases for either position at a regularly scheduled meeting no later than the first regularly scheduled meeting in ~~September~~ August.
 - (4) If such a resolution is adopted, a copy of the resolution shall be forwarded to the Mayor of the City of Binghamton for his or her consideration in the preparation of the proposed budget for the next fiscal year.
- D. In accordance with any annual salary increase provided to any officer and employee, the department supervisor shall advise said employee or officer of that portion which is deemed cost of living versus that portion which is deemed a merit increase based on the prior year's job performance. In addition, supervising personnel should provide annual evaluations of job performance to each and every officer and employee eligible pursuant to this section.
- E. Longevity. Beginning with the first pay period in 2009, the City will include longevity pay in the "regular rate of pay." Longevity will be calculated as of the anniversary date of employment. The City will use the following longevity payment amounts:

15-20 years of service	\$500
21-25 years of service	\$750

26-29 years of service	\$1,000
30+ years of service	\$1,250

- F. Compensation for Assistant Police Chiefs (up to two positions). Effective July 10, 2010, Assistant Police Chiefs are officers and employees not covered by a collective bargaining agreement and will receive salary and benefits as follows:
- (1) Base salary of \$74,635 and “other compensation” consistent with General Municipal Law § 207-m, as may be amended from time to time.
 - (2) Increases to base salary and “other compensation” consistent with General Municipal Law § 207-m, as may be amended from time to time; to wit as of July 10, 2010, the Assistant Police Chiefs will receive at least the same dollar amount percentage increase in base salary and increases in “other compensation” as a permanent full-time police officer who is a member of a negotiating unit and who is the highest ranking subordinate to the Assistant Police Chiefs, *i.e.*, a Captain, in such unit. The Assistant Chiefs will be eligible for overtime as may be directed by the Commissioner of Public Safety (the Mayor). Overtime will be paid at time and one half in the applicable pay period. Assistant Chiefs are not entitled to compensatory time or overtime. off in lieu of overtime payments.
- G. Compensation for the Police Chief. Effective January 1, 2006, the Police Chief will receive salary and benefits as follows:
- (1) Base salary of \$85,715 and “other compensation” as provided in General Municipal Law § 207-m, as may be amended from time to time.
 - (2) Increases to base salary and “other compensation” as provided in General Municipal Law § 207-m, as may be amended from time to time; except as of July 10, 2010, the Police Chief will receive at least the same dollar amount percentage increase in base salary increase as an Assistant Police Chief would have received if an Assistant Police Chief received the same percentage increase as a permanent full-time police officer who is a member of a negotiating unit and who is the highest ranking subordinate to the Assistant Chief, *i.e.*, a Captain, in such unit. The Police Chief is not entitled to compensatory time or overtime.
- H. Compensation for the Fire Chief. Effective January 1, 2006, the Fire Chief will receive the salary and benefits as follows:
- (1) Base salary of \$85,715 and “other compensation” as provided in General Municipal Law § 207-m, as may be amended from time to time.
 - (2) Same base salary increases as the Police Chief as provided in paragraph G above. Increases to base salary and The Fire Chiefs “other compensation” consistent with General Municipal Law § 207-m, as may be amended from time to time, except as of January 2, 2023, the Fire Chief will receive at least the same dollar amount increase in base salary and “other compensation” as a permanent full-time firefighter who is member of the negotiating unit and who is the highest ranking subordinate to the Chief, ie. Deputy Chief in such unit. based on the same benefits and obligations as a permanent full time firefighter who is a member of a negotiating unit and who is the highest ranking subordinate to the Fire Chief, i.e., an Assistant Chief. Notwithstanding the foregoing, if the negotiating unit in the Police Bureau does not have a contract for more than one calendar year, the Fire Chief will receive a two (2%) percent increase in base salary per year pending settlement of the collecting bargaining agreement with the negotiating unit in the Police Bureau, at which time there will be a reconciliation and the Fire Chief will be paid the additional amount due and owing or will refund any overpayment to the City. The Fire Chief is not entitled to compensatory time or overtime.
- I. Intermunicipal agreements to share costs and services. Notwithstanding any provision herein, the City may contract to share costs and services with other municipalities or other public entities as may be permitted under the General Municipal Law. Such intermunicipal agreements may include certain positions, including Police Chief, Assistant Police Chiefs, and Fire Chief. Any additional compensation paid to any officer or employee under an intermunicipal agreement will not be included in any of the interrelated calculations in paragraphs F, G, and H above.

§ 124-44. Health insurance and disability benefits. [Amended 2-20-1996 by Ord. No. 18-96; 11-21-2002 by Ord. No. 02-133; Amended 12-17-07 by Ord. No. 07-58; Amended 4-7-08 by Ord. No. 08-16; Amended 12-1-08 by Ord. No. 08-40; Amended 2-3-10 by Ord. No. 10-8; Amended 3-17-10 by Ord. No. 10-11; Amended 12-7-2011 by Ord. No. 11-46; Amended 11-6-2013 by Ord. No. 13-81; Amended 1-6-2017 by Ord. No. 16-105; Amended 12-06-2017 by Ord. No. 17-82; Amended 11-20-2018 by Ord. No. 18-105; Amended 12-5-2018 by Ord. No. 18-118; Amended 11-6-2019 by Ord. No. 19-117; Amended 12-23-2020 by Ord. No. 20-115; Amended 11-17-2021 by Ord. No. 21-132]

A. Payment schedule for health insurance premiums.

- (1) The Comptroller of the City of Binghamton, as directed by the Mayor, may pay up to the following percentage of the cost of the health insurance premiums for non-union-represented officers and employees (as defined in § 124-39):

