



LEGISLATIVE BRANCH CITY OF BINGHAMTON

Teri Rennia, City Council President
Angela Holmes, City Clerk

MINUTES
City Council Business Meeting
Council Chambers, 38 Hawley Street, Binghamton, N.Y.
Wednesday April 9, 2014

CALL TO ORDER

Called to order by City Council Majority Leader Motsavage at 5:05pm.

PLEDGE OF ALLEGIANCE

City Council Majority Leader Motsavage led the Pledge of Allegiance.

ROLL CALL

Present: Jerry Motsavage, Joseph Mihalko, Chris Papastrat, John Matzo, Bill Berg

Absent: Teri Rennia (arrived at 5:54pm), Lea Webb (arrived at 5:08pm)

Also in attendance: Angela Holmes, City Clerk; Jeremy Pelletier, Deputy City Clerk; Allison Sosa, 2nd Assistant Corporation Counsel

REPORTS FROM COMMITTEES AND APPROVAL OF MINUTES

Motion to approve the minutes from the Business Meeting held on Wednesday March 19, 2014 and from the Special Business Meeting held on Thursday March 27, 2014.

Moved by Matzo, seconded by Berg.

Voice vote, none opposed.

Motion to approve the minutes from the Municipal and Public Affairs Committee meetings held on Wednesday March 19, 2014 and on Wednesday April 2, 2014.

Moved by Matzo, seconded by Mihalko.

Voice vote, none opposed.

Councilman Matzo noted for the record that the Municipal and Public Affairs Committee will meet on Wednesday April 23, 2014 at 4:00pm to review proposed legislation regarding food vendors. This meeting will be held in the City Council Work Room, located through the City Clerk's Office on the first floor of City Hall, 38 Hawley Street, Binghamton, NY.

POINT OF ORDER

City Council President Pro Tem Webb arrived, and assumed the President's Chair at 5:08pm.

REPORTS FROM COMMITTEES AND APPROVAL OF MINUTES (CONT.)

Motion to approve the minutes from the Planning and Community Development Committee meetings held on Monday March 31, 2014, Wednesday April 2, 2014, and Monday April 7, 2014.

Moved by Mihalko, seconded by Papastrat.

Voice vote, none opposed.

Councilwoman Mihalko noted for the record that the Planning and Community Development Committee will hold several meetings to review the proposed Comprehensive Plan, Form-Based Code and Housing Market Study. Several City



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Council Work Sessions and Business Meetings will start earlier than normal in order to accommodate these Committee Meetings. Unless otherwise noted, all such meetings will take place in the City Council Work Room, located through the City Clerk's Office on the first floor of City Hall. In addition to the regularly scheduled Work Sessions and Business Meetings, these meetings are as follows:

Monday April 21, 2014	5:00-7:00pm 7:00pm	City Council Work Session Planning and Community Development Committee meeting to review Comprehensive Plan, Form-Based Code and Housing Market Study.
Wednesday April 23, 2014	4:00-5:00pm 5:00-6:00pm 6:00pm	City Council Municipal and Public Affairs Committee meeting City Council Business Meeting (City Council Chambers) Planning and Community Development Committee meeting to review Comprehensive Plan, Form-Based Code and Housing Market Study.
Monday April 28, 2014	5:00pm	Planning and Community Development Committee meeting to review Comprehensive Plan, Form-Based Code and Housing Market Study.
Wednesday April 30, 2014	5:00pm	Planning and Community Development Committee meeting to review Comprehensive Plan, Form-Based Code and Housing Market Study.
Monday May 5, 2014	5:00-6:30pm 6:30pm	City Council Work Session Planning Commission public hearing on Comprehensive Plan, Form-Based Code and Housing Market Study
Wednesday May 7, 2014	6:30pm	City Council Business Meeting and public hearing regarding Comprehensive Plan, Form-Based Code and Housing Market Study (City Council Chambers)
Monday May 12, 2014	5:00-9:00pm	Joint Session with City Council and interested agencies to review the Comprehensive Plan, Form-Based Code and Housing Market Study. (Broome County Public Library, 185 Court Street)
Wednesday May 14, 2014	5:00pm	Joint Session with City Council and interested agencies to review the Comprehensive Plan, Form-Based Code and Housing Market Study. (Broome County Public Library, 185 Court Street)
Wednesday June 18, 2014	6:30pm	City Council Business Meeting and public hearing on Comprehensive Plan, Form-Based Code and Housing Market Study (City Council Chambers)
Wednesday July 9, 2014	6:30pm	City Council Business Meeting and anticipated vote on



