



LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Teri Renna, City Council President
 Angela Holmes, City Clerk

CITY COUNCIL WORK SESSION AGENDA
City Council Work Room, 38 Hawley Street, Binghamton
Monday September 16, 2013

Please note that this Work Session will take place immediately following the Special Business Meeting scheduled at 5:30pm. Times for RL(s)/Topics are approximate only and items may be considered earlier or later.

Time	Committee	Chair	RL(s)/Topic	Pages	Presenter
6:30pm	-----	-----	Discussion: Presentation From NYS Department of Taxation and Finance on STAR Exemption Program	49-50	Katherine Garbutt
7:00pm	-----	-----	Discussion: Time Warner Cable Rate Changes	-----	David Whalen, Councilman Papastrat
7:15pm	MPA	Motsavage	RL 13-155: Resolution Urging Broome County to Maintain Ownership of Broome County Public Transit	47	Pete Schiraldi, Susan Ruff, Council President Renna
7:30pm	-----	-----	Discussion: Extending the Outdoor Café Operating Season	-----	Sean Massey, Daniel L. Thomas
7:45pm	-----	-----	Discussion: Transferring Funds to Hire a Temporary Police Officer	-----	Charles Pearsall, Kyle Seeley
8:00pm	PW/Parks	Motsavage	RL 13-149: Amending JSTP Rules & Regulations Regarding Annual Reporting of Municipal Wastewater Flows & Rates	3-29	George Kolba
	Finance	Webb	RL 13-153: Transfer in 2013 JSTP Budget for Telephone/Communications	43-45	
8:15pm	Finance	Webb	RL 13-151: Create & Fund Additional Code Enforcement Officer Position	33	Thomas Costello
8:30pm	Planning	Webb	RL 13-144: Adding "Clinic, Medical or Treatment Center" as Permitted Use in I-1 Urban Business Park District	51-72	Leigh McCullen
8:45pm	-----	-----	Discussion: Review Introductory Ordinance 13-63, Free Disposal of One Bulk Item Per Household	-----	Luke Day
9:00pm	Finance	Webb	RL 13-152: Agreement with Complus Data Innovations, Inc. for Parking Ticket Management Services	34-42	Pauline Penrose
9:15pm	Finance	Webb	RL 13-154: Transfer \$150,000 to Refurbish Tennis & Basketball Courts	46	Bill Barber
9:30pm	Finance	Webb	RL 13-156: Transfer Various Funds in 2013 Parking Ramp Budget for Additional Ice Melt & Increased Insurance Costs	48	Carl Petro



LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Teri Rennia, City Council President

Angela Holmes, City Clerk

Time	Committee	Chair	RL(s)/Topic	Pages	Presenter
9:45pm	MPA	Motsavage	RL 13-146: Amending § 400-21 Regarding Traffic Board Membership	1-2	Kyle Seeley
10:00pm	MPA	Motsavage	RL 13-126: Amending Fees for Shopping Carts Found in Public Places	-----	Kenneth J. Frank
10:15pm	MPA	Motsavage	RL 13-150: Accepting Gift of Permanent Picnic Pavilion from Binghamton Mets at NYSEG Stadium	30-32	Council Members Motsavage, Mihalko, Matzo & Berg
10:30pm	-----	-----	Discussion: Budget Hearing Schedule	-----	Councilwoman Webb
10:45pm	-----	-----	Discussion: Review Committee Reports and Pending Legislation	-----	Council President Rennia

COMMITTEE REPORTS

City Council Municipal & Public Affairs Committee: Motsavage (Chair), Webb, Matzo

Reviewing the City of Binghamton's noise ordinance.

City Council Employees Committee: Berg (Chair), Webb, Papastrat

Review of residency requirements for City of Binghamton employees.



Legislative Branch

RL Number:

13-146

Date Submitted:

8/29/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Kyle Seeley

Title/Department: Exec. Assistant/Office of the Mayor

Contact Information: krseeley@cityofbinghamton.com

RL Information

Proposed Title: Amending §400-20 of the City Code

Suggested Content: Changing city code to reflect that the Traffic Board shall consist of a member of the Public Works Department, instead of the Commissioner of Public Works

Additional Information

Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): § 400-20

OFFICE USE ONLY	
Mayor:	<u>[Signature]</u>
Comptroller:	<u>[Signature]</u>
Corporation Counsel:	<u>[Signature]</u>
Finance <input type="checkbox"/>	Planning <input type="checkbox"/>
MPA <input checked="" type="checkbox"/>	PW/Parks <input type="checkbox"/>
Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>

Currently:

§ 400-20. Composition; Chairperson. [Amended 8-15-1983 by Ord. No. 133-83]

The Traffic Board shall consist of the Deputy Commissioner of Public Safety, who shall be the Chairperson of the Board; the officer in charge of the Traffic Unit of the Bureau of Police, who shall be appointed by the Chief of Police; the Commissioner of Public Works; a member of the Engineering Department and a member of the City Council, to be appointed by the President of the Council.

Purposed Change:

§ 400-20. Composition; Chairperson. [Amended 8-15-1983 by Ord. No. 133-83]

The Traffic Board shall consist of the Deputy Commissioner of Public Safety, who shall be the Chairperson of the Board; the officer in charge of the Traffic Unit of the Bureau of Police, who shall be appointed by the Chief of Police; ~~the Commissioner of Public Works~~ a member of the ~~Public Works Department~~; a member of the Engineering Department and a member of the City Council, to be appointed by the President of the Council.



Legislative Branch

RL Number:
13-149
 Date Submitted:
9/4/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

RECEIVED

SEP 4 2013

Applicant Information

Request submitted by: Binghamton-Johnson City Joint Sewage Board

OFFICE OF THE CITY CLERK
CITY OF BINGHAMTON

Title/Department: _____

Contact Information: POC: George Kolba, Jr., Chairman (754-8787)

RL Information

Proposed Title: A RESOLUTION APPROVING AMENDMENTS TO THE RULES AND REGULATIONS RELATING TO USE OF THE BINGHAMTON-JOHNSON CITY JOINT SEWAGE TREATMENT PLANT.

Suggested Content: _____

(please see proposed legislation wording attached)

Additional Information

Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): Perm.Res. 12-20

OFFICE USE ONLY

Mayor: _____

Comptroller: _____

Corporation Counsel: _____

Finance Planning MPA PW/Parks Employees Rules/Special Studies

(proposed legislation wording)

RESOLUTION
entitled

A RESOLUTION APPROVING AMENDMENTS TO THE RULES AND REGULATIONS RELATING TO USE OF THE BINGHAMTON-JOHNSON CITY JOINT SEWAGE TREATMENT PLANT.

WHEREAS, the City of Binghamton is a joint owner of the Binghamton-Johnson City Joint Sewage Treatment Facilities (the "JSTF") with the Village of Johnson City; and

WHEREAS, the JSTF are operated and maintained by the Binghamton-Johnson City Joint Sewage Board (the "Sewage Board") on behalf of the City and the Village; and

WHEREAS, in furtherance of Permanent Resolution 12-20, it is appropriate that certain amendments be made to the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant*; and

WHEREAS, the Sewage Board has caused amendments to be prepared, duly published a notice of a public hearing August 17th and 20th, 2013 in the *Press & Sun-Bulletin*, and held a public hearing regarding the amendments August 27, 2013, at which no persons appeared wishing to comment; and

WHEREAS, no oral or written comments were received, the Sewage Board duly adopted the amendments August 27, 2013; and

WHEREAS, the Sewage Board caused a certified copy of the adopted amendments to be filed with the Council September 4, 2013 for approval in accordance with Section 4.05(a)(3) of the *Binghamton-Johnson City Joint Sewage Treatment Plant Law* and Section 3.10(a)(3) of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant*,

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby resolve:

Section 1. That 2013 Amendments 1, 2, and 3 to the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* are hereby approved in the form attached hereto.

Section 2. That this resolution shall take effect immediately.



Binghamton-Johnson City
JOINT SEWAGE BOARD



RECEIVED

SEP 4 2013

Eugene Hulbert, Sr.
Luke Day
Edward Crumb

OFFICE OF THE CITY CLERK
CITY OF BINGHAMTON

Stephen Andrew
George Kolba, Jr.
Ron C. Davis

August 30, 2013

Common Council
City of Binghamton
Binghamton City Hall
38 Hawley Street
Binghamton, New York 13901-3776

Johnson City Village Board of Trustees
Johnson City Village Offices
243 Main Street
Johnson City, New York 13790

RE: Amendments to the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant*

Ladies and Gentlemen:

In accordance with Section 4.05(a)(3) of the *Binghamton-Johnson City Joint Sewage Treatment Plant Law* and Section 3.10(a)(3) of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant*, enclosed for filing and approval please find a certified copy of the adopting resolution and amendments to the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* approved by the Sewage Board August 27, 2013. A copy of Section 3.10 of the *Rules and Regulations* describing the amendment process is also enclosed.

These amendments are in follow-up to the corrective action plan adopted by the both legislative bodies and the Sewage Board following the audit by the New York State Comptroller's Office that covered the period January 1, 2008 through June 26, 2009, and were adopted following a public hearing held August 27, 2013 after publication of a legal notice in the Sewage Board's official newspaper, the *Press & Sun-Bulletin*, on August 17 and 20, 2013. A complete copy of the pre-amendment *Rules and Regulations* can be accessed/downloaded via the Internet at <www.tinyurl.com/BgmJC-PlantUseRulesAndRegs>. If there are any questions, or if additional information is needed, please contact me via e-mail at <mcuevas@stny.rr.com>.

Respectfully submitted,

Michele Cuevas

Michele Cuevas,
Confidential Secretary

enclosures

cc: Sewage Board Members (*without enclosures*)
Catherine P. Young, Superintendent
Shane Guilford, Business Manager
John Perticone, Esq., Sewage Board Co-Counsel
Charles Pearsall, Fiscal Officer and Binghamton City Comptroller
file

Catherine P. Aingworth, Superintendent
Binghamton-Johnson City Joint Sewage Treatment Facilities
4480 Vestal Road, Vestal, New York 13850
Phone: 607-729-2975 or Fax: 607-729-0110
Email: bjcwwtp@stny.rr.com



Binghamton-Johnson City
JOINT SEWAGE BOARD



Eugene Hulbert, Sr.
Luke Day
Edward Crumb

Stephen Andrew
George Kolba, Jr.
Ron C. Davis

**CERTIFICATE OF RESOLUTION OF THE
BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD REGARDING:
AMENDING THE *RULES AND REGULATIONS RELATING TO USE OF THE
BINGHAMTON-JOHNSON CITY JOINT SEWAGE TREATMENT PLANT*
WITH RESPECT TO REPORTING OF MUNICIPAL WASTEWATER FLOWS,
DEBT RETIREMENT COSTS, AND LOCAL SYSTEMS COSTS**

I, Michele Cuevas, Confidential Secretary of the Binghamton-Johnson City Joint Sewage Board, DO HEREBY CERTIFY that, at the special meeting of the Binghamton-Johnson City Joint Sewage Board held on August 27, 2013, duly convened and a quorum being present and participating throughout the subject action set forth below, the following RESOLUTION[S] was/were duly adopted on motion duly made, seconded, and carried, which RESOLUTION[S] remain in full force and effect:

Board Members present:

George Kolba, Jr. (Chairman), Edward Crumb, Luke Day, Stephen Andrew, and Ronald C. Davis

Board Member[s] absent:

Eugene Hulbert, Sr. (Vice-Chairman)

Motion made by Edward Crumb and seconded by Stephen Andrew to amend the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* as set forth below and in the attachments hereto:

