LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

William Berg, City Council President
Joseph A. Merrill, City Clerk

CITY COUNCIL WORK SESSION AGENDA
City Council Work Room, 38 Hawley Street, Binghamton
Tuesday, September 8, 2015

The Work Session begins at 6:00pm. Times for RL(s)/Topics are approximate only and items may be considered earlier or later.

Time	Committee	Chair	RL(s)/Topic	Pages	Presenter
6:00pm			JSTP Budget		
6:30pm	Finance	Motsavage	**RL 15-168** Transfer of fund for purchase of body cameras	1-3	Taser International
6:45pm	Finance	Motsavage	**RL 15-170** Transfer of funds to purchase demographic tracking software	4-6	Lori Clift
7:00pm	----------	----------	**Discussion:** Mike Dunden NYSLOF	---------	Mike Dundon
7:15pm	Finance	Motsavage	**RL 15-163** Transfer in the budget for training an Assistant Attorney	7	Ken Frank
7:30pm	----------	----------	**Discussion:** Redevelopment of 7 Hawley St	---------	Jared Kraham
7:45pm	----------	----------	**Discussion:** North Side Grocery Store	---------	Bob Murphy
8:00pm	----------	----------	**Discussion:** Vacant Property Registration	---------	Tom Costello
8:15pm	----------	----------	**Discussion:** Parking Garage Info	---------	Gary Holmes
8:30pm	Finance	Motsavage	**RL 15-167** Supp Agreement 3 for Delta Eng for Exchange St Bridge	8-14	Gary Holmes
8:45pm	Finance	Motsavage	**RL 15-130** Transfer of $10,000 for Parks (EX)	15-16	Bill Barber
9:00pm	Finance	Motsavage	**RL 15-169** Transfer of funds within Public Works budget	17-18	Terry Kellogg
9:15pm	Finance	Motsavage	**RL 15-165** HRC Budget Lines	19-21	Councilwoman Webb
9:30pm	MPA	Rennia	**RL 15-164** Hunger Free Summer Kids Act	22-24	Councilwoman Webb
9:45pm	MPA	Rennia	**RL 15-171** Reso in support of Tioga Downs (EX)	25-26	Council President Berg
10:00pm	MPA	Rennia	**RL 15-166** Noise Ordinance	27-33	Councilwoman Rennia
10:15pm	----------	----------	**Discussion:** Woodburn Court/Reso in Support of PILOT	34-42	Councilwoman Webb
10:30pm	----------	----------	**Discussion:** Review of Committee Reports & Pending Legislation	---------	Council President Berg

COMMITTEE REPORTS

Finance-Budget Schedule Discussion

RL Number: 15-168

Date Submitted: 1 Sep 15

Legislative Branch

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: Lori Clift

Title/Department: Data Processing Operations Coordinator

Contact Information: 772-7014

RL Information

Proposed Title: Amend the 2015 Budget - transfer funds to purchase body cameras per attached transfer request.

Suggested Content: Establish line A1680.52300 Hardware/Software. Transfer funds per 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): _____

OFFICE USE ONLY

Mayor: [signature]

Comptroller: [signature]

Corporation Counsel: [signature]

Finance ☑ **Planning** ☐ **MPA** ☐ **PW/Parks** ☐ **Employees** ☐ **Rules/Special Studies** ☐

CITY OF BINGHAMTON

City Hall, 38 Hawley Street, Binghamton, NY 13901 607-772-7005

REQUEST FOR TRANSFER OF FUNDS

Transfer requests of $2500 or less must be approved by the Comptroller.
Transfer requests over $2500 and not in excess of $10,000 must be approved by Board of E&A and Chair of Finance Committee.
Transfer requests in excess of $10,000 must be approved by City Council.

City Comptroller
c/o Board of Estimate and Apportionment
38 Hawley Street
Binghamton, NY 13901

Date: 09/01/2015

I respectfully request the below described transfer of funds due to the following reasons:

transfer funds to purchase body cameras

From Budget Line (No. and Title)	To Budget Line (No. and Title)	Total Transfer Amount
see attached	A1680.52300	$ 116,031.54

I do hereby certify that the funds will not be needed in the budget line from which I am requesting this transfer to be made.

Signature: _____ Date: 9-1-15

OFFICE USE ONLY

I hereby certify that the above funds are unencumbered and available for Transfer. Certified by the Comptroller.

Signature: _____ Date: _____

I hereby certify that the above described funds have been transferred, in accordance with the Code of the City of Binghamton Chapter 9, *Appropriations*. Certified by the Treasurer.

Signature: _____ Date: _____

Transfer of funds **APPROVED** ☒ / **DENIED** ☐ on 2Sep15. Certified by the Secretary of the Board of Estimate and Apportionment.

Signature: _____ Date: 3Sep15

Transfer of funds reviewed by the Binghamton City Council Finance Chair. Recommendations to be attached.

Signature: _____ Date: _____

FROM			TO		
A3120.51000	Personal Services - Police Officers	51,031.54	A1680.52300	Hardware / Software	116,031.54
A3120.54112	Gasoline / Diesel Fuel	45,000.00			
A9040.58000E	Unemployment Insurance	20,000.00			
	Total	***$ 116,031.54***		***Total***	***$ 116,031.54***

RL Number: 15-170

Date Submitted: 1 Sep 15

Legislative Branch

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

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Lori Clift

Title/Department: Data Processing Operations Co-ordinator

Contact Information: 772-7014

RL Information

Proposed Title: Amend the 2015 Budget - transfer funds to purchase demographic tracking software per attached transfer request

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** ☐

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CITY OF BINGHAMTON

City Hall, 38 Hawley Street, Binghamton, NY 13901 607-772-7005

REQUEST FOR TRANSFER OF FUNDS

Transfer requests of $2500 or less must be approved by the Comptroller.
Transfer requests over $2500 and not in excess of $10,000 must be approved by Board of E&A and Chair of Finance Committee.
Transfer requests in excess of $10,000 must be approved by City Council.

City Comptroller
c/o Board of Estimate and Apportionment
38 Hawley Street
Binghamton, NY 13901

Date: 09/01/2015

I respectfully request the below described transfer of funds due to the following reasons:

transfer funds to purchase demographic tracking software

From Budget Line (No. and Title)	To Budget Line (No. and Title)	Total Transfer Amount
see attached	A1680.52300	$ 19,800.00

I do hereby certify that the funds will not be needed in the budget line from which I am requesting this transfer to be made.

