



LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Giovanni Scaringi, Ph.D., City Council President

Janine Faulkner, City Clerk

CITY COUNCIL WORK SESSION AGENDA

City Hall, 38 Hawley St, Binghamton

6pm Monday, July 10, 2023

The Work Session begins at 6pm. Times for RL(s)/Topics are approximate only and items may be considered earlier or later.

Time	Committee	Chair	RL/Topic	Pages	Presenter
6:00pm	Finance	Scanlon	*RL23-153: Renew the Municipal Cooperation Agreement for Fire Prevention for Broome/Tioga BOCES facility	1-4	Chief Gardiner
6:05pm	Finance	Scanlon	RL23-154: Acceptance of a Crime Analysis Center Staffing grant RL23-155: Amend the 2023 budget for Crime Analysis Center OIC	5-10	Captain Bidwell
6:10pm	Finance	Scanlon	*RL23-150: Enter into an agreement with McFarland-Johnson for the design of the Henry Street Reconstruction *RL23-151: Amend the 2023 budget for use of ARPA funds for the Henry Street Reconstruction *RL23-152: Authorizing the City to apply and accept a WIIA grant from the EFC	11-39	Megan Heiman
6:15pm	-----	-----	Pending Legislation: <i>*Found on the website calendar with the prior Work Session documents.</i> RL23-123: Sale of 41 Grand Street to Kerry Warner RL23-128: Authorizing the City to apply and accept entitlement grants from HUD RL23-131: Amend the BJCSTF budget for personal services and health insurance RL23-132: Enter into an agreement Ramboll for evaluation of digester RL23-133: Amend the BJCSTF budget for apportionment for Operator positions RL23-135: Amend the 2023 Parks budget for band concerts & movies in the park RL23-136: Amend the 2023 Refuse fund budget for salary adjustments RL23-137: Amend the 2023 Capital Fund budget to close bond and grant lines RL23-139: Amend the 2023 Central Services budget for outsourcing		Janine Faulkner



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			RL23-141: Sale of 92 Park Avenue to Erica Farber RL23-142: Rescind Perm O22-189 for 92 Park Avenue RL23-143: Authorizing the City to apply for a BOA Grant RL23-144: Authorizing the City to apply for a NYMS Grant RL23-145: Amend the Police & Corp Counsel budget RL23-146: Amend the 2023 budget for use of ARPA funds RL23-147: Sale of 76 Glenwood Avenue to Brianna Torres RL23-148: Amend the 2023 Parks budget for emergency repairs at the Parks Maintenance Garage RL23-149: Payment of debt services for the Water Street Development Corp		
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COMMITTEE REPORTS

**Please Expedite for Next Business Meeting*



EXPEDITE

Legislative Branch

RL Number: 23-153
Date Submitted: 7/5/23

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for possible consideration at City Council Work Sessions. RLs generated by City Departments must be signed by the Mayor, Comptroller, and Corporation Counsel prior to submission. Incomplete/incorrect RLs will be returned to applicant for revisions.

Applicant Presenting RL at Work Session

Alan Gardiner <i>(Print Name)</i>	Fire Chief <i>(Title)</i>	(607) 772-7016 <i>(Phone number)</i>
Signature:		Date: 07/05/2023

To Be Completed By Applicant

Proposed Title: Resolution reauthorizing the Mayor to enter into a Municipal Cooperation Agreement for Fire Prevention for Broome/Tioga Boces facility at 435 Glenwood Rd.

Executive Summary *(Explain why legislation is necessary):* To extend the Municipal Cooperation Agreement with Broome/Tioga BOCES and the Binghamton Fire Department for fire protection services at the facility located at 435 Glenwood Rd for one year (July 1, 2023 - June 30th 2024) in the amount of \$30,000 with the option to renew for an additional 4 years.

Effective Date: (if applicable) _____

Budget transfer or amendment: RL Budget Transfer Worksheet **must** be attached w/ Dep. Head signature.

RL related to a grant: RL Grant Worksheet **must** be attached. Deadline for Council to act by: _____

RL related to previously adopted legislation: Perm. number R118566, adoption date 05/23/2018

Contract: Person/Company _____ Start/End Date _____

Total Cost _____ Funds available in Budget Line _____ Title _____

Public Hearing required? Yes No **SEQRA required?** Yes No

Additional information related to this RL attached? Yes No

OFFICE USE ONLY	
Mayor:	
Comptroller:	
Corp. Counsel:	
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>

**MUNICIPAL COOPERATION AGREEMENT FOR
FIRE PROTECTION**

PARTIES: Broome-Tioga Board of Cooperative Educational Services,
435 Glenwood Road, Binghamton, New York 13905 (BOCES)
And
City of Binghamton, Municipal Plaza, Binghamton, New York 13901
(City)

RECITALS:

- BOCES has an educational complex located on Glenwood Road, Binghamton, New York, the *property*, and desires to provide for fire protection.
- The City has a professional fire department which can provide fire protection coverage.
- BOCES and the City desire to enter into a municipal cooperative agreement under the provisions of General Municipal Law § 119-o in relation to fire protection.

THE PARTIES AGREE AS FOLLOWS:

1. **Fire Protection.** The City agrees to provide suitable apparatus and appliances for the furnishing of fire protection to the property and when notified by alarm, telephone, or any other manner of a fire within the property, the City will respond and attend to the fire without delay and with suitable apparatus and appliances and that the firemen of the City will proceed diligently and in every way reasonably suggested to extinguish the fire to save life and property and investigate the cause.
2. **Consideration.** In consideration of furnishing such fire protection, BOCES will pay to the City the sum of \$30,000 for each school year for a five year term commencing on July 1, 2018 and ending June 30, 2023. A school year is defined as a period from July 1 to June 30 of the following year. The payments will be made quarterly, or in such other manner as the parties may agree to in writing.
3. **Term and One Renewal Option.** This contract will be in full force and effect for a five year term commencing on July 1, 2018 and ending June 30, 2023. This contract can be renewed by mutual agreement by the parties for an additional 5 year term, which would run from July 1, 2023 to June 30, 2028. If the parties wish to renew this contract the term of July 2, 2023 to June 30, 2028, they must agree to such renewal in writing. The parties may negotiate new terms prior to renewing this contracting.


4. **Early termination.** BOCES may terminate this agreement by giving written notice that it chooses to terminate the agreement. In which case, this agreement shall terminate on August 31 of that school year. If the agreement is so terminate, BOCES shall pay to the City the sum of \$5,000 for such coverage from July 1 to August 31. The City may terminate this agreement upon sixty (60) days notices to BOCES. If the City of Binghamton exercises its right to terminate this agreement, then all fees shall be prorated as the last date of fire protection services.
5. **Liability.** The City is self-insured. The City agrees to assume full responsibility for its actions in relation to its activities under this agreement. The City shall be responsible to pay for all workers' compensation claims arising out of the activities under this agreement. BOCES agrees to assume full responsibility for its actions in relation to its activities under this agreement. BOCES agrees to carry sufficient fire insurance, property, and any and other such insurances to fully protect itself from any and all claims, losses and lawsuits, including for the cost of a legal defense.

