



OFFICE OF THE CITY CLERK CITY OF BINGHAMTON

Teri Renna, City Council President

Jeremy Pelletier, City Clerk

**BOARD OF ESTIMATE AND APPORTIONMENT
MEETING MINUTES
DPW Conference Room, 3rd Floor City Hall
Wednesday September 10, 2014**

Call to Order. Called to order at 11:21am by Richard C. David, Mayor.

Board Members Present: Richard C. David, Mayor ; Chuck Shager, Comptroller; Gary Holmes, Commissioner of Public Works; Kenneth J. Frank, Corporation Counsel

Board Members Absent: None

Also Present: Jeremy Pelletier, City Clerk; Jared Kraham, Executive Assistant to the Mayor

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 to 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. Jeremy Pelletier will invite Jerry Willard to the Board of Estimate & Apportionment meeting on September 17th.

19 Emma Street. Request to donate 19 Emma Street to the City of Binghamton. Submitted by Staiman Industries, Inc. on May 7, 2014. Sent to the Assessor's Office, the Office of Building Construction, Zoning & Code Enforcement and the Department of Planning, Housing & Community Development on May 7, 2014. Scott Snyder responded on May 21, 2014, stating that he is not in favor of accepting the donation, noting that the City recently auctioned off surplus properties in the City's inventory. Tom Costello responded on May 23, 2014, agreeing with the Assessor's comments. Jennie Skeadas-Sherry responded on May 30, 2014, noting that it is an industrial site, formerly used by a recycling company. She stated that Planning is not in favor of accepting the donation at this time. Ms. Skeadas-Sherry requested a Phase I Environmental Assessment, with the intent to revisit the request to donate the property upon receipt of the results, as Economic Development has expressed interest in the site. E&A referred the matter to Economic Development



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on June 6, 2014. Ms. Skeadas-Sherry responded on July 2, 2014, stating that the property is within the Endicott-Johnson Industrial Spine BOA, which is a Broome County project. A review of New York State databases shows that there are no recorded spills on the property, but there is a history of keeping storage tanks on site. No environmental information is available. Bob Murphy will provide an update on the property and will contact the company to determine if they will conduct an environmental study. Item held.

336 Court Street. Offer to purchase a strip of land in front of 336 Court Street in order to erect a sign. Submitted by ScottTech. Mr. Murphy noted that the property is located in New York State Department of Transportation's right-of-way. Mr. Holmes and Mr. Murphy will review this matter to obtain additional clarification. Gary Holmes will assist ScottTech with the process of erecting a sign.

Flynn Avenue. A combined offer to purchase Flynn Avenue, received from John W. Young & Associates on behalf of Binghamton Giant Market, Inc. and Vestal Penn Enterprises, Inc. for \$500 per applicant. Sent to the Assessor's Office, the Office of Building Construction, Zoning & Code Enforcement, the Department of Planning, Housing & Community Development, and the Office of Economic Development on June 27, 2014. Thomas Costello responded on July 1, 2014, stating that Flynn Avenue is a paper street, mostly undeveloped except for a small portion, intersecting Vestal Avenue, which was developed with asphalt. Mr. Costello recommends obtaining additional information prior to issuing a recommendation. Jennie Skeadas-Sherry responded on July 2, 2014. The parcel is in a C-4 zoning district, where the minimum lot size is 6,000 SF. The proposal would create three non-conforming lots (5,983 SF / 289 SF / 1,228 SF). Ms. Skeadas-Sherry requested additional information and clarification on the necessity for subdivision and the creation of non-conforming lots. Scott Snyder responded on July 2, 2014, stating that the offer price of \$500 per applicant is low and unacceptable. Mr. Garbarino and Mr. Young attended the meeting on July 16, 2014 and provided clarification on the proposal. Mr. Holmes noted that the City would require an easement for a sewer line which extends into the street, should the sale be approved. Mr. Snyder stated that the fair market value for the property is \$6,200. Mr. Garbarino and Mr. Young will consider the price, and will contact the City if they are interested in pursuing this matter. Mr. Pelletier reached out to the applicant to determine their interest in the property. The applicant said he was still interested in the property but had to speak with his partner.

Item removed, applicants will contact the City in the future if they are interested in the property.

177 Oak Street. John and Alberta Casey on August 8, 2014. Sent to the Assessor's Office, the Office of Building Construction, Zoning & Code Enforcement, the Department of Planning, Housing & Community Development, and the Office of Economic Development on August 12, 2014. Offer to Purchase 177 Oak Street for \$5,025, submitted by Mark Clark on August 22, 2014. Sent to the Assessor's Office, the Office of Building Construction, Zoning & Code Enforcement, the Department of Planning, Housing & Community Development, and the Office of Economic Development on August 22, 2014. Scott Snyder responded on August 25, 2014 stating that because of the purchase price he would be in favor of the OTP from Mark Clark for \$5,025. Jennie Skeadas-Sherry contacted both applicants and provided more detail of the scope of both applicants' intended use of the property. Jennie Skeadas-Sherry recommended the sale of 177 Oak Street to John and Alberta Casey because their intended use of the property will have a positive neighborhood impact and is the best use for the property.

Motion to approve the sale of 177 Oak Street to John and Alberta Casey for \$3,000, subject to the following conditions: (1) the property must be merged with the applicant's currently owned property at 179 Oak Street; (2) landscaping and a driveway surface is required, as approved by the Planning Department.

Moved by Shager, seconded by Frank.

Motion carried. (Vote 4-0)

Ayes: David, Shager, Frank, Holmes

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Nays: None

Approval of Minutes. Motion to approve the minutes from the Board of Estimate and Apportionment meeting held on September 3, 2014.

Moved by Frank, seconded by Shager.

Motion carried. (Vote 4-0)

Ayes: Shager, Holmes, Frank, David

Nays: None

Absent: None

Executive Session. Motion to enter into Executive Session at 11:36am to discuss litigation.

Moved by Frank, seconded by Shager.

Voice vote, none opposed.

Reconvene. Called to order at 11:49am by Richard C. David, Mayor.

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

Absent: None

Also Present: Jeremy Pelletier, City Clerk; Jared Kraham, Executive Assistant to the Mayor

No action taken.

Adjournment. Motion to adjourn at 11:50am.

Moved by Shager, seconded by Frank.

Voice vote, none opposed.