Signature: [illegible] Date: 9-1-2015

OFFICE USE ONLY

I hereby certify that the above funds are unencumbered and available for Transfer. Certified by the Comptroller.

Signature: _____ Date: _____

I hereby certify that the above described funds have been transferred, in accordance with the Code of the City of Binghamton Chapter 9, *Appropriations*. Certified by the Treasurer.

Signature: _____ Date: _____

Transfer of funds **APPROVED** ☒ / **DENIED** ☐ on 2 Sep 15. Certified by the Secretary of the Board of Estimate and Apportionment.

Signature: [illegible] Date: 3 Sep 15

Transfer of funds reviewed by the Binghamton City Council Finance Chair. Recommendations to be attached.

Signature: _____ Date: _____

FROM			TO		
A3120.54114	Lubricants	5,000.00	A1680.52300	Hardware / Software	19,800.00
A3120.52200	Furniture	1,000.00			
A3120.54111	Tires	800.00			
A3120.54112	Gasoline / Diesel Fuel	2,500.00			
A3120.54130	Construction Materials	1,500.00			
A3120.54520	Equipment Lease / Rental	600.00			
A3120.54610	Bldg / Equip Repair	3,000.00			
A3120.54620	Equip Repairs & Maintenance	5,400.00			
	Total	***$ 19,800.00***		***Total***	***$ 19,800.00***

Legislative Branch

RL Number: 15-163

Date Submitted: 5/31/15

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

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Kenneth Frank

Title/Department: Corporation Counsel

Contact Information: 772-7013

RL Information

Proposed Title: AN ORDINIANCE AMENDING THE 2015 BUDGET TO TRANSFER $6,000 FROM CONTINGENCY TO TEMPORARY SERVICES TO FUND TRAINING OF AN ASSISTANT ATTORNEY FOR UP TO THREE MONTHS

Suggested Content: TRANSFER $6,000 FROM BUDGET LINE A1990.55000 (CONTINGENCY ACCT) TO A1430.51800 (TEMPORARY SERVICES) IN THE PERSONNEL & CIVIL SERVICE BUDGET. THERE IS PRESENTLY $7,174 IN THE CONTINGENCY ACCOUNT.

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): THE BUDGET

OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance ☒ **Planning** ☐ **MPA** ☐ **PW/Parks** ☐ **Employees** ☐ **Rules/Special Studies** ☐

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RL Number: 15-167

Date Submitted: 9/1/15

Legislative Branch

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

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Gary R. Holmes, P.E.

Title/Department: Acting City Engineer - Engineering

Contact Information: 772-7007

RL Information

Proposed Title: Supplemental Agreement No. 3 for Delta Engineers on the Exchange St. Bridge Rehabilitation Project, PIN No. 9753.10, for Additional Construction Inspection Services.

Suggested Content: Delta Engineers to provide extra CI on the Exchange St Bridge Rehab Project needed during the painting operations that was not in the original scope of work. Supplemental No. 3 agreement is in the amount of $40,250.00

Funding is available budget Line H5120.525137.40914 - Exchange St. Bridge

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): R14-45

OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance ☑ **Planning** ☐ **MPA** ☐ **PW/Parks** ☐ **Employees** ☐ **Rules/Special Studies** ☐

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DELTA
ENGINEERS, ARCHITECTS, & LAND SURVEYORS

860 Hooper Road
Endwell, NY 13760
Tel: 607.231.6600
Fax: 607.231.6650
Website: www.deltaengineers.com

AN ISO 9001:2008 CERTIFIED COMPANY

August 11, 2015

Gary Holmes, PE, Acting City Engineer
City of Binghamton
38 Hawley Street, 3rd Floor
Binghamton, NY 13901-3776

RE: PIN 9753.10 Exchange Street over Susquehanna River
BIN 2226160
Revised Supplemental Agreement No. 3
Delta Project No.: 2008.160.001

Dear Mr. Holmes:

This supplemental agreement for the reference project modifies the original agreement approved by the City of Binghamton on October 5, 2009, as modified by Supplemental Agreement No. 1 signed on March 11, 2013 and Supplemental Agreement No. 2 signed on August 6, 2014 as follows:

Delta Engineers, Architects & Land Surveyors, PC proposes to provide the following extra work as described and in accordance with Attachments A, B & C:

- Supplemental construction inspection services for an amount of $40,250.
- The total (Not to Exceed) amount for this contract will increase from the current amount of $336,043 to $376,293.

Please have one copy of this letter signed by an authorized representative of the City of Binghamton and returned to us.

Signed:_____ Date:_____

Respectfully,
DELTA ENGINEERS, ARCHITECTS, & LAND SURVEYORS, P.C.

David L. Kennicutt

David L. Kennicutt, PE
Senior Project Manager

Enc.

Attachment A
Architectural/ Engineering Consultant Agreement
Project Description and Funding

PIN: 9753.10

Term of Agreement
Ends: *December 31, 2015*

BIN: 2226160

☐ Main Agreement ☐ Amendment to Agreement [add identifying #]
☒ Supplement to Agreement

Phase of Project Consultant to work on:
☐ P.E./Design ☐ ROW Incidentals ☐ ROW Acquisition ☐ Construction Support ☒ Construction Inspection

Dates or term of Consultant Performance:
Start Date: August 1, 2015
Finish Date: December 31, 2015

PROJECT DESCRIPTION:

The extra work under this supplemental agreement includes construction inspection services.

Project Location:

City of Binghamton, Broome County

Consultant Work Type(s): See Attachment B for more detailed Task List.
Construction Inspection

MAXIMUM AMOUNT OF FUNDS FOR ALL COMPENSATION PAYABLE UNDER THIS AGREEMENT FOR THE SCOPE OF WORK DESCRIBED IN ATTACHMENT B FOR THE PROJECT DESCRIBED IN THIS ATTACHMENT A, OTHERWISE IN ACCORDANCE WITH THE CHOSEN METHOD OF COMPENSATION AND OTHER TERMS OF THIS AGREEMENT:
$40,250

Footnotes:

ATTACHMENT B

Supplemental Agreement No. 3

Delta Engineers, Architects & Land Surveyors, PC

PIN 9753.10, BIN 2226160
Exchange Street over Susquehanna River
City of Binghamton, Broome County

Scope of Services

Section 9 – Construction Inspection

Supplemental agreement no. 2 assumed that construction would be performed in 2014 with a duration of 14 weeks. The construction contractor negotiated with the City a revised schedule that provided for work beginning on April 1, 2015 with a substantial completion date of August 31, 2015. The approved schedule has final completion on September 15, 2015, or 24 weeks from project start. Therefore, the Consultant will be required to expend additional hours to satisfactorily observe and document the construction work.