Traditional Plan	PPO	High Deductible	Fiscal Year
84%	85%	n/a	2014
84%	85%	n/a	2015
83%	85%	n/a	2016
83%	85%	85%	2017
83%	84%	85%	2018
82%	83%	85%	2019
81%	82%	84%	2020
81%	82%	84%	2021
81%	82%	84%	2022
<u>79%</u>	<u>81%</u>	<u>84%</u>	<u>2023</u>
<u>78%</u>	<u>80%</u>	<u>84%</u>	<u>2024</u>



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

Date: January 11, 2023

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

Introduced by Committee: Employees

ORDINANCE

entitled

AN ORDINANCE TO AMEND VARIOUS
SECTIONS OF THE CODE OF THE CITY OF
BINGHAMTON TO REFLECT INCREASES IN
STIPENDS FOR VARIOUS BOARDS AND
COMMISSIONS

WHEREAS, the Council of the City of Binghamton wishes to amend various sections of the Code of the City of Binghamton to reflect increases in stipends for various Boards and Commissions

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 225, *Electrical Standards*, §225-15, *Compensation of Members*, is amended as follows:

§ 225-15. Compensation of members. [Amended 10-17-2012 by Ord. No. 12-66; **Amended 1-11-2023 by Ord. No. _____**]

Staff members of the City of Binghamton shall receive no additional compensation for services rendered as a consultant, member, or Chairperson of the Board pursuant to this Chapter. Each member of the Board of Electrical Examiners, who is not a staff member of the City of Binghamton, shall be paid an annual stipend of ~~four hundred (\$400.00)~~ **five hundred seventy-five (\$575) dollars.**

Section 2. That the Code of the City of Binghamton, Chapter 310, *Plumbing*, §310-5, *Compensation of Members*, is amended as follows:

§ 310-5. Compensation of members. [Amended 10-17-2012 by Ord. No. 12-66; **Amended 1-11-2023 by Ord. No. _____**]

Staff members of the City of Binghamton shall receive no additional compensation for services rendered as a consultant, member, or Chairperson of the Board pursuant to this Chapter. Each member of the Board of Plumbers, who is not a staff member of the City of Binghamton, shall be paid an annual stipend of ~~four hundred (\$400.00)~~ **five hundred seventy-five (\$575) dollars.**

Section 3. That the Code of the City of Binghamton, Chapter 410, *Zoning*, §410-91, *Zoning Board of Appeals-Organization*, is amended as follows:

§ 410-91. Zoning Board of Appeals-organization. [Amended 5-19-08 by Ord. No. 25-2008; Amended 12-21-11 by Ord. No. 11-52; Amended 12-18-19 by Ord No. 19-157; **Amended 1-11-2023 by Ord. No. _____**]

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

Date: January 11, 2023

- L. Each member of the Zoning Board of Appeals shall be paid an annual stipend of ~~four hundred (\$400.00)~~ **five hundred seventy-five (\$575) dollars**. Payments shall be made in four installments, on or about April 1, July 1, October 1, and January 1 (for the previous year). Any member joining the Zoning Board of Appeals other than prior to the first meeting of the year will be paid a proportionate amount of the stipend. Any member who is removed pursuant to the Code of the City of Binghamton Article I, *Vacancies due to nonattendance*; § 16-1, *Application*; § 16-2, *Determination of vacancy*; or § 410-91.D, *Removal of members*, shall not be paid for any missed meetings leading to dismissal.

Section 4. That the Code of the City of Binghamton, Chapter 18, *Boards, Commissions and Committees* is amended as follows:

§ 18-36. Compensation of members. [Amended 5-19-08 by Ord. No. 25-2008; Amended 12-21-11 by Ord. No. 11-52] **Amended 1-11-2023 by Ord. No. _____]**

Each member of the Planning Commission shall be paid an annual stipend of five hundred seventy-five (\$575) dollars. Payments shall be made in four installments, on or about April 1, July 1, October 1, and January 1 (for the previous year). Any member joining the Planning Commission other than prior to the first meeting of the year will be paid a proportionate amount of the stipend. Any member who is removed for cause or pursuant to the Code of the City of Binghamton Article I, *Vacancies due to nonattendance*; § 16-1, *Application*; or § 16-2, *Determination of vacancy*, shall not be paid for any missed meetings leading to dismissal.

§ 18-39. Commission established; composition; appointment and qualification of members. [Amended 7-16-1973 by Ord. No. 149-73; Amended 12-21-11 by Ord. No. 11-52; Amended 10-17-2012 by Ord. No. 12-68; Amended 3-5-2014 by LL 14-1; Amended 4-7-2021 by Ord. No. 21-30] **Amended 1-11-2023 by Ord. No. _____]**

To prevent the deterioration of property belonging to the City or property in which any City funds are involved and to advise builders to designers in regard to the use of space and the design of structures and to encourage protection of economic values and proper and appropriate use of surround areas, there is hereby established in and for the City a commission to be known as the "Commission on Architecture and Urban Design of the City of Binghamton" ("CAUD"). This Commission shall consist of seven (7) persons who shall be residents of the City or owners of real property situated therein, and who shall be appointed by the Mayor. Persons eligible for membership shall be persons who, by training, experience, interest or expertise, have demonstrated significant interest in and commitment to the field of preservation planning as evidenced either by involvement in a local or regional historic preservation group, employment or volunteer activity in the field of preservation planning, or other serious interest in the field. The membership should include, if such persons are available and agreeable to serving, a historian, state-licensed real estate professional, and a professional engineer or architect. Each member of CAUD shall be paid an annual stipend of five hundred seventy-five (\$575) dollars. Payments shall be made in four installments, on or about April 1, July 1, October 1, and January 1 (for the previous year). Any member joining CAUD other than prior to the first meeting of the year will be paid a proportionate amount of the stipend. Any member who is removed pursuant to the Code of the City of Binghamton Article I, *Vacancies due to nonattendance*, § 16-1, *Application*; § 16-2, *Determination of vacancy*; or § 410-91.D, *Removal of members*, shall not be paid for any missed meetings leading to dismissal.

