



LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Chris Papastrat, City Council President
Leighton Rogers, City Clerk

COUNCIL OF THE CITY OF BINGHAMTON

Business Meeting Agenda

City Council Chambers, 38 Hawley Street, Binghamton, NY 13901

Wednesday May 4, 2016

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. ACKNOWLEDGEMENTS AND RECOGNITIONS

V. REPORTS FROM COMMITTEES AND APPROVAL OF MINUTES

Approval of Minutes

Approve Minutes from April 20, 2016 Business Meeting

City Council Finance Committee: Mihalko (Chair), Scaringi

No items to report.

City Council Planning and Community Development Committee: Scaringi (Chair), Matzo, Cronce

No items to report.

City Council Municipal and Public Affairs Committee: Matzo (Chair), Scaringi

No Items to report.

City Council Public Works/Parks and Recreation Committee: Mihalko (Chair), Matzo, Cronce

No items to report.

City Council Employees Committee: Matzo (Chair), Mihalko, Taylor

No items to report.

City Council Rules and Procedures/Special Studies Committee: Scaringi, Mihalko

No items to report.

VI. APPROVAL OF APPOINTMENTS

VII. PUBLIC HEARING

VIII. SET PUBLIC HEARINGS

IX. PUBLIC COMMENT/COMMUNICATION

X. REVIEW OF MAYORAL VETO

XI. SECOND READING LEGISLATION



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XII. FIRST READING LEGISLATION

Introductory Ordinance 16-34. Considered in Municipal Public Affairs, Chair: Matzo

Ordinance authorizing the Free Disposal of One Bulk Item per Household from May 21-27, 2016

Introductory Ordinance 16-35. Considered in Employees, Chair: Matzo

Ordinance amending the 2016 IT Budget to create a Digital Technician Position

Introductory Ordinance 16-36. Considered in Finance, Chair: Mihalko

Ordinance amending the 2016 Personnel budget to cover the costs of the 2016 Anti-Harassment Training

Introductory Ordinance 16-37. Considered in Finance, Chair: Matzo

Ordinance amending the 2016 Budget to fund the Demolition of the Old DPW building with extra funds not used for LED Light Installations

Introductory Resolution 16-58. Considered in Finance, Chair: Mihalko

Resolution approving Supplemental No. 2 for LaBella Associates on the Rehabilitation of the S. Washington St. Bridge, PIN 9753.96, for construction support and inspection

Introductory Resolution 16-59. Considered in Finance, Chair: Mihalko

Resolution approving Supplemental No. 2 for with the NYSDOT on S. Washington St. Pedestrian Bridge Project, PIN No. 9753.96, for construction management and supervision

Introductory Resolution 16-60. Considered in Municipal Public Affairs, Chair: Matzo

Resolution authorizing the Mayor to enter into the 2nd Modification Consent Order with the NYSDEC for the BJCSTF

XIII. COMMUNICATIONS FROM COUNCIL MEMBERS

XIV. ADJOURNMENT



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

Date: May 4, 2016

Sponsored by Council Members: Mihalko, Matzo, Papastrat, Scaringi, Cronicc, Taylor

Introduced by Committee: Municipal Public Affairs

ORDINANCE

entitled

**AN ORDINANCE AUTHORIZING THE FREE
DISPOSAL OF ONE BULKY ITEM PER
HOUSEHOLD FROM MAY 21-27, 2016**

WHEREAS, Chapter 350 of the Code of the City of Binghamton, entitled *Solid Waste*, outlines the regulations pertaining to the disposal of bulky items in the City of Binghamton, and further defines a bulky item as “Any item that does not fit within a City Refuse Bag, Bulky items include, but are not limited to: refrigerators, stoves, microwaves, freezers, washers and dryers, air conditioners, sinks, tubs, toilets, furniture, swing sets, lawn furniture, rugs, and lawn mowers”; and

WHEREAS, in accordance with the Code of the City of Binghamton § 350-24, *Bulky Items*, a bulky item will only be removed by the Department of Public Works if an official “Bulky Item Sticker” has been placed upon the item in question, such stickers being available for purchase through various commercial outlets and the City of Binghamton for a fee; and

WHEREAS, the Council of the City of Binghamton desires to allow the free disposal of one bulky item per household by the City of Binghamton residents as an annual event, on their regularly scheduled garbage collection days, in accordance with the restrictions established below.

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

Section 1. From May 21, 2016 through May 27, 2016 in accordance with the normal garbage collection schedule, the City of Binghamton shall waive the sticker requirement for one bulky item per household under the following terms and conditions:

One bulky item may include a household item such as furniture (*e.g.*, couch, chair, table, mattress, etc...) or other “Bulky Item” as defined in § 350-24. Appliances (washers, dryers, stoves, etc...) are also included – however, for metal appliances or other metal trash items, the City dispatch office must be notified at least one day before scheduled pickup by calling (607) 772-7020.

For miscellaneous smaller items not suitable for City bags, a container can be used or the material can be bundled and tied. The container or bundled material may not exceed five feet in length or 50 pounds in total weight.

One household item, one container, or bundle of material will constitute one bulky item.