In addition, additional concrete testing costs in the amount of $500 are anticipated above that estimated in the supplemental agreement for construction inspection services.

Due to the limited scope of services and the short duration of work for inspection assistance required during painting operations, Ravi Engineering & Land Surveying, PC (DBE subconsultant) is not able to provide the construction inspection support on this project (see attached letter). The Consultant will provide the additional support required.

Section 10 - Estimating & Technical Assumptions

10.01 Estimating Assumptions

The following assumptions have been made for estimating purposes:

Section 9) Estimate no more than 400 hours of additional field inspection will be required.

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RAVI ENGINEERING
& LAND SURVEYING, P.C.

David L. Kennicutt, PE
Senior Project Manager
Delta Engineers, Architects & Land Surveyors
860 Hooper Road
Endwell, NY 13760
Tel: 607.231.6606
Dkennicutt@DELTAENGINEERS.COM

RECEIVED
JUL 10 2015
Delta Engineers, Architects,
& Land Surveyors

Mr. Kennicutt,
This letter is to confirm our telephone conversation of June 17, 2015. RE&LS has had great difficulty in providing the project staff requested by Delta Engineers, Architects & Land Surveyors for the Exchange St. Bridge assignment in Binghamton N.Y. RE&LS takes no exception with Delta Engineers, Architects & Land Surveyors providing said staff in house in lieu of utilizing RE&LS for this project.
It would be our request that, if possible Delta Engineers, Architects & Land Surveyors utilize our firm on a future Region 9 Local Project where DBE requirements and schedule provide a better fit for both firms.

Regards,

Daniel Roop
Manager of Construction Services
Ravi Engineering and Land Surveying ,P.C.
2110 S. Clinton Ave, Suite 1
Rochester, New York 14618
585-223-3660 (Ext 313)
Direct: 585-697-2055
Cell: 585-613-6786
Fax : 585-223-4250
Email: droop@ravieng.com

CELEBRATING 20 YEARS
RAVI ENGINEERING
& LAND SURVEYING, P.C.
1995 2015

ATTACHMENT C

Fee Summary

DELTA ENGINEERS, ARCHITECTS, & LAND SURVEYORS, P.C.
Exchange Street Bridge Rehabilitation
PIN 9753.10
CONSTRUCTION INSPECTION

		DESIGN SERVICES	CONSTRUCTION SERVICES
Technical Labor Cost			39,750
Technical Labor Premium Portion of overtime			
Direct Non-Salary Cost (estimated)			
Sub-Consultant Cost			
	Inspection support		
Direct Non-Salary Cost (Sub-Contractor Cost) (Estimated)			
Concrete testing			500
Overhead Currently Estimated at:			
148.00% Office	120.00% Field		
Fixed Fee / Profit			
Total Estimated Cost			$40,250

Estimated Labor Hours - Total
Delta Engineers, Architects, & Land Surveyors, P.C.

Exchange Street Bridge Rehabilitation
Proposal Name
2008.160.001
Proposal Number

Bridge	X
Roadway	
Environmental	
Civil	
Lighting	
Landscaping	
Utility	

Phase	
Study	
Design	
ROW	
Construction	X

Prepared by: DLK
Date: 7/15/15

Checked by: JJM
Date: 7/21/15

Task No.	Task Description	Principal	Sr. Project Manager	Project Manager	Sr. Project Engineer	Project Engineer	Senior Engineer	Engineer	Assistant Engineer	Sr. Technician	Technician	Technical Typist	Level 4 Inspector	Level 3 Inspector	Level 2 Inspector	Party Chief	Survey Technician	Subtotal
Section 9			10		80	10							300					400
9.02	On-site inspection		10		80	10							300					
	TOTAL HOURS - CONST. INSPECTION (FIELD)		10		80	10							300					400
	HOURLY RATE - CONST. INSPECTION (FIELD)	$170.00	$150.00	$130.00	$110.00	$95.00	$85.00	$75.00	$70.00	$65.00	$55.00	$55.00	$95.00	$80.00	$60.00	$85.00	$50.00	
	TOTAL LABOR FEE - CONST. INSPECTION (FIELD)		$1,500.00		$8,800.00	$950.00							$28,500.00					$39,750.00

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RL Number: 15-130

Date Submitted: 7/13/15

Legislative Branch

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

REQUEST FOR LEGISLATION

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OFFICE OF THE CITY CLERK
CITY OF BINGHAMTON
AUG 19 2015
RECEIVED

Applicant Information

Request submitted by: William M. Barber

Title/Department: Commissioner of Parks & Recreation

Contact Information: 772-7017

RL Information

Proposed Title: Transfer of funds for Fairview youth ball field fencing

Amend Budget (change title)

Suggested Content: Request transfer to complete youth ball field fencing project at Fairview Park

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** ☐

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CITY OF BINGHAMTON

City Hall, 38 Hawley Street, Binghamton, NY 13901 607-772-7005

REQUEST FOR TRANSFER OF FUNDS

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Transfer requests over $2500 and not in excess of $10,000 must be approved by Board of E&A and Chair of Finance Committee.
Transfer requests in excess of $10,000 must be approved by City Council.

RECEIVED
AUG 19 20[illegible]
OFFICE OF THE CITY CLERK
CITY OF BINGHAMTON

City Comptroller
c/o Board of Estimate and Apportionment
38 Hawley Street
Binghamton, NY 13901

Date: 7/10/15

I respectfully request the below described transfer of funds due to the following reasons:

Request transfer to complete youth ball field fencing project at Fairview Park

From Budget Line (No. and Title)	To Budget Line (No. and Title)	Total Transfer Amount
A7110.51000- Personal Serv.	A7110.54640-Park Repairs & Maint.	$10,000

I do hereby certify that the funds will not be needed in the budget line from which I am requesting this transfer to be made.

Signature: Bill Barker Date: 7-10-2015

OFFICE USE ONLY

I hereby certify that the above funds are unencumbered and available for Transfer. Certified by the Comptroller.

Signature: [illegible] Date: 7.13.15

I hereby certify that the above described funds have been transferred, in accordance with the Code of the City of Binghamton Chapter 9, *Appropriations*. Certified by the Treasurer.

Signature: _____ Date: _____

Transfer of funds APPROVED / DENIED on 22 Jul 15. Certified by the Secretary of the Board of Estimate and Apportionment.