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Comprehensive Plan, Form-Based Code and Housing Market
Study (City Council Chambers)

For more information on the Comprehensive Plan, Form-Based Code and Housing Market Study, and for more information on the anticipated agendas for each Planning and Community Development Committee meeting, please visit www.binghamton-ny.gov/blueprint-binghamton-forward-together.

Motion to approve the minutes from the Employees Committee meeting held on Monday April 7, 2014.
Moved by Berg, seconded by Motsavage.

Voice vote, none opposed.

PUBLIC HEARING

Introductory Ordinance 14-17. Considered in Planning and Community Development, Chair: Webb

An Ordinance amending Chapter 410 of the Code of the City of Binghamton, regarding the sale of tobacco products near schools

Note: Notice of this public hearing was published in the Press & Sun Bulletin on Friday April 4, 2014.

In Favor: Greg Taylor¹, John Langley, Abdul McClaine, Brendan Riley², Eduard Marte, Kiyana Brown, Kim Llewellyn³, Frederick Dufour⁴, Rev. James P. Serowik⁴, Darrell R. Newvine⁴, Joanna Johnson⁴

Opposed: None

¹Motion to suspend the rules to allow Greg Taylor, a resident of Vestal, NY, to speak during the public hearing.
Moved by Motsavage, seconded by Matzo.

Voice vote, none opposed.

²Motion to suspend the rules to allow Brendan Riley, a resident of Vestal, NY, to speak during the public hearing.
Moved by Motsavage, seconded by Matzo.

Voice vote, none opposed.

³*Note: Kim Llewellyn submitted the following email to the City Clerk's Office on April 2, 2014. A copy of the original email is attached to these minutes.*

Please know that I am in favor of keeping tobacco retailers as far away from our schools as possible. Our kids should not be marketed to and targeted by this industry.

Thank You,

Kim Llewellyn

⁴*Note: Frederick Dufour, Rev. James P. Serowik, Darrell R. Newvine and Joanna Johnson all submitted copies of the same letter to the City Clerk's Office on April 8-9, 2014 on behalf of The Family & Children's Society, Inc., St. Anthony of Padua Parish, Family Enrichment Network, and Davis College, respectively. Copies of the original letters are attached to these minutes.*

Letter of Support for Reducing the Density and Proximity to Schools of Tobacco Retailers



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In New York State, the tobacco industry spends approximately \$1.1 million per day to market its product. The U.S. Federal Court of Appeals concluded in 2006 that the tobacco industry created highly sophisticated marketing campaigns to get young people to initiate smoking. Greater concentration of tobacco retailers is associated with illegal cigarette purchases by young people and higher rates of youth smoking prevalence. In-store tobacco displays can influence kids' smoking, increasing the likelihood of teenagers being susceptible to initiating, experimenting, or becoming current smokers. Experimental smoking among youth was related to the density of tobacco outlets both in high school neighborhoods and in neighborhoods where youth live. Advertising is more prevalent in stores located near schools and where adolescents are more likely to shop.

[The Family & Children's Society, Inc./St. Anthony of Padua Parish/Family Enrichment Network/Davis College] supports protecting youth from tobacco marketing by reducing the density of tobacco retail outlets and/or their proximity to schools, playgrounds and parks.

SET PUBLIC HEARING

The City of Binghamton will hold a public hearing regarding "An Ordinance amending Chapter 410, Article XI of the Code of the City of Binghamton, regarding sign regulations" on Wednesday April 23, 2014 at 5:00pm. The public hearing will take place during the regularly scheduled City Council Business Meeting, and will be held in City Council Chambers.