WHEREAS, the Binghamton-Johnson City Joint Sewage Board ("Sewage Board") has authority to amend the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* ("Rules and Regulations") pursuant to *Binghamton-Johnson City Joint Sewage Treatment Plant Law 4.05* ("Plant Law"); and

WHEREAS, the Sewage Board has complied with the provisions of Plant Law §4.05; and

WHEREAS, a public hearing was conducted August 27, 2013 after notification was duly given and published; and

WHEREAS, no persons appeared at the public hearing, nor were any comments received in writing by the Board's Confidential Secretary; and

WHEREAS, Amendment 1 standardizes the method for Municipal Users to annually report their wastewater flows as required under the *Rules and Regulations*; and

WHEREAS, Amendments 2 and 3 standardize the method for the Owners to annually report their debt service for the Binghamton-Johnson City Joint Sewage Treatment Facilities and their respective

Catherine P. Aingworth, Superintendent
Binghamton-Johnson City Joint Sewage Treatment Facilities
4480 Vestal Road, Vestal, New York 13850
Phone: 607-729-2975 of 7 Fax: 607-729-0110
Email: bjcwwtp@stny.rr.com

local systems costs in accordance with the Inter-Municipal Agreements governing the Joint Sewage Project,

NOW, THEREFORE, the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* are amended as follows:

Amendment 1: Effective January 1, 2014 prospectively with respect to flow reporting for the reporting year including January 1, 2014 and thereafter, Sections 9.07 and 9.08 of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* are amended as stated in the attachment hereto titled "Amendment 1" (with Appendix A [Reporting Form]),

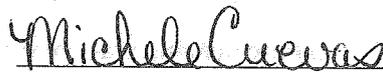
Amendment 2: Effective November 1, 2013, the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* are amended to add new Sections 7.08 and 7.09 as stated in the attachment hereto titled "Amendment 2" which sections shall be effective with respect to the Owners' reporting of Debt Service Costs for the Joint Sewage Treatment Facilities for the calendar year ending December 31, 2013 and thereafter as well as for the Owners' reporting of estimated Debt Services Costs for the Joint Sewage Treatment Facilities for the calendar year ending December 31, 2014 and thereafter, and

Amendment 3: Effective November 1, 2013, the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* are amended to add a new Sections 9.10 and 9.11 as stated in the attachment hereto titled "Amendment 3" which section shall be effective with respect to the Owners' reporting of Local Systems Costs for the calendar year ending December 31, 2013 and thereafter as well as for the Owners' reporting of estimated Local Systems Costs for the calendar year ending December 31, 2014 and thereafter.

Motion carried: 5 ayes, 0 nay, 1 absent (EH)

I HEREBY CERTIFY that the foregoing is a true and complete copy of the resolution[s] duly adopted at the aforesaid meeting of the Joint Sewage Board in accordance with the provisions of said Board's By-Laws, that the resolution[s] has/have not in any way been rescinded or annulled, and that the resolution[s] is/are still in full force and effect.

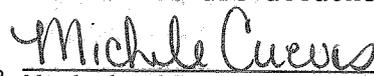
IN WITNESS WHEREOF, I have hereunto set my hand as Confidential Secretary of the Joint Sewage Board, this 30th day of August, 2013.


Michele Cuevas,
Confidential Secretary

ATTEST: 
Board Officer

CERTIFICATION:

I hereby certify that the above is a true and complete copy of the subject Certificate of Resolution, to which true and complete copies of the three Amendments are attached.


Michele Cuevas, Confidential Secretary 9/04/13

AMENDMENT 1

**AMENDMENTS TO
RULES AND REGULATIONS
RELATING TO USE OF THE
BINGHAMTON-JOHNSON CITY JOINT SEWAGE TREATMENT PLANT**

*(effective January 1, 2014, prospectively
as to flow reporting for the reporting year which includes January 1, 2014, and thereafter)*

PART I - amend Section 9.07 to read:

§9.07 ANNUAL REPORTING OF MUNICIPAL WASTEWATER FLOWS AND RATES

Not later than March 31st of every year each Municipal User (including the Owners) shall certify to the Board the volume of water consumed or discharged to the public sewer and its rate schedule[s] in effect during the calendar year just ended by delivering to the Board a report certified by the Municipal User as provided in subparagraph (g), *below*, in the form attached hereto as Appendix A (which form is to be provided in digital format by or on behalf of the Manager via e-mail sent at least thirty [30] days before the first day of the calendar year to be covered by the report, such e-mail to be addressed to the Municipal User's Liaison Officer [designated in accordance with §9.02, *above* or, if none, to the Municipal User's chief executive officer] including, to the extent determined by the Board, the wastewater flows certified by the Board for the previous two calendar years, and to which form shall be annexed or attached a copy of Table 12.05.03-1 to these rules and regulations), on which the Municipal User shall report, at a minimum, the following information:

- (a) separately for the Binghamton Flow Side and for the Johnson City Flow Side of the sewer collection system tributary to the Binghamton-Johnson City Joint Sewage Treatment Facilities ("JSTF"), the volume of water consumed by each such sewer-connected property which obtains water from the Municipal User's public water supply, aggregated by class ([i] Residential, [ii] Non-Residential, and [iii] Mixed-Use Properties), and separated within each class by properties:
 - (i) having water meter readings for which the Municipal User has billed (or will bill) the property owner for sewer usage based on such meter readings,
 - (ii) having water meter readings for which the Municipal User does not bill the property owner for sewer usage based on such meter readings,

- (iii) not metered for water consumption, but billed for sewer usage, describing the billing basis and/or formula used in billing such properties, and
 - (iv) not metered and not billed for sewer usage.
- (b) separately for the Binghamton Flow Side and for the Johnson City Flow Side of the sewer collection system tributary to the JSTF, the volume of water consumed by each such sewer-connected property which does not obtain water from the Municipal User's public water supply (for example, properties which obtain water from private wells or from a different Municipal User), aggregated by class ([i] Residential, [ii] Non-Residential, and [iii] Mixed-Use Properties), and separated within each class by properties:
 - (i) having water meter readings for which the Municipal User has billed (or will bill) the property owner for sewer usage based on such meter readings,
 - (ii) having water meter readings for which the Municipal User does not bill the property owner for sewer usage based on such meter readings,
 - (iii) not metered for water consumption, but billed for sewer usage, describing the billing basis and/or formula used in billing such properties, and
 - (iv) not metered and not billed for sewage usage.
- (c) separately for the Binghamton Flow Side and for the Johnson City Flow Side of the sewer collection system tributary to the JSTF, the annual total for the reporting year based on the sum of the applicable volumes as between (a) and/or (b), above, for each sewer-connected property.
- (d) as an attachment, with respect to non-metered properties, a listing by street address of each non-metered property, together with the corresponding classification and characteristics of such property under Table 12.05.03-1 of these rules and regulations (for example, 3-bedroom Residence [home]; 5-bedroom Apartment; 5,000 square foot Office Building; 50-seat 24-hour Restaurant; etc.) as if each such property were a "new development"; also indicating, if applicable, when footnote 2(b) to Table 12.05.03-1 applies with respect to all plumbing fixtures installed on the property.
- (e) as an attachment, the Municipal User's schedule[s] of charges for sewer rents/charges in effect at any time during the reporting year, including an identification of the effective date of change in the event that more than one schedule has been in effect during the year.

- (f) if the Municipal User has applied any adjustments from the Municipal User's metering and/or billing records to arrive at the numbers reported under subparagraphs (a), (b), and/or (c), above, the Municipal User shall attach a list to its report describing, at a minimum, the amount and reason/basis for the adjustment[s] applicable to each property for which an adjustment has been applied.
- (g) the report shall include or be accompanied by a memorandum of certification substantially in the following form:

I, _____ (*print individual's name*), do hereby certify that I am the _____ (*print individual's title*) for the _____ (*print Municipal User's name*) for which this report is being made; and that the report is a true and correct statement.

Signature _____

Address _____

Telephone _____ e-mail address _____

Date _____

If a Municipal User fails to timely file a flow certification report as aforesaid, the Board shall impose a penalty of (i) fifty dollars (\$50) for each day up to and including 14 that the flow certification remains unfiled after March 31st, and (ii) one hundred dollars (\$100) for each day after 14 up to and including 29 that the certified report remains unfiled, and (iii) one hundred fifty dollars (\$150) for each day after 29 up to and including 44 that the certified report remains unfiled, and (iv) two hundred dollars (\$200) for each day after 44 up to and including 59 that the certified report remains unfiled, and (v) two hundred fifty dollars (\$250) for each day after 59 that the certified report remains unfiled. If the Municipal User so penalized requests a hearing and demonstrates to the satisfaction of the Board that circumstances beyond the control of the Municipal User made a timely report submission or actual flow determination impossible or extremely difficult, then the Board may forgive all or part of any accumulated penalty.

After receiving and reviewing the flow certification report submitted by a Municipal User, the Board may in its sole discretion cause inquiry or audit to be made as to the completeness and/or correctness of the certified report. In the first instance, however, the Board shall make the subject Municipal User aware in writing of all concerns the Board has as to the completeness and/or correctness of the certified report, and afford the subject Municipal User fifteen (15) business days to respond and/or submit a revised certified report, not counting the date of the giving of such notice. For all purposes under this subparagraph, notification via e-mail shall also constitute notification in writing. Any written communication or correspondence issued by or on behalf of the Board pertaining to an inquiry or audit shall be copied to, or addressed to, the chief

executive of the subject Municipal User and shall also be copied to the chief executives of both Owners. If the fifteen (15) day period has expired and the Board continues to have any concerns as to the completeness and/or correctness of the certified report or revised certified report, as the case may be, the Board may continue to pursue inquiry or audit into the completeness and/or correctness of the most recent certified report. However, prior to engaging the services of an outside auditor, the Board shall notify in writing the chief executive of the subject Municipal User and the chief executives of both Owners of its intention to do so, and thereafter allow ten (10) business days to elapse, not counting the date of the giving of such notice. The subject Municipal User shall cooperate with the Board and/or its auditors in such inquiry or audit. In the event that such inquiry or audit discloses any error or discrepancy in the subject Municipal User's most recent flow certification report then, in addition to imposing any penalty provided for in the previous subparagraph (if the Municipal User's initial flow certification report was not timely filed), upon determination by the Board of the amount of its costs, the Board shall require the Municipal User to pay as a further penalty all costs incurred by the Board in making such inquiry or audit, including internal costs of the Board (such as, but not limited to, personnel/benefit costs and expense reimbursements [private vehicle mileage, etc.]). If the Municipal User so penalized requests a hearing and demonstrates to the satisfaction of the Board that circumstances beyond the control of the Municipal User made a complete or accurate report submission or determination of actual local systems cost impossible or extremely difficult, then the Board may forgive all or part of any accumulated penalty.

Notwithstanding anything to the contrary appearing in these rules and regulations or otherwise, the Board may certify the wastewater flows of all Municipal Users using a minimum basis corresponding to Table 12.05.03-1 of these rules and regulations as the daily average wastewater flow from an unmetered property for which a lower daily average flow is reported or certified by a Municipal User. When such action is taken by the Board with respect to any unmetered property, the same action shall be taken with respect to all similarly-situated unmetered properties of all Municipal Users during the same reporting year. Nevertheless, the taking of such action by the Board in the course of certifying wastewater flows shall not be used as a basis for assessment of any penalties for untimely filing or erroneous reporting under the previous two subparagraphs of this section.

attachment: Appendix A (standard reporting form)

(continues on next page)

PART II - amend the reference to “March 1” in Section 9.08 to read “March 31st”, as follows:

§9.08 ESTIMATED BILLS

The Board may render an estimated bill if a Municipal User’s wastewater flow for the previous calendar year remains unreported after March 31st. Estimated bills shall be clearly marked as such. Charges in estimated bills shall be based on the User’s latest actual reported flow multiplied by a factor of 1.25. Where such estimate results in an overpayment by the User, the Board shall credit the overpayment on the User’s bill for the ensuing year.