Signature: [illegible] Date: 22 Jul 15

Transfer of funds reviewed by the Binghamton City Council Finance Chair. Recommendations to be attached.

Signature: Jerry Nolan Date: 8/3/2015

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RL Number: 15-169

Date Submitted: 1 Sep 15

Legislative Branch

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

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Terry Kellogg

Title/Department: DPW Commissioner

Contact Information: 772-7021

RL Information

Proposed Title: Amend the 2015 Budget - transfer funds for additional patching material per attached transfer request.

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: 9 Sep 15

Comptroller:

Corporation Counsel:

Finance ☑ **Planning** ☐ **MPA** ☐ **PW/Parks** ☐ **Employees** ☐ **Rules/Special Studies** ☐

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CITY OF BINGHAMTON

City Hall, 38 Hawley Street, Binghamton, NY 13901 607-772-7005

REQUEST FOR TRANSFER OF FUNDS

Transfer requests of $2500 or less must be approved by the Comptroller.
Transfer requests over $2500 and not in excess of $10,000 must be approved by Board of E&A and Chair of Finance Committee.
Transfer requests in excess of $10,000 must be approved by City Council.

City Comptroller
c/o Board of Estimate and Apportionment
38 Hawley Street
Binghamton, NY 13901

Date: 09/01/2015

I respectfully request the below described transfer of funds due to the following reasons:

Additional patching materials

From Budget Line (No. and Title)	To Budget Line (No. and Title)	Total Transfer Amount
A1640.51000 Personal Services - General Equipment Mechanic	A5110.54130 Construction Materials	$20,000.00
A5110.51000 Personal Services - Senior Street Maintainer	A5110.54130 Construction Materials	$18,000.00

I do hereby certify that the funds will not be needed in the budget line from which I am requesting this transfer to be made.

Signature: T J Kelly Date: 9/2/15

OFFICE USE ONLY

I hereby certify that the above funds are unencumbered and available for Transfer. Certified by the Comptroller.

Signature: Date: 9-1-15

I hereby certify that the above described funds have been transferred, in accordance with the Code of the City of Binghamton Chapter 9, *Appropriations*. Certified by the Treasurer.

Signature: Date:

Transfer of funds **APPROVED** ☑ / **DENIED** ☐ on 2 Sep 15. Certified by the Secretary of the Board of Estimate and Apportionment.

Signature: Date: 3 Sep 15

Transfer of funds reviewed by the Binghamton City Council Finance Chair. Recommendations to be attached.

Signature: Date:

Legislative Branch

RL Number: 15-165

Date Submitted: 9/1/15

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

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Councilwoman Webb

Title/Department: Councilmember

Contact Information:

RL Information

Proposed Title: An Ordinance creating budget lines for the Binghamton HRC in the 2015 budget.

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** ☐

Legal Counsel Approval

RL15-153

Introductory No. C15-49

Permanent No. **FAILED**

THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: August 19, 2015

Sponsored by Council Members: Motsavage, Papastrat, Rennia, Mihalko, Berg, Webb

Introduced by Committee: Finance

ORDINANCE
entitled
AN ORDINANCE AMENDING THE 2015 BUDGET TO CREATE BUDGET LINES FOR THE BINGHAMTON HUMAN RIGHTS COMMISSION

WHEREAS, pursuant to the Code of the City of Binghamton, §45A-22.K, the Binghamton Human Rights Commission ("BHRC") has authority, "To receive, accept, and use and expend public grants and private gifts, donations or bequests and other payments, goods, and services, notwithstanding any other provision of law"; and

WHEREAS, the BHRC has received offers of private gifts and donations; and

WHEREAS, the City must amend the 2015 budget to properly accept and expense for such private gifts and donations.

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

Section 1. That the Comptroller and Treasurer of the City of Binghamton are hereby authorized and directed to amend the 2015 budget to create Trust Fund (revenue) budget line TA.85.TA017 (OTHER FUND.HRC) to be funded from private gifts and donations for an initial amount of $1,200; and to create expense budget lines for the BHRC for Printing $450; Postage $50; Advertising/Promotion $200; Website $200; and Telephone $300.

Section 2. That notwithstanding any amount budgeted in Trust Fund (revenue) budget line TA.85.TA017 (OTHER FUND.HRC), the BHRC may only expend up to the amount of private gifts and donations actually received and as limited by the above expense budget lines. All expenditures must be pursuant to the City's purchasing procedures and approved by the BHRC, the City Clerk, and the City of Binghamton Purchasing Agent as a purchase order or claim for payment.

Section 3. That the above budget can be amended upon receipt of additional private gifts, donations, or other payments or for such other reasons as may be appropriate.

Section 4. That this ordinance shall take effect immediately.

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Introductory No. 015-49

Permanent No. **FAILED**

Sponsored by City Council Members:
Motsavage, Papastrat, Rennia, Mihalko, Berg, Webb

AN ORDINANCE AUTHORIZING THE MAYOR TO CREATE NEW BUDGET LINE TA.85.TA017 (OTHER FUND.HRC) FOR THE HUMAN RIGHTS COMMISSION

The within Ordinance was adopted by the Council of the City of Binghamton.

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Motsavage	✓			
Mihalko		✓		
Rennia				✓
Webb	✓			
Papastrat		✓		
Matzo		✓		
Berg	✓			
Total	3	3	0	1

☐ Code of the City of Binghamton

☐ Adopted ☑ Defeated

3 Ayes 3 Nays 0 Abstain 1 Absent

12

RL Number: 15-164

Date Submitted: 9/1/15

Legislative Branch

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: Councilwoman Webb

Title/Department: Councilmember

Contact Information:

RL Information

Proposed Title: A Resolution in support of the Hunger Free Summer Kids Act

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** ☐

22

Letter from NY groups to Gillibrand and Schumer encouraging support for Hunger Free Summer for Kids Act of 2015

Dear Senator Gillibrand,

As members of the City Council of the City of Binghamton, we encourage you to co-sponsor the Hunger Free Summer for Kids Act of 2015 (S.1966). This bill would make meaningful strides toward closing the summer child hunger gap by providing children living in communities currently underserved by the Summer Food Service Program (SFSP) with nutritious meals during the summer.

As you know, the summer months are the hungriest time of year for low-income children. Last year, only 22 percent of children in Broome County who received free or reduced price lunch during the school year accessed a summer feeding program. This isn't good enough and we must do more to make sure low-income children are receiving the fuel they need to grow and thrive.