§ 18-99. Compensation for Board members. [Added 1-21-1997 by Ord. No. 2-97; Amended 12-21-11 by Ord. No. 11-52; Amended 12-19-12 by Ord. No. 12-79] **Amended 1-11-2023 by Ord. No. _____]**

Each Board member of the CDAC shall be paid an annual stipend of \$575.00. Payment of this amount shall be calculated in accordance with the percentage of meetings each member has attended throughout the year. Each member will need to satisfy an

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

Date: January 11, 2023

attendance record of at least 75% to receive the full stipend. An attendance record of 50-74% shall result in the receipt of 50% of the stipend. An attendance record of less than 50% will result in the denial of the stipend. Stipend payments shall be made no later than December 31 of each year.

Section 5. That this Ordinance shall take effect January 1, 2023.

BML



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

Date: January 11, 2023

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

Introduced by Committee: Finance

ORDINANCE

entitled

AN ORDINANCE TO AMEND THE 2022
GENERAL FUND BUDGET FOR
UNEMPLOYMENT

WHEREAS, the Comptroller of the City of Binghamton finds it proper and necessary to amend the 2022 General Fund budget for unemployment costs in the amount of \$38,000; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on January 11, 2023.

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 unemployment costs in the amount of \$38,000 as follows:

Transfer From (Decrease):

\$38,000 A9010.58000A (ERS Retirement)

Transfer To (Increase):

\$38,000 A9050.58000E (Unemp.Ins.)

Section 2. That this Ordinance shall take effect immediately.

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

[Signature]

Chuck Shager, Comptroller

BMA



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

Date: January 11, 2023

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

Introduced by Committee: Finance

ORDINANCE

entitled

**AN ORDINANCE TO AMEND THE 2022
GENERAL FUND BUDGET FOR BOND
PRINCIPAL**

WHEREAS, the Comptroller of the City of Binghamton finds it proper and necessary to amend the 2022 General Fund budget for Bond Principal in the amount of \$205,399.43; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on January 11, 2023.

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 Bond Principal in the amount of \$205,399.43 as follows:

Transfer From (Decrease):

\$ 16,187.85 A9710.57000 (Bond Interest)
3,310.00 A9730.56000 (BAN-Principal)
185,901.58 A9010.58000A (ERS Retirement)


\$205,399.43

Transfer To (Increase):

\$205,399.43 A9710.56000 (Bond Principal)

Section 2. That this Ordinance shall take effect immediately.

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



Chuck Shager, Comptroller

B/M



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

Date: January 11, 2023

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

Introduced by Committee: Finance

ORDINANCE

entitled

**AN ORDINANCE TO AMEND THE 2022
GENERAL FUND BUDGET FOR TEMPORARY
SERVICES**

WHEREAS, the Corporation Counsel and Comptroller of the City of Binghamton find it proper and necessary to amend the 2022 General Fund budget for temporary services in the amount of \$1,200; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on January 11, 2023.

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 temporary services in the amount of \$1,200 as follows:

Transfer From (Decrease):

\$1,200 A1420.51000 (Per.Ser.1st Asst.)

Transfer To (Increase):

\$1,200 A1420.51800 (Temp.Ser.)

Section 2. That this Ordinance shall take effect immediately.

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

[Signature]

Chuck Shager, Comptroller

BML



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

Date: January 11, 2023

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

Introduced by Committee: Finance

ORDINANCE

entitled

**AN ORDINANCE TO AMEND THE 2022
GENERAL FUND BUDGET FOR VARIOUS
SERVICES**

WHEREAS, the Comptroller of the City of Binghamton finds it proper and necessary to amend the 2022 General Fund budget for various services in the Personnel budget in the amount of \$6,043; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on January 11, 2023.

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 various services in the Personnel budget in the amount of \$6,043 as follows:

<u>Transfer From (Decrease):</u>	<u>Transfer To (Increase):</u>
\$ 100 A1430.54103 (Printing)	\$ 100 A1430.51800 (Temp.Ser.)
500 A1430.54702 (Subs/Dues)	3,000 A1430.54650 (Legal Ads)
<u>5,443</u> A9010.58000A (ERS Retirement)	<u>2,943</u> A1430.54701 (Travel/Training)
\$6,043	\$6,043

Section 2. That this Ordinance shall take effect immediately.

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

[Signature]

Chuck Shager, Comptroller



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

Date: January 11, 2023

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

Introduced by Committee: Finance

ORDINANCE

entitled

**AN ORDINANCE TO AMEND THE 2022
GENERAL FUND BUDGET FOR HOLIDAY PAY**

WHEREAS, the Fire Chief and Comptroller of the City of Binghamton find it proper and necessary to amend the 2022 General Fund budget for holiday pay in the amount of \$110,000; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on January 11, 2023.

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 holiday pay in the amount of \$110,000 as follows:

Transfer From (Decrease):

\$ 50,000 A3410.51000 (Per.Ser.Firefighter)

60,000 A9015.58000 (PFRS Retirement)

\$110,000

Transfer To (Increase):

\$110,000 A3410.51600 (Holiday Pay)

Section 2. That this Ordinance shall take effect immediately.

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: January 11, 2023

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

Introduced by Committee: Finance

ORDINANCE

entitled

AN ORDINANCE TO AMEND THE 2023
BINGHAMTON-JOHNSON CITY JOINT
SEWAGE TREATMENT FACILITIES BUDGET
TO DEFUND AN OPERATOR III AND FUND AN
OPERATOR II POSITION

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 2023 BJCJSTF budget to defund an Operator III position, and to fund an Operator II position at an annual salary of \$59,426.