(end of Amendment 1)

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ANNUAL REPORT OF WASTEWATER FLOWS OF:

(MUNICIPAL USER NAME) _____ under Section 9.07 of the Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant

TO THE BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD

FOR THE CALENDAR YEAR:

Please complete and return so received not later than March 31, 2015 to the attention of:

(DO NOT leave any item blank [i.e., insert a "0" or "n/a" where applicable])

Business Manager
Binghamton-Johnson City Joint Sewage Treatment Facilities
4480 Vestal Road
Vestal, New York 13850

PART I - Sewer-Connected Properties which obtain water from the Municipal User's public water supply

PRIOR YEAR COMPARISONS PROVIDED BY THE BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD (to the extent data is available)

	BINGHAMTON FLOW SIDE		JOHNSON CITY FLOW SIDE		BINGHAMTON FLOW SIDE		JOHNSON CITY FLOW SIDE	
	NUMBER OF SEWER-CONNECTED PROPERTIES	FLOW FOR YEAR units	NUMBER OF SEWER-CONNECTED PROPERTIES	FLOW FOR YEAR units	NUMBER OF SEWER-CONNECTED PROPERTIES	FLOW FOR 2013 units	NUMBER OF SEWER-CONNECTED PROPERTIES	FLOW FOR 2012 units
A. Residential Properties (Includes multi-family dwellings)								
- metered and billed for usage	<input type="text" value="0"/>	<input type="text" value="0"/>						
- metered but not billed	<input type="text" value="0"/>	<input type="text" value="0"/>						
- not metered but billed for usage describe billing basis / formula used:	<input type="text" value="0"/>	<input type="text" value="0"/>						
- not metered and not billed	<input type="text" value="0"/>	<input type="text" value="0"/>						
B. Non-Residential Properties (Industrial, government, schools, churches/religious)								
- metered and billed for usage	<input type="text" value="0"/>	<input type="text" value="0"/>						
- metered but not billed	<input type="text" value="0"/>	<input type="text" value="0"/>						
- not metered but billed for usage describe billing basis / formula used:	<input type="text" value="0"/>	<input type="text" value="0"/>						
- not metered and not billed	<input type="text" value="0"/>	<input type="text" value="0"/>						
C. Mixed-Use Properties - combination of Business, Commercial, and/or Residential, etc. (Includes combined business/residential uses, etc.)								
- metered and billed for usage	<input type="text" value="0"/>	<input type="text" value="0"/>						
- metered but not billed	<input type="text" value="0"/>	<input type="text" value="0"/>						
- not metered but billed for usage describe billing basis / formula used:	<input type="text" value="0"/>	<input type="text" value="0"/>						
- not metered and not billed	<input type="text" value="0"/>	<input type="text" value="0"/>						
D. Listing Required for Non-Metered Properties - the Municipal User shall prepare and attach to this report a list identifying, by street address, each property included in sub-sections A, B and C, above, which is not metered for water usage, together with the corresponding classification and characteristics of each such property under Table 12.05.03-1 of the Regulations (for example, 3-bedroom Residence [home]; 5-bedroom Apartment; 5,000 square foot Office Building; 50-seat 24-hour Restaurant, etc.), as if each such property were a "new development". [Indicate, if applicable, when footnote 2(b) to Table 12.05.03-1 is applicable with respect to all plumbing fixtures installed on the property]. A copy of Table 12.05.03-1 is annexed to this form.								

ANNUAL REPORT OF WASTEWATER FLOWS OF:

0 (MUNICIPAL USER NAME) (continued)

FOR THE CALENDAR YEAR: 2014

PART II - Wells/Sewer-Connected Properties which DO NOT obtain water from the Municipal User's public water supply

PRIOR YEAR COMPARISONS PROVIDED BY THE BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD (to the extent data is available)

	BINGHAMTON FLOW SIDE		JOHNSON CITY FLOW SIDE		BINGHAMTON FLOW SIDE		JOHNSON CITY FLOW SIDE	
	NUMBER OF SEWER-CONNECTED PROPERTIES	FLOW FOR YEAR	NUMBER OF SEWER-CONNECTED PROPERTIES	FLOW FOR YEAR	NUMBER OF SEWER-CONNECTED PROPERTIES	FLOW FOR YEAR	NUMBER OF SEWER-CONNECTED PROPERTIES	FLOW FOR YEAR
	units	units	units	units	units	units	units	units
A. Residential Properties (includes multi-family dwellings)								
- metered and billed for usage (includes properties supplied water by another municipality's public water supply)		0				0		0
- metered but not billed		0				0		0
- not metered but billed for usage describe billing basis / formula used:		0				0		0
- not metered and not billed		0				0		0
B. Non-Residential Properties industrial, government, schools, churches/religious)								
- metered and billed for usage		0				0		0
- metered but not billed		0				0		0
- not metered but billed for usage describe billing basis / formula used:		0				0		0
- not metered and not billed		0				0		0
C. Mixed-Use Properties Mixture of Business, Commercial, and/or Residential, etc. (includes combined business/residential uses, etc.)								
- metered and billed for usage		0				0		0
- metered but not billed		0				0		0
- not metered but billed for usage describe billing basis / formula used:		0				0		0
- not metered and not billed		0				0		0

D. Listing Required for Non-Metered Properties - the Municipal User shall prepare and attach to this report a list identifying, by street address, each property included in sub-sections A, B and C, above, which is not metered for water usage, together with the corresponding classification and characteristics of each such property under Table 12.05.03-1 of the Regulations (for example, 3-bedroom Residence [home]; 5-bedroom Apartment; 50-seat 24-hour Restaurant; etc.) as if each such property were a "new development". Indicate, if applicable, when footnote 2(b) to Table 12.05.03-1 is applicable with respect to all plumbing fixtures installed on the property. A copy of Table 12.05.03-1 is annexed to this form.

ANNUAL REPORT OF WASTEWATER FLOWS OF:

0 (MUNICIPAL USER NAME) (continued)

FOR THE CALENDAR YEAR: 2014

PART III - TOTALS FOR YEAR

BINGHAMTON FLOW SIDE			JOHNSON CITY FLOW SIDE			BINGHAMTON FLOW SIDE			JOHNSON CITY FLOW SIDE		
NUMBER OF SEWER-CONNECTED PROPERTIES	FLOW FOR YEAR	units	NUMBER OF SEWER-CONNECTED PROPERTIES	FLOW FOR YEAR	units	NUMBER OF SEWER-CONNECTED PROPERTIES	FLOW CERTIFIED FOR 2013	units	NUMBER OF SEWER-CONNECTED PROPERTIES	FLOW CERTIFIED FOR 2012	units
0	0	0	0	0	0	0	0	0	0	0	0
TOTALS			TOTALS			TOTALS			TOTALS		

PRIOR YEAR COMPARISONS PROVIDED BY THE BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD (to the extent data is available)

PART IV - MISCELLANEOUS

- A. For assistance with questions regarding the completion of this form, please contact Shane Guilford, Business Manager, at 217-5429 or e-mail <sguilford@stny.rr.com>
- B. Please attach a copy of your municipality's "rate card" or other description of sewer rates, sewer rents, and/or other sewer use charges billed during 2014 to connected properties (including ad valorem property tax assessments, if applicable).
- C. If adjustments have been made from the Municipal User's metering and/or billing records to arrive at the numbers reported above, attach a list to this report stating for each adjustment, at a minimum: the property's street address, the adjustment amount/units, and the reason/basis for the adjustment.
- D. The Joint Sewage Board reserves the right to periodically and/or randomly audit the supporting records used by the Municipal User to produce this report.
- E. At the Municipal User's option, additional supporting documentation may be attached to this report.

PART V - CERTIFICATION

I, _____ (print individual's name) do hereby certify that I am the _____ (print individual's title or office) for the _____ (print name of Municipal User) for which this report is being made; and that the report, including all attachments, is a true and correct statement.

Signature: _____
 Address: _____
 Telephone: _____ e-mail address: _____ @ _____
 Date: _____, 2015

TABLE 12.05.03-1: NEW DEVELOPMENT SEWAGE FLOW RATES

Source of Flow	Flow Rate to be Added to the POTW ⁽²⁾	Reference
Residential Homes	1 Bedroom - 150 gal/day 2 Bedroom - 300 gal/day 3 Bedroom - 400 gal/day 4 Bedroom - 475 gal/day 5 Bedroom - 550 gal/day	<i>Design Standards for Wastewater Treatment Works</i> , 1988 edition as published by the NYSDEC ⁽¹⁾
Apartments	1 Bedroom - 150 gal/day 2 Bedroom - 300 gal/day 3 Bedroom - 400 gal/day	<i>Design Standards for Wastewater Treatment Works</i> , 1988 edition as published by the NYSDEC ⁽¹⁾
Office Buildings	Based on the larger of 15 gal/day times the number of employees or 0.1 gal/day times the total square footage of space	<i>Design Standards for Wastewater Treatment Works</i> , 1988 edition as published by the NYSDEC ⁽¹⁾
Restaurants	Ordinary Restaurant (more than 50 seats) - 35 gal/day/per seat 24-hr Service Restaurant (more than 50 seats) - 50 gal/day/per seat Tavern (less than 50 seats) - 20 gal/day/per seat	<i>Design Standards for Wastewater Treatment Works</i> , 1988 edition as published by the NYSDEC ⁽¹⁾
Industrial Flows	To be determined at the time of application based on similar industry type and size	
Other sources such as Stores, Motels/Hotels, Recreational Facilities, etc.	To be determined at the time of application based on similar business type and size or the <i>Design Standards for Wastewater Treatment Works</i> , 1988 edition as published by the NYSDEC ⁽¹⁾	

(1) In the event that NYSDEC amends the 1988 edition, the amended edition shall govern prospectively only, with respect to applications submitted on or after the first day of the month which is at least 90 days following the public release of the final version of the amendment.

(2) The Design Standards for Wastewater Treatment Works, 1988 edition as published by NYSDEC allow for the following:

- a. Hydraulic loading rates based on actual water usage data if available for the specific type of new development/facility.
- b. 20% reduction in the above listed flow rates if certified water saving plumbing fixtures are used.
- c. Expected hydraulic loading rates (flow rates) based on new/alternative technologies will be considered on a case-by-case basis.

AMENDMENT 2

**AMENDMENT TO
RULES AND REGULATIONS
RELATING TO USE OF THE
BINGHAMTON-JOHNSON CITY JOINT SEWAGE TREATMENT PLANT**

(effective date: November 1, 2013 [i.e., applicable to reporting of 2013 Debt Service Costs and estimated 2014 Debt Service Costs, and thereafter])

add new sections, as follows:

**§7.08 ANNUAL REPORTING BY OWNERS OF ESTIMATED DEBT RETIREMENT COSTS FOR THE
UPCOMING CALENDAR YEAR**

To assist the Board in the discharge of its duties of annually determining the unit charge for treatment of various parameters under §7.03 as well as estimated billing in accordance with §9.08 and other governing agreements, not later than November 15th of each year the Owners shall deliver to the Board a report, setting forth, at a minimum, the following information regarding estimated debt retirement costs for the upcoming calendar year with respect to the Binghamton-Johnson City Joint Sewage Treatment Facilities:

- (a) itemized as to each bond or other debt instrument/indebtedness:
 - (i) the name/nomenclature of the bond or debt instrument/indebtedness; and
 - (ii) the gross total estimated amount of principal payments expected to be made during the upcoming calendar year; and
 - (iii) the gross total estimated amount of interest payments expected to be made during the upcoming calendar year; and
 - (iv) the total estimated amount of principal and/or interest subsidy, grants, offsets, credits or payments expected to be received during the upcoming calendar year, if any; and
 - (v) the total estimated amount of administrative fees expected to be paid during the upcoming calendar year.