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

Date: May 4, 2016

Household electronic items such as computers, monitors, televisions and other electronic devices are not included and must be disposed at one of the available electronic disposal locations.

Hazardous waste such as tires, oil, car batteries, paints, and solvents as well as construction and demolition debris are also prohibited. Earthen material such as soil, stones and masonry are also prohibited.

Section 2. That this Ordinance shall take effect immediately.



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

Date: May 4, 2016

Sponsored by Council Members: Mihalko, Matzo, Papastrat, Scaringi, Cronce, Taylor

Introduced by Committee: Employees

ORDINANCE

entitled

**AN ORDINANCE AMENDING THE 2016
INFORMATION MANAGEMENT &
TECHNOLOGY BUDGET TO CREATE A
DIGITAL TECHNICIAN POSITION**

WHEREAS, the Data Processing Coordinator and Comptroller of the City of Binghamton find it proper and necessary to amend the 2016 Information Management & Technology budget to create a Digital Technician position at \$36,000 per year effective June 4, 2016, and to transfer \$20,769 from budget line A1680.51900 (Overtime) to A1680.51000 (Personal Services-Digital Technician) to fund the position for the remainder of 2016; and

WHEREAS, such budget amendment was approved by the Board of Estimate and Apportionment on April 27, 2016.

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

Section 1. That the Comptroller and Treasurer of the City of Binghamton are hereby authorized and directed to amend the 2016 Information Management & Technology budget to create a Digital Technician position at \$36,000 per year effective June 4, 2016, and to transfer \$20,769 from budget line A1680.51900 (Overtime) to A1680.51000 (Personal Services-Digital Technician) to fund the position for the remainder of 2016.

Section 2. That this Ordinance shall take effect immediately.

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

Chuck Shager, Comptroller



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

Date: May 4, 2016

Sponsored by Council Members: Mihalko, Matzo, Papastrat, Scaringi, Cronce, Taylor

Introduced by Committee: Finance

ORDINANCE

entitled

**AN ORDINANCE AMENDING THE 2016
PERSONNEL BUDGET TO COVER THE COSTS
OF THE 2016 ANTI-HARASSMENT TRAINING**

WHEREAS, the Director of Personnel and Comptroller of the City of Binghamton find it proper and necessary to amend the 2016 Personnel budget to transfer \$6,875 from budget line A1990.55000 (Contingency) to A1430.54410 (Professional Services) to pay for the 2016 Anti-Harassment Training; and

WHEREAS, such budget amendment was approved by the Board of Estimate and Apportionment on April 27, 2016.

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

Section 1. That the Comptroller and Treasurer of the City of Binghamton are hereby authorized and directed to amend the 2016 Personnel budget to transfer \$6,875 from budget line A1990.55000 (Contingency) to A1430.54410 (Professional Services) to pay for the 2016 Anti-Harassment Training.

Section 2. That this Ordinance shall take effect immediately.

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

Chuck Shager, Comptroller



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

Date: May 4, 2016

Sponsored by Council Members: Mihalko, Matzo, Papastrat, Scaringi, Cronicc, Taylor

Introduced by Committee: Finance

ORDINANCE

entitled

**AN ORDINANCE AMENDING THE 2016
BUDGET TO FUND THE DEMOLITION OF THE
OLD DEPARTMENT OF PUBLIC WORKS
BUILDING WITH EXTRA FUNDS NOT USED
FOR LED LIGHT INSTALLATION**

WHEREAS, the Mayor and Comptroller of the City of Binghamton find it proper and necessary to amend the 2016 Budget to fund the demolition of the Old Department of Public Works building located on the corner of Brandywine and Robinson St. with additional funds saved from the installation of the LED Lights by transferring \$120,000 from A5182.54202 (Electricity St. Lights) to A1364.54470 (Demolition); and

WHEREAS, such budget amendment was approved by the Board of Estimate and Apportionment on April 27, 2016.

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

Section 1. That the Comptroller and Treasurer of the City of Binghamton are hereby authorized and directed to amend the 2016 Budget and transfer \$120,000 from A5182.54202 (Electricity St. Lights) to A1364.54470 (Demolition) to fund the demolition of the Old Department of Public Works building located on the corner of Brandywine and Robinson St.

Section 2. That this Ordinance shall take effect immediately.

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

Chuck Shager, Comptroller



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

Date: May 4, 2016

Sponsored by Council Members: Mihalko, Matzo, Papastrat, Scaringi, Cronce, Taylor

Introduced by Committee: Finance

RESOLUTION

entitled

A RESOLUTION APPROVING
SUPPLEMENTAL NO. 2 FOR LABELLA
ASSOCIATES ON THE REHABILITATION OF
THE S. WASHINGTON ST. BRIDGE, PIN
9753.96, FOR CONSTRUCTION SUPPORT AND
CONSTRUCTION INSPECTION

WHEREAS, pursuant to Permanent Resolution 14-085, dated December 17, 2014, and Permanent Resolution 16-35, dated February 16, 2016, the City of Binghamton entered into an Agreement and Supplemental Agreement No. 1, with Labella Associates, D.P.C. for design and construction inspection services on the S. Washington Street Bridge Rehabilitation Project, PIN 9753.96 (the "Project"); and

WHEREAS, the City Engineer has recommended Supplemental Agreement No. 2 with LaBella Associates, D.P.C. for additional construction support and inspection at a cost not to exceed \$19,100; and

WHEREAS, the Project is eligible for funding under Title 23 U.S. Code, which calls for the apportionment of the costs of such program to be borne at the ration of 80% Federal funds and 20% non-Federal funds.