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 2023 BJCJSTF budget to defund an Operator III position, and to fund an Operator II position at an annual salary of \$59,426 as follows:

Transfer From (Decrease):

\$5,292 ES8130.51000.JS2HR (Pers.Ser.)

Transfer To (Increase):

\$4,305 ES8130.51000.JS2HR (Pers.Ser.)
\$531 ES9010.58000A.JS2HR (ERS)
\$329 ES9030.58000B.JS2HR (Soc.Sec.)
\$127 ES9040.58000D.JS2HR (W-C)
\$5,292

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

[Signature]

Chuck Shager, Comptroller/JSB Fiscal Officer



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

Date: January 11, 2023

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

Introduced by Committee: Employees

ORDINANCE

entitled

AN ORDINANCE TO AMEND CHAPTER 26,
CITY COUNCIL, OF THE CODE OF THE CITY
OF BINGHAMTON

WHEREAS, the Council of the City of Binghamton wishes to amend various sections of the Code of the City of Binghamton, Chapter 26, *City Council*.

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 26, *City Council*, §26-1, *Meetings*, is amended as follows:

§ 26-1. ~~Regular Meetings~~ Meetings [Amended 1-2-1978 by Ord. No. 1-79; 10-20-1980 by Ord. No. 229-80; 8-6-1990 by Ord. No. 83-90; 6-6-2005 by Ord. No. 05-35; 8-4-08 by Ord. 37-2008; Amended 11-18-2020 by Ord. No. 20-99; **Amended 1-11-2023 by Ord. No. _____**]

A. ~~Regular meeting date, time, and location designated.~~ (i) ~~The regular business meetings of the City Council shall be held in the Council chamber in the municipal building on each Wednesday following the first and third Monday evenings of each month commencing at 6 p.m.; and (ii) The regular work session meetings of the City Council shall be held in the Council work room in the municipal building on the first and third Monday evenings of each month commencing at 6 p.m.~~ Each year, on or before October 1, City Council will approve a meeting schedule for regular business meetings, regular work sessions, and an organizational meeting for the following year (the "Annual Meeting Schedule"). All regular business meetings, work session meetings, and the organizational meeting will be held in the Council Chambers, City Hall, 38 Hawley Street, Binghamton NY at 6 pm, unless another time is approved in the Annual Meeting Schedule. This schedule will be posted on the City's Website (Calendar) and forwarded to the local media on or before December 31.

B. ~~Meeting date falling on holiday.~~ ~~Should any regular business or work session meeting date fall upon a legal holiday, then, in such case, the meeting appointed for such date shall be held on the next day thereafter,, at the appointed hour and location as set forth herein.~~ Any amendment to the Annual Meeting Schedule, special business meeting, or special work session may be scheduled by (i) the President of City Council upon not less than 24 hours written notice (via email) to all City Council Members with a copy of a proposed agenda and a copy of proposed legislation, if any; or (ii) by a majority vote of City Council at a business meeting or work session identifying the topic(s) or legislation, if any, to be considered at such meeting. No business shall be transacted at any special meeting other than the topic(s) or legislation specified in the notice of the meeting. Notice of the date, time, and

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

Date: January 11, 2023

location of any special business meeting or special work session will be included in the notice provided in (i) or (ii) above, and will be posted on the City's Website (Calendar) and forwarded to the local media.

- C. ~~Change of meeting date, time, or location. The date, time, or location of any regular business or work session meeting may be changed by a majority vote of the Council taken at a regular City Council business meeting, including by adoption of the annual meeting schedule. In the event a meeting location is not available due to an emergency, the Council President may select a new location for the next regular meeting until a majority vote of the Council taken at a regular City Council business meeting can approve a new location.~~ Organizational meeting. The organizational meeting will be in January of each year as approved in the Annual Meeting Schedule.

Section 2. That the Code of the City of Binghamton, Chapter 26, *City Council*, §26-2, *Special Meetings*, is amended as follows:

§ 26-2. Special Meetings. [**Amended 1-11-2023 by Ord. No. _____**]

~~C. Organizational meetings. The City Council shall convene and conduct an organizational meeting on the first Monday following January 1 of each year unless such Monday is a holiday. In this event, said meeting shall be held the following Tuesday unless otherwise ordered by the City Council. [Added 1-2-1979 by Ord. No. 1-79]~~

Section 3. That the Code of the City of Binghamton, Chapter 26, *City Council*, §26-16, *Council member to contract for telephone services*, is amended as follows:

§ 26-16. Council members to contract for telephone services. [**Amended 1-11-2023 by Ord. No. _____**]

- A. The City of Binghamton will provide and pay for a cellular ~~or home phone~~ for use by Council members.

Section 4. That this Ordinance shall take effect January 1, 2023.



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

Date: January 11, 2023

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

Introduced by Committee: Rules/Special Studies

ORDINANCE

entitled

AN ORDINANCE TO AMEND THE
BINGHAMTON-JOHNSON CITY JOINT
SEWAGE IMA

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 JSB has requested an amendment to the Binghamton-Johnson City Joint Sewage IMA as attached.

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

Section 1. That the Binghamton-Johnson City Joint Sewage IMA is amended as stated in the attachment.

(text in underscored green typeface is to be added; ~~red struck-through~~ text is to be deleted)

D. Notwithstanding any agreement to the contrary, nothing shall prevent the Board from presenting a budget which includes funding for addition to or reallocation from a budget line (or lines), and/or funding for addition to or reallocation from a capital reserve fund, for specific capital projects that will not occur during the year for which the budget is to be implemented. The request shall include the estimated cost of each specific capital project, how each project will be funded, and the anticipated start and completion dates of the project. Once established, these capital budget lines and/or capital reserve funds may not be used for any other purpose, without consent of a majority of the members of both ~~each~~ legislative bodies.