- (b) Should an Owner project not having any debt retirement costs during the upcoming calendar year, either the Comptroller or Clerk/Treasurer of the Owner shall so report by letter to the Board delivered not later than November 15th in lieu of the report described in subparagraph (a), above.
- (c) In the absence of a report from an Owner as aforesaid, the Board may proceed on the basis that such Owner will have estimated debt retirement costs during the upcoming calendar year equal to its estimated debt retirement costs for the current year or, if no such estimate has been furnished, equal to its actual debt retirement costs for the prior year.

§7.09 ANNUAL REPORTING BY OWNERS OF DEBT RETIREMENT COSTS

To assist the Board in the discharge of its duties of annually determining the unit charge for treatment of various parameters under §7.03 as well as final billing in accordance with §9.08 and other governing agreements, not later than January 31st of each year the Owners shall deliver to the Board a report, certified as provided in subparagraph (c), *below*, setting forth, at a minimum, the following information regarding debt retirement costs for the calendar year just ended with respect to the Binghamton-Johnson City Joint Sewage Treatment Facilities:

- (a) itemized as to each bond or other debt instrument/indebtedness:
 - (i) the name/nomenclature and maturity date of the bond or debt instrument/indebtedness; and
 - (ii) the name and address of the creditor and, if different, the name and address of the holder of the bond or debt instrument/indebtedness; and
 - (iii) the gross total amount of principal payments made during the calendar year just ended; and
 - (iv) the gross total amount of interest payments made during the calendar year just ended; and
 - (v) the total amount of principal and/or interest subsidy, grants, offsets, credits or payments received during the calendar year just ended; and
 - (vi) the total amount of administrative fees paid during the calendar year just ended; and

- (vii) the total amount of other carrying charges or servicing costs paid during the calendar year just ended together with an explanatory footnote setting forth the details, including payee name[s], of such charges or costs; and
 - (viii) the outstanding unpaid principal amount of the indebtedness as of December 31st (or, otherwise, the last business day) of the calendar year just ended.
- (b) Should an Owner not have had any debt retirement costs during the calendar year just ended, either the Comptroller or Clerk/Treasurer of the Owner shall so report by letter to the Board delivered not later than January 31st in lieu of the report described in subparagraph (a), above.
- (c) The report or letter shall include or be accompanied by a memorandum of certification substantially in the following form:

I, _____ (*print individual's name*), do hereby certify that I am the _____ (*print individual's title*) for the _____ (*print Owner's name*) for which this report is being made; and that the report is a true and correct statement.

Signature _____

Address _____

Telephone _____ e-mail address _____

Date _____

- (d) In the absence of a certified report from an Owner as aforesaid, the Board may proceed on the basis that such Owner did not have any debt retirement costs during the calendar year just ended and, in computing the final billing for the year, such Owner shall be entitled to no credit or reimbursement for debt retirement costs during the year just ended.
- (e) If an Owner fails to timely file a certified report of debt retirement costs as aforesaid, the Board shall impose a penalty of (i) fifty dollars (\$50) for each day up to and including 14 that the certified report remains unfiled after January 31st, and (ii) one hundred dollars (\$100) for each day after 14 up to and including 29 that the certified report remains unfiled, and (iii) one hundred fifty dollars (\$150) for each day after 29 up to and including 44 that the certified report remains unfiled, and (iv) two hundred dollars (\$200) for each day after 44 up to and including 59 that the certified report

remains unfiled, and (v) two hundred fifty dollars (\$250) for each day after 59 that the certified report remains unfiled. If the Owner so penalized requests a hearing and demonstrates to the satisfaction of the Board that circumstances beyond the control of the Owner made a timely report submission or determination of its actual local systems cost impossible or extremely difficult, then the Board may forgive all or part of any accumulated penalty.

- (f) After receiving and reviewing the certified report of debt retirement costs submitted by an Owner, the Board may in its sole discretion cause inquiry or audit to be made as to the completeness and/or correctness of the certified report. In the first instance, however, the Board shall make the subject Owner aware in writing of all concerns the Board has as to the completeness and/or correctness of the certified report, and afford the subject Owner fifteen (15) business days to respond and/or submit a revised certified report, not counting the date of the giving of such notice. For all purposes under this subparagraph, notification via e-mail shall also constitute notification in writing. Any written communication or correspondence issued by or on behalf of the Board pertaining to an inquiry or audit shall be copied to, or addressed to, the chief executive of the subject Owner and shall also be copied to the chief executive of the other Owner. If the fifteen (15) day period has expired and the Board continues to have any concerns as to the completeness and/or correctness of the certified report or revised certified report, as the case may be, the Board may continue to pursue inquiry or audit into the completeness and/or correctness of the most recent certified report. However, prior to engaging the services of an outside auditor, the Board shall notify in writing the chief executive of the subject Owner and the chief executive of the other Owner of its intention to do so, and thereafter allow ten (10) business days to elapse, not counting the date of the giving of such notice. The subject Owner shall cooperate with the Board and/or its auditors in such inquiry or audit. In the event that such inquiry or audit discloses any error or discrepancy in the subject Owner's most recent certified report of debt retirement costs then, in addition to imposing any penalty provided for in subparagraph (e), above (if the subject Owner's initial debt retirement cost certification report was not timely filed), upon determination by the Board of the amount of its costs, the Board shall require the subject Owner to pay as a further penalty all costs incurred by the Board in making such inquiry or audit, including internal costs of the Board (such as, but not limited to, personnel/benefit costs and expense reimbursements [private vehicle mileage, etc.]). If an Owner so penalized requests a hearing and demonstrates to the satisfaction of the Board that circumstances beyond the control of the Owner made a complete or accurate report submission or determination of actual debt retirement costs impossible or extremely difficult, then the Board may forgive all or part of any accumulated penalty.

(end of Amendment 2)

AMENDMENT 3

AMENDMENT TO
***RULES AND REGULATIONS
RELATING TO USE OF THE
BINGHAMTON-JOHNSON CITY JOINT SEWAGE TREATMENT PLANT***

(effective date: November 1, 2013 [i.e., applicable to reporting of 2013 Local Systems Costs and estimated 2014 Local Systems Costs, and thereafter])

add new sections, as follows:

§9.10 ANNUAL REPORTING BY MUNICIPAL USERS (INCLUDING OWNERS) OF ESTIMATED LOCAL SYSTEMS COSTS FOR THE UPCOMING CALENDAR YEAR

To assist the Board in the discharge of its duties of estimated billing in accordance with §9.08 and other governing agreements, not later than November 15th of each year each Municipal User (including the Owners) through which one or more other Municipal User's wastewater flows enroute to the POTW shall deliver to the Board a report setting forth, at a minimum, the following information regarding local systems costs includable for billing purposes in the estimated bills to be computed by the Board for the upcoming calendar year:

- (a) itemized as to each bond or other debt instrument/indebtedness which is includable for billing purposes as a local systems cost:
 - (i) the name/nomenclature of the bond or debt instrument/indebtedness; and
 - (ii) the gross total estimated amount of principal payments expected to be made during the upcoming calendar year; and
 - (iii) the gross total estimated amount of interest payments expected to be made during the upcoming calendar year; and
 - (iv) the total estimated amount of principal and/or interest subsidy, grants, offsets, credits or payments expected to be received during the upcoming calendar year, if any; and
 - (v) the total estimated amount of administrative fees expected to be paid during the upcoming calendar year.

- (b) with respect to operating and/or maintenance budget expenditures of the Municipal User, itemized by expenditure budget line for estimated expenditure items which are includable for billing purposes as a local systems cost:
 - (i) the name and number of the expenditure budget line; and
 - (ii) the estimated amount[s] which is[are] includable for billing purposes as a local systems cost expected to be expended from such expenditure budget line during the upcoming calendar year AFTER deducting any such amounts encumbered and reported as a local systems cost in a previous year.
- (c) with respect to capital expenditures of the Municipal User, itemized by capital budget line for estimated capital project items which are includable for billing purposes as a local systems cost:
 - (i) the name and number of the capital budget line; and
 - (ii) the estimated amount[s] which is[are] includable for billing purposes as a local systems cost expected to be expended from such capital project budget line during the upcoming calendar year AFTER deducting any such amounts encumbered and reported as a local systems cost in a previous year.
 - (iii) no capital expenditure which is intended or expected to result in the generation of Flow Credits under Article 13 of these *Rules and Regulations* shall be eligible to be included in the local systems costs reported hereunder. In discharging its duties of estimated billing in accordance with §9.08 of these *Rules and Regulations* and other governing agreements, the Board shall disregard and/or deduct any such capital expenditures included in the Municipal User's report.
- (d) Should a Municipal User (including an Owner) project not having any local systems costs during the upcoming calendar year, either the Comptroller, Clerk, or Treasurer of the Municipal User shall so report by letter to the Board delivered not later than November 15th in lieu of the report described above.
- (e) In the absence of a report from a Municipal User as aforesaid, the Board may proceed on the basis that such Municipal User will have estimated local systems costs during the upcoming calendar year equal to its estimated local systems costs for the current year or, if no such estimate has been furnished, equal to its actual local systems costs for the prior year.

(continues on next page)

§9.11 ANNUAL REPORTING BY MUNICIPAL USERS (INCLUDING OWNERS) OF LOCAL SYSTEMS COSTS

To assist the Board in the discharge of its duties of final billing in accordance with §9.08 and other governing agreements, not later than April 30th of each year each Municipal User (including the Owners) through which one or more other Municipal User's wastewater flows enroute to the POTW shall deliver to the Board a report, certified as provided in subparagraph (e), *below*, setting forth, at a minimum, the following information regarding local systems costs includable for billing purposes in the final bills to be computed by the Board for the calendar year just ended:

- (a) itemized as to each bond or other debt instrument/indebtedness which is includable for billing purposes as a local systems cost:
 - (i) the name/nomenclature and maturity date of the bond or debt instrument/indebtedness; and
 - (ii) the name and address of the creditor and, if different, the name and address of the holder of the bond or debt instrument/indebtedness; and
 - (iii) the gross total amount of principal payments made during the calendar year just ended; and
 - (iv) the gross total amount of interest payments made during the calendar year just ended; and
 - (v) the total amount of principal and/or interest subsidy, grants, offsets, credits or payments received during the calendar year just ended; and
 - (vi) the total amount of administrative fees paid during the calendar year just ended; and
 - (vii) the total amount of other carrying charges or servicing costs paid during the calendar year just ended together with an explanatory footnote setting forth the details, including payee name[s], of such charges or costs; and
 - (viii) the outstanding unpaid principal amount of the indebtedness as of December 31st (or, otherwise, the last business day) of the calendar year just ended.
- (b) with respect to operating and/or maintenance budget expenditures of the Municipal User, itemized by expenditure budget line for expenditure items which are includable

for billing purposes as a local systems cost:

- (i) the name and number of the expenditure budget line; and
 - (ii) the amount[s] which is[are] includable for billing purposes as a local systems cost actually expended from such expenditure budget line during the calendar year just ended AFTER deducting any such amounts encumbered and reported as a local systems cost in a previous year, provided that the amount of any budget transfer or funds transfer shall not be included to the extent not actually expended or encumbered for an item which is includable for billing purposes as a local systems cost; and
 - (iii) the amount[s] which is[are] includable for billing purposes as a local systems cost formally encumbered but not yet expended from such expenditure budget line during the calendar year just ended AFTER deducting any such amounts encumbered and reported as a local systems cost in a previous year.
- (c) with respect to capital expenditures of the Municipal User, itemized by capital budget line for capital project items which are includable for billing purposes as a local systems cost:
- (i) the name and number of the capital budget line; and
 - (ii) the amount[s] which is[are] includable for billing purposes as a local systems cost actually expended from such capital project budget line during the calendar year just ended AFTER deducting any such amounts encumbered and reported as a local systems cost in a previous year, provided that the amount of any budget transfer or funds transfer shall not be included to the extent not actually expended or encumbered for an item which is includable for billing purposes as a local systems cost; and
 - (iii) the amount[s] which is[are] includable for billing purposes as a local systems cost formally encumbered but not yet expended from such capital budget line during the calendar year just ended AFTER deducting any such amounts encumbered and reported as a local systems cost in a previous year.
 - (iv) no capital expenditure which has resulted in (or, if not yet completed, is intended to result in) the generation of Flow Credits under Article 13 of these *Rules and Regulations*, shall be eligible to be included in the local systems costs reported hereunder. In discharging its duties of final billing in accordance with §9.08 of these *Rules and Regulations* and other governing

agreements, the Board shall disregard and/or deduct any such capital expenditures included in the Municipal User's report.