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 enter into Supplemental Agreement No. 2, approved as to form and content by the Office of Corporation Counsel, with Labella Associates, D.P.C. to provide additional construction support and inspection on the S. Washington Street Bridge Rehabilitation Project, PIN 9753.96 and that funding shall be deducted from budget line H5120.525119.40914 (S. Washington Street Bridge Rehab).

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

Chuck Shager, Comptroller



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

Date: May 4, 2016

Sponsored by Council Members: Mihalko, Matzo, Papastrat, Scaringi, Cronce, Taylor

Introduced by Committee: Finance

RESOLUTION

entitled

A RESOLUTION APPROVING
SUPPLEMENTAL NO. 2 WITH THE NYSDOT
ON S. WASHINGTON ST. PEDESTRIAN
BRIDGE PROJECT, PIN NO. 9753.96, FOR
CONSTRUCTION MANAGEMENT AND
CONSTRUCTION SUPERVISION

WHEREAS, the Council of the City of Binghamton adopted Permanent Resolution 14-47 on July 9, 2014, entitled, "A Resolution Authorizing the Mayor to Enter into an Agreement with NYSDOT for the Design of the South Washington Street Pedestrian Bridge Rehabilitation Project (PIN 9753.96)"; and

WHEREAS, the Council of the City of Binghamton adopted Permanent Resolution 15-058 on June 17, 2015, entitled, "A Resolution Authorizing the Mayor to Enter Into Supplemental Agreement No. 1 With NYSDOT for the South Washington Street Pedestrian Bridge Project, Pin 9753.96; and

WHEREAS, the City Engineer has recommended that the City of Binghamton enter into Supplemental Agreement No. 2 with NYSDOT for the South Washington Street Pedestrian Bridge Project, PIN 9753.96 for construction management and construction supervision; and

WHEREAS, the City of Binghamton desires to advance the Project by making a commitment of 100% of the Federal and non-Federal share of the construction management and construction supervision at a cost of \$2,025,000 which is available from budget line H5120.525119.40914 (S. Washington St. Bridge).

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

RESOLVE that the Council of the City of Binghamton hereby approves the above-subject Project; and be it further

RESOLVED that the Council of the City of Binghamton hereby authorizes the City of Binghamton to pay in the first instance 100% of the Federal and non-Federal share of the costs of the construction and construction inspection services for the Project or portions thereof; and be it further

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STATE OF NEW YORK**

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RESOLVED that the sum of \$2,025,000 which is available from budget line H5120.525119.40914 (S. Washington St. Bridge) be made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED that in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the Council of the City of Binghamton shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

RESOLVED that the Mayor of the City of Binghamton be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal-aid and/or Marchiselli-aid on behalf of the City of Binghamton with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of projects costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriation therefore that are not so eligible; and be it further

RESOLVED that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED that this Resolution shall take effect immediately.

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

Chuck Shager, Comptroller



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

Date: May 4, 2016

Sponsored by Council Members: Mihalko, Matzo, Papastrat, Cronce, Taylor

Introduced by Committee: Municipal Public Affairs

RESOLUTION

entitled

**A RESOLUTION AUTHORIZING THE MAYOR
TO ENTER INTO THE 2ND MODIFICATION
CONSENT ORDER WITH THE NYSDEC FOR
THE BINGHAMTON-JOHNSON CITY JOINT
SEWAGE TREATMENT FACILITIES**

WHEREAS, the City of Binghamton and the Village of Johnson City are joint owners of the Binghamton-Johnson City Joint Sewage Treatment Facilities (“BJCJSTF”); and

WHEREAS, on May 15, 2011, the BJCJSTF suffered a wall failure at the BAF C-Cell Complex; and

WHEREAS, on September 7 and 8, 2011, the Susquehanna River flooded, causing significant damage to the BJCJSTF, which forced the BJCJSTF to either bypass completely or to provide only primary treatment plus disinfection; and

WHEREAS, the above-mentioned incidents have resulted in violations of Article 17 of the New York State Department of Environmental Conservation Law, and of Title 16 of the Official Compilation of Codes, Rules and Regulations of the State of New York, Parts 703 and 750; and

WHEREAS, the Council of the City of Binghamton has previously approved Consent Orders with the Department of Environmental Conservation to remedy said violations; and

WHEREAS, the City of Binghamton wishes to adopt a Second Modification Consent Order as annexed hereto.

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 is hereby authorized to enter into a Second Modification Consent Order with the New York State Department of Environmental Conservation, as annexed hereto and approved as to form and content by the Office of Corporation Counsel.