* * * *

G. The Board may be permitted to make budget transfers during the year or within ~~30~~ 45 days thereafter so long as such transfers do not increase the Joint Sewage Project budgeted expenses for the year under the following conditions:

i. The Board will give the City Clerk and Village Clerk/Treasurer written notice via email of any proposed budget transfer approved by the Board. The written notice will state if the proposed budget transfer is (ia) for a non-capital item up to \$2,500, ~~(#b)~~ for a non-capital item of more than \$2,500 or cumulative transfers of \$20,000 or more in the calendar year; or ~~(#c)~~ for a capital item (including transfer[s] to or from the "Capital Reserve" for the Binghamton-Johnson City Joint Sewage Project) noting, when applicable to the established purpose of the source funding, whether such transfer pertains to a declared emergency [such as resulting from an unexpected or imminent equipment or system failure]. The notice will include a copy of the Board's minutes or resolution approving the proposed budget transfer and a RL (request for legislation). The Board will copy said email to the (i) Mayor, President of City Council, Corporation Counsel, and Comptroller of the City and (ii) Mayor, Trustees, Attorney, and Clerk/Treasurer of the Village.

ii. Non-capital items. The Board may transfer up to \$2,500 from one budget line to another budget line without legislative approval, except all transfers to increase salary or benefits for any personnel shall require legislative approval. The Board may transfer more than \$2,500 from the contingency budget line to another or various other budget lines, except all transfers to increase salary or benefits for any personnel shall require legislative approval. Any transfer of more than \$2,500 from any budget line or cumulative transfers of \$20,000 or more in the calendar year shall be deemed denied unless a majority of the members of both legislative bodies vote to approve such budget transfer within thirty-five (35) days from the date of receipt of the written notice and RL

(request for legislation) from the Board as required in Section 23.G(i) above.

iii. Capital items (including transfer[s] to or from the "Capital Reserve" for the Binghamton-Johnson City Joint Sewage Project). Any request for a budget transfer shall be deemed denied unless a majority of the members of both legislative bodies vote to approve such budget transfer within thirty-five (35) days from the date of receipt of the written notice and RL (request for legislation) from the Board as required in Section 23.G(i) above. This provision shall apply to all capital budget lines, whether established before or after this Agreement, as well as to transfer[s] to or from the "Capital Reserve" for the Binghamton-Johnson City Joint Sewage Project.

iv. No new budget lines will be established without approval of a majority of the members of both legislative bodies.

v. Any legislative vote required above may be made at a separate or a joint meeting of the legislative bodies.

* * * *

Seconded by Bruce King .
Motion Carried. 6/0

BAL

THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: January 11, 2023

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

Introduced by Committee: Finance

ORDINANCE*entitled*

AN ORDINANCE TO AMEND THE 2023 FIRE
BUDGET TO ACCEPT THE SECOND ROUND
OF THE NYS HEALTH CARE WORKERS
BONUS FOR PERSONAL SERVICES

WHEREAS, the Fire Chief and Comptroller of the City of Binghamton find it proper and necessary to amend the 2023 Fire budget to accept the second round of the New York State Health Care Workers Bonus in the amount of \$161,475; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on January 11, 2023.

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 2023 Fire budget to accept the second round of the New York State Health Care Workers Bonus in the amount of \$161,475 as follows:

- (i) \$161,475 increase revenue budget line A.43089 (State Aid-Public Safety)
- (ii) \$150,000 increase expense budget line A3410.51000 (Personal Services)
- (iii) \$ 11,475 increase expense budget line A9030.58000B (Social Security)

Section 2. That this Ordinance shall take effect immediately.

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



Chuck Shager, Comptroller

SEQRA

Chair of Planning Committee Reads:

The following SEQRA motions are in reference to the legislation before us, **Introductory Ordinance 23-03** entitled *“An ordinance to amend the official zoning map of the City of Binghamton to rezone multiple properties on Conklin Avenue”*.

1. I make a Motion to declare City Council as Lead Agency for a proposed amendment to the Official Zoning Map of the City of Binghamton to rezone 115 Conklin Ave, Tax Parcel No. 160.58-1-2, 125 Conklin Ave, Tax Parcel No. 160.58-1-3, and 135 Conklin Ave, Tax Parcel No. 160.58-1-4 from I-2 Light & Medium Industrial to C-4 Neighborhood Commercial to better reflect neighborhood character and allow dwelling units to be included in any future development.

Motion made by _____,

Second _____,

All in favor (majority required)

2. I make a Motion to list the proposed action as an “Unlisted” action under SEQRA.

Motion made by _____,

Second _____,

All in favor (majority required)

3. I make a Motion to issue a negative declaration under SEQRA for the following reasons:

The proposed amendment to the Zoning Map to move three lots from an industrial district to the adjacent commercial district is consistent with the existing uses and character of the adjacent commercial corridor on Conklin Ave. The proposed change was reviewed by the City Planning Commission, which recommended approval of the rezoning and a negative declaration. Therefore, City Council, acting as the lead agency, has found that the proposed rezoning will not have an adverse impact on the environment for the following reasons: (i) The proposed rezoning is consistent with the City’s Comprehensive Plan. (ii) The proposed rezoning will not result in a significant change in the use or intensity of use of land. It will allow mixed-use development, which is a less intensive use than the previous heavy industrial facility located on the site. (iii) The proposed rezoning will not impair the character or quality of the existing community. The subject area will be annexed to the adjacent commercial zoning district, which is one of the City’s principal commercial corridors. A full statement of findings is attached to the legislation.

Motion made by _____,

Second _____,

Full Roll Call Vote (majority required)

After SEQRA: Introduce & approve the legislation, roll call vote.

