



# OFFICE OF THE CITY CLERK ▪ CITY OF BINGHAMTON

*Teri Rennia, City Council President*

*Jeremy Pelletier, City Clerk*

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## BOARD OF ESTIMATE AND APPORTIONMENT

### MEETING MINUTES

DPW Conference Room, 3<sup>rd</sup> Floor City Hall

Wednesday October 29, 2014

**Call to Order.** Called to order at 11:05am by Richard C. David, Mayor.

**Board Members Present:** Richard C. David, Mayor; Chuck Shager, Comptroller; Kenneth J. Frank, Corporation Counsel

**Board Members Absent:** Gary Holmes, Commissioner of Public Works

**Also Present:** Tito Martinez, Deputy City Clerk; Jared Kraham, Executive Assistant to the Mayor; Jon Yeager, First Deputy Commissioner of Public Works; Michael Dervay, Purchasing Agent

### 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.

**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 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. Mr. Murphy will provide an update on the property and will contact the company to determine if they will conduct an environmental study. Bob Murphy visited the property. Bob Murphy reported it to be in good condition, Waste Management was previous tenant and had a Phase II environmental study done in 1994 and the property passed. Bob Murphy will contact the Staiman Industries Inc. to see if they will agree to conduct an environmental study.

### NEW BUSINESS

**Approval of Minutes.** Request to approve the minutes from the Board of Estimate and Apportionment meeting held on October 15, 2014.

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Motion to approve minutes from October 15, 2014.

Moved by Ken Frank, seconded by Chuck Shager.

**Motion carried. (Vote 3-0)**

Ayes: Shager, Frank, David

Nays: None

Absent: Holmes

**Budget Transfer.** Request to transfer \$85,600.63 from budget line FX9710.56000 (Serial Bonds – Principal) to budget line FX8330.54665 (JSTP IPP); transfer \$23,462.30 from budget line FX9710.57000 (Serial Bonds – Interest) to budget line FX8330.54665 (JSTP IPP); and \$35,148.35 from budget line FX9730.57000 (BAN –Interest) to budget line FX8330.54655 (JSTP IPP). Submitted by Chuck Shager, Comptroller.

Motion to approve budget transfer

Moved by Frank, seconded by Shager

**Motion carried. (Vote 3-0)**

Ayes: Shager, Frank, David

Nays: None

Absent: Holmes

**Executive Session.** Motion to enter into Executive Session at 11:10am to discuss litigation.

Moved by Frank, seconded by Shager.

**Voice vote, none opposed.**

**Reconvene.** Called to order at 11:25am by Richard C. David, Mayor.

**Present:** Richard C. David, Mayor; Kenneth J. Frank, Corporation Counsel; Chuck Shager, Comptroller

**Absent:** Gary Holmes, Commissioner of Public Works

**Also Present:** Tito Martinez, Deputy City Clerk; Jared Kraham, Executive Assistant to the Mayor

**Litigation.** Review Cooper v. City of Binghamton. To be presented by Kenneth J. Frank, Corporation Counsel.

Motion authorizing Corporation Counsel to settle litigation as discussed in executive session.

Moved by Frank, seconded by Shager

**Motion carried. (Vote 3-0)**

Ayes: Shager, Frank, David

Nays: None

Absent: Holmes

**Adjournment.** Motion to adjourn at 11:27am.

Moved by David, seconded by Frank.

**Voice vote, none opposed.**