- (d) Should a Municipal User (including an Owner) not have had any local systems costs during the calendar year just ended, either the Comptroller, Clerk, or Treasurer of the Municipal User shall so report by certified letter to the Board delivered not later than April 30th in lieu of the certified report described above.
- (e) The report or letter shall include or be accompanied by a memorandum of certification substantially in the following form:

I, _____ (*print individual's name*), do hereby certify that I am the _____ (*print individual's title*) for the _____ (*print Municipal User's name*) for which this report is being made; and that the report is a true and correct statement.

Signature _____

Address _____

Telephone _____ e-mail address _____

Date _____

- (f) In the absence of a certified report from a Municipal User as aforesaid, the Board may proceed on the basis that such Municipal User did not have any local systems costs during the calendar year just ended and, in computing the final billing for the year, such Owner shall be entitled to no credit or reimbursement for local systems costs during the year just ended.
- (g) If a Municipal User fails to timely file a certified report of local systems costs as aforesaid, the Board shall impose a penalty of (i) fifty dollars (\$50) for each day up to and including 14 that the certified report remains unfiled after April 30th, and (ii) one hundred dollars (\$100) for each day after 14 up to and including 29 that the certified report remains unfiled, and (iii) one hundred fifty dollars (\$150) for each day after 29 up to and including 44 that the certified report remains unfiled, and (iv) two hundred dollars (\$200) for each day after 44 up to and including 59 that the certified report remains unfiled, and (v) two hundred fifty dollars (\$250) for each day after 59 that the certified report remains unfiled. If the Municipal User so penalized requests a hearing and demonstrates to the satisfaction of the Board that circumstances beyond the control of the Municipal User made a timely report submission or determination

of its actual local systems cost impossible or extremely difficult, then the Board may forgive all or part of any accumulated penalty.

- (h) After receiving and reviewing the certified report of local systems costs submitted by a Municipal User, the Board may in its sole discretion cause inquiry or audit to be made as to the completeness and/or correctness of the certified report. In the first instance, however, the Board shall make the subject Municipal User aware in writing of all concerns the Board has as to the completeness and/or correctness of the certified report, and afford the subject Municipal User fifteen (15) business days to respond and/or submit a revised certified report, not counting the date of the giving of such notice. For all purposes under this subparagraph, notification via e-mail shall also constitute notification in writing. Any written communication or correspondence issued by or on behalf of the Board pertaining to an inquiry or audit shall be copied to, or addressed to, the chief executive of the subject Municipal User and shall also be copied to the chief executives of both Owners. If the fifteen (15) day period has expired and the Board continues to have any concerns as to the completeness and/or correctness of the certified report or revised certified report, as the case may be, the Board may continue to pursue inquiry or audit into the completeness and/or correctness of the most recent certified report. However, prior to engaging the services of an outside auditor, the Board shall notify in writing the chief executive of the subject Municipal User and the chief executives of both Owners of its intention to do so, and thereafter allow ten (10) business days to elapse, not counting the date of the giving of such notice. The subject Municipal User shall cooperate with the Board and/or its auditors in such inquiry or audit. In the event that such inquiry or audit discloses any error or discrepancy in the subject Municipal User's most recent certified report of local systems costs then, in addition to imposing any penalty provided for in subparagraph (g), above (if the Municipal User's initial local systems cost certification report was not timely filed), upon determination by the Board of the amount of its costs, the Board shall require the Municipal User to pay as a further penalty all costs incurred by the Board in making such inquiry or audit, including internal costs of the Board (such as, but not limited to, personnel/benefit costs and expense reimbursements [private vehicle mileage, etc.]). If a Municipal User so penalized requests a hearing and demonstrates to the satisfaction of the Board that circumstances beyond the control of the Municipal User made a complete or accurate report submission or determination of actual local systems cost impossible or extremely difficult, then the Board may forgive all or part of any accumulated penalty.

(end of Amendment 3)

EXCERPT

**RULES AND REGULATIONS
RELATING TO USE OF THE
BINGHAMTON-JOHNSON CITY
JOINT SEWAGE TREATMENT PLANT**

ISSUED BY:

**THE BINGHAMTON-JOHNSON CITY
JOINT SEWAGE BOARD**

1997

(including amendments approved May 8, 2007, August 28, 2012, and September 26, 2012)

as in effect January 1, 2013

* * * *

§3.10 PROCEDURE FOR ADOPTION AND AMENDMENT OF RULES AND REGULATIONS

- (a) The Joint Sewage Board prior to the adoption, amendment, or repeal of any Rule or Regulation shall:
- (1) Publish notice at least ten days prior to the intended action. Notice shall include a statement of either the terms or substance of the intended action or a description of subjects and issues involved, and the time, place, and manner in which interested persons may present their views.
 - (2) Afford all interested parties reasonable opportunity to submit data, views, or arguments orally or in writing. Reasons for adoption and refusal of the proposed rule as well as the decision of the Joint Sewage Board shall be recorded and available for public inspection.
 - (3) Within 15 days after Board action, file a certified copy of each such amendment to the Rules and Regulations with the City Council and the Village Board of Trustees for approval. In the event that no action is taken by the City Council and the Village Board of Trustees within 30 days, the proposed amendment shall be deemed approved. When either the City Council or the Village Board of Trustees disapproves a proposed amendment to the Rules and Regulations, then a meeting shall be convened between the Board and the Owners to resolve any disagreement.
- (b) The rule or regulation, or amendment or repeal thereof, shall be effective ten days after approval, except if the rule is adopted under the emergency procedures of Subsection (c), then it shall be effective upon adoption by the Board.
- (c) If the Board determines that emergency action is required, the Board may waive the provisions of Subsection (a) above and proceed to adopt an emergency rule. The emergency rule shall be effective for a period not exceeding 120 days unless it is readopted in accordance with Subsection (a) above.

§3.11 PUBLICATION OF RULES AND REGULATIONS

The Joint Sewage Board shall compile, index, and publish all effective Rules and Regulations. The compilation shall be supplemented as often as necessary.

* * * *



Legislative Branch

RL Number:
13-150
Date Submitted:
9/9/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Council Members Jerry Motsavage, Joseph Mihalko, John Matzo & Bill Berg

Title/Department: City Council Members

Contact Information: (607) 772-7005

RL Information

Proposed Title: A Resolution accepting the gift of a permanent picnic pavilion at NYSEG

Stadium from the Binghamton Mets

Suggested Content:

Additional Information

Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s):

OFFICE USE ONLY					
Mayor:	_____				
Comptroller:	_____				
Corporation Counsel:	_____				
Finance <input type="checkbox"/>	Planning <input type="checkbox"/>	MPA <input checked="" type="checkbox"/>	PW/Parks <input type="checkbox"/>	Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>



Department of Corporation Counsel

Mayor, Matthew T. Ryan

Kenneth J. Frank, Corporation Counsel

Brian M. Seachrist, First Assistant Corporation Counsel

Allison K Sosa, Assistant Corporation Counsel

September 5, 2013

Michael Urda, President
Binghamton Mets Baseball Club, Inc.
P.O. Box 598
Binghamton, New York 13902

Re: Permanent Picnic Pavilion

Dear Mr. Urda:

Thank you for your letter regarding construction of a permanent picnic pavilion inside the stadium. The letter was received on September 3, 2013. As an improvement to public property, please make sure that any contract provides for payment of "prevailing wage." Also, as a gift, the proposed picnic pavilion must be approved by City Council. All construction must be approved by CAUD and the City's Department of Building Construction, Zoning & Code Enforcement, which I understand is in process. Thank you.

Very truly yours,

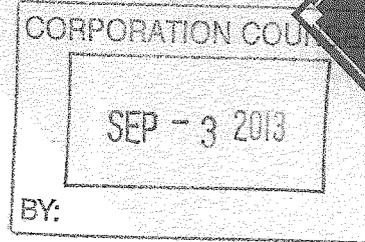


Kenneth J. Frank
Corporation Counsel

cc: Matthew T. Ryan, Mayor
Teri Renna, City Council President
Thomas Costello, Supervisor of Building Construction, Zoning & Code Enforcement
Merry Harris, BURA



Affiliated With New York Mets
Eastern League Champions 1992 & 1994



Kenneth J. Frank, Esq.
City of Binghamton Corporation Counsel
City Hall, 38 Hawley St.
Binghamton, NY 13901

Dear Mr. Frank:

The Binghamton Mets are in the process of seeking approval to erect a permanent picnic pavilion inside the stadium gates on the northwest corner of the property. We currently have tents in that area but we are at a point where the tents need to be replaced and a permanent structure will be much more cost effective in the long term for the ball club.

Please note this is a separate structure from the current stadium and this project will be funded 100% by our ownership group. Though this pavilion will become a permanent part of our stadium site, we will not seek any funding from the City of Binghamton. This will be an ownership contribution to our community that enhances the value of the City's stadium. We hope to start building the pavilion as soon as we complete our quest for the Eastern League Championship in September.

If you have any questions, please free to contact me.

Thank you for your time.

Sincerely,

Michael Urda
President
Binghamton Mets Baseball Club, Inc.
(607) 723-6387
murda@stny.rr.com

cc: Mayor Ryan



Legislative Branch

RL Number:

B-151

Date Submitted:

9/10/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Thomas F Costello
Title/Department: Supervisor of Building Construction
Contact Information: tfcostello@cityofbinghamton.com

RL Information

Proposed Title: Budget Amendment

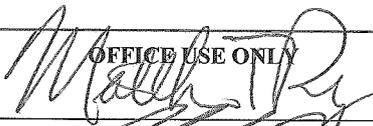
Suggested Content: Create new position for Code Enforcement Officer. Transfer balance of funds currently allocated for Supervisor of Code Enforcement to fund new position. Retain Supervisor title in 2013 budget with \$0.00 balance. Total cost is a reduction and budgetarily neutral.