**Note: if any motion is not unanimous, then do a roll call vote.*

BMA



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

Date: January 11, 2023

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

Introduced by Committee: Planning

ORDINANCE

entitled

**AN ORDINANCE TO AMEND THE OFFICIAL
ZONING MAP OF THE CITY OF BINGHAMTON
TO REZONE MULTIPLE PROPERTIES ON
CONKLIN AVENUE**

WHEREAS, the Planning, Zoning & Historic Preservation Department recommended an amendment to the Code of the City of Binghamton, Chapter 410, *Zoning*, to amend the Official Zoning Map of the City of Binghamton to rezone 115 Conklin Ave., Tax Parcel No. 160.58-1-2, 125 Conklin Ave., Tax Parcel No. 160.58-1-3, and 135 Conklin Ave., Tax Parcel No. 160.58-1-4, from I-2 Light & Medium Industrial to C-4 Neighborhood Commercial; and

WHEREAS, on December 12, 2022, the Planning Commission considered the proposed rezoning, and as a result, recommended the approval of the proposed rezoning as it did not conflict with the comprehensive plan, was reasonable given the predominance of mixed-use buildings along Conklin Avenue, and would be beneficial to the City given the need for housing; and

WHEREAS, on January 11, 2023 City Council held a public hearing regarding the proposed zoning amendments.




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

Section 1. That the City of Binghamton Planning Department is hereby directed to amend the Official Zoning Map of the City of Binghamton to rezone 115 Conklin Ave., Tax Parcel No. 160.58-1-2, 125 Conklin Ave., Tax Parcel No. 160.58-1-3, and 135 Conklin Ave., Tax Parcel No. 160.58-1-4, from I-2 Light & Medium Industrial to C-4 Neighborhood Commercial as attached in Exhibit A.

Section 2. That this Ordinance shall take effect immediately.

Area to be Rezoned to Allow Mixed-Use



	Existing C-4
	Proposed C-4
	Existing I-2

DISCLAIMER: Broome County does not guarantee the accuracy of the data presented. Information should be used for illustrative purposes only.

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

Project Number: None

Date: January 11, 2023

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: Amendment to the Official Zoning Map to rezone 115, 125 and 135 Conklin Avenue from I-2 Light & Medium Industrial to C-4 Neighborhood Commercial.

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

The City wishes to amend the Official Zoning Map of the City of Binghamton to rezone 115 Conklin Ave, Tax Parcel No. 160.58-1-2, 125 Conklin Ave, Tax Parcel No. 160.58-1-3, and 135 Conklin Ave, Tax Parcel No. 160.58-1-4 from I-2 Light & Medium Industrial to C-4 Neighborhood Commercial to better reflect neighborhood character and allow dwelling units to be included in any future development.

Location: City of Binghamton, Broome County, New York

Reasons Supporting This Determination:

The proposed amendment to the Zoning Map to move three lots from an industrial district to the adjacent commercial district is consistent with the existing uses and character of the adjacent commercial corridor on Conklin Ave. The proposed change was reviewed by the City Planning Commission, which recommended approval of the rezoning and a negative declaration. Therefore, City Council, acting as the lead agency, has found that the proposed rezoning will not have an adverse impact on the environment.

The lead agency has reviewed an Environmental Assessment Form and the criteria contained in 6 NYCRR 617.7 (c) to identify the relevant areas of environmental concern, thoroughly analyzed the identified relevant areas of environmental concern, and determined that the action will not have a significant adverse impact on the environment for the following reasons:

The proposed rezoning is consistent with the City's Comprehensive Plan

The proposed rezoning will not result in a significant change in the use or intensity of use of land. It will allow mixed-use development, which is a less intensive use than the previous heavy industrial facility located on the site.

The proposed rezoning will not impair the character or quality of the existing community. The subject area will be annexed to the adjacent commercial zoning district, which is one of the City's principal commercial corridors.

The proposed rezoning will not have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA).

The proposed rezoning will not result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway.

The proposed rezoning will not cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities.

The proposed rezoning will not impact existing:

- A. public / private water supplies.
- B. public / private wastewater treatment utilities.

The proposed rezoning will not impair the character or quality of important historic, archaeological, architectural or aesthetic resources.

The proposed rezoning will not result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna).

The proposed rezoning will not result in an increase in the potential for erosion, flooding or drainage Problems.

The proposed rezoning will not create a hazard to environmental resources or human health.

For Further Information

Contact Person: Phil 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)



Department of Planning, Housing, & Community Development

TO: City Council
FROM: Department of Planning, Housing, & Community Development
DATE: December 19, 2022
RE: Proposed rezoning of 115-135 Conklin Ave

Members of City Council:

115-135 Conklin Ave is currently in the I-2 Light & Medium Industrial District and the City is proposing the rezoning of the site to annex it to the adjacent C-4 Neighborhood Commercial District. 115-125 Conklin Ave is currently an Eating & Drinking Establishment and 135 Conklin Ave is a vacant, underutilized formerly industrial building. The principal objective of the rezoning is to make 135 Conklin Ave developable as a mixed-use site, including housing. The rezoning is necessary for this type of development because dwelling units are not permitted in the I-2 District.

On December 12th, 2022, the Planning Commission made a motion recommending approval of the proposed rezoning, as the proposal did not conflict with the comprehensive plan, was reasonable given the predominance of non-industrial buildings along Conklin Ave, and would be beneficial to the City given the need for housing. The motion passed unanimously. They then made a motion recommending the issuance of a Negative Declaration under SEQRA, which also passed unanimously.

A handwritten signature in black ink, appearing to read "Tito L. Martinez", is written over a horizontal line.

Tito L. Martinez, Assistant Director of Planning

SEQRA (2023 Bond)

Chair of Finance Committee Reads:

The following SEQRA motions are in reference to the legislation before us, Introductory Ordinance 23-12 entitled “An ordinance authorizing various capital improvements in and for the City, stating the estimated maximum cost thereof is \$16,369,000, appropriating said amount for such purpose and authorizing the issuance of bonds of the City in the principal amount of not to exceed \$16,369,000 to finance said appropriation”.