The summer meals program was designed to ensure low-income children have access to meals when school is out, but the program only reaches a fraction of eligible kids. Across the country, one-third of all low-income children live in communities not eligible to operate open summer meals sites. For millions of other children the barriers they face reaching summer feeding sites are insurmountable- lack of transportation, high crime areas, streets that are too dangerous for children to cross alone. In rural communities, where kids are dispersed over large distances, these barriers are particularly acute.

You showed great leadership on ending summer hunger by introducing the Summer Meals Act, which would reach more children by strengthen sites through strong policy improvements, including streamlining summer and afterschool meal programs. The Hunger Free Summer for Kids Act of 2015 would further strengthen SFSP and complement summer feeding sites by providing states with new program models to reach unserved children, such as summer EBT or non-congregate feeding programs. These options would be available in communities that do not qualify for open congregate feeding sites and certain others that face barriers operating a site. Summer EBT and non-congregate models have proven to be highly effective in reaching kids in hard to serve areas. Both of these models were tried and tested thanks to Congressional funding for demonstrations administered by USDA. Evaluations of the summer EBT demonstrations showed a more than 30 percent reduction in child hunger and non-congregate feeding demonstrations, including backpack meal programs and meal delivery options, reached children in rural and hard-to-reach communities who otherwise could not access a site.

The Hunger Free Summer for Kids Act of 2015 will ensure that no matter where our children live, they will have access to the nutrition they need to grow and thrive during the summer months. We urge you to continue your leadership on this issue in the Senate Agriculture Committee by encouraging a bi-partisan investment in summer meals that will strengthen programs where they work and reach new children currently not served by the program.

Closing the summer gap should be a top priority this year and we hope you will support including these important priorities as part of Child Nutrition Reauthorization. Thank you for your continued leadership in addressing child hunger in New York and across the nation.

Sincerely,

Dear Senator Schumer,

As members of the City Council of the City of Binghamton, we encourage you to co-sponsor the Hunger Free Summer for Kids Act of 2015 (S.1966). This bill would make meaningful strides toward closing the summer child hunger gap by providing children living in communities currently underserved by the Summer Food Service Program (SFSP) with nutritious meals during the summer.

The summer months are the hungriest time of year for low-income children. Last year, only 22 percent of children in Broome County who received free or reduced price lunch during the school year accessed a summer feeding program. This isn't good enough and we must do more to make sure low-income children are receiving the fuel they need to grow and thrive.

The summer meals program was designed to ensure low-income children have access to meals when school is out, but the program only reaches a fraction of eligible kids. Across the country, one-third of all low-income children live in communities not eligible to operate open summer meals sites. For millions of other children the barriers they face reaching summer feeding sites are insurmountable- lack of transportation, high crime areas, streets that are too dangerous for children to cross alone. In rural communities, where kids are dispersed over large distances, these barriers are particularly acute.

The Hunger Free Summer for Kids Act of 2015 would further strengthen SFSP and complement current summer feeding sites by providing states with new program models to reach unserved children, such as summer EBT or non-congregate feeding programs. These options would be available in communities that do not qualify for open congregate feeding sites and certain others that face barriers operating a site. Summer EBT and non-congregate models have proven to be highly effective in reaching kids in hard to serve areas. Both of these models were tried and tested thanks to Congressional funding for demonstrations administered by USDA. Evaluations of the summer EBT demonstrations showed a more than 30 percent reduction in child hunger and non-congregate feeding demonstrations, including backpack meal programs and meal delivery options, reached children in rural and hard-to-reach communities who otherwise could not access a site. This bill is aimed to complement marker legislation that has already be introduced, such as the Summer Meals Act, that would make important strides to strengthen sites through strong policy improvements, including streamlining summer and afterschool meal programs.

The Hunger Free Summer for Kids Act of 2015 will ensure that no matter where our children live, they will have access to the nutrition they need to grow and thrive during the summer months. We urge you to support a bi-partisan investment in summer meals that will strengthen programs where they work and reach new children currently not served by the program. Closing the summer gap should be a top priority this year and we hope you will support including these important priorities as part of Child Nutrition Reauthorization.

Sincerely,

Legislative Branch

RL Number: 15-171

Date Submitted: 3 Sep 15

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 President Berg

Title/Department: Council President

Contact Information:

RL Information

Proposed Title: A Resolution in Support of Tioga Downs being awarded a casino license

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** ☐

Legal Counsel Approval _____

RL14-075

Introductory No. _____

Permanent No. _____

THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: September 3, 2015

Sponsored by Council Members: Motsavage, Webb, Berg, Rennia, Mihalko, Papastrat

Introduced by Committee: Municipal and Public Affairs

RESOLUTION
entitled
A RESOLUTION SUPPORTING THE ESTABLISHMENT OF A CASINO AT TIOGA DOWNS

WHEREAS, the citizens of the State of New York overwhelmingly voted in the affirmative to amend § 9 of Article 1 of the Constitution to allow the authorization for up to seven Class III casinos in New York State; and

WHEREAS, the Governor announced the first four casinos will be built in Upstate New York, including at least one in the Southern Tier/Central Region, which includes the City of Binghamton; and

WHEREAS, it is projected that the construction of these Class III casinos will promote significant job growth, increase aid to schools, and permit local governments to lower property taxes through revenues generated for the host communities, which would accordingly inure to the benefit of the City of Binghamton in the event that the Tioga Downs site is selected.

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

RESOLVE that the City of Binghamton supports the development of a casino at Tioga Downs in the Town of Nichols; and be it further

RESOLVED that a copy of this Resolution, embossed with the Seal of the City of Binghamton shall be sent to the New York State Gaming Commission, Governor Andrew Cuomo, and New York State Assemblywoman Donna Lupardo

2C

Legislative Branch

RL Number: 15-166

Date Submitted: 9/1/15

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 Rennia

Title/Department: Councilmember

Contact Information:

RL Information

Proposed Title: An ordinance amending Chapter 292 of the Binghamton City Code.

