



# LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

William Berg, City Council President  
Joseph Merrill, City Clerk

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## COUNCIL OF THE CITY OF BINGHAMTON

### Business Meeting Minutes

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

Wednesday August 19, 2015

#### CALL TO ORDER

Called to order by Council President Berg at 6:34pm.

#### PLEDGE OF ALLEGIANCE

Council President Berg led the Pledge of Allegiance.

#### ROLL CALL

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

**Absent:** Teri Renna

**Also in attendance:** Joseph Merrill, City Clerk; Lai Huynh, Deputy City Clerk; Allison Sosa, First Assistant Corporation Counsel

#### REPORTS FROM COMMITTEES AND APPROVAL OF MINUTES

Motion to approve the minutes from the Business Meeting held on Wednesday August 5, 2015.

Moved by Webb, seconded by Motsavage.

**Voice vote, none opposed.**

Councilwoman Webb noted for the record that the Planning and Community Development Committee will meet on September 9, 2015 at 5:30pm to review the CNY's report on fair housing practices. This meeting will take place in City Council Work Room, 38 Hawley St Binghamton NY. For more information please contact the City Clerk's Office at 607-772-7005 or by email at [clerk@cityofbinghamton.com](mailto:clerk@cityofbinghamton.com).

#### PUBLIC HEARINGS

##### Local Law 15-2, Considered in Municipal and Public Affairs, Chair: Renna

A Local Law adopting the Police Modernization Law

*Note: Notice of the public hearing was published in the Press and Sun Bulletin on August 13, 2015 and August 14, 2015.*

In Favor: Sean Massey, Dara Silberstein, Sherry Weiss, Aviva Friedman, Mark Bowers, Lawrence Parham, Hadassah Head, Conrad Taylor, Susan Link, Major Barnett<sup>1</sup>, Korin Kirk, Epiphany Munoz, Sarah Hogan, Selka Valerio, Denise Yull<sup>2</sup>, Cory Ray, John Jones, Jodi Sammino<sup>3</sup>, Edward Hickey

Against: James Szenher<sup>4</sup>, Gregory Brown<sup>5</sup>, Sheena Burke<sup>6</sup>, George Barlow, Gerald Mollen<sup>7</sup>, Tony Massar, Bob Fimbres, Tom Ellis, Kevin Brown<sup>8</sup>, Debra Hogan, Chris Governanti, Larry Hendrickson, James Lyman<sup>9</sup>

<sup>1</sup>Motion to suspend the rules to allow Major Barnett, a resident of Johnson City to speak during the public hearing. Moved by Webb, seconded by Motsavage.

**Voice vote, none opposed.**

<sup>2</sup>Motion to suspend the rules to allow Denise Yull, a resident of Apalachin to speak during the public hearing. Moved by Webb, seconded by Motsavage.

**Voice vote, none opposed.**

<sup>3</sup>Motion to suspend the rules to allow Jodi Sammino, a resident of Vestal to speak during the public hearing.



## LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

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Moved by Webb, seconded by Motsavage.

**Voice vote, none opposed.**

<sup>4</sup>Motion to suspend the rules to allow James Szenher, a resident of Vestal to speak during the public hearing.

Moved by Webb, seconded by Motsavage.

**Voice vote, none opposed.**

<sup>5</sup>Motion to suspend the rules to allow Gregory Brown, a resident of Endicott to speak during the public hearing.

Moved by Webb, seconded by Motsavage.

**Voice vote, none opposed.**

<sup>6</sup>Motion to suspend the rules to allow Sheena Burke, a resident of \_\_\_\_\_ to speak during the public hearing.

Moved by Webb, seconded by Motsavage.

**Voice vote, none opposed.**

<sup>7</sup>Motion to suspend the rules to allow Gerald Mollen, a resident of Vestal to speak during the public hearing.

Moved by Webb, seconded by Motsavage.

**Voice vote, none opposed.**

<sup>8</sup>Motion to suspend the rules to allow Kevin Brown, a resident of Hillcrest to speak during the public hearing.