1. I make a Motion to declare City Council as Lead Agency under SEQRA.

Motion made by _____,

Second _____,

All In Favor (majority required)

2. I make a Motion to identify the proposed action as a “Type II” action and to issue a negative declaration for one Unlisted action under SEQRA for the following reasons:

This is an ordinance authorizing issuance of \$16,369,000 serial bonds to finance 2023 capital projects. The projects are for purchase of repaving of existing highways not involving the addition of new travel lanes, street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities, improving pedestrian safety, and installing ADA compliant ramps; replacement, rehabilitation or reconstruction of existing structures or facilities, including water and sewer connections, sewer interceptor upgrades, floodwall/levee improvements, improvements to parks, streetscape improvement to the City’s Deco District and interior renovations to City Hall; various equipment needs and engineering design for said projects.

Findings: The City of Binghamton City Council has determined that the proposed action described above is a Type II action based on §617.5 Type II C (1) maintenance or repair involving no substantial changes in an existing structure or facility, (2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part, (5) repaving of existing highways not involving the addition of new travel lanes, (6) street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities, (13) extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list, (21) minor temporary uses of land having negligible or no permanent impact on the environment; and no further environmental review is necessary. (22) installation of traffic control devices on existing streets, roads and highways; (24) information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action; and (31) purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials; and no further environmental review is necessary.

Motion made by _____,

Second _____,

Full Roll Call Vote (majority required)

After SEQRA: Introduce & approve the legislation, then full roll call vote.

**Note: if any motion is not unanimous, then do a roll call vote.*



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

Date: January 11, 2023

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

Introduced by Committee: Finance

ORDINANCE

entitled

AN ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE CITY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$16,369,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE AND AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$16,369,000 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 \$16,369,000 and said amount is hereby appropriated therefor, such appropriation having been authorized by the Council pursuant to Ordinance No. _____. The plan of financing includes the issuance of bonds of the City in the principal amount of not to exceed \$16,369,000 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.

Section 2. Bonds of the City in the aggregate principal amount of not to exceed \$16,369,000 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

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

Date: January 11, 2023

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

(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

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STATE OF NEW YORK**

Date: January 11, 2023

(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.

Schedule I

2023 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.1 Fire Vehicles (5)	\$ 310,000	\$ 310,000	General	\$ 0	3	77
A.2 Garage Lift	\$80,000	\$80,000	General	0	15	28
B. Street Reconstruction	1,200,000	1,200,000	General	0	15	20(c)
C. City Hall Improvements	1,000,000	1,000,000	General	0	15	12(a)(2)
D. Ely Park Improvements	350,000	350,000	Golf	0	15	19(c)
E. Bucket Truck acquisition	150,000	150,000	General	0	15	28
F. Sewer Jet Truck acquisition	275,000	275,000	Sewer	0	15	28
G. Conlon Field Turf project	2,250,000	2,250,000	General	0	15	19(c)
H. Mill and Pave roads	800,000	800,000	General	0	15	20(c)
I. Installation of ADA Ramps at intersections	1,200,000	1,200,000	General	0	10	24
J. Water Lines replacements	1,065,000	1,065,000	Water	0	40	1
K. Sewer Lines replacements	1,350,000	1,350,000	Sewer	0	40	4
L. Street Reconstruction	550,000	550,000	General	0	15	20(c)
M. Main Street Pedestrian Safety Program Improvements	2,100,000	2,100,000	General	1,500,000	15	20(c)
N. Interceptor Sewer Upgrades - Crary Avenue to Murray Street	100,000	100,000	Sewer	0	40	4
O. Various improvements to Deco District	2,500,000	2,500,000	General	TBD	10	90
P. Floodwall Levee improvements	700,000	700,000	General	0	5	35
Q. Engineering Design Projects	<u>389,000</u>	<u>389,000</u>	General	<u>0</u>	5	62
Totals:	<u>\$16,369,000</u>	<u>\$16,369,000</u>		<u>\$1,500,000</u>		

**State Environmental Quality Review
Determination of Type II Action and
Negative Declaration of Unlisted Action**

Project Number: None

Date: January 11, 2023

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.

Nature of action. An ordinance authorizing issuance of \$16,369,000 serial bonds to finance 2023 capital projects. The projects are for purchase of repaving of existing highways not involving the addition of new travel lanes, street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities, improving pedestrian safety, and installing ADA compliant ramps; replacement, rehabilitation or reconstruction of existing structures or facilities, including water and sewer connections, sewer interceptor upgrades, floodwall/levee improvements, improvements to parks, streetscape improvement to the City's Deco District and interior renovations to City Hall; various equipment needs and engineering design for said projects.

Findings. The City of Binghamton City Council has determined that the proposed action described above is a Type II action based on §617.5 Type II C (1) maintenance or repair involving no substantial changes in an existing structure or facility, (2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part, (5) repaving of existing highways not involving the addition of new travel lanes, (6) street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities, (13) extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list, (21) minor temporary uses of land having negligible or no permanent impact on the environment; and no further environmental review is necessary. (22) installation of traffic control devices on existing streets, roads and highways; (24) information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action; and (31) purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials; and no further environmental review is necessary.

For Further Information

Contact Person: Phil 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)

SEQRA (6th Ward Interceptor Bond)

Chair of Finance Committee Reads:

The following SEQRA motions are in reference to the legislation before us, Introductory Ordinance 23-13 entitled *“An ordinance authorizing the 6th ward interceptor sanitary sewer project, stating the estimated maximum cost thereof is \$13,000,000, appropriating said amount for such purpose and authorizing the issuance of bonds of the City in the principal amount of not to exceed \$13,000,000 to finance said appropriation”*.