The parties have caused this agreement to be signed by its representatives, after Legislative action which occurred at a meeting duly noticed, this 23 day of May 2018.


BROOME-TIOGA BOARD OF
COOPERATIVE EDUCATIONAL
SERVICES

CITY OF BINGHAMTON

By: _____
Sandra Ruffo, BOCES,
Board President

By:  _____
Richard C. David, Mayor



Legal Council Approval 

RL 18-87

Introductory No. R18-58

Permanent No. R18-56



THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: May 23, 2018

Sponsored by Council Members: Matzo, Papastrat, Scaringi, Cronce, Scanlon, Resciniti, Taylor

Introduced by Committee: Finance

RESOLUTION

entitled
A RESOLUTION AUTHORIZING THE MAYOR
TO ENTER INTO A MUNICIPAL
COOPERATION AGREEMENT FOR FIRE
PREVENTION FOR BROOME/TIOGA BOCES
FACILITY AT 435 GLENWOOD ROAD

WHEREAS, the Binghamton Fire Department wishes to extend the Municipal Cooperation Agreement with Broome/Tioga BOCES for fire protection services for the facility located at 435 Glenwood Road in the Town of Dickinson; and

WHEREAS, the five (5) year extension period will be from July 1, 2018, to June 30, 2023, and the annual fee is set at \$30,000.

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

RESOLVE that the Mayor, or his designee, is hereby authorized to extend the agreement, approved as to form and content by the Office of Corporation Counsel, with Broome/Tioga BOCES for fire protection services for the facility located at 435 Glenwood Road in the Town of Dickinson for five (5) years at an annual fee of \$30,000.



Legislative Branch

RL Number:
23-154
Date Submitted:
7/6/23

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

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Applicant Presenting RL at Work Session

David Bidwell	Captain, OIC Crime Analysis Center	607-772-7093
(Print Name)	(Title)	(Phone number)

Signature: _____ Date: 07/05/2023

To Be Completed By Applicant

Proposed Title: A Resolution authorizing the acceptance of a Crime Analysis Center Staffing grant, in the amount of \$115,000 from the NYS Division of Criminal Justice Services.

Executive Summary (Explain why legislation is necessary):
To pay for salary of the Officer in Charge of the Southern Tier Crime Analysis Center.

Effective Date: (if applicable) _____

Budget transfer or amendment: RL Budget Transfer Worksheet **must** be attached w/ Dep. Head signature.

RL related to a grant: RL Grant Worksheet **must** be attached. Deadline for Council to act by: _____

RL related to previously adopted legislation: Perm. number _____, adoption date _____

Contract: Person/Company _____ Start/End Date _____

Total Cost _____ Funds available in Budget Line _____ Title _____

Public Hearing required? Yes No

SEQRA required? Yes No

Additional information related to this RL attached? Yes No

OFFICE USE ONLY	
Mayor:	_____
Comptroller:	_____
Corp. Counsel:	_____
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/>
MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>
Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>



**Division of Criminal
Justice Services**

KATHY HOCHUL
Governor

ROSSANA ROSADO
Commissioner

YVONNE TURNER
Director of Funding

Grant Award Notice

Grantee/Contractor: Binghamton Police Department	Date: 6/8/2023
Program Name: Crime Analysis Center Staffing	Award Amount: \$115,000 ¹
Signatory Name and Title: David Bidwell, Captain	Term Dates: TBD
Email: drbidwell@cityofbinghamton.gov	Contract Number: C637638
Program Description: Funding to support salary augmentation for Southern Tier Crime Analysis Center assigned officer-in-charge.	
The following additional information is provided as required when grants are supported with federal funding:	
<u>Federal Award Identification Information</u>	
Award Name: New York State FY 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Application	
Federal Award Number: 2018-DJ-BX-0098	
Name of the Federal Award Agency: Bureau of Justice Assistance (BJA)	
Federal Award Lapse Date: 9/30/2025	
Total Amount of Federal Award: \$ 8,818,775	
Federal Fiscal Year of Funds: FFY 18	
Catalog of Federal Domestic Assistance (CFDA) Title and Number: 16.738 Edward Byrne Memorial Justice Assistance Grant Program	
Grant Questions	
Primary Contact Meagan Armstrong, Public Safety Grants Representative NYS Division of Criminal Justice Services Office of Program Development and Funding Phone: 518.485.5569 Email: meagan.armstrong@dcjs.ny.gov	Secondary Contact Joe Lostritto, Public Safety Grants Representative NYS Division of Criminal Justice Services Office of Program Development and Funding Phone: 518.485.7662 Email: joe.lostritto@dcjs.ny.gov

¹The award amount listed above is contingent upon the completion and submission (as applicable) of all contractual obligations as well as approval by the NYS Division of Budget and execution of the grant contract by the NYS Office of the State Comptroller. This funding is provided by the Division of Criminal Justice Services (DCJS) with federal funds through the Bureau of Justice Assistance (BJA). Grantees receiving these funds will be subject to federal rules, regulations, and reporting requirements.

Thank you for all the work you do. We look forward to working with you in our continued efforts to safeguard the health and safety of all New York residents and visitors.

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Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

GRANT APPLICATION WORKSHEET

*The Request for Legislation must include the project title and the purpose of the grant.
Please provide the following additional information.*

Agency providing the grant: NYS Division of Criminal Justice Services

Total project cost: \$115,000

Total amount of grant: \$115,000

Local match (if any): \$0

If local match is monetary, provide the budget line and title: _____

If local match is "in kind", provide the anticipated personnel and hours to be dedicated to the project:

Disbursement of grant (upfront, reimbursable?): Reimbursable

Grant Budget Line: A.43389. STATE AID-OTHER PUBLIC SAFE

Grant project manager: David Bidwell

Anticipated date of project completion: Dec. 31, 2023

Special project completion requirements (if any): _____

Attach any required form of Resolution from the Agency providing the grant.

Please provide any additional information in the space provided below, including any other government agency or private partner participating in the grant, along with a description of such participation:



CITY OF BINGHAMTON

Request for Transfer of Funds

Transfer requests of \$2500 or less must be approved by the Comptroller.
 Transfer requests over \$2500 and not in excess of \$10,000 must be approved by Board of E&A and Chair of Finance Committee.
 Transfer requests in excess of \$10,000 must be approved by City Council.