Moved by Webb, seconded by Motsavage.

**Voice vote, none opposed.**

<sup>9</sup>Motion to suspend the rules to allow James Lyman, a resident of Albany to speak during the public hearing.

Moved by Webb, seconded by Motsavage.

**Voice vote, none opposed.**

**Adjournment.** Motion for a 5-minute adjournment at 9:04pm.

Moved by Matzo, seconded by Webb.

**Voice vote, none opposed.**

**Reconvene.** Called to order at 9:13pm by Council President Bill Berg.

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

**Absent:** Teri Renna

**Also in attendance:** Joseph Merrill, City Clerk; Lai Huynh, Deputy City Clerk; Allison Sosa, First Assistant Corporation Counsel

### **PUBLIC COMMENT/COMMUNICATION**

Tarik Abdelazim, Mark Bowers, Debra Hogan

Email from Patricia Donohue received on August 17, 2015 in support of the Police Modernization Law.

Email from Deborah Williams received on August 18, 2015 in support of the Police Modernization Law.

Letter from Erin Costello received on August 18, 2015 regarding the conduct of a survey on racial profiling.

### **REVIEW OF MAYORAL VETO**

**Introductory Ordinance 15-39, Considered in Municipal and Public Affairs, Chair: Renna**

An Ordinance amending Chapter 292 of the Code of the City of Binghamton regarding noise



## LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

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*Note: This legislation was adopted by the Council of the City of Binghamton at a Business Meeting held on July 22, 2015, and was presented to Mayor Richard C. David on July 23, 2015. The Mayor vetoed Introductory O15-39, and submitted his veto message to the City Clerk's Office on July 30, 2015.*

Motion to override veto. Moved by Webb, seconded by Motsavage.

Motion to withdraw motion to override veto.

Moved by Webb, seconded by Papastrat.

**Voice vote, none opposed.**

### **SECOND READING LEGISLATION**

#### **Introductory Ordinance 15-45, Considered in Finance, Chair: Motsavage**

An Ordinance amending 2014 Budget to include new budget line A1440.54456 (General Infrastructure Improvements) and fund such account with a transfer of \$69,255.08 from A9030.58000B (Social Security) to cover the cost and cancellation of the Washington St project

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

**Motion carried. Legislation adopted as Permanent Ordinance 15-47. (Vote 5-1-1)**

Ayes: Motsavage, Mihalko, Papastrat, Matzo, Berg

Nays: Webb

Absent: Renna

### **FIRST READING LEGISLATION**

#### **Introductory Ordinance 15-44, Considered in Finance, Chair: Motsavage**

An Ordinance authorizing transfers in the FY 39 and 40 CDBG Budgets for various Parks improvements

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

**Motion carried. Legislation adopted as Permanent Ordinance 15-46. (Vote 6-0-1)**

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

Nays: None

Absent: Renna

#### **Introductory Ordinance 15-47, Considered in Finance, Chair: Motsavage**

Ordinance of the City of Binghamton, New York, adopted August 19, 2015, amending the Bond Ordinance adopted April 9, 2014, on account of an increase in the cost of rehabilitation of the South Washington Street Bridge project

Motion to declare a Type II action under SEQR.

Moved by Motsavage, seconded by Webb.

**Voice vote, none opposed.**

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

**Motion carried. Legislation adopted as Permanent Ordinance 15-48. (Vote 6-0-1)**

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

Nays: None

Absent: Renna

#### **Introductory Ordinance 15-48, Considered in Finance, Chair: Motsavage**

Ordinance of the City of Binghamton, New York, adopted August 19, 2015, amending the Bond Ordinance adopted September 4, 2001, and heretofore amended on April 7, 2004, October 2, 2006, and June 20, 2012, on account of an



## LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

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increase in the cost of the improvements to the Sewage Treatment Plant, jointly owned by the City of Binghamton and the Village of Johnson City