Note: Introductory Ordinance 14-11, regarding amendments to sign regulations, was originally scheduled for Second Reading Legislation at this Business Meeting. Council members Mihalko, Berg, Rennia, Motsavage and Papastrat removed their support from this legislation. Item failed without support from the majority of the committee in which it was considered or from the majority of Council as a whole. The proposed amendments to the sign regulations will be redrafted and resubmitted as a separate piece of legislation.

The City of Binghamton will hold a public hearing regarding "A Resolution authorizing a noise variance for the Belmar Pub" on Wednesday April 23, 2014 at 5:00pm. The public hearing will take place during the regularly scheduled City Council Business Meeting, and will be held in City Council Chambers.

The City of Binghamton will hold two public hearings regarding "An Ordinance adopting a Comprehensive Plan for the City of Binghamton", on Wednesday May 7, 2014 at 6:30pm, and on Wednesday June 18, 2014 at 6:30pm. Both public hearings will take place during regularly scheduled City Council Business Meetings, and will be held in the City Council Chambers.

PUBLIC COMMENT/COMMUNICATION

None

FIRST READING LEGISLATION

Introductory Ordinance 14-13. Considered in Finance, Chair: Berg

An Ordinance authorizing a revision to the 2014 Capital Budget
Motion to approve legislation. Moved by Berg, seconded by Mihalko.

Motion carried. Legislation adopted as Permanent Ordinance 14-12. (Vote 6-0-1)

Ayes: Motsavage, Mihalko, Webb, Papastrat, Matzo, Berg

Nays: None

Absent: Rennia



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Introductory Ordinance 14-14. Considered in Finance, Chair: Berg

An Ordinance authorizing the issuance of \$19,495,500 in serial bonds to finance 2014 capital projects

1. Motion to approve legislation.
Moved by Berg, seconded by Motsavage.
2. Motion to declare City Council as Lead Agency.
Moved by Berg, seconded by Matzo.
Voice vote, none opposed.
3. Motion to declare Introductory Ordinance 14-14 as a Type II Action, excluding the portion relating to the First Ward Pool, under the New York State Environmental Quality Review Act.
Moved by Berg, seconded by Motsavage.
Voice vote, none opposed.
4. Motion to declare Introductory Ordinance 14-14, as it pertains to the First Ward Pool, an Unlisted Action, under the New York State Environmental Quality Review Act.
Moved by Berg, seconded by Motsavage.
Voice vote, none opposed.
5. As the ordinance pertains to the First Ward Pool, motion to declare that there will be no significant, adverse environmental impact because the City's compliance with any determination made by the New York State Historic Preservation Office will mitigate any potential adverse impacts.
Moved by Berg, seconded by Motsavage.
Voice vote, none opposed.
6. Motion to approve legislation.
Moved by Berg, seconded by Motsavage.
Motion carried. Legislation adopted as Permanent Ordinance 14-13. (Vote 6-0-1)
Ayes: Motsavage, Mihalko, Webb, Papastrat, Matzo, Berg
Nays: None
Absent: Rennia

Introductory Ordinance 14-15. Considered in Planning, Chair: Webb

An Ordinance approving a reassignment of CDBG funds for the Broome County Urban League CDBG FY 38 Afterschool/Summer Enrichment Program

Motion to approve legislation. Moved by Berg, seconded by Matzo.

Motion carried. Legislation adopted as Permanent Ordinance 14-14. (Vote 6-0-1)

Ayes: Motsavage, Mihalko, Webb, Papastrat, Matzo, Berg

Nays: None

Absent: Rennia

Introductory Ordinance 14-16. Considered in Planning, Chair: Webb

An Ordinance approving a reassignment of CDBG funds for Mothers and Babies Perinatal Network CDBG FY 38 PAL Resource Center Program



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Motion to approve legislation. Moved by Berg, seconded by Motsavage.