*This worksheet must be attached to any RL submitted to the Clerk's Office that includes a budget funding transfer or amendment. For additional instructions, see 'RL Instructions' document.
 Incomplete/incorrect RLs to be returned to applicant for revisions. Additional transfer lines in the same format may be attached.*

Adopted Budget Year Amended: 2023

Department: Police

Department Head Signature: _____

[Handwritten Signature]

Transfer From (Decrease)		Transfer To (Increase)	
Amount	Budget Line	Amount	Budget Line
\$ -		\$ -	

Revenue & Fund Balance Amendments			
Amount	Increase/Decrease	Revenue/Expense / Fund Balance	Budget Line
\$115,000.00	Increase	Revenue	A43389.
			STATE AID-OTHER PUBLIC SAFETY

Office Use Only for Transfers Under \$10,000

I hereby certify that the above funds are unencumbered and available for Transfer. Certified by the Comptroller: _____

I hereby certify that the above described funds have been transferred. In accordance with the Code of the City of Binghamton Chapter 9, Appropriations. Certified by the Treasurer: _____

Transfer of funds Approved ___ / Denied ___ on ___ / _____. Certified by the Secretary of the Board of Estimate and Apportionment: _____

Transfer of funds reviewed by the Binghamton City Council Finance Chair. Recommendations to be attached: _____

Signature: _____ Date: 7/6/23

Signature: _____ Date: _____

Signature: _____ Date: _____

Signature: _____ Date: _____



Legislative Branch

RL Number:
23-155
Date Submitted:
7/6/23

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

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Applicant Presenting RL at Work Session

David Bidwell Captain, OIC Crime Analysis Center 607-772-7093
 (Print Name) (Title) (Phone number)

Signature: _____ Date: 07/05/2023

To Be Completed By Applicant

Proposed Title: An Ordinance to amend the 2023 Budget to add a stipend of \$13,191.79 for Crime Analysis Center OIC (officer in charge).

Executive Summary (Explain why legislation is necessary):

Adjust the OIC Crime Analysis Center salary to be in compliance with DCJS grant requirements.

Effective Date: (if applicable) _____

Budget transfer or amendment: RL Budget Transfer Worksheet **must** be attached w/ Dep. Head signature.

RL related to a grant: RL Grant Worksheet **must** be attached. Deadline for Council to act by: _____

RL related to previously adopted legislation: Perm. number _____, adoption date _____

Contract: Person/Company _____ Start/End Date _____

Total Cost _____ Funds available in Budget Line _____ Title _____

Public Hearing required? Yes No

SEQRA required? Yes No

Additional information related to this RL attached? Yes No

OFFICE USE ONLY	
Mayor:	_____
Comptroller:	_____
Corp. Counsel:	_____
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>



CITY OF BINGHAMTON

Request for Transfer of Funds

Transfer requests of \$2500 or less must be approved by the Comptroller.
Transfer requests over \$2500 and not in excess of \$10,000 must be approved by Board of E&A and Chair of Finance Committee.
Transfer requests in excess of \$10,000 must be approved by City Council.

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Incomplete/incorrect RLs to be returned to applicant for revisions. Additional transfer lines in the same format may be attached.

Adopted Budget Year Amended: 2023

Department: Police

Department Head Signature:

[Handwritten Signature]

Amount	Transfer from (Decrease) Budget Line	Budget Line Title	Transfers		Amount	Transfer to (Increase) Budget Line	Budget Line Title
\$ -					\$ -		

Revenue & Fund Balance Amendments			Amount	Budget Line	Budget Line Title
Amount	Increase/Decrease	Revenue/Expense / Fund Balance			
\$13,191.79	Increase	Expense	A3120.51000		PERSONAL SERVICES

Office Use Only for Transfers Under \$10,000

I hereby certify that the above funds are unencumbered and available for Transfer. Certified by the Comptroller.

I hereby certify that the above described funds have been transferred, in accordance with the Code of the City of Binghamton Chapter 9, Appropriations. Certified by the Treasurer.

Transfer of funds Approved / Denied on / . Certified by the Secretary of the Board of Estimate and Apportionment.

Transfer of funds reviewed by the Binghamton City Council Finance Chair. Recommendations to be attached.

Signature: *[Handwritten Signature]* Date: 7/26/23

Signature: _____ Date: _____

Signature: _____ Date: _____

Signature: _____ Date: _____



Legislative Branch

RL Number: 23-150
Date Submitted: 7/5/23

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

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Applicant Presenting RL at Work Session

Megan Heiman Deputy Mayor (607) 772-7001
 (Print Name) (Title) (Phone number)

Signature: Megan J. Heiman Date: 07/05/2023

To Be Completed By Applicant

Proposed Title: Authorizing the Mayor to enter into an agreement with McFarland -Johnson for the design of the Henry Street Reconstruction Project

Executive Summary (Explain why legislation is necessary):

Effective Date: (if applicable) _____

Budget transfer or amendment: RL Budget Transfer Worksheet **must** be attached w/ Dep. Head signature.

RL related to a grant: RL Grant Worksheet **must** be attached. Deadline for Council to act by: _____

RL related to previously adopted legislation: Perm. number _____, adoption date _____

Contract: Person/Company _____ Start/End Date _____

Total Cost _____ Funds available in Budget Line _____ Title _____

Public Hearing required? Yes No **SEQRA required?** Yes No

Additional information related to this RL attached? Yes No

OFFICE USE ONLY	
Mayor:	<u>[Signature]</u>
Comptroller:	<u>[Signature]</u>
Corp. Counsel:	<u>[Signature]</u>
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/>
MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>
Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>

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Base Scope of Services

Prepared for:

City of Binghamton
Department of Engineering
City Hall, Government Plaza
Binghamton, NY 13901-3776

Describing Services for:

Henry Street Reconstruction Project
City of Binghamton

6/26/2023



McFarland Johnson

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Section 1 - General

1.01 Project Description and Location

Project Name: Henry Street Reconstruction Project
PIN:

Project Description: The project involves the reconstruction of Henry Street from its intersection with Chenango Street on the west end to its intersection with Brandywine Avenue on the east end for a length of approximately 3,400 feet. The project includes a road diet to a single travel lane in each direction, removing turning lanes at intersections, providing bicycle accommodations throughout the corridor, streetscaping, landscaping and wayfinding. The project will also investigate options for the removal of the left turn slip ramp at Centennial Plaza from Chenango Street to Henry Street.

Project Limits: The western project limit is 200' west of Chenango Street and the eastern project limit is at the intersection with Brandywine Avenue. In addition, the project limits include portions of all of the side streets including Carroll Street, Fayette Street, Chapman Street and Liberty Street.

Owner: City of Binghamton

City, Town: Binghamton

County: Broome

The anticipated start date for data collection and preliminary design is August 1, 2023, with the expected duration for the entire project design being 18 months.

1.02 Project Manager

The **Owner's** Project Manager for this project:

Name: Ron B. Lake, P.E.

Phone #: 607-772-7007

Email: rblake@cityofbinghamton.com

All correspondence to the **Owner** should be addressed to:

City of Binghamton
Engineering Department
City Hall, 38 Hawley Street
Binghamton, NY 13901

The **Owner's** Project Manager should receive copies of all project correspondence directed other than to the **Owner**.

1.03 Project Classification

Classification under the New York State Environmental Quality Review Act (SEQRA) Part 617, Title 6 of the Official Compilation of Codes, Rules, and Regulations of New York State (6 NYCRR Part 617) is assumed to be Unlisted.