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

**Motion carried. Legislation adopted as Permanent Ordinance 15-49. (Vote 5-1-1)**

Ayes: Motsavage, Mihalko, Papastrat, Matzo, Berg

Nays: Webb

Absent: Renna

**Introductory Ordinance 15-49, Considered in Finance, Chair: Motsavage**

An Ordinance amending the 2015 Budget to create budget lines for the Binghamton Human Rights Commission

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

**Motion failed. (Vote 3-3-1)**

Ayes: Motsavage, Webb, Berg

Nays: Mihalko, Papastrat, Matzo

Absent: Renna

**Introductory Ordinance 15-50, Considered in Public Works/Parks and Recreation, Chair: Motsavage**

An Ordinance authorizing the City to accept donation of football helmets

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

**Motion carried. Legislation adopted as Permanent Ordinance 15-50. (Vote 6-0-1)**

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

Nays: None

Absent: Renna

**Introductory Resolution 15-77, Considered in Planning & Community Development, Chair: Webb**

A Resolution authorizing the Mayor to enter into an agreement with Catholic Charities for the use of Federal Fiscal Year 2010 ESG funding in an amount not to exceed \$6,438

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

**Motion carried. Legislation adopted as Permanent Resolution 15-82. (Vote 6-0-1)**

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

Nays: None

Absent: Renna

**Introductory Resolution 15-78, Considered in Planning & Community Development, Chair: Webb**

A Resolution authorizing the Mayor to enter into an agreement with YWCA for the use of Federal Fiscal Year 2010 ESG funding in an amount not to exceed \$40,150

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

**Motion carried. Legislation adopted as Permanent Resolution 15-84. (Vote 6-0-1)**

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

Nays: None

Absent: Renna

**Introductory Resolution 15-79, Considered in Planning & Community Development, Chair: Webb**

A Resolution authorizing the Mayor to enter into an agreement with Volunteers of America for the use of Federal Fiscal Year 2010 ESG funding in an amount not to exceed \$34,268

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



## LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

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---

**Motion carried. Legislation adopted as Permanent Resolution 15-83. (Vote 6-0-1)**

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

Nays: None

Absent: Renna

**Introductory Resolution 15-85, Considered in Finance, Chair: Motsavage**

A Resolution authorizing the Mayor to enter into an agreement with Broome County for reimbursement of expenses for the Summer Fun Youth Development Program in an amount not to exceed \$11,000

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

**Motion carried. Legislation adopted as Permanent Resolution 15-85. (Vote 6-0-1)**

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

Nays: None

Absent: Renna

**Introductory Resolution 15-86, Considered in Finance, Chair: Motsavage**

A Resolution authorizing the Mayor to enter into Supplemental Agreement No.2 with Shumaker Engineering on the Front St Reconstruction at Clinton St project, PIN 9752.74 for additional construction inspection time

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

**Motion carried. Legislation adopted as Permanent Resolution 15-86. (Vote 6-0-1)**

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

Nays: None

Absent: Renna

**Introductory Resolution 15-87, Considered in Finance, Chair: Motsavage**

A Resolution authorizing the Mayor to enter into a grant agreement with New York State Energy Research and Development Authority (NYSERDA) for NY PRIZE RFP 3044 State 1 Feasibility Assessment in the amount of \$100,000

Motion to amend legislation to include budget line H1210.555555.M0002 (Expense) and budget line H.43389.M0002 (Revenue). Moved by Motsavage, seconded by Matzo.

**Voice vote, none opposed.**

Motion to reintroduce legislation as amended. Moved by Motsavage, seconded by Webb.

**Motion carried. Legislation adopted as Permanent Resolution 15-87. (Vote 6-0-1)**

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

Nays: None

Absent: Renna

**COMMUNICATIONS FROM COUNCIL MEMBERS**

Mihalko, Renna, Matzo, Papastrat, Motsavage, Webb, Berg

**ADJOURNMENT**

Motion to adjourn at 10:33pm.

Moved by Matzo, seconded by Webb.

**Voice vote, none opposed.**