Motion carried. Legislation adopted as Permanent Ordinance 14-15. (Vote 6-0-1)

Ayes: Motsavage, Mihalko, Webb, Papastrat, Matzo, Berg

Nays: None

Absent: Rennia

Introductory Ordinance 14-18. Considered in Planning, Chair: Webb

An Ordinance authorizing the sale of 109 Liberty Street to Theodore M. Race for \$50

Motion to approve legislation. Moved by Berg, seconded by Motsavage.

Motion carried. Legislation adopted as Permanent Ordinance 14-16. (Vote 6-0-1)

Ayes: Motsavage, Mihalko, Webb, Papastrat, Matzo, Berg

Nays: None

Absent: Rennia

Introductory Ordinance 14-19. Considered in Employees, Chair: Berg

An Ordinance amending the Department of Public Works 2014 budget, defunding the position of Street Maintenance Supervisor and funding the position of Assistant Street Maintenance Supervisor

1. Motion to approve legislation.
Moved by Berg, seconded by Matzo.
2. Motion to table the legislation until the end of the meeting.
Moved by Matzo, seconded by Motsavage.

Item tabled.

Introductory Ordinance 14-20. Considered in Employees, Chair: Berg

An Ordinance authorizing the increase in Fire Bureau personnel by one firefighter position for a period of 60 days commencing on a date between May 1, 2014 and May 31, 2014, ending 60 days after commencement

Motion to approve legislation. Moved by Berg, seconded by Motsavage.

Motion carried. Legislation adopted as Permanent Ordinance 14-17. (Vote 6-0-1)

Ayes: Motsavage, Mihalko, Webb, Papastrat, Matzo, Berg

Nays: None

Absent: Rennia

Introductory Resolution 14-17. Considered in Finance, Chair: Berg

A Resolution authorizing various amendments to the 2014 tax roll, resulting from waived garbage violations

Motion to approve legislation. Moved by Berg, seconded by Motsavage.

Motion carried. Legislation adopted as Permanent Resolution 14-17. (Vote 6-0-1)

Ayes: Motsavage, Mihalko, Webb, Papastrat, Matzo, Berg

Nays: None

Absent: Rennia

Introductory Resolution 14-18. Considered in Finance, Chair: Berg

A Resolution authorizing the acceptance of \$1,340,168 from the New York State SAFER Grant

Motion to approve legislation. Moved by Berg, seconded by Motsavage.



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Motion carried. Legislation adopted as Permanent Resolution 14-18. (Vote 6-0-1)

Ayes: Motsavage, Mihalko, Webb, Papastrat, Matzo, Berg

Nays: None

Absent: Rennia

Introductory Resolution 14-19. Considered in Planning, Chair: Webb

A Resolution authorizing an agreement with the New York State Department of Transportation for Use and Occupancy Permit Number 90613

Motion to approve legislation. Moved by Mihalko, seconded by Motsavage.

Motion carried. Legislation adopted as Permanent Resolution 14-19. (Vote 6-0-1)

Ayes: Motsavage, Mihalko, Webb, Papastrat, Matzo, Berg

Nays: None

Absent: Rennia

Introductory Resolution 14-20. Considered in Municipal and Public Affairs, Chair: Motsavage

A Resolution urging the New York State Office for People with Developmental Disabilities to reconsider the closure and reduction of services of the Broome Developmental Center

Motion to approve legislation. Moved by Papastrat, seconded by Motsavage.

Motion carried. Legislation adopted as Permanent Resolution 14-20. (Vote 6-0-1)

Ayes: Motsavage, Mihalko, Webb, Papastrat, Matzo, Berg

Nays: None

Absent: Rennia

Introductory Resolution 14-21. Considered in Public Works/Parks and Recreation, Chair: Motsavage

A Resolution authorizing an agreement with the Town of Vestal for the installation of Two River Greenway signage

Motion to approve legislation. Moved by Motsavage, seconded by Papastrat.

