



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

Date: January 25, 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 6<sup>th</sup> 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. 23-13. 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

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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

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(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.

Introductory No. 023-13

Permanent No. 023-13

Sponsored by City Council Members:  
Resciniti, 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 Justin G. Neumann

Date Presented to Mayor 1/26/23

Date Approved 1/26/23

Mayor JJM

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

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 1/25/23. Approved by the Mayor on 1/26/23. JJM

**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 \$13,000,000 serial bonds to finance a project for the relocation of the City of Binghamton's existing 6<sup>th</sup> 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 6<sup>th</sup> 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)