1.04 Categorization of Work

Project work is generally divided into the following sections:

- Section 1 General
- Section 2 Data Collection & Analysis
- Section 3 Preliminary Design
- Section 4 Environmental
- Section 5 Right-of-Way
- Section 6 Detailed Design
- Section 7 Advertisement, Bid Opening and Award
- Section 8 Construction Support (Not Used)
- Section 9 Construction Inspection (Not Used)
- Section 10 Estimating & Technical Assumptions

When specifically authorized in writing to begin work, the **Consultant** will render all services and furnish all materials and equipment necessary to provide the Owner with reports, plans, estimates, and other data specifically described in Sections 1, 2, 3, 4, 5, 6, 7 and 10.

1.05 Project Familiarization

The **Owner** will provide the **Consultant** with the following information:

- Approved project initiation document (Initial Project Proposal or similar documentation) indicating project type, project location, cost estimate, schedule, and fund source(s).
- Transportation needs.
- Plans for future related transportation improvements or development in the area of the project.
- Traffic data.
- Accident records and history.
- Record as-built plans.
- Pavement history.
- Available project studies and reports.
- Other relevant documents pertaining to the project.

The **Consultant** will become familiar with the project before starting any work. This includes a thorough review of all supplied project information and a site visit to become familiar with field conditions.

1.06 Meetings

The **Consultant** will prepare for and attend all meetings as directed by the **Owner's** Project Manager. Anticipated meetings include:

- Present, discuss, and receive direction on the alternatives development including streetscaping and landscaping concepts for the corridor. (3 meetings)
- Present, discuss and receive direction on Brand Development and Strategy (2 meetings)
- Present, discuss, and receive direction on Wayfinding strategies and signage programs,

discuss branding guidelines and objectives and any specific requirements for the project. (2 meeting)

- Discuss and resolve comments resulting from review of project documents at 60% Schematic Design and 90% Advance Detail Plan stage (2 meetings)
- Preview visual aids for public meetings. (2 meetings)

The **Consultant** will be responsible for the preparation of all meeting minutes; the minutes will be submitted to meeting attendees within one (1) week of the meeting date.

1.07 Cost and Progress Reporting

For the duration of this contract, the **Consultant** will prepare and submit to the **Owner** on a monthly basis a Progress Report in a format approved by the **Owner**. We anticipate preparing eighteen Progress Reports. The Progress Report will contain the *Cost Control Report*. The beginning and ending dates defining the reporting period will correspond to the beginning and ending dates for billing periods, so that this reporting process can also serve to explain billing charges. (In cases where all work under this contract is officially suspended by the **Owner**, this task will not be performed during the suspension period.)

1.08 Standards & Specifications

Design Standards for the project will utilize a combination of the National Association of City Transportation Officials (NACTO) Urban Street Design Guide and the NYSDOT Highway Design Manual. The project will be designed and constructed in accordance with the current edition of the NYSDOT Standard Specifications for Construction and Materials, including all applicable revisions.

1.09 Subconsultants

The **Consultant** will be responsible for:

- Coordinating and scheduling work, including work to be performed by subconsultants.
- Technical compatibility of a subconsultant's work with the prime consultant's and other subconsultants' work.

Subconsultants to be used on this project include:

Hulbert Engineering and Land Surveying – Design/ROW Survey and Mapping
Whitham Planning Design Landscape Architecture – Landscaping, Streetscaping, Wayfinding,
and Historical Resources
IdeaKraft – Wayfinding and Branding

Section 2 - Data Collection & Analysis

2.01 Design Survey

A. Ground Survey

The **Consultant** will provide terrain data required for design by means of a topographic field survey. The approximate survey limits are shown on the attached Survey Limits Map. The approximate survey limits are further described as along Henry Street from 100' west of Chenango Street to Brandywine Avenue. The survey shall extend 100' up the side streets at Chenango Street, Carroll Street, Fayette Street, Chapman Street, Liberty Street and Brandywine Avenue. The survey bandwidth should extend 15' from the back of the existing sidewalks or to the face of a building whichever is closer.

B. Supplemental Survey

The **Consultant** will provide one supplemental survey and plan update, if required.

C. Standards

Survey will be done in accordance with the standards set forth in the *NYSDOT Land Surveying Standards and Procedures Manual*.

2.02 Design Mapping

The **Consultant** will provide the following design mapping:

- 1" = 40' scale mapping with a Digital Terrain Model meeting the requirements of NYSDOT Highway Design Manual Table 21-2 – Terrain Data Accuracies.

The **Consultant** will provide supplemental mapping when needed for design purposes and keep the mapping current for the duration of the project.

2.03 Crash Data and Analysis

The **Consultant** will download accident records from NYSDOT's CLEAR Database for the last three years for Henry Street and its intersections within the project limits plus one-tenth of a mile immediately outside of the project limits.

The **Consultant** will prepare collision diagrams and associated summary sheets and note any clusters of accidents or patterns implying inadequate geometrics, or other safety problems, within the project limits that may affect the roadway design.

Section 3 - Preliminary Design

3.01 Design Criteria

The **Consultant** will identify the applicable design standards to be used for this project and will establish project-specific design criteria. The **Owner** will approve the selected project design criteria.

3.02 Development of Alternatives

Evaluations of Alternative(s)

The **Consultant** will evaluate three design alternatives and the null alternative with specific engineering analyses and considerations. Analyses will be conceptual and limited to determining the relative suitability of each design alternative, and will include:

- Design geometry, including the identification and comparison of alignment constraints.
- Environmental constraints and potential environmental impact mitigation measures (identified under Section 4 tasks).
- Safety considerations based on completed crash analysis.
- Pavement.
- Drainage.
- Maintenance responsibility.
- Maintenance and protection of traffic during construction.
- Utilities.
- Railroads.
- Right-of-way acquisition requirements.
- Conceptual landscape and streetscape (by a Registered Landscape Architect).
- Accessibility for pedestrians, bicyclists and the disabled.
- Pedestrian and Street Lighting.
- Construction cost factors.

The **Consultant** will prepare the following drawings for each design alternative analyzed:

- 1"=40' plans showing (as a minimum) stationing centerlines; roadway geometrics; major drainage features; construction limits; cut and fill limits; and proposed right-of-way acquisition lines.
- Profiles, at a scale of 1"=40' horizontal and 1"=5" (maximum) vertical, showing (as a minimum) the vertical datum reference; significant elevations; existing ground line; theoretical grade line; grades; vertical curve data including sight distances; critical clearances at structures; centerline stations and equalities; construction limits; and superelevation data.
- Typical sections showing (as a minimum) travel lanes; median; bicycle lanes; parking lanes; curbs; sidewalks; buffer areas; and side slopes.

3.03 Wayfinding and Branding

The **Consultant** will conduct a site assessment to gather information about the physical environment, analyze pedestrian and vehicular traffic patterns and identify key decision points and potential signage locations.

Using the information gathered in the site assessment, the **Consultant** will develop a comprehensive design concept that includes all necessary signage types, including directional, identification, informational, and regulatory. The **Consultant** will provide digital renderings of each signage type to aid the **Owner** in visualizing the design.