Motion carried. Legislation adopted as Permanent Resolution 14-21. (Vote 6-0-1)

Ayes: Motsavage, Mihalko, Webb, Papastrat, Matzo, Berg

Nays: None

Absent: Rennia

Introductory Resolution 14-22. Considered in Public Works/Parks and Recreation, Chair: Motsavage

A Resolution authorizing the Mayor to enter into a professional services contract with Tim Haas Associates for the rehabilitation of the three City-owned parking ramps

Motion to approve legislation. Moved by Motsavage, seconded by Matzo.

Motion carried. Legislation adopted as Permanent Resolution 14-22. (Vote 7-0)

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo, Berg

Nays: None

Introductory Ordinance 14-19. Considered in Employees, Chair: Berg

An Ordinance amending the Department of Public Works 2014 budget, defunding the position of Street Maintenance Supervisor and funding the position of Assistant Street Maintenance Supervisor

Motion to approve legislation. Moved by Berg, seconded by Motsavage.

Motion carried. Legislation adopted as Permanent Ordinance 14-18. (Vote 7-0)

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo, Berg



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Nays: None

COMMUNICATIONS FROM COUNCIL MEMBERS

Motsavage, Mihalko, Rennia, Matzo, Berg, Webb

ADJOURNMENT

Motion to adjourn at 6:04pm.

Moved by Matzo, seconded by Motsavage.

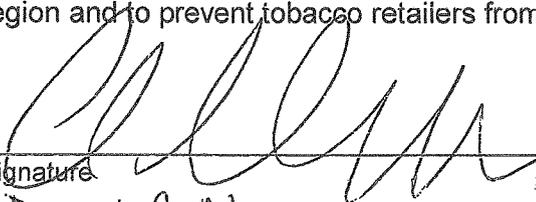
Voice vote, none opposed.

Letter of Support for Reducing the Density and Proximity to Schools of Tobacco Retailers

- In New York State, the tobacco industry spends approximately \$1.1 million per day to market its product.¹
- The U.S. Federal Court of Appeals concluded in 2006 that the tobacco industry created highly sophisticated marketing campaigns to get young people to initiate smoking.²
- Greater concentration of tobacco retailers is associated with illegal cigarette purchases by young people and higher rates of youth smoking prevalence.^{3,4}
- In-store tobacco displays can influence kids' smoking, increasing the likelihood of teenagers being susceptible to initiating, experimenting, or becoming current smokers.^{5,6}
- Experimental smoking among youth was related to the density of tobacco outlets both in high school neighborhoods and in neighborhoods where youth live.⁷
- Advertising is more prevalent in stores located near schools and where adolescents are more likely to shop.⁸

Family Enrichment Network supports protecting youth from tobacco marketing by reducing the density of tobacco retail outlets and/or their proximity to schools, playgrounds and parks.

Communities have been granted the authority through the Federal Family Smoking Prevention and Tobacco Control Act to set a maximum number of tobacco retailers within a geographic region and to prevent tobacco retailers from locating near schools, parks, playgrounds, etc.


Signature _____ Date 7/31/2012
Darrell R. Newvine
Print name _____ Title Executive Director
Family Enrichment Network
Organization (if pertinent) _____
24 Cherry Street, Johnson City NY 13790
Address _____
dnewvine@familyenrichment.cc
Email _____
607-723-8313
Phone _____

Letter of Support for Reducing the Density and Proximity to Schools of Tobacco Retailers

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- In-store tobacco displays can influence kids' smoking, increasing the likelihood of teenagers being susceptible to initiating, experimenting, or becoming current smokers.^{5,6}
- Experimental smoking among youth was related to the density of tobacco outlets both in high school neighborhoods and in neighborhoods where youth live.⁷
- Advertising is more prevalent in stores located near schools and where adolescents are more likely to shop.⁸

The Family & Children's Society, Inc supports protecting youth from tobacco marketing by reducing the density of tobacco retail outlets and/or their proximity to schools, playgrounds and parks.

Communities have been granted the authority through the Federal Family Smoking Prevention and Tobacco Control Act to set a maximum number of tobacco retailers within a geographic region and to prevent tobacco retailers from locating near schools, parks, playgrounds, etc.


