



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

Date: July 26, 2023

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

Introduced by Committee: Finance

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE CITY OF BINGHAMTON TO ENTER INTO A PROJECT-SPECIFIC INTERMUNICIPAL AGREEMENT FOR THE TPS PROJECT AT THE BINGHAMTON-JOHNSON CITY JOINT SEWAGE TREATMENT FACILITY

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 a Resolution authorizing the City of Binghamton to enter into a Project-Specific Intermunicipal Agreement (PS-IMA) in relation to the financing and construction of the Terminal Pumping Station (TPS) Project at the BJCJSTF as attached.

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

RESOLVE, that the Mayor of the City of Binghamton, or his designee, is hereby authorized to enter into a PS-IMA, approved as to form and content by the Office of Corporation Counsel, in relation to the financing and construction of the TPS Project at the BJCJSTF as attached; and be it further

RESOLVED, that this Resolution shall be effective when also approved by sufficient members of the Board of Trustees of the Village

Introductory No. R23-61

Permanent No. R23-61

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

A RESOLUTION AUTHORIZING THE CITY OF
BINGHAMTON TO ENTER INTO A PROJECT-
SPECIFIC INTERMUNICIPAL AGREEMENT FOR
THE TPS PROJECT AT THE BINGHAMTON-
JOHNSON CITY JOINT SEWAGE TREATMENT
FACILITY

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

Date 8/9/23

Janine Faulkner
City Clerk

Date Presented to Mayor 8/10/23

Date Approved 8/10/23
J M
Mayor

	Ayes	Nays	Abstain	Absent
Councilwoman Resciniti	✓			
Councilwoman Riley				✓
Councilwoman Friedman				✓
Councilman Burns				✓
Councilman Strawn	✓			
Councilman Scanlon	✓			
Councilman Scaringi	✓			
Total	4	0	0	3

Code of the City of Binghamton

Adopted Defeated

4 Ayes 0 Nays 0 Abstain 3 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 8/9/23. Approved by the Mayor on 8/10/23 *JF*

PROJECT-SPECIFIC INTERMUNICIPAL AGREEMENT FOR THE TERMINAL PUMPING STATION (TPS) IMPROVEMENTS PROJECT OF THE BINGHAMTON-JOHNSON CITY JOINT SEWAGE TREATMENT FACILITIES

This agreement is entered-into this ____ day of July, 2023 by and between the City of Binghamton, a municipal corporation, 38 Hawley Street, Binghamton, County of Broome, New York 13901 (the "City") and the Village of Johnson City, a municipal corporation, 243 Main Street, Johnson City, County of Broome, New York 13790 (the "Village"), herein collectively referred to as the "Owners".

Section 1. Purpose: to Set Forth Responsibilities and Authorities in Relation to the Terminal Pumping Station (TPS) Improvements Project for the Binghamton-Johnson City Joint Sewage Treatment Facilities. Pursuant to Article 5G of the General Municipal Law, the City of Binghamton and the Village of Johnson City hereby memorialize their agreement regarding an Improvements Project for the Terminal Pumping Station (TPS) of their Joint Sewage Project. The TPS jointly owned by the City and the Village and is located at 3936 Gates Road, Vestal, New York 13850 in the County of Broome.

Section 2. Existing Master IMA Unmodified. This agreement supplements, and does not modify, the terms of the existing Master IMA for the Binghamton-Johnson City Joint Sewage Treatment Facilities ("Master IMA") between the City and the Village, as most recently amended January 25, 2023.

Section 3. TPS Improvements Project. The Owners find it desirable to improve the TPS by replacing the existing dual channel grinders with new mechanically cleaned bar screens and ancillary and associated improvements, including solids conveyor and compactor system; an attached ancillary building annex to the TPS with roll-up door to house roll-off containers for accumulation and removal of materials screened from the wastewater pumped by the TPS; odor control/HVAC improvements; electrical upgrades and improvements; and removal of the existing grinder hoist; as more fully described in the July 2023 Preliminary Engineering Report of GHD Consulting Services, Inc. The Owners shall jointly own the TPS Improvements Project in the shares set forth in Section 4 of the Master IMA.

Section 4. Application for Grants. To supplement existing funding available from the unappropriated Fund Balance of the Binghamton-Johnson City Joint Sewage Board (the "Board") committed for the TPS Improvements Project by Resolution approved July 11, 2023, the Owners approve and authorize application for grants, including an Intermunicipal Grant (IMG) as available from the State of New York and administered through the New York State Environmental Facilities Corporation.

Section 5. Designation of Lead Municipality. The Owners designate and appoint the City as "Lead Municipality" to apply for grant funding, including an IMG, on behalf of the Owners in accordance with the terms of Sections 28 and 29 of the Master IMA. In connection therewith, the City is also designated and authorized to act as the "Lead Agency" for compliance with the

requirements of the State Environmental Quality Review Act ("SEQR"), as well as to apply for approval of the TPS Improvements Project by the NYS State Historic Preservation Office [SHPO] via its Cultural Resource Information System [CRIS]. As Lead Municipality, the City shall also apply for any approvals required for the TPS Improvements Project from the New York State Department of Environmental Conservation (NYS-DEC).

Section 6. Delegation of Authority to Carry-Out the TPS Improvements Project. Subject to compliance with all applicable laws and regulations, the Owners delegate to the Board the responsibility and authority to carry-out the TPS Improvements Project, including procurement of project design and bidding documents; procurement of professional construction management and related professional and technical services; and procurement of construction and related supply services. The Board will provide the Owners with written progress reports as to the substantive construction and project costs not less frequently than monthly.

Section 7. Costs of the TPS Improvements Project. The Board shall be responsible for payment of the costs of the TPS Improvements Project. To the extent that the Owners receive any grant or other funding attributable to the TPS Improvements Project, the Owners shall reimburse the Board for the corresponding costs paid by the Board within 30 days of receipt of such funding.

Section 8. Binding Effect; Effect of Master IMA. By entering into this Project Specific IMA, the Owners intend to be bound by its terms. Except as provided otherwise herein, the Owners intend that the terms of their Master IMA shall be controlling as to any matter pertaining to the TPS Improvements Project.

IN WITNESS WHEREOF the parties hereto have executed this instrument effective as of the day and year first above written.

CITY OF BINGHAMTON

by: _____ DATED: _____

VILLAGE OF JOHNSON CITY

by: _____ DATED: _____

ATTEST:

City Clerk

DATED: _____

Village Clerk/Treasurer

DATED: _____