After initial feedback from the **Owner**, the **Consultant** will refine the design concept to address comments and to align with the **Owner's** branding guidelines. This design concept will be carried through into the final contract plans.

3.04 Cost Estimates

The **Consultant** will develop, provide and maintain a cost estimate for each design alternative.

The **Consultant** will update the estimate periodically and as necessary to incorporate significant design changes.

3.05 Public Information Meeting(s)

The **Consultant** will assist the **Owner** at one public information meeting with advisory agencies, local officials, and citizens, at which the **Consultant** will provide visual aids and present a technical discussion of the alternatives.

The **Consultant** will assist the **Owner** at one public information meeting with local officials and citizens during Final Design at which the **Consultant** will provide visual aids and present a technical discussion on the work zone traffic control and construction staging for the project.

The **Owner** will arrange for the location of public information meeting(s). The **Consultant** will assist the **Owner** with appropriate notification.

Section 4 - Environmental

4.01 SEQRA Classification

Classification under SEQRA is assumed to be a Type II Action in accordance with 6 NYCRR Part 617. The **Owner** is assumed to be the Lead Agency. The **Consultant** will assist the **Owner** in complying with SEQRA (6 NYCRR Part 617). **Consultant** will perform the following:

- Drafting letters to involved agencies to determine the lead agency.
- Drafting Environmental Assessment Form(s).
- Drafting a negative declaration.
- Drafting a positive declaration.
- Drafting notices.

4.02 Screenings and Preliminary Investigations

The Consultant will screen and perform preliminary investigations to determine potential impacts resulting from the design alternative(s). The results of these screenings and preliminary investigations will be documented and summarized as part of the SEQR Environmental Assessment Form (EAF). The preliminary screenings and investigations to determine potential impacts include:

- General Ecology and Endangered Species
- Ground Water
- Surface Water
- State Wetlands
- Federal Jurisdictional Wetlands
- Floodplains
- Navigable Waterways
- Historic Resources
- Hazardous Waste
- Energy
- Zoning / Planning

4.03 Detailed Studies and Analyses

Based on the work performed in Section 4.02, the **Consultant** will determine whether detailed analysis or study is required. Prior to commencing such detailed study or analysis, the **Owner** will concur with the **Consultant's** determination.

Detailed study or analysis are anticipated for the following:

- Historic Resources

4.04 Permits and Approvals

The **Consultant** will obtain the NYSDEC State Pollution Discharge Elimination System (SPDES) Permit and prepare the following:

- Notice of Intent
- SWPPP Narrative
- Erosion and Sediment Control Plan (developed under Section 6)
- Post Construction Stormwater Management Plan (developed under Section 6)
- CONR 6 (developed under Section 6)
- Notice of Termination

Section 5 - Right-of-Way

5.01 Right-of-Way Boundaries

The existing Right-of-Way/Street Boundary will be the back of sidewalk unless tax map information shows it further behind the sidewalk. Property line mapping shall utilize tax map information.

5.02 Right-of-Way Survey, Mapping and Acquisitions

No Right-of-Way survey, mapping and acquisitions are anticipated.

Section 6 - Detailed Design

6.01 Advance Detail Plans (ADP)

Prior to the Advance Detail Plan submittal the **Consultant** shall develop the approved design alternative to a Schematic Design (60%) level that includes the proposed roadway and sidewalk layout and profiles, traffic signal layouts, drainage and stormwater management design, lighting layout, landscaping and streetscaping layout plan, materials plan, planting plan and amenities plan.

The **Consultant** will meet with the Owner to discuss the 60% Schematic Design and then develop the approved design alternative to the ADP stage. At this stage all plans, specifications, estimates and other associated materials will be **90%** complete.

As part of this task the **Consultant** will prepare templated cross sections at 25-foot intervals.

Advance Detail Plans will include the following contract sheet drawings:

- Title Sheet
- Index and Legend
- Typical Sections
- Traffic Control Plans
- Maintenance Jurisdiction Table
- Survey Baseline Ties
- Miscellaneous Tables
- Miscellaneous Details
- Erosion and Sediment Control Plan
- General Plans
- General Profiles
- Traffic Signal Plans
- Pedestrian and Street Lighting Plans and Details
- Signing and Pavement Marking Plans
- Drainage and Utility Plans
- Stormwater Management Plans and Details
- Landscaping/Streetscaping Plans and Details
- Wayfinding Location Plans and Details

The **Consultant** will prepare and submit an electronic copy of the ADP's to the **Owner** for review.

The **Consultant** will modify the design to reflect the review of the ADP package.

6.02 Contract Documents

The **Consultant** will prepare a complete package of bid-ready contract documents. The package will include:

- Instructions to bidders.

- Bid documents.
- Contract language, including applicable federal provisions and prevailing wage rates.
- Special notes.
- Specifications.
- Plans.
- A list of supplemental information available to bidders (i. e., subsurface exploration logs, record as-built plans, etc.).
- Other pertinent information.

The **Consultant** will submit the contract documents to the **Owner** for approval. Upon approval, the **Owner** will submit an electronic copy of the contract bid documents to the NYSDOT as described in the *Local Projects Manual*.

6.03 Cost Estimate

The **Consultant** will develop, provide, and maintain the construction cost estimate for the project. The **Consultant** will provide an estimate at the Schematic Design stage (60%), Advance Detail Plan stage (90%) and at Contract Document stage and will develop and provide the final Engineer's Estimate including all quantity computations.

6.04 Utilities

The **Consultant** will coordinate with affected utility companies for their timely relocation of utility poles and appurtenances. The **Consultant** will assist the **Owner** in preparing any necessary agreements with utility companies. Any agreements containing reimbursable relocations will be approved and signed by the **Owner**.

6.05 Information Transmittal

Upon completion of the contract documents, the **Consultant** will transmit to the **Owner** all project information, including electronic files. The electronic information will be in the format requested by the **Owner**.

Section 7 - Advertisement, Bid Opening and Award

7.01 Advertisement

The **Consultant** will prepare the advertisement for bids to be placed in the NYS Contract Reporter and any other newspaper or publication identified by the **Owner**. The **Consultant** will submit the ad(s) to the **Owner** for review and will revise the ad(s) to reflect comments generated by that review. Upon approval by the **Owner**, the **Consultant** will place the advertisements.

7.02 Pre-Construction Meeting & Other Services Prior to Construction

The **Consultant** will answer calls and respond to questions (concerning the contract plans and bid documents) from prospective bidders and will attend a pre-construction meeting.

7.03 Bid Opening (Letting)

The **Owner** will hold the public bid opening.

The **Consultant** will attend the bid opening.

7.04 Award

The **Consultant** will analyze the bid results. The analysis will include:

- Verifying the low bidder.
- Checking for the receipt of all required bid documents (non-collusive bid certification, debarment history certification, etc.).
- Breaking the low bid into fiscal shares, if necessary.
- Determining whether the low bid is unbalanced.
- For pay items bid more than 25% over the Engineer's Estimate:
 - Checking accuracy of quantity calculations.
 - Determining appropriateness of price bid for work in the item.
 - Determining whether the low bidder is qualified to perform the work.