Signature _____ Date 7/26/12
Frederick Dufour
Print name _____ Title Executive Director
The Family & Children's Society, Inc.
Organization (if pertinent) _____
257 Main St, Binghamton, NY 13905
Address _____
fdufour@familycs.org
Email _____
607-729-6206
Phone _____

Letter of Support for Reducing the Density and Proximity to Schools of Tobacco Retailers

- In New York State, the tobacco industry spends approximately \$1.1 million per day to market its product.¹
- The U.S. Federal Court of Appeals concluded in 2006 that the tobacco industry created highly sophisticated marketing campaigns to get young people to initiate smoking.²
- Greater concentration of tobacco retailers is associated with illegal cigarette purchases by young people and higher rates of youth smoking prevalence.^{3,4}
- In-store tobacco displays can influence kids' smoking, increasing the likelihood of teenagers being susceptible to initiating, experimenting, or becoming current smokers.^{5,6}
- Experimental smoking among youth was related to the density of tobacco outlets both in high school neighborhoods and in neighborhoods where youth live.⁷
- Advertising is more prevalent in stores located near schools and where adolescents are more likely to shop.⁸

Davis College supports protecting youth from tobacco marketing by reducing the density of tobacco retail outlets and/or their proximity to schools, playgrounds and parks.

Communities have been granted the authority through the Federal Family Smoking Prevention and Tobacco Control Act to set a maximum number of tobacco retailers within a geographic region and to prevent tobacco retailers from locating near schools, parks, playgrounds, etc.

Joanna Johnson BS, RN Director of Health Services 8-13-12
Signature Date ↑

Joanna Johnson
Print name Title

Davis College
Organization (if pertinent)

400 Riverside Dr. Johnson City, NY 13790
Address

Jjohnson@davisny.edu
Email

607-729-1581 ext 337
Phone

Holmes, Angela

From: Bocinski, Kim [kbocinski@lourdes.com]
Posted At: Wednesday, April 02, 2014 9:33 AM
Conversation: tobacco retailers
Posted To: Inbox

Subject: tobacco retailers

Please know that I am in favor of keeping tobacco retailers as far away from our schools as possible. Our kids should not be marketed to and targeted by this industry

Thank You,

Kim Llewellyn
Family Support Worker (FSW)
Parents and Children Together (PACT)
219 Front Street
Binghamton, NY 13905
Phone: 607-584-4516
Fax:607-584-4560
E-Mail: kbocinski@lourdes.com

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Letter of Support for Reducing the Density and Proximity to Schools of Tobacco Retailers

- In New York State, the tobacco industry spends approximately \$1.1 million per day to market its product.¹
- The U.S. Federal Court of Appeals concluded in 2006 that the tobacco industry created highly sophisticated marketing campaigns to get young people to initiate smoking.²
- Greater concentration of tobacco retailers is associated with illegal cigarette purchases by young people and higher rates of youth smoking prevalence.^{3,4}
- In-store tobacco displays can influence kids' smoking, increasing the likelihood of teenagers being susceptible to initiating, experimenting, or becoming current smokers.^{5,6}
- Experimental smoking among youth was related to the density of tobacco outlets both in high school neighborhoods and in neighborhoods where youth live.⁷
- Advertising is more prevalent in stores located near schools and where adolescents are more likely to shop.⁸

St. Anthony of Padua Parish supports protecting youth from tobacco marketing by reducing the density of tobacco retail outlets and/or their proximity to schools, playgrounds and parks.

Communities have been granted the authority through the Federal Family Smoking Prevention and Tobacco Control Act to set a maximum number of tobacco retailers within a geographic region and to prevent tobacco retailers from locating near schools, parks, playgrounds, etc.

Rev. James P. Serowik
Signature

Rev. James P. Serowik
Print name

St. Anthony of Padua Church
Organization (if pertinent)

906 Jenkins Street
Address

Stanthonyr@stay.rr.com
Email

607-754-4333
Phone

July 31, 2012
Date

Pastor
Title

Endicott, NY