



OFFICE OF THE CITY CLERK ▪ CITY OF BINGHAMTON

Teri Rennia, City Council President
Angela Holmes, City Clerk

**BOARD OF ESTIMATE AND APPORTIONMENT
MEETING MINUTES
DPW Conference Room, 3rd Floor City Hall
Wednesday May 7, 2014**

Call to Order. Called to order at 11:17am by Richard C. David, Mayor.

Present: Richard C. David, Mayor; Kenneth J. Frank, Corporation Counsel; Philip T. Krey, City Engineer; Gary Holmes, Commissioner of Public Works

Absent: Charles Pearsall, Comptroller

Also Present: Issac Anzaroot; Joel Boyd, Assistant Director of Economic Development; Sarah Campbell, Hinman, Howard & Kattell; Thomas Costello, Supervisor of Building Construction, Zoning & Code Enforcement; Angela Holmes, City Clerk; Gerald Kennicutt, Deputy Comptroller; Jared Kraham, Executive Assistant to the Mayor; Leigh McCullen, Senior Planner; Jennifer Taylor, Acting Director of Planning, Housing and Community Development

ITEMS CONSIDERED

Permanent Easement for Portion of 70-72 Court Street. Request to enter into an agreement for a permanent easement for a portion of 72 Court Street, submitted by 33 State Street Associates. Alan Pope, Andrew Urso and Larry Pasquale attended the meeting held January 15, 2014 to discuss the proposal. The Board reviewed this matter, and concluded that any agreement should be limited to the space required for a stairway, but should not include space for a patio. The Board of Contract and Supply approved a Request for Sealed Bids for 70-72 Court Street at a meeting held on February 12, 2014. Such Request for Sealed Bids includes a restriction stating that the sale would be subject to a permanent easement for pedestrian ingress and egress from a basement stairwell at 92 State Street, but that construction above the stairwell would be permitted. Kenneth J. Frank will discuss the details of the permanent easement with Mr. Pope. Item held.

8 Meadow Street. Offer to Purchase 8 Meadow Street for \$100, submitted by Tonya Dakari on December 23, 2013. Sent to the Assessor's Office, the Office of Building Construction, Zoning & Code Enforcement and the Department of Planning, Housing & Community Development on January 2, 2014. Steve Quinn responded on January 3, 2014, stating that this property is one of several properties that the First Ward Action Council is scheduled to purchase and develop under the City's Restore NY grant application and NYS Tax Credit application. Scott Snyder responded on January 3, 2014, confirming that the property is listed as a Restore NY property. Mayor David met with Jerry Willard from First Ward Action Council, who indicated that they are still slated to receive funding for the development of the property. First Ward Action Council should know the outcome within the next few months. Item held pending confirmation of funding for First Ward Action Council.

142 State Street. Offer to Purchase a portion of 142 State Street for \$2,500, submitted by 25 Chenango Street Associates, LLC on April 1, 2014. The application indicates that 142 State Street is composed of the State Street parking ramp and the area commonly referred to as "Commercial Alley". The applicant proposes to purchase a portion of Commercial Alley in order to construct a fire escape off the back of 25 Chenango Street. Sent to the Assessor's Office, the Office of Building Construction, Zoning & Code Enforcement and the Department of Planning, Housing & Community Development on April 1, 2014. Scott Snyder responded on April 1, 2014, stating that the offer is low, and estimates the value of the area in question to be \$4,000 - \$4,500. Tom Costello responded on April 14, 2014, stating that Code



OFFICE OF THE CITY CLERK ▪ CITY OF BINGHAMTON

Teri Rennia, City Council President

Angela Holmes, City Clerk

supports the offer as the proposed use will support life safety design features of the building under redevelopment, and encourages a reasonable negotiated price. Leigh McCullen responded on April 14, 2014, stating the offer to purchase does not sufficiently address the impacts to public access. Given that this portion of the alley is intended for two-way traffic this area is needed to allow cars to pass. The area proposed could be limited to that which is only necessary to building the stairs, but without further clarification, PHCD is not in a position to provide a recommendation. Joel Boyd, Tito Martinez and Jennifer Taylor attended the meeting on April 23, 2014. The Board generally agreed to support the sale with the following conditions: (1) implement deed restrictions to ensure public access is maintained and to limit the use solely to the construction of a staircase; (2) the applicant must obtain an official survey; (3) the area in question must be squared off; and (4) the sales price must be consistent with the price range identified by the City Assessor. Sarah Campbell, Issac Anzaroot, Thomas Costello, Jennifer Taylor, Leigh McCullen, Joel Boyd and Scott Snyder attended the E&A meeting on May 7, 2014. Ms. Campbell noted for the record that the applicant needs additional land to meet all Building and Safety Code requirements for the exterior fire stairway. The Board discussed either selling the parcel to the applicant and requesting an easement in return to maintain public access, or providing an easement for the fire stairway and required space to satisfy Building and Safety Code requirements. Mr. Frank noted for the record that if E&A approves this matter, the applicant must obtain a survey, and then the request would need to be presented to City Council for their approval.