A8664-51000

Additional Information

- Does this RL concern grant funding? Yes No
- If 'Yes', is the required RL Grant Worksheet attached? Yes No
- Is additional information related to the RL attached? Yes No
- Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY	
Mayor:	<u></u>
Comptroller:	<u></u>
Corporation Counsel:	<u></u>
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>



Legislative Branch

RL Number:

13-152

Date Submitted:

9/12/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Pauline Penrose

Title/Department: City Treasurer

Contact Information: (607) 772-7027

RL Information

Proposed Title: A Resolution authorizing the Mayor to enter into an agreement with Complus

Data Innovations, Inc. for parking ticket management

Suggested Content: Agreement attached

Additional Information

Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): Perm R08-79

OFFICE USE ONLY

Mayor: Matthew P. Ryan

Comptroller: [Signature]

Corporation Counsel: [Signature]

Finance Planning MPA PW/Parks Employees Rules/Special Studies

AGREEMENT BY AND BETWEEN
THE CITY OF BINGHAMTON, NEW YORK (CLIENT)
AND
COMPLUS DATA INNOVATIONS, INC. (COMPLUS)

DATED: SEPTEMBER 12, 2013

This Agreement (the "Agreement") is made and entered into this ____ day of _____, 2013, by and between Complus Data Innovations, Inc (COMPLUS), with offices at 560 White Plains Road, Tarrytown, New York 10591 and the City of Binghamton, New York (CLIENT), with offices at 35 Hawley Street, Binghamton, New York 13901 for the processing of parking tickets using the **FastTrack™** Parking Ticket Management System (**FastTrack™**). The Terms and Conditions are as follows:

1. COMPLUS will provide all equipment listed on Schedule I, attached to this Agreement. CLIENT will promptly acknowledge, on the form attached as Exhibit A, receipt of all such equipment and that such equipment is in good working order. This equipment is for the sole purpose of providing access to **FastTrack™**. The CLIENT acknowledges that this equipment is the property of COMPLUS and agrees to exercise reasonable care of said equipment while in its possession. Any handhelds that become lost or stolen will be the sole responsibility of the CLIENT and will be billed to the CLIENT at the cost of \$4,500.00 per unit. All handheld equipment listed on Schedule I will be replaced and upgraded every 36 months during the life of this Agreement, under COMPLUS' 36-month Handheld Replacement Policy.
2. COMPLUS will be responsible for the maintenance, repairs, and replacement of said equipment resulting from normal use. Repairs, which in the reasonable opinion of COMPLUS are required as a result of an accident, neglect, or misuse of the equipment (including without limitation a repair arising from or in connection with software other than software provided by COMPLUS and/or use of the equipment for other than **FastTrack™** use) shall be made at the sole expense of the CLIENT. All expenses related to the repair or replacement of equipment which is required as the result of an accident, neglect, or misuse, will be billed to CLIENT. This includes, but is not limited to, the actual cost of the repair or replacement of said equipment, along with shipping expenses, travel expenses if required, and labor costs. Travel expenses, if required, must be pre-approved by CLIENT before repairs will be scheduled.
3. Repairs to equipment and/or reinstallation and/or modification of software which are required as a result of changes or modifications made by the CLIENT, shall be made at the sole expense of the CLIENT. This includes, but is not limited to the actual cost of the repair or replacement of said equipment, along with shipping expenses, travel expenses if required, and labor costs. These costs and expenses must be pre-approved by the CLIENT and conform to CLIENT'S billing practices.

4. Additional services requested by the CLIENT that are not described in this Agreement must be submitted in writing by the CLIENT. COMPLUS will prepare a statement of work along with a detailed cost estimate to be approved in writing by the CLIENT prior to the implementation of said changes or additions. This includes, but is not limited to, requests for additional equipment, installation of additional sessions, CLIENT requested software modifications and/ or relocation of equipment.
5. COMPLUS will provide remote access to its computer via a web-based application that utilizes Citrix technology. Access time will be 22 hours per day, seven days a week. The System will be unavailable due to daily maintenance—from midnight until 2:00 a.m. Eastern Time. COMPLUS will not be responsible for any downtime arising in connection with the internet service provider, Utilities Company and/or the CLIENTS' internal network.
6. The CLIENT will be responsible for the entry of all handwritten parking tickets. The CLIENT will also be responsible for all other functions including the updating and disposition of all tickets, as well as any other related on-line functions. COMPLUS shall direct that all payments be made directly to the CLIENT and that CLIENT will be responsible for all payment processing. COMPLUS is not responsible for the validity of any information provided to it, including without limitation to the information on the tickets.
7. COMPLUS will provide CLIENT with access to the computer software needed to process all parking ticket information. COMPLUS agrees to maintain **FastTrack™** and revise the software, as required, to conform to all federal, state and local laws and regulations. COMPLUS certifies that in addition to nightly tape backups, their data center is mirrored off-site for Disaster Recovery Purposes.
8. COMPLUS will furnish the CLIENT with digital copies of various reports and mailings including the following:
 - Year-to-Date Disposition of Tickets
 - Delinquent Notices for Outstanding Tickets for the State of New York and Out-of-State Residents
 - Final Delinquent Notices
 - Officer and PEO Performance Reports
 - Permit Reports
 - Audit Reports
 - Daily and Monthly Cash/Dismissal Reports
 - Year-to-Date Active Scofflaw Report
9. As requested by the CLIENT, COMPLUS will prepare all Delinquent Notices and Notice of Violations for outstanding tickets issued to vehicles bearing State of New York plates and Out-of-State plates (to the extent allowed by each State's DMV) to the last known registered owners(s). CLIENT will be responsible for postage of said notices. COMPLUS shall prepare and CLIENT shall approve any and all language contained in the notices that will be sent on behalf of CLIENT under this Agreement. State agency approval will also be obtained where applicable. Such notices shall comply with state rules and regulations.

10. Throughout the term of this Agreement, COMPLUS agrees to provide on-site training for **FastTrack™**. COMPLUS will provide reference manuals describing the features and operations of **FastTrack™**. COMPLUS shall provide updates to the system as they become available. Throughout the term of this Agreement, assistance will be available from field supervisors and by telephone at no charge to the CLIENT during the hours of 8:30 AM to 5:00 PM ET, Monday through Friday (with the exception of all state and nationally recognized holidays).
11. The CLIENT agrees to indemnify and hold harmless COMPLUS, its officers, agents and employees, from any claims, controversies or lawsuits brought against COMPLUS and/ or the CLIENT by third parties in any way related to COMPLUS' service and/or this Agreement; except where said claims, controversies or lawsuits are the results of negligence, gross negligence or willful misconduct on the part of COMPLUS. This provision survives the termination of this Agreement.
12. COMPLUS agrees to indemnify and hold harmless the CLIENT, its officers, agents, and employees from any claims controversies or lawsuits brought against COMPLUS and/or the CLIENT by third parties in any way related to COMPLUS' services and/or this Agreement, except where said claims, controversies or lawsuits are the results of negligence, gross negligence or willful misconduct on the part of the CLIENT. This provision survives the termination of this Agreement.
13. The CLIENT agrees to the following fee schedule for the use of **FastTrack™**. Invoices will be submitted on a monthly basis, payable within thirty (30) days upon receipt.

FEE SCHEDULE:

- 12.5% of all In-State Parking Ticket Collections on CLIENT parking ticket revenues.
- 12.5% of all Out-of-State Parking Ticket Collections on CLIENT parking ticket revenues.
- CLIENT will reimburse COMPLUS for postage costs on delinquent notices.

Warning Tickets: In the event that the CLIENT elects to issue warning tickets, COMPLUS will bill the CLIENT \$1.45 for each warning ticket in excess of 1% of the tickets issued during the prior calendar year.

DMV Fees are paid for by COMPLUS. However, COMPLUS reserves the right to pass along to the CLIENT, and the CLIENT agrees to pay COMPLUS, any increases charged by the various Department of Motor Vehicle agencies to provide registered owner's names and addresses after the first year of this contract.

Web-based & Phone-based Payments: COMPLUS' program allows internet-based and phone-based access to **FastTrack™** for the purpose of allowing the CLIENT's violators to review and pay their parking tickets online or over the phone via credit cards.

COMPLUS has developed and programmed the website and phone system and is solely responsible for their functionality, and to make any and all necessary changes to ensure they conform to all federal, local and State of New York laws and rules and regulations, as well as any and all banking rules and regulations that pertain to all forms of credit card payment, including VISA, MASTERCARD, and Discover.

Convenience Fee Schedule for Web-based & Phone-based Parking Ticket Payments

\$3.50 per parking ticket being paid via the web-based or phone-based interface

The term "Convenience Fee" as referenced in this Agreement is a fee paid by the end user/customer of the online payment service for parking ticket payment transactions.

In the event that any such change is material, COMPLUS may change this convenience fee schedule upon no less than thirty (30) days written notice to CLIENT, and CLIENT may terminate the credit card payment provisions of this Agreement if CLIENT notifies COMPLUS in writing prior to the effective date of such fee schedule change of its election to so terminate such provisions (which termination will be effective on such effective date).

COMPLUS will be the credit card merchant for these transactions and the CLIENT will only be responsible for the following:

- a. To allow chargebacks to be withdrawn from the account in the event a cardholder requests to have the transaction reversed according to credit card rules, regulations and timetables, and to allow for the chargeback fee to also be withdrawn from the account under the same rules, regulations and timetables. For chargeback transactions, any tickets that were paid for said transactions will be reinstated in **FastTrack™** and become subject to further collection efforts.

COMPLUS will send the funds from this account on a weekly basis for the transactions processed during the preceding seven days to the CLIENT.

14. The Term and Conditions of the Agreement will remain in effect for a period of THREE (3) years from the date (the "Effective Date") on which COMPLUS signs this Agreement. On the third anniversary of the Effective Date, and on each anniversary date thereafter, this Agreement will automatically renew for a one-year period upon the same terms and conditions. If either the CLIENT or COMPLUS does not wish for any such renewal, it must notify the other party in writing of its intention not to renew no later than ninety (90) days prior to any such anniversary date, in which case this Agreement shall terminate on such anniversary date. In the event of termination, CLIENT will return to COMPLUS within ten (10) days of the termination of the Agreement all handhelds and other equipment, peripherals, manuals and all other materials provided to CLIENT, all of which shall be returned to COMPLUS in good working order. In the event of termination, and providing that there are no outstanding invoices and the CLIENT has returned all equipment in good working order, the CLIENT would be provided with a computer file at no cost.

15. Each of COMPLUS and CLIENT agrees to comply with state and federal regulations regarding the confidentiality of information. Each of COMPLUS and CLIENT further agrees that the information provided by the CLIENT and/or the DMV, including the names and addresses and associated information of persons and entities that have received tickets, shall remain confidential and shall not be sold or shared with any other non-party, company or entity for any purpose, including but not limited to marketing, sales, solicitations, collection agencies and/or credit bureaus. All information supplied by the CLIENT regarding data entered when a ticket is written is the sole property of the CLIENT. Information obtained from the various departments of motor vehicle (DMV) agencies is the property of the specific DMV and the transfer and/or use of this data is governed by the respective DMV. This paragraph shall survive termination.
16. COMPLUS is an independent contractor, and neither COMPLUS nor its staff shall be deemed to be employed by the CLIENT.
17. This Agreement and the rights and obligations of the parties and their successors and assigns hereunder shall be interpreted, construed, and enforced in accordance with the laws of the State of New York without regard to its choice and/or conflict of laws provisions. Any legal action resulting from, arising under, out of or in connection with, directly or indirectly, this Agreement shall be commenced exclusively in Westchester County, New York. All parties to this Agreement hereby submit themselves to the jurisdiction of any such court, and agree that service of process on them in any such action, suit or proceeding may be effected by the means by which notices are to be given under this Agreement. In the event of litigation by a party hereto to enforce its rights hereunder, the prevailing party shall be entitled to recover its reasonable attorney's fees, costs and disbursements.
18. All notices, requests, demands and other communications required or permitted hereunder shall be in writing and shall be deemed to have been duly given if delivered by hand or mailed, express, certified or registered mail, return receipt requested, with postage prepaid, or sent priority next day delivery by a nationally recognized overnight courier service that regularly maintains records of items picked up and delivered to the parties at the addresses first set forth above or to such other person or address as a party shall notify the other in writing. Notices delivered personally shall be deemed communicated as of the date of actual receipt, mailed notices shall be deemed communicated as of the date three (3) business days after mailing, and notices sent by courier shall be deemed communicated as of the date two (2) business days after pick-up.
19. CLIENT is a tax exempt entity under the rules of the Internal Revenue Service and will provide COMPLUS with a copy of its tax exempt status upon request.
20. Any claim that can be brought by the CLIENT under or relating to this Agreement must be brought within one (1) year of the action or omission underlying such claim.
21. This instrument contains the entire agreement between the parties as to subject matter herein and supersedes all prior agreements whether oral or written between the parties hereto. This Agreement may be modified only by a written instrument signed by the

parties:
22. This Agreement may be executed in counterparts each of which shall be deemed an original and all of which taken together shall constitute one and the same agreement. Delivery of an executed counterpart of this Agreement by facsimile shall be equally as effective as delivery of a manually executed counterpart of this Agreement.