Suggested Content: See 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):

OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance ☐ **Planning** ☐ **MPA** ☐ **PW/Parks** ☐ **Employees** ☐ **Rules/Special Studies** ☐

Legal Counsel Approval _____

RL15-117

Introductory No. _____

Permanent No. _____

THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: September 2, 2015

Sponsored by Council Members: Rennia, Matzo, Webb, Motsavage, Berg, Mihalko, Papastrat

Introduced by Committee: Municipal and Public Affairs

ORDINANCE
entitled
AN ORDINANCE AMENDING CHAPTER 292 OF THE CODE OF THE CITY OF BINGHAMTON REGARDING NOISE

WHEREAS, the City of Binghamton wishes to amend Chapter 292-4, *Definitions and word usage*, of the Code of the City of Binghamton to include the definition for Electric Generation Facility and amend the definition for Public Service Industrial Facility; and

WHEREAS, the City of Binghamton wishes to amend Chapter 292-7, *Enforcement and administration*, of the Code of the City of Binghamton to modify § 292-7.B and add § 292-7.C as it relates to qualifications; and

WHEREAS, the City of Binghamton wishes to amend Chapter 292-9, *Permits and variances*, of the Code of the City of Binghamton to modify § 292-9.A to include the required number of days noise permit applications have to be submitted prior to events.

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

Section 1. That § 292-4 of the Code of the City of Binghamton, entitled *Definitions and word usage*, is hereby amended to add the italicized language as provided below.

§ 292-4. Definitions and word usage [Amended ___-___-2015 by Ord. No 15-___]

ELECTRIC GENERATION FACILITY -- Any facility which services an industrial load, the community at large or the New York State Independent System Operator (NYISO) market.

PUBLIC SERVICE INDUSTRIAL FACILITY -- Any facility and its related premises, property or equipment used to provide industrial governmental services to the public, including but not limited to:

(1) Waste collection centers.

(2) Waste recycling centers.

(3) Water and sewage facilities.

(4) Electric Generation Facility

Section 2. That § 292-7 of the Code of the City of Binghamton, entitled *Enforcement and administration,* is hereby amended to add the italicized language as provided below.

THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: September 2, 2015

§ 292-7. Enforcement and administration [Amended ___-___-2015 by Ord. No 15-___]

B. Qualifications. A person shall be considered qualified to take noise measurements and to enforce all portions of this chapter, who has satisfactorily completed the Community Noise Enforcement Course offered by the Department of Environmental Sciences of Cook College, Rutgers, the State University.

C. The Mayor of the City of Binghamton may select any other accredited course besides the Community Noise Enforcement Course offered by the Department of Environmental Sciences of Cook College, Rutgers, the State University.

D. The City will keep 10 people certified at all times.

Section 3. That § 292-9 of the Code of the City of Binghamton, entitled *Permits and variances,* is hereby amended to add the italicized language as provided below.

§ 292-9. Permits and variances [Amended ___-___-2015 by Ord. No 15-___]

A. Application for special permit. The City Clerk shall have the authority to grant special permits for limited times and purposes of this chapter. Any person seeking a special permit pursuant to this section shall file an application with the City Clerk. The application shall consist of a letter signed by the applicant and shall contain a legal form of verification. Such letter shall contain information which demonstrates that bringing the source of sound or activity for which the permit is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community or on other persons. *Noise Permit applications need to be submitted at least 14 days prior to the date of the event.*

Section 4. That this Ordinance shall take effect immediately.

Legal Counsel Approval _____

RL15-117

Introductory No. 015-39

Permanent No. **VETOED**

THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: July 22, 2015

Sponsored by Council Members: Rennia, Matzo, Webb, Motsavage, Berg, Mihalko, Papastrat

Introduced by Committee: Municipal and Public Affairs

ORDINANCE
entitled
AN ORDINANCE AMENDING CHAPTER 292 OF THE CODE OF THE CITY OF BINGHAMTON REGARDING NOISE

WHEREAS, the City of Binghamton wishes to amend Chapter 292-4, *Definitions and word usage*, of the Code of the City of Binghamton to include the definition for Electric Generation Facility and amend the definition for Public Service Industrial Facility; and

WHEREAS, the City of Binghamton wishes to amend Chapter 292-7, *Enforcement and administration*, of the Code of the City of Binghamton to modify § 292-7.B and add § 292-7.C as it relates to qualifications; and

WHEREAS, the City of Binghamton wishes to amend Chapter 292-9, *Permits and variances*, of the Code of the City of Binghamton to modify § 292-9.A to include the required number of days noise permit applications have to be submitted prior to events.

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

Section 1. That § 292-4 of the Code of the City of Binghamton, entitled *Definitions and word usage*, is hereby amended to add the italicized language as provided below.

§ 292-4. Definitions and word usage [Amended ___-___-2015 by Ord. No 15-___]

ELECTRIC GENERATION FACILITY -- Any facility which services an industrial load, the community at large or the New York State Independent System Operator (NYISO) market.

PUBLIC SERVICE INDUSTRIAL FACILITY -- Any facility and its related premises, property or equipment used to provide industrial governmental services to the public, including but not limited to:

(1) Waste collection centers.

(2) Waste recycling centers.

(3) Water and sewage facilities.

(4) Electric Generation Facility

Section 2. That § 292-7 of the Code of the City of Binghamton, entitled *Enforcement and administration,* is hereby amended to add the italicized language as provided below.

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THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: July 22, 2015

§ 292-7. Enforcement and administration [Amended ___-___-2015 by Ord. No 15-___]

B. Qualifications. A person shall be considered qualified to take noise measurements and to enforce all portions of this chapter, who has satisfactorily completed the Community Noise Enforcement Course offered by the Department of Environmental Sciences of Cook College, Rutgers, the State University *or who has been trained by a City employee who has successfully completed the training more than twice.*

C. The Mayor of the City of Binghamton may select any other accredited course besides the Community Noise Enforcement Course offered by the Department of Environmental Sciences of Cook College, Rutgers, the State University.

Section 3. That § 292-9 of the Code of the City of Binghamton, entitled *Permits and variances,* is hereby amended to add the italicized language as provided below.

§ 292-9. Permits and variances [Amended ___-___-2015 by Ord. No 15-___]

A. Application for special permit. The City Clerk shall have the authority to grant special permits for limited times and purposes of this chapter. Any person seeking a special permit pursuant to this section shall file an application with the City Clerk. The application shall consist of a letter signed by the applicant and shall contain a legal form of verification. Such letter shall contain information which demonstrates that bringing the source of sound or activity for which the permit is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community or on other persons. *Noise Permit applications need to be submitted at least 14 days prior to the date of the event.*

Section 4. That this Ordinance shall take effect immediately.

Introductory No. 015-39

Permanent No. **VETOED**

Sponsored by City Council Members:
Rennia, Matzo, Webb, Motsavage, Berg, Mihalko, Papastrat

AN ORDINANCE AMENDING CHAPTER 292 OF THE CODE OF THE CITY OF BINGHAMTON REGARDING NOISE

The within Ordinance was adopted by the Council of the City of Binghamton.