The **Owner** will award the contract.

Section 8 - Construction Support (Not Included)

Section 9 - Construction Inspection (Not Included)

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Section 10 - Estimating & Technical Assumptions

10.01 Estimating Assumptions

The following assumptions have been made for estimating purposes:

Section 1 Estimate 11 meetings during the life of this agreement.

Estimate 18 cost and progress reporting periods will occur during the life of this agreement.

Section 2 Assume that GPS methods and equipment will be used to establish local control points.

Assume 1/2 day of supplemental survey will be required with the associated supplemental mapping.

Utilities will be located to Quality Level C or D utilizing observed surface evidence together with evidence from plans obtained from utility companies or provided by the **Owner**, and markings by utility companies. If it's determined during preliminary design that Quality Level A or B is needed a Subsurface Utility Engineering firm will be added by supplemental agreement.

Estimate 50 crash reports will require review as part of the crash analysis and crash diagrams will be prepared for the 6 intersections.

Estimate 0 soil borings will be taken. If soil borings are required for stormwater management green infrastructure practices or for the mast arm signal pole foundations, they will be completed during final design and will be added by supplemental agreement.

Section 3 Estimate the following design alternative(s) will be analyzed in addition to the null alternative.

- The base design alternative will consist of 2-10' travel lanes with 5' bicycle lanes and 8' parking lanes where they can be accommodated within the existing right-of-way.
- A landscaped median will be incorporated from Chenango Street to Fayette Street where it can fit within the existing right-of-way.
- Closure of the left turn ramp from Chenango Street to Henry Street in front of Centennial Plaza will be investigated.

Estimate 1 cost estimate(s) plus 1 update will be required.

Assume 2 public information meetings, 1 during preliminary design and 1 during final design.

Assume 2 ground level visualizations will be prepared for the public information meeting during preliminary design.

- Section 4 City of Binghamton will complete the cultural and historic resources screening.
Estimate 1 permit will be required, this will be a SPDES Permit
- Section 5 Estimate 0 properties will require title searches.
Estimate 0 ROW maps will be required.
Estimate 0 property acquisitions will be required.
- Section 6 Final Design will include:
- Highway Design
 - Drainage and Stormwater Management Design
 - Roadway and Pedestrian Lighting Design
 - Utility Relocation Design and Details
 - Sidewalk Curb Ramp Design and Details
 - Signing and Pavement Marking Design
 - Maintenance and Protection of Traffic During Construction
 - Landscaping, Streetscaping and Wayfinding Design
 - Preparation and submission of final Plans, Specifications, and Estimate (PS&E) for the project.
- Estimate 1 cost estimate plus 2 updates will be required.
Estimate 5 utility companies will be affected.
- Section 7 Estimate 1 hard copy of the final contract bid documents will be provided and electronic versions of the bid documents will be needed for prospective bidders.
Estimate advertisements will be placed in the Press and Sun Bulletin in addition to the NYS Contract Reporter. The Consultant will pay for placing the advertisement.
- Section 8 Construction Support is not included in the proposal.
- Section 9 Construction inspection is not included in the proposal.

10.02 Technical Assumptions

General Assumption

- The project is not anticipated to use State or Federal funding sources, therefore will not follow the NYSDOT state/federal aid process. If this changes and additional work is required to meet State or Federal requirements a supplemental agreement will be necessary.

Environmental & Cultural Resource Assumptions

- The **Owner** is assumed to be the SEQR Lead Agency, and the project is assumed to be a SEQR

Unlisted action.

- The project will require the completion of a SEQR Short Environmental Assessment Form.
- No wetland or surface water delineations, permitting or compensatory mitigation will be required.
- No threatened and endangered species presence or absence surveys will be conducted.
- The **Owner** shall be responsible for consultation with the New York State Historic Preservation Office (SHPO) and acquisition of a letter of finding indicating the project will have no effect upon cultural resources in or eligible for inclusion in the National Register of Historic Places.
- Phase I, II and Phase III cultural resources investigations will not be required for this project.
- A SPDES Permit and Stormwater Pollution Prevention Plan will be required.
- The Consultant will produce soil erosion and sedimentation control plans for the roadway improvements in accordance with the NYSDEC requirements.
- Asbestos or lead testing of materials will not be required.
- A submittal to the Commission on Architecture & Urban Design (CAUD) will not be required.
- If additional environmental services are needed to meet NEPA requirements in the future it will be added by supplemental agreement.

Right-of-Way Assumptions

- The back of sidewalk will be assumed to the street boundary unless

Roadway Assumptions

- The approved roadway design alternative will consist of 2-10' travel lanes, 5' bicycle lanes, 8' parking lanes (where they can be accommodated without ROW acquisitions), a raised, grassed and landscaped median between Chenango Street and Fayette Street and eliminate turning lanes on Henry Street at all intersections.
- A pavement evaluation will not be required. Full-depth reconstruction of the roadway is proposed. Pavement design will be based on NYSDOT's ESAL calculator and Comprehensive Pavement Design Guide.
- Work zone traffic control in the 2-lane section of Henry Street will include an off-site detour for 1 direction which will allow the contractor unlimited access to one side of the roadway.
- Staged construction will be utilized in the wider 4-lane sections of Henry Street.
- Roadway and pedestrian lighting will utilize the City of Binghamton's decorative light poles and fixtures.
- It is assumed that the main storm sewer trunk line will not need replacement. Peak flow attenuation to address surcharging issues will be accomplished through a reduction in impervious surfaces and green infrastructure practices.
- Traffic signals will be replaced at the following intersections: Chenango Street, Carroll Street, Fayette Street, and Chapman Street and will utilize the City of Binghamton's decorative poles with curved mast arms.
- Traffic analyses is limited to establishing AM and PM peak hour signal timings for the signalized intersections. Coordination between the traffic signals will not be required.
- It is assumed that soil borings will not be required for the traffic signal pole foundations and that the following conditions that would require a special design do not exist:
 - Footing is placed in soft clay or organic deposits.
 - Moment at the top of the earth is greater than 500 foot-kips.
 - Rock is encountered
 - Groundwater elevation is above bottom of footing or shaft.
- It is assumed that special details will be required to adjust the frames and grates for the large

underground vaults in front of the Verizon building to the new sidewalk elevation. A cursory review of the vaults will be performed during preliminary design but it's assumed that a detailed inspection or review of the structures requiring access inside the vaults is not included and no other design or detailing will be required for the underground vaults. If required, this work will be added by supplemental agreement.

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Legislative Branch

RL Number: 23-151
Date Submitted: 7/5/23

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for possible consideration at City Council Work Sessions. RLs generated by City Departments must be signed by the Mayor, Comptroller, and Corporation Counsel prior to submission. Incomplete/incorrect RLs will be returned to applicant for revisions.