The signing of the enclosed copy and returning to COMPLUS will indicate the CLIENT'S acceptance of this Agreement, and the Terms and Conditions contained therein.

Accepted by:

COMPLUS DATA INNOVATIONS, INC.

CITY OF BINGHAMTON, NEW YORK

Name: _____ Name: _____
Title: _____ Title: _____
Date: _____ Date: _____

SCHEDULE I
TO THE
AGREEMENT BY AND BETWEEN
THE CITY OF BINGHAMTON, NEW YORK (CLIENT)
AND
COMPLUS DATA INNOVATIONS, INC. (COMPLUS)
DATED: SEPTEMBER 12, 2013

The following equipment will be provided to the CLIENT for the sole purpose of providing access to **FastTrack™**.

- One (1) PC Workstation
- One (1) Laser Printer
- Five (5) One-piece Casio IT9000 handheld ticket writers including all necessary hardware peripherals
- Seven (7) Software licenses to COMPLUS' **FastTrack™** System

EXHIBIT A
TO THE
AGREEMENT BY AND BETWEEN
THE CITY OF BINGHAMTON, NEW YORK (CLIENT)
AND
COMPLUS DATA INNOVATIONS, INC. (COMPLUS)
DATED: SEPTEMBER 12, 2013

The City of Binghamton, New York [CLIENT] hereby acknowledges receipt of all equipment listed on Schedule 1, and that such equipment is in good working order.

Dated: _____

THE CITY OF BINGHAMTON, NEW YORK

By: _____
Name:
Title:



Legislative Branch

RL Number:

13-153

Date Submitted:

9/12/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

RECEIVED

Applicant Information

Request submitted by: Binghamton-Johnson City Joint Sewage Board

SEP 12 2013

Title/Department: _____

OFFICE OF THE CITY CLERK
CITY OF BINGHAMTON

Contact Information: POC: George Kolba, Chairman (754-8787)

RL Information

Proposed Title: An Ordinance to Authorize the Transfer of Funds to fund the Telephone/

Communications line.

Suggested Content: _____

(please see proposed resolution wording attached)

Additional Information

Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): 2013 JSB Budget

OFFICE USE ONLY

Mayor: _____

Comptroller: _____

Corporation Counsel: _____

Finance Planning MPA PW/Parks Employees Rules/Special Studies

PROPOSED LEGISLATION WORDING

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD FISCAL OFFICER TO MODIFY THE 2013 JOINT SEWAGE BOARD BUDGET BY MAKING TRANSFERS IN THE 2013 JOINT SEWAGE BOARD BUDGET TO FUND TELEPHONE/COMMUNICATIONS.

WHEREAS, the Council of the City of Binghamton and the Board of Trustees of the Village of Johnson City jointly approve the annual budget of the Binghamton-Johnson City Joint Sewage Board (“JSB”); and

WHEREAS, Inter-Municipal Agreement No. IX (IMA-IX) sets forth the procedure for the JSB to request approval of budget transfers and modifications during the year or within 30 days thereafter so long as any transfers do not increase the JSB’s budgeted expenses for the year; and

WHEREAS, the JSB reports that it needs funding for Telephone/Communications; and

WHEREAS, the JSB has complied with the IMA-IX procedure, and it is appropriate to modify the JSB’s 2013 budgets by making the budget transfers authorized herein, which transfers do not change the total amount of the JSB’s 2013 Operations and Maintenance budget,

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby resolve as follows:

Section 1. The City of Binghamton hereby authorizes and directs the Binghamton-Johnson City Joint Sewage Board Fiscal Officer to make the following budget transfers:

transfer \$3500.00 from 2013 Operating budget line J8130.54202 (“Electricity”) to 2013 budget line J8130.54210 (“Telephone/Communications”);

Section 2. That this resolution shall take effect immediately upon approval by a majority of the City of Binghamton and the Board of Trustees of the Village of Johnson City.

I HEREBY CERTIFY that the above-described funds are unencumbered and available.

CHARLES L. PEARSALL, City of
Binghamton Comptroller and Joint Sewage
Board Fiscal Officer



Binghamton-Johnson City
JOINT SEWAGE BOARD



RECEIVED

Eugene Hulbert, Sr.
Luke Day
Edward Crumb

SEP 12 2013

Stephen Andrew
George Kolba, Jr.
Ron C. Davis

OFFICE OF THE CITY CLERK
CITY OF BINGHAMTON

**CERTIFICATE OF RESOLUTION OF THE
BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD REGARDING:
BUDGET TRANSFER TELEPHONE**

I, Michele Cuevas, Confidential Secretary of the Binghamton-Johnson City Joint Sewage Board, DO HEREBY CERTIFY that at a regular meeting of the Binghamton-Johnson City Joint Sewage Board, duly convened and held on August 13, 2013, a quorum being present and participating throughout the subject action set forth below, the following RESOLUTION was duly adopted on motion duly made, seconded, and carried, which RESOLUTION remains in full force and effect:

Board Members present:

George Kolba Jr. (Chairman), Edward Crumb, Stephen Andrew, Luke Day

Board Members absent:

Eugene Hulbert, Sr., and Ron C. Davis

Motion made by Stephen Andrew and seconded by Luke Day to approve and direct that the Board's Fiscal Officer:

**[i] transfer \$3,500 from 2013 Operating budget line J8130.54202 ("Electricity")
to 2013 Operating budget line J8130.54210 ("Telephone")**

Motion carried: 4 ayes, 0 nays, 2 absent

I HEREBY CERTIFY that the foregoing is a true and complete copy of the resolution duly adopted at the aforesaid meeting of the Joint Sewage Board in accordance with the provisions of said Board's By-Laws, that the resolution has not in any way been rescinded or annulled, and that the resolution is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand as Confidential Secretary of the Joint Sewage Board, this 22th day of August 2013.


Michele Cuevas,
Confidential Secretary

ATTEST: 
Board Officer

Catherine P. Aingworth, Superintendent
Binghamton-Johnson City Joint Sewage Treatment Facilities
4480 Vestal Road, Vestal, New York 13850
Phone: 607-729-2976 ext 45 of 72; 607-729-0110
Email: bjcwwtp@stny.rr.com



Legislative Branch

RL Number:
13-154
Date Submitted:
9/12/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Bill Barber

Title/Department: Director of Parks and Recreation

Contact Information: (607) 772-7017

RL Information

Proposed Title: An Ordinance transferring \$150,000 from budget line H5112.525017.20208

(Court Street Gateway Project) to budget line H7110.525054.20208 (Parks Improvements) to refurbish tennis and basketball courts in the City of Binghamton

Suggested Content: _____

Additional Information

Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICER USE ONLY	
* Mayor:	<u>Matthew J. Ryan</u>
* Comptroller:	<u>Charles J. [Signature]</u> 9/12/13
* Corporation Counsel:	<u>[Signature]</u>
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>



Legislative Branch

RL Number:
13-155
Date Submitted:
9/12/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Teri Renna

Title/Department: City Council President

Contact Information: (607) 772-7165

RL Information

Proposed Title: A Resolution urging Broome County to maintain ownership of Broome County

Public Transit

Suggested Content: _____

Additional Information

Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor: _____

Comptroller: _____

Corporation Counsel: _____

Finance Planning MPA PW/Parks Employees Rules/Special Studies



Legislative Branch

RL Number:

13-156

Date Submitted:

9/13/13

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Carl Petro

Title/Department: Operations Manager - Parking

Contact Information: cpetro@lazparking.com

RL Information

Proposed Title: An Ordinance authorizing various transfers in the 2013 Parking Ramp budget for purchase of additional ice melt and to cover increased insurance costs

Suggested Content: _____

Additional Information

Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY	
Mayor:	<u>[Signature]</u>
Comptroller:	<u>[Signature]</u> 9/13/13
Corporation Counsel:	<u>[Signature]</u>
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>

STAR Registration Fact Sheet

New legislation requires all homeowners receiving a Basic STAR exemption to register with the New York State Tax Department in order to receive the exemption in 2014 and subsequent years.

This is part of a new initiative to protect New Yorkers against inappropriate or fraudulent STAR exemptions.

Who must register?

Resident homeowners who currently receive the Basic STAR exemption must register with the New York State Tax Department in order to receive the exemption in 2014 and subsequent years.

- Homeowners do not need to re-register every year.
- Based on the information provided in the registration process, the Tax Department will confirm homeowners' eligibility in future years.

Senior citizens

Senior citizens receiving the Enhanced STAR exemption are not affected by the new registration requirement. However, in order to receive Enhanced STAR, seniors must continue to:

- apply annually, or
- participate in the Income Verification Program.

Resident homeowners applying for STAR for the first time are not affected by this year's registration procedure. To apply for STAR a new applicant must:

- use Form RP-425, *Application for School Tax Relief (STAR) Exemption*, available on the Tax Department's Web site, and
- file the application with their local assessor.

When does registration begin?

Registration will begin **August 19, 2013** and continue through **December 31, 2013**.

- The Tax Department will mail instructions to all homeowners who currently receive the Basic STAR exemption. The letters will include a STAR code that homeowners will need to register.
- Because seniors who receive Enhanced STAR are not affected by the new requirements, they will not receive new instructions from the Tax Department.

continued on back

How does a homeowner register?

Online registration

The fastest and easiest way for homeowners to register is through the Tax Department's Web site, **www.tax.ny.gov**.

Homeowners will need their STAR code to register. In addition to being included in the instructions that were mailed to them, homeowners will be able to find their STAR code through an online lookup or by calling the Tax Department at [518] 457-2036.

Online registration is a simple process that will require homeowners to provide some basic information about their eligibility for the STAR exemption. Homeowners will need to:

- provide the STAR code and confirm the property address
- provide the names and social security numbers for all owners of the property and spouses
- confirm that the property is the primary residence of one of its owners (married couples with multiple residences may only claim one STAR exemption)
- confirm that the combined income of the owners and their spouses who reside at the property does not exceed \$500,000
- confirm that no resident owner receives a residency-based tax exemption from another state

Telephone registration - (518) 457-2036

Homeowners who are unable to register online will be able to register over the phone. The Tax Department will also provide telephone support to any homeowners who have questions about online registration.

What happens when homeowners do not register?

The Tax Department will send homeowners additional letter reminders in December 2013 and January 2014.

In February 2014 the Tax Department will give assessors the names of any homeowners who did not register, or who were determined not to be eligible for STAR. The assessment roll entries for these homeowners will not include the STAR exemption.

- Homeowners who the Tax Department found to be ineligible for STAR will have the right to administrative review within the Tax Department, and review before the State Board of Real Property Tax Services.



Department of Planning, Housing, & Community Development

Mayor, Matthew T. Ryan
Director, Tarik Abdelazim

TO: City Council Members
FROM: Leigh A. McCullen, Senior Planner
DATE: September 11, 2013
RE: Permitting Medical Clinics in I-1 Zoning Code Amendment

PLANNING COMMISSION'S RECOMMENDATION

At the September 3, 2013 Work Session, this proposal was referred by City Council to the Planning Commission for their review and recommendation. On September 9, 2013 the Planning Commission recommended, by unanimous vote, that the City Council adopt the amendment as proposed. The proposed amendment is attached.