1. I make a Motion to declare City Council as Lead Agency under SEQRA.

Motion made by _____,

Second _____,

All In Favor (majority required)

2. I make a Motion to identify the proposed action as a “Type II” action and to issue a negative declaration for one Unlisted action under SEQRA for the following reasons:

This is an ordinance authorizing issuance of \$13,000,000 serial bonds to finance a project for the relocation of the City of Binghamton’s existing 6th Ward Sanitary Sewer Interceptor, which is currently in an area of concern due to the location of the sewer main within the banks of the Susquehanna River. Continual erosion and degradation of the riverbank contributes to a higher risk of failure for the existing sewer interceptor. This project will relocate the interceptor sewer and pump station off the riverbank after permits are obtained from the NY DEC and the Army Corps of Engineers.

Findings: The City of Binghamton City Council has determined that the portion of the proposed action described above as relocating the 6th Ward Sanitary Sewer Interceptor is a Type II action based on §617.5 Type II C (13) extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list and (21) minor temporary uses of land having negligible or no permanent impact on the environment; and no further environmental review is necessary.

Excepting therefrom the construction of a new pump station, which is an unlisted action. The construction of the new pump house outside the riverbank of the Susquehanna River will minimize the risk of the interceptor being ruptured during flood events. There is therefore no negative impact and this limited construction will improve and protect the environmental health and safety of the surrounding area and all areas downstream and as such a negative declaration is issued for this project. It must be approved by NYS Department of Environmental Conservation and Army Corps of Engineers. There is no indication of any potential negative environmental impacts. To the contrary, the project will provide for improved sewer service and flood mitigation.

Motion made by _____,

Second _____,

Full Roll Call Vote (majority required)

After SEQRA: Introduce & approve the legislation, then full roll call vote.

**Note: if any motion is not unanimous, then do a roll call vote.*



THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: January 11, 2023

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

Introduced by Committee: Finance

ORDINANCE

entitled

AN ORDINANCE AUTHORIZING THE 6TH WARD INTERCEPTOR SANITARY SEWER PROJECT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$13,000,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE AND AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$13,000,000 TO FINANCE SAID APPROPRIATION

WHEREAS, the City of Binghamton, in Broome County, New York has heretofore on February 8, 2017 (the "2017 Authorization"), authorized the issuance of bonds in the principal amount of not to exceed \$1,500,000 for the 6th Ward Interceptor Sanitary Sewer Project (the "Project"); and

WHEREAS, the City expect to continue to use funds borrowed pursuant to the 2017 Authorization to finance costs of the Project; and

WHEREAS, based upon recent estimates received by the City, said Project is expected to cost approximately \$13,000,000, said amount being in addition to the amount previously authorized for the Project pursuant to the 2017 Authorization; and

WHEREAS, the Common Council recognizes the need to provide for the Project, as more specifically described herein and will hereby authorize the issuance of bonds of a like principal amount to finance said cost of the Project.

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 undertake the 6th Ward Interceptor Sanitary Sewer Project (the "Project"). The estimated maximum cost of the Project, including preliminary costs and costs incidental thereto and the financing thereof, is \$13,000,000 and said amount is hereby appropriated therefor, such appropriation having been authorized by the Council pursuant to Ordinance No. _____. The plan of financing includes the issuance of bonds of the City in the principal amount of not to exceed \$13,000,000 to finance said appropriation, and the levy and collection of taxes on

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

Date: January 11, 2023

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.

Section 2. Bonds of the City in the principal amount of not to exceed \$13,000,000 are hereby authorized to be issued 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 period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

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

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

Date: January 11, 2023

(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.

**State Environmental Quality Review
Determination of Type II Action and
Negative Declaration of Unlisted Action**

Project Number: None

Date: January 11, 2023

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.

Nature of action. An ordinance authorizing issuance of \$13,000,000 serial bonds to finance a project for the relocation of the City of Binghamton's existing 6th Ward Sanitary Sewer Interceptor, which is currently in an area of concern due to the location of the sewer main within the banks of the Susquehanna River. Continual erosion and degradation of the riverbank contributes to a higher risk of failure for the existing sewer interceptor. This project will relocate the interceptor sewer and pump station off the riverbank after permits are obtained from the NY DEC and the Army Corps of Engineers.

Findings. The City of Binghamton City Council has determined that the portion of the proposed action described above as relocating the 6th Ward Sanitary Sewer Interceptor is a Type II action based on §617.5 Type II C (13) extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list and (21) minor temporary uses of land having negligible or no permanent impact on the environment; and no further environmental review is necessary.

Excepting therefrom the construction of a new pump station, which is an unlisted action. The construction of the new pump house outside the riverbank of the Susquehanna River will minimize the risk of the interceptor being ruptured during flood events. There is therefore no negative impact and this limited construction will improve and protect the environmental health and safety of the surrounding area and all areas downstream and as such a negative declaration is issued for this project. It must be approved by NYS Department of Environmental Conservation and Army Corps of Engineers. There is no indication of any potential negative environmental impacts. To the contrary, the project will provide for improved sewer service and flood mitigation.

For Further Information

Contact Person: Phil 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)

BAK



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

Date: January 11, 2023

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

Introduced by Committee: Finance

ORDINANCE

entitled

**AN ORDINANCE TO UPDATE THE CONTRACT
OF SALE FOR 72 COURT STREET**

WHEREAS, pursuant to Permanent Ordinance 21-143, dated December 8, 2021, City Council amended the contract for 72 Court Street for a closing date of December 2021; and

WHEREAS, due to the contract term expiring, Vision 72, LLC wishes to terminate the contract and request that in exchange for the deed back to the City of Binghamton, and that the City would repay the original purchase price to Vision 72, LLC.

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 terminate the contract of sale, approved as to form and content by the Office of Corporation Counsel, with Vision 72, LLC.

Section 2. That this Ordinance shall take effect immediately.