Applicant Presenting RL at Work Session

Megan Heiman Deputy Mayor (607) 772-7001
 (Print Name) (Title) (Phone number)

Signature: Megan J. Heiman Date: 07/05/2023

To Be Completed By Applicant

Proposed Title: Amend the 2023 Budget to use ARPA funds for the design of the Henry Street reconstruction project

Executive Summary (Explain why legislation is necessary): Transfer \$600,000 from budget line H8320.525105.F0015 - Water Plant Improvement to budget line H5110.XXXXX.F0015 - Henry Street Storm Water Upgrades / Reconstruction

Effective Date: (if applicable) _____

Budget transfer or amendment: RL Budget Transfer Worksheet **must** be attached w/ Dep. Head signature.

RL related to a grant: RL Grant Worksheet **must** be attached. Deadline for Council to act by: _____

RL related to previously adopted legislation: Perm. number _____, adoption date _____

Contract: Person/Company _____ Start/End Date _____

Total Cost _____ Funds available in Budget Line _____ Title _____

Public Hearing required? Yes No SEQRA required? Yes No

Additional information related to this RL attached? Yes No

OFFICE USE ONLY	
Mayor:	<u>[Signature]</u>
Comptroller:	<u>[Signature]</u>
Corp. Counsel:	<u>[Signature]</u>
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>



Legislative Branch

RL Number: <u>23-152</u>
Date Submitted: <u>7/5/23</u>

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for possible consideration at City Council Work Sessions. RLs generated by City Departments must be signed by the Mayor, Comptroller, and Corporation Counsel prior to submission. Incomplete/incorrect RLs will be returned to applicant for revisions.

Applicant Presenting RL at Work Session

Megan Heiman Deputy Mayor 607-772-7001
 (Print Name) (Title) (Phone number)

Signature: Megan J. Heiman Date: 07/05/2023

To Be Completed By Applicant

Proposed Title: A RESOLUTION AUTHORIZING THE CITY TO APPLY FOR AND ACCEPT A WIIA GRANT FROM THE ENVIRONMENTAL FACILITIES CORPORATION TO SUPPORT UP TO \$3 MILLION IN UPGRADES TO THE WATER FILTRATION PLANT AND TO AUTHORIZE PAYMENT OF THE REMAINING BALANCE FROM A BOND

Executive Summary (Explain why legislation is necessary):
 EFC requires a municipal resolution for an application to the NYS Water Infrastructure Improvement (WIIA) program.

Effective Date: (if applicable) _____

Budget transfer or amendment: RL Budget Transfer Worksheet **must** be attached w/ Dep. Head signature.

RL related to a grant: RL Grant Worksheet **must** be attached. Deadline for Council to act by: 07/26/2023

RL related to previously adopted legislation: Perm. number _____, adoption date _____

Contract: Person/Company _____ Start/End Date _____

Total Cost _____ Funds available in Budget Line _____ Title _____

Public Hearing required? Yes No **SEQRA required?** Yes No

Additional information related to this RL attached? Yes No

OFFICE USE ONLY	
Mayor:	<u>[Signature]</u>
Comptroller:	<u>[Signature]</u>
Corp. Counsel:	<u>[Signature]</u>
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>



Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

GRANT APPLICATION WORKSHEET

*The Request for Legislation must include the project title and the purpose of the grant.
Please provide the following additional information.*

Agency providing the grant: Environmental Facilities Corporation

Total project cost: Max \$3 Million

Total amount of grant: Max \$1.8 Million

Local match (if any): Max \$1.2 Million

If local match is monetary, provide the budget line and title: Bond

If local match is "in kind", provide the anticipated personnel and hours to be dedicated to the project:

N/A

Disbursement of grant (upfront, reimbursable?): Reimbursable

Grant Budget Line: Bond

Grant project manager: Chuck Shager

Anticipated date of project completion: 2024

Special project completion requirements (if any): per EFC

Attach any required form of Resolution from the Agency providing the grant.

Please provide any additional information in the space provided below, including any other government agency or private partner participating in the grant, along with a description of such participation:



GRANT SUMMARY

NYS WATER INFRASTRUCTURE IMPROVEMENT (WIIA) & NYS INTERMUNICIPAL WATER INFRASTRUCTURE GRANT (IMG) PROGRAMS

OVERVIEW

The New York State Environmental Facilities Corporation (EFC) is offering \$425 million in grants for clean and drinking water projects during the 2023-2024 state fiscal year to selected municipalities with infrastructure projects that protect public health and/or improve water quality. EFC and the NYS Department of Health (DOH) will evaluate all applications for projects received by the due date (**5:00 p.m. on Friday July 28, 2023**) based on factors including protection of public health and water quality; median household income; governmental and community support; environmental justice considerations; and the readiness of the project to proceed.

NOTE FOR APPLICANTS INTERESTED IN SRF FINANCING: in order to be listed on the Annual List in the Intended Use Plan and to be eligible for financing in FFY 2024, the applicant must have submitted a listing form, acceptable Engineering Report, and smart growth form by June 16, 2023.

PROGRAM CHANGES:

The following changes have been made for this round of WIIA/IMG grant funding:

- Eligibility criteria for construction dates have been updated.
- Construction start date has been clarified to allow the pre-purchase of equipment prior to the issuance of a Notice to Proceed.
- Eligibility criteria include consideration of a project's impact on a disadvantaged community (DAC) as defined pursuant to the Climate Leadership and Community Protection Act in addition to impact on a Potential Environmental Justice Area.

AVAILABLE FUNDING

WIIA Clean Water Projects

An applicant with an eligible clean water project may receive a WIIA grant award as described below:

- A project, including all phases of the project, may be awarded the lesser of \$25 million or 25% of net eligible project costs (total eligible project costs less any third-party grants awarded in respect of the project).
- Any grants administered through EFC will not be used to calculate net eligible project costs.



Municipalities may apply for this grant on more than one project, but each municipality is limited to receiving no more than a \$5 million allocation per year. If a municipality is awarded grant funds totaling more than \$5 million for a project or projects, the grant(s) will be allocated over multiple years in increments not to exceed \$5 million per year.

If a municipality applies for more than one project during the current round, EFC will prioritize the awards based on the score of the project(s) until all of the projects have received 25% of eligible project costs or the \$5 million cap has been reached. If the award(s) exceed \$5 million, the remaining applications will not be eligible for additional grant in the current round.

WIIA Drinking Water Projects

An applicant with an eligible drinking water project may receive a WIIA grant award as described below:

- A project addressing an emerging contaminant (EC) above the current State determined Maximum Contaminant Level (MCL) would be awarded 60% of net eligible project costs with no cap.
- A project that does not address EC above the State MCL, including phases of the project, would be awarded the lesser of \$5 million or 60% of net eligible project costs. Municipalities may apply for this grant on more than one project, but each municipality is limited to receiving no more than \$5 million per year.

Excluding EC projects, municipalities are limited to \$5 million of combined Drinking Water State Revolving Fund (DWSRF) Base grant, DWSRF Bipartisan Infrastructure Law (BIL) General Supplemental grant, and WIIA grants annually.

IMG Clean Water and Drinking Water Projects

Cooperating municipalities with an eligible project may receive an IMG grant award as described below:

- The lesser of \$30 million or 40% of net eligible project costs.