7/22/15
Date

City Clerk

7/23/15
Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Motsavage	X			
Mihalko				✓
Rennia	X			
Webb				✓
Papastrat	X			
Matzo	X			
Berg	X			
Total	5			2

☑ Code of the City of Binghamton

☑ Adopted ☐ Defeated

5 Ayes 0 Nays 0 Abstain 2 Absent

Veto
See Attached

32

MEMORANDUM
OFFICE OF THE MAYOR

Richard C. David, Mayor
Jared M. Kraham, Deputy
Donna Ferranti, Secretary

DATE: July 29, 2015

TO: City Council

CC: Joe Merrill, City Clerk
Lai Huynh, Deputy City Clerk
Ken Frank, Corporation Counsel
Chuck Shager, Comptroller
Dr. Juliet Berling, PHCD
Thomas Costello, Building Construction, Zoning, & Code Enforcement

FROM: Richard C. David, Mayor

RE: Veto — Permanent Ordinance No. 15-117 amending Chapter 292 of the Code of the City of Binghamton regarding noise

I am vetoing the Permanent Ordinance No. 15-117 passed on July 22, 2015.

This veto relates to the proposed amendment to § 292-7. *Enforcement and administration*, section B, *Qualifications*, which adds "*or who has been trained by a City employee who has successfully completed the training more than twice.*" The current Ordinance defines a qualified person as "A person shall be considered qualified to take noise measurements and to enforce all portions of this chapter, who has satisfactorily completed the Community Noise Enforcement Course offered by the Department of Environmental Sciences of Cook College, Rutgers, the State University." I am not aware of any authority that authorizes a person to qualify another person solely by taking the course more than twice. The better practice would be to make sure each person "has satisfactorily completed the Community Noise Enforcement Course" as is currently required.

I support the remaining amendments.

Sincerely,

Richard C. David
Mayor

CITY HALL ▪ 38 HAWLEY STREET ▪ BINGHAMTON, NY 13901 ▪ WWW.BINGHAMTON-NY.GOV
PH: (607) 772-7001 ▪ FX: (607) 772-7079

RL Number: 15-172

Date Submitted: 2 Sep 15

Legislative Branch

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: Councilwoman Webb

Title/Department: Councilmember

Contact Information:

RL Information

Proposed Title: A Resolution in support of a PILOT agreement for Woodburn Court.

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** ☐

Intro. Ord. No. 219

Perm. Ord. No. ____

IN COUNCIL OF THE CITY OF BINGHAMTON

STATE OF NEW YORK

Adpted 9-7-76

Code
Corp Counsel
Dep of Fin
Compt.
Dep Compt.
Eng.
Asst. Eng.
Treasurer
Data
CDD-2
Mr Stark
Mr. Tormile
9-14 c/m

By Councilman BROWN: ..... Dated AUGUST 16, 1976

ORDINANCE

ORDINANCE OF THE COUNCIL OF THE CITY OF BINGHAMTON APPROVING A REDEVELOPMENT COMPANY'S PROJECT PURSUANT TO SECTION 114 OF ARTICLE V OF THE PRIVATE HOUSING FINANCE LAW AND GRANTING TAX EXEMPTION PURSUANT TO SECTION 125 OF SUCH LAW.

WHEREAS, WOODBURN COURT ASSOCIATES, a Redevelopment Company limited partnership, organized pursuant to Article V of the Private Housing Finance Law ("Article V"), and Article 8 of the Partnership Law of the State of New York, as amended, has made application to the Planning Board of the City of Binghamton (hereinafter called "Planning Board") and the Council of the City of Binghamton (hereinafter called "Council") for approval of a Redevelopment Company's Housing Project (hereinafter called "Housing Project") to be erected on the sites known as Disposition Parcels 1A and 1A-1 in the Woodburn Court Urban Renewal Project, NYR-274, Binghamton, New York, which Disposition Parcels 1A and 1A-1 are more fully described in Exhibit A attached hereto; and

WHEREAS, pursuant to Section 114 of Article V, the Plan of the Project ("Redevelopment Plan") was submitted on August 9, 1976, to the Planning Board for approval; and

WHEREAS, pursuant to said Section 114 of Article V, the Planning Board held a public hearing on August 24, 1976 on due notice, to consider the application of Woodburn Court Associates for approval of the Redevelopment Plan, and subsequent thereto, by resolution adopted Aug 24, 1976 unqualifiedly approved said Redevelopment Plan; and

WHEREAS, pursuant to Section 114 of Article V, the Planning Board submitted its report to the Council certifying its unqualified approval of the Redevelopment Plan; and

IN COUNCIL OF THE CITY OF BINGHAMTON

STATE OF NEW YORK

By Councilman Traver: ..... Dated August 16, 1976

ORDINANCE

WHEREAS, pursuant to Section 114 of Article V, the Council held a public hearing on September 7, 1976, on due notice, to consider the application of Woodburn Court Associates for approval of the Redevelopment Plan; and

WHEREAS, the Housing Project is to be permanently financed by a federally-aided mortgage; and

WHEREAS, Woodburn Court Associates has also applied to the City of Binghamton ("City"), pursuant to Section 125 of Article V, for an exemption of the real property in the Housing Project, for so long as the federally-aided permanent mortgage is outstanding, but in no event for a period of more than forty (40) years, from City taxes, other than assessments for local improvements, to the extent of one hundred (100%) percent of the value of the property included in the Housing Project which represents an increase over the assessed valuation of the real property, both land and improvements, acquired for the Housing Project at the time of its acquisition by Woodburn Court Associates, provided that the amount of such payment in lieu of taxes to be paid by Woodburn Court Associates to the City shall not be less than the greater of (i) ten (10%) percent of the annual shelter rent of the Housing Project, or (ii) $46,158; and

WHEREAS, Woodburn Court Associates has advised the City that the aforesaid tax exemption is necessary for the Housing Project to be feasible.

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

1. That the Redevelopment Plan for the Woodburn Court project to be erected on the sites known as Disposition Parcels 1A and 1A-1 in the Woodburn Court Urban Renewal Project, NYR-274, Binghamton, New York, together with a contract between the City and Woodburn Court Associates in the form annexed hereto as Exhibit B, is, pursuant to Section 114 of Article V, be and is hereby approved.

