



THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: January 25, 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. 23-12. 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

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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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(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.

Introductory No. 023-12

Permanent No. 023-12

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

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The within Ordinance was adopted by the Council of the City of Binghamton.

Date 1/25/23

City Clerk Christina B. Spang

Date Presented to Mayor 1/26/23

Date Approved 1/26/23

Mayor [Signature]

	Ayes	Nays	Abstain	Absent
Councilwoman Resciniti	✓			
Councilwoman Riley	✓			
Councilwoman Friedman	✓			
Councilman Burns	✓			
Councilman Strawn	✓			
Councilman Scanlon	✓			
Councilman Scaringi				✓
Total	6	0	0	1

Code of the City of Binghamton

Adopted Defeated

6 Ayes 0 Nays 0 Abstain 1 Absent

I hereby certify the above to be a true copy of the legislation adopted by the Council of the City of Binghamton at a meeting held on 1/26/23. Approved by the Mayor on 1/26/23.

[Signature]

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 25, 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)