Municipalities may apply for this grant on more than one project, but each municipality is limited to receiving no more than a \$10 million allocation per year. If a municipality is awarded grant funds totaling more than \$10 million for a project or projects, the grant(s) will be allocated over multiple years in increments not to exceed \$10 million per year.

ELIGIBILITY REQUIREMENTS

A WIIA grant or IMG grant is available only to a municipality, which is defined to include a county, city, town, village, district corporation, county or town improvement district, school district, Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, any public benefit corporation or public authority established pursuant to the laws of New York or any



agency of the State that is empowered to construct and operate a water quality infrastructure project.

Eligible projects include water quality infrastructure projects at municipally-owned sewage treatment works¹ OR municipally-owned public water systems² for:

- Construction, replacement, or repair of infrastructure; or
- Upgrades to comply with environmental and public health laws and regulations related to water quality;
- System upgrades and innovative pilot technologies to combat EC, such as PFOA, PFOS and 1,4 dioxane; and
- System upgrades to repair to address combined and/or sanitary sewer overflow impacts from sustained rain events.

Each WIIA and IMG project must meet the following criteria:

- Result in construction for the requested scope;
- Not be for the construction of water infrastructure that exclusively supports residential or commercial development;
- Must not have issued a Notice to Proceed before October 1, 2022 for construction of the project;
- Not have completed construction before July 28, 2023; and
- Include the applicable EFC terms and conditions in all contracts.

Each IMG project must meet the following criteria:

- Serve multiple municipalities;
- Be a shared drinking water or sewage treatment infrastructure project, such as:
 - More than one municipality undertaking a capital improvement project jointly for the consolidation of infrastructure or services,
 - Consolidation of intermunicipal facilities,
 - Shared water quality infrastructure,
 - Regional wastewater treatment facilities, or
 - The interconnection of multiple municipal water systems.
- Have a valid and binding project Intermunicipal Agreement (IMA) between at least two cooperating municipalities related to financing of the IMG project that describes the proposed project, the role of each municipality, and the costs attributable to each municipality; and
- Designate a “lead municipality” that applies on behalf of all cooperating municipalities.

¹ Sewage treatment works as defined in ECL § 17-1903.

² Eligible project as defined in paragraphs (a), (b), (c), and (e) of subdivision 4 of § 1160 of the Public Health Law.

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PROGRAM REQUIREMENTS

Program requirements for WIIA and IMG recipients include minority- and women-owned business enterprise (MWBE) participation, equal employment opportunity (EEO), service-disabled veteran-owned business (SDVOB) participation, and smart growth and environmental review.

There are additional program requirements for recipients of WIIA and IMG grants that also utilize SRF financial assistance, including BIL funds, including those related to procurement of Architectural/Engineering (A/E) services American Iron and Steel (AIS), and Davis-Bacon federal prevailing wage requirements.

All contracts entered into by recipients that are to be paid for with WIIA funds, IMG funds, or SRF financial assistance must demonstrate compliance with EFC's program requirements and must include the required contractual language from the applicable terms and conditions. Any contracts, including those that are executed prior to grant application, that do not include the required contractual language will be disqualified from funding.

Additional information on program requirements is available on EFC's website at www.efc.ny.gov, including EFC's terms and conditions and the current Intended Use Plans for the SRF programs.

Please Note: Projects co-funded with BIL federal grant or loan funds are subject to additional federal programmatic requirements. BIL funds will be administered with SRF funds and additional information and updates on BIL are available on EFC's website at www.efc.ny.gov/BIL.

APPLICATIONS

Applicants who would like to be considered for a WIIA and/or IMG grant must submit a grant application and the following required documentation to EFC no later than 5:00 p.m. on **Friday, July 28, 2023:**

- Engineering Report³, including a current project schedule and budget
- Environmental Review Documentation
- SHPO Project Review Determination Letter

³ The Engineering Report for projects must conform to EFC's Engineering Report Outline, available at <http://www.efc.ny.gov/cleanwater> for clean water projects, and <http://www.health.ny.gov/environmental/water/drinking/water.htm> for drinking water projects.



- Bond/Funding Resolution⁴:
 - *Bond Resolution*: If debt will finance any portion of the project, you must submit a bond resolution that includes the total project costs to be financed, including any SRF financing.
 - *Funding Resolution*: If debt will not be issued to finance any portion of the project, you must submit a resolution that authorizes: the undertaking of the project and the total funding appropriated for the project. The resolution must also designate a representative of the applicant who is authorized to sign the funding agreement with EFC and any associated documents.
- If under construction, executed construction contract(s) including applicable EFC Terms and Conditions.
- If applying for IMG, a valid and binding Intermunicipal Agreement (IMA) between at least two cooperating municipalities related to the financing and necessary for the project.
- If seeking SRF financing in addition to grant funds, a complete SRF Financing Application.
- If available, district formation documentation for new or expanded districts.

Applications must be submitted using the online Application Form located on EFC's website at www.efc.ny.gov/WIIA or www.efc.ny.gov/IMG. Applications that are submitted without all required information and documentation may be deemed unacceptable and may not be processed.

CONTACT US

Please direct all questions about the WIIA or IMG grant programs and application to:

Máire Cunningham
New York State Environmental Facilities Corporation
625 Broadway
Albany, New York 12207-2997
Phone: (518) 402-6924
E-mail: NYSWaterGrants@efc.ny.gov

⁴ For certain WIIA/IMG Grant Only applications, please note the following: Certain applicants may not have the authority to incur debt on their own and pass a bond resolution but may plan to finance the balance of their project with debt issued by a third-party governing municipality. In such a case, a board resolution from the applicant is required with the initial application which formally requests the governing municipality adopt a bond resolution for the project. The bond resolution from the governing municipality, if not adopted at the time of the application, must be received by EFC no later than 6 months from the date of any WIIA award to the applicant.

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND ACCEPT WIIA GRANT FOR THE SOUTHSIDE INTERCEPTOR PROJECT AND TO AUTHORIZE PAYMENT OF THE REMAINING BALANCE FROM A BOND

WHEREAS, the City of Binghamton is eligible to apply for Water Infrastructure Improvement (WIIA) Grant from the New York State Environmental Facilities Corporation ("EFC") for the Southside Interceptor Project (the "Project"); and

WHEREAS, the City hereby authorizes the Project at a maximum total cost of \$3 Million; and

WHEREAS, the City wishes to undertake payment of the remaining cost of the Project with a Municipal Bond; and

WHEREAS, the City wishes to authorize the Mayor as the designated person to sign the funding agreement with EFC and any other associated documents;

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

RESOLVE that the Mayor of Binghamton is hereby authorized to apply for and to accept on behalf of the City a WIIA Grant for up to \$1.8 Million from EFC for the Project, and that the Mayor is authorized to sign the funding agreement with EFC and any other associated documents; and be it further

RESOLVED that the City of Binghamton hereby authorizes the Project at a maximum total cost of \$3 Million and agrees to pay the City's share of the costs with a Municipal Bond.