Staff has notified Broome County of the proposed action pursuant to SEQR and Section 239 –l and –m of the General Municipal Law. The County has until October 11, 2013 to respond.

STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) ACT

SEQR review should begin as soon as the principal features of a proposed action and its environmental impacts can be reasonably identified. Since the proposed legislation has been drafted and circulated environmental impacts can be reasonably identified. To start the process the Lead Agency must be established. City Council would be the only Agency responsible for approving this project. Therefore, Council must act as Lead Agency.

The Council, acting as Lead Agency, must classify the type of action under SEQR. Statewide SEQR regulations, specifically 6 NYCRR Section 617.4(b)(2), states that "the adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district" is a Type 1 Action. The proposed Code Amendment involving changing allowable uses in the I-1 Zone would be a Type 1 Action. A long Environmental Assessment Form has been prepared and is attached.

As outlined above, Staff requests that the City Council take the following actions in order to begin the SEQR process:

1. Declare City Council's intention to act as Lead Agency
2. Declare the action a Type I Action
3. Schedule a public hearing on the proposed legislation for October 23, 2013

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project:

Part 1

Part 2

Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a **negative declaration will be prepared.**
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared.**

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Medical Clinics in the I-1 Industrial Business Park District

Name of Action

City of Binghamton

Name of Lead Agency

Terie Rennia

Council President

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

September 12, 2013

Date

website

PART 1--PROJECT INFORMATION
Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Medical Clinics in the I-1 Industrial Business Park District

Location of Action (include Street Address, Municipality and County)

I-1 Zoning District - Charles Street Business Park, Binghamton, Broome County

Name of Applicant/Sponsor City of Binghamton

Address 38 Hawley Street

City / PO Binghamton State NY Zip Code 13905

Business Telephone 607-772-7028

Name of Owner (if different) _____

Address _____

City / PO _____ State _____ Zip Code _____

Business Telephone _____

Description of Action:

Amend the I-1 Zoning District to permit Clinic, Medical, Diagnostic OR Treatment Centers, with Planning Commission approval of a special use permit and site plan review.

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Other _____

2. Total acreage of project area: 33.04 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>0</u> acres	_____ acres
Forested	<u>0</u> acres	_____ acres
Agricultural (Includes orchards, cropland, pasture, etc.)	<u>0</u> acres	_____ acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	<u>0</u> acres	_____ acres
Water Surface Area	<u>0</u> acres	_____ acres
Unvegetated (Rock, earth or fill)	<u>0</u> acres	_____ acres
Roads, buildings and other paved surfaces	<u>4.45</u> acres	_____ acres
Other (Indicate type) <u>Previously Developed Vacant Land</u>	<u>28.59</u> acres	_____ acres

3. What is predominant soil type(s) on project site? _____

- a. Soil drainage: Well drained 100 % of site Moderately well drained _____ % of site.
 Poorly drained _____ % of site

b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? _____ acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? Yes No

a. What is depth to bedrock 0.17 (in feet)

5. Approximate percentage of proposed project site with slopes:

- 0-10% _____ % 10- 15% _____ % 15% or greater _____ %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? Yes No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? Yes No

8. What is the depth of the water table? 0-50 (in feet)

9. Is site located over a primary, principal, or sole source aquifer? Yes No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? Yes No

According to:

US Fish and Wildlife Service

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

Yes No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

Yes No

If yes, explain:

14. Does the present site include scenic views known to be important to the community? Yes No

15. Streams within or contiguous to project area:

a. Name of Stream and name of River to which it is tributary

16. Lakes, ponds, wetland areas within or contiguous to project area:

b. Size (in acres):

17. Is the site served by existing public utilities? Yes No
- a. If YES, does sufficient capacity exist to allow connection? Yes No
- b. If YES, will improvements be necessary to allow connection? Yes No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? Yes No
20. Has the site ever been used for the disposal of solid or hazardous wastes? Yes No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).

- a. Total contiguous acreage owned or controlled by project sponsor: N/A acres.
- b. Project acreage to be developed: n/a acres initially; n/a acres ultimately.
- c. Project acreage to remain undeveloped: n/a acres.
- d. Length of project, in miles: n/a (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. n/a %
- f. Number of off-street parking spaces existing n/a ; proposed n/a
- g. Maximum vehicular trips generated per hour: n/a (upon completion of project)?
- h. If residential: Number and type of housing units:

	One Family	Two Family	Multiple Family	Condominium
Initially	_____	_____	_____	_____
Ultimately	_____	_____	_____	_____

- i. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; _____ length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? _____ ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? n/a tons/cubic yards.
3. Will disturbed areas be reclaimed Yes No N/A

a. If yes, for what intended purpose is the site being reclaimed?

- b. Will topsoil be stockpiled for reclamation? Yes No
- c. Will upper subsoil be stockpiled for reclamation? Yes No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? n/a acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

Yes No

6. If single phase project: Anticipated period of construction: n/a months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated n/a (number)

b. Anticipated date of commencement phase 1: _____ month _____ year, (including demolition)

c. Approximate completion date of final phase: _____ month _____ year.

d. Is phase 1 functionally dependent on subsequent phases? Yes No

8. Will blasting occur during construction? Yes No

9. Number of jobs generated: during construction n/a ; after project is complete _____

10. Number of jobs eliminated by this project n/a .

11. Will project require relocation of any projects or facilities? Yes No

If yes, explain:

12. Is surface liquid waste disposal involved? Yes No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount _____

b. Name of water body into which effluent will be discharged _____

13. Is subsurface liquid waste disposal involved? Yes No Type _____

14. Will surface area of an existing water body increase or decrease by proposal? Yes No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? Yes No

16. Will the project generate solid waste? Yes No

a. If yes, what is the amount per month? _____ tons

b. If yes, will an existing solid waste facility be used? Yes No

c. If yes, give name _____ ; location _____

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? Yes No

e. If yes, explain:

17. Will the project involve the disposal of solid waste? Yes No

a. If yes, what is the anticipated rate of disposal? _____ tons/month.

b. If yes, what is the anticipated site life? _____ years.

18. Will project use herbicides or pesticides? Yes No

19. Will project routinely produce odors (more than one hour per day)? Yes No

20. Will project produce operating noise exceeding the local ambient noise levels? Yes No

21. Will project result in an increase in energy use? Yes No

If yes, indicate type(s)

22. If water supply is from wells, indicate pumping capacity n/a gallons/minute.

23. Total anticipated water usage per day n/a gallons/day.

24. Does project involve Local, State or Federal funding? Yes No

If yes, explain:

25. Approvals Required:

			Type	Submittal Date
City, Town, Village Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Zoning Amendment</u>	<u>September</u> <input checked="" type="checkbox"/>
			_____	_____
			_____	_____
City, Town, Village Planning Board	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, Town Zoning Board	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, County Health Department	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Other Local Agencies	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Other Regional Agencies	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
State Agencies	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Federal Agencies	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? Yes No

If Yes, indicate decision required:

- | | | | |
|--|---|--|--------------------------------------|
| <input checked="" type="checkbox"/> Zoning amendment | <input type="checkbox"/> Zoning variance | <input type="checkbox"/> New/revision of master plan | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Site plan | <input type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan | <input type="checkbox"/> Other |

2. What is the zoning classification(s) of the site?

I-1 Industrial Business Park

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

Heavy Industrial Activity / Facility covering up to 90% of the total area of the district.

4. What is the proposed zoning of the site?

I-1 Industrial Business Park - adding Medical Clinics as a use permitted with a Special Use Permit / Site Plan Approval

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

Heavy Industrial Activity / Facility covering up to 90% of the total area of the district.

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

Industrial, Residential and Civic

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? Yes No

9. If the proposed action is the subdivision of land, how many lots are proposed? No

a. What is the minimum lot size proposed? _____

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? Yes No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

Yes No

a. If yes, is existing capacity sufficient to handle projected demand? Yes No

12. Will the proposed action result in the generation of traffic significantly above present levels? Yes No

a. If yes, is the existing road network adequate to handle the additional traffic. Yes No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Leigh McCullen Date 09/13/2013

Signature 

Title Senior Planner

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- ! In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable**? The reviewer is not expected to be an expert environmental analyst.
- ! The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- ! The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- ! The number of examples per question does not indicate the importance of each question.
- ! In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO YES

Examples that would apply to column 2

- | | | | |
|---|--|--|--|
| <ul style="list-style-type: none"> • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. • Construction on land where the depth to the water table is less than 3 feet. • Construction of paved parking area for 1,000 or more vehicles. • Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface. • Construction that will continue for more than 1 year or involve more than one phase or stage. • Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year. | <input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/> | <input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No

<input type="checkbox"/> Yes <input type="checkbox"/> No |
|---|--|--|--|

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Construction or expansion of a sanitary landfill.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

NO YES

• Specific land forms:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

Impact on Water

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO YES

Examples that would apply to column 2

• Developable area of site contains a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Dredging more than 100 cubic yards of material from channel of a protected stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Extension of utility distribution facilities through a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction in a designated freshwater or tidal wetland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

4. Will Proposed Action affect any non-protected existing or new body of water?

NO YES

Examples that would apply to column 2

• A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction of a body of water that exceeds 10 acres of surface area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action would change flood water flows | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action may cause substantial erosion. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action is incompatible with existing drainage patterns. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow development in a designated floodway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON AIR

7. Will Proposed Action affect air quality?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will induce 1,000 or more vehicle trips in any given hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in the incineration of more than 1 ton of refuse per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the amount of land committed to industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the density of industrial development within existing industrial areas. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

NO YES

Examples that would apply to column 2

• Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?

NO YES

Examples that would apply to column 2

• The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction activity would excavate or compact the soil profile of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

NO YES

Examples that would apply to column 2

• Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?

NO YES

Examples that would apply to column 2

• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Any impact to an archaeological site or fossil bed located within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

NO YES

Examples that would apply to column 2

- | | | | |
|---|--------------------------|--------------------------|--|
| • The permanent foreclosure of a future recreational opportunity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • A major reduction of an open space important to the community. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

NO YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

- | | | | |
|---|--------------------------|--------------------------|--|
| • Proposed Action to locate within the CEA? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quantity of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quality of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will impact the use, function or enjoyment of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?
 NO YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Alteration of present patterns of movement of people and/or goods. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in major traffic problems. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?
 NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?
 NO YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Blasting within 1,500 feet of a hospital, school or other sensitive facility. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Odors will occur routinely (more than one hour per day). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will remove natural barriers that would act as a noise screen. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety?

NO YES

- | | | | |
|--|--------------------------|--------------------------|--|
| <ul style="list-style-type: none"> • Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

**IMPACT ON GROWTH AND CHARACTER
OF COMMUNITY OR NEIGHBORHOOD**

19. Will Proposed Action affect the character of the existing community?

NO YES

Examples that would apply to column 2

- | | | | |
|---|--------------------------|--------------------------|--|
| <ul style="list-style-type: none"> • The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Proposed Action will conflict with officially adopted plans or goals. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Proposed Action will cause a change in the density of land use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • Development will create a demand for additional community services (e.g. schools, police and fire, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Proposed Action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will create or eliminate employment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?

NO YES

If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

To answer the question of importance, consider:

- ! The probability of the impact occurring
- ! The duration of the impact
- ! Its irreversibility, including permanently lost resources of value
- ! Whether the impact can or will be controlled
- ! The regional consequence of the impact
- ! Its potential divergence from local needs and goals
- ! Whether known objections to the project relate to this impact.