Motion to approve either (a) a transfer with an easement, or (b) granting an easement to allow for the installation of a fire stairway, subject to review based upon a survey to be obtained by the applicant. The total sales price shall be at a rate of \$1.75/square foot, and shall apply to whatever portion of the parcel the City conveys to the applicant.

Moved by Frank, seconded by Holmes.

Motion carried. (Vote 4-0-1)

Ayes: David, Frank, Krey, Holmes

Nays: None

Absent: Pearsall

Approval of Minutes. Motion to approve the minutes from the Board of Estimate and Apportionment meetings held on April 23, 2014.

Moved by Frank, seconded by Krey.

Motion carried. (Vote 4-0-1)

Ayes: David, Holmes, Krey, Frank

Nays: Pearsall

Budget Modification. Request to accept partial reimbursement of capital budget funded debt incurred for the demolition of flood-damaged homes, as outlined in RL 14-64. Request to appropriate \$1,506,544.60 in revenue budget line H43089 (State Aid—Other), and to increase expense budget line H1310.550000 (Demo, Bond Redemption) to pay down the 2014 Bond Anticipation Note (BAN) when rolled in early 2015. Submitted by Charles Pearsall, Comptroller. Presented by Gerry Kennicutt, Deputy Comptroller.

Motion to approve the budget modification.

Moved by Frank, seconded by Holmes.

Motion carried. (Vote 4-0-1)

Ayes: David, Holmes, Krey, Frank

Nays: Pearsall

Budget Transfer. Request to transfer \$7,693 from budget line A1364.54681 (In Rem Taxes) to budget line A1364.54682 (Purchase of Real Property), to allow for the purchase of foreclosed properties at 510 ½ Chenango, 12 Gaines, 5 Valley



OFFICE OF THE CITY CLERK ▪ CITY OF BINGHAMTON

Teri Rennia, City Council President

Angela Holmes, City Clerk

and 11 Baltimore Street, as outlined in RL 14-60. Submitted by Jennifer Taylor, Acting Director of Planning, Housing and Community Development. Presented by Jennifer Taylor, Acting Director of Planning, Housing and Community Development.

Motion to approve the budget transfer.

Moved by Frank, seconded by Krey.

Motion carried. (Vote 4-0-1)

Ayes: David, Holmes, Krey, Frank

Nays: Pearsall

Discussion. Thomas Costello noted for the record that while there had been discussion about the administration of an Infiltration and Inflow (I/I) credit program in the City of Binghamton, no program or policy had been established. The City received the development plans for the Press Building, located at 19 Chenango Street. I/I regulations will apply to this development. Once the Binghamton-Johnson City Joint Sewage Board approves the plans, the owners of 19 Chenango Street would have to purchase I/I credits. Mr. Krey noted for the record that Broome Community College just established an I/I program. He will check on the status of this program and report to the Mayor.

Discussion. Mr. Frank noted for the record that the lead counsel for litigation concerning the Binghamton-Johnson City Joint Sewage Treatment Plant has moved to a different firm, but will retain his clients. Mr. Frank will approve the change in the contract to reflect the change in law firm.

Executive Session. Motion to enter into Executive Session at 11:46am to discuss litigation.

Moved by Krey, seconded by Frank.

Voice vote, none opposed.

Reconvene. Called to order at 11:50am by Richard C. David, Mayor.

Present: Richard C. David, Mayor; Kenneth J. Frank, Corporation Counsel; Philip T. Krey, City Engineer; Gary Holmes, Commissioner of Public Works

Absent: Charles Pearsall, Comptroller

Also Present: Angela Holmes, City Clerk; Gerald Kennicutt, Deputy Comptroller; Jared Kraham, Executive Assistant to the Mayor

Settlement. Motion to authorize Corporation Counsel to authorize outside counsel to settle litigation as discussed in Executive Session.

Moved by Frank, seconded by Krey.

Motion carried. (Vote 4-0-1)

Ayes: David, Frank, Krey, Holmes

Nays: None

Absent: Pearsall

Adjournment. Motion to adjourn at 11:51am.

Moved by Holmes, seconded by Krey.

Voice vote, none opposed.