IN COUNCIL OF THE CITY OF BINGHAMTON

STATE OF NEW YORK

By Councilman Brown ..... Dated August 16, 1976

ORDINANCE

2. That, pursuant to Section 125 of Article V, the real property described in Exhibit A hereto shall be exempt from City taxes, other than assessments for local improvements, to the extent of one hundred (100%) percent of the value of the property included in the Housing Project which represents an increase over the assessed valuation of the real property, both land and improvements, acquired for the Housing Project at the time of its acquisition by Woodburn Court Associates, provided that the amount of such payment in lieu of taxes to be paid by Woodburn Court Associates to the City, shall not be less than the greater of (i) ten (10%) percent of the annual shelter rents of the Housing Project, or (ii) $46,158 (the Minimum Payment).

3. The Minimum Payment shall be payable semi-annually on January 1st and July 1st of each calendar year commencing with the calendar year in which the Certificate of Occupancy for the Project is issued. The Minimum Payment for the twelve months commencing with the month in which the Certificate of Occupancy is issued shall be pro rated.

4. That the aforesaid tax exemption shall operate and continue so long as the Housing Project continues to be operated pursuant to Article V and is financed by a federally-aided mortgage, but in no event for a period of more than forty (40) years, commencing from the date on which the benefits of such exemption first become available and effective, which date shall be the date of issuance by the Code Enforcement Department of the City of a Certificate of Occupancy for the Housing Project.

5. That the Mayor of the City be authorized to execute an agreement between the City and Woodburn Court Associates dealing with the aforesaid tax exemption pursuant to Article V in the form annexed hereto as Exhibit B.

6. That this Ordinance shall take effect immediately.

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Intro 219

ORDINANCE No. 1

By Councilman

ORDINANCE OF THE COUNCIL OF THE CITY OF BINGHAMTON APPROVING A REDEVELOPMENT COMPANY'S PROJECT PURSUANT TO SECTION 114 OF ARTICLE V OF THE PRIVATE HOUSING FINANCE LAW AND GRANTING TAX EXEMPTION PURSUANT TO SECTION 125 OF SUCH LAW.

adopted 9/7/76

	AYES		ABS.
YEVCHAK	✓		
CURINA	✓		
LYNCH — 2	✓		
BROWN — 1	✓		
KATTELL	✓		
CAHILL	✓		
BENNETT	✓		
McGOWAN	✓		
KEYES			✓
TOTAL	8	0	1

The within ordinance was adopted by the Council of the City of Binghamton.

September 7, 1976
(Date)

Margery F. Conlon
City Clerk

Date Presented to the Mayor September 9, 1976

Date Approved September 10, 1976

[signature]
Mayor

	AYES	NAYS	ABS.
Nuvello			
~~DEARBORN~~	✓		
~~Donino~~			
~~McDOURICH~~	✓		
RAYMOND	✓		
KESSLER	✓		
LIBOUS	✓		
TOTAL	5	0	

— 1

— 2

Exhibit B

PERM 186

AGREEMENT made this day of , 1976, by and between WOODBURN COURT ASSOCIATES, a New York Limited partnership formed under Article 8 of the Partnership Law and Article V of the Private Housing Finance Law of the State of New York, with offices at 727 Azon Road, Johnson City, New York ("Associates"), and the CITY OF BINGHAMTON, a Municipal Corporation of the State of New York ("City").

WHEREAS, the Council of the City, by Ordinance No. 1976, expressed its intent and willingness to consent to tax exemption for the Woodburn Court Project ("Project") pursuant to Section 125 of the Private Housing Finance Law ("PHFL"); and

WHEREAS, Associates has proceeded with plans to erect the Project on Parcels 1A and 1A-1 in the Woodburn Court Urban Renewal Area, Binghamton, New York, and has applied to the City for tax exemption pursuant to Section 125 of the Private Housing Finance Law.

NOW, THEREFORE, it is mutually agreed as follows:

1. The City hereby grants to Associates an exemption from local and municipal taxes, other than assessments for local improvements, all of the value of the property included in the Project of Associates as approved by the Council of the City by Ordinance No. of 1976, which represents an increase in the assessed valuation of the real property, both land and improvements, acquired for the Project at the time of its acquisition by Associates; such exemption to operate so long as the Project remains subject to Article V of the PHFL and is financed by a federally aided mortgage, but in no event for a period of more than 40 years, commencing from the date on which the benefits of such exemption first become available and effective.

2. Notwithstanding the provisions of Paragraph 1, the Associates shall pay to the City in lieu of taxes, commencing with the issuance of a Certificate of Occupany for the Project, an amount not less than the greater of (i) 10% of the annual shelter rents of the Project as hereinafter defined, or (ii) $46,158 (the Minimum payment.)

3. The Minimum Payment shall be payable semi-annually on January 1st and July 1st of each calendar year commencing with the calendar year in which the Certificate of Occupancy for the Project is issued. The Minimum Payment for the twelve months commencing with the month in which the Certificate of Occupancy is issued shall be pro rated. Such minimum payment shall reflect as a reduction the amount, if any, of the City of Binghamton portion of local and municipal taxes paid or payable by Associates for the period commencing with the acquisition of the property by Associates and terminating on the date upon which the Minimum Payment first becomes due, provided, however, that such reduction shall be spread over a sufficient period so as not to reduce such payments during any twelve-month period below the requirements pursuant to said Section 125.

4. A report signed and certified by an officer of the General Partner of the Associates and/or their successors in interest, of the "annual shelter rents" as hereinafter defined, for each calendar year, shall be submitted to the Comptroller of the City by Associates within 90 days after the completion of the calendar year. In addition, a semi-annual report will be submitted, certified by an officer of the General Partner of Associates within 90 days of the semi-annual period. To the extent that 10% of such annual shelter rents exceed the Minimum Payment, Associates shall pay the said excess amount to the City within 90 days after the end of the calendar year in question.

5.The City shall reserve the right to inspect and audit any reports of Associates to substantiate the annual shelter rents as submitted by Associates to the City. The Comptroller of the City is hereby authorized by Woodburn Court Associates by this Agreement to inspect any and all reports submitted to or required by HUD pursuant to the regulatory Agreement and otherwise.

6. The term "annual shelter rents" shall mean the sum of the actual rents collected for all units, including any portion of such rent paid as a subsidy, pursuant to contract with the Department of Housing and Urban Development under Title II, Section 8 of the

Housing and Community Development Act of 1974, as amended, or any other future subsidy program enacted by the Federal Government or State of New York, less the cost of utilities, electric and gas, water and sewer rent applicable to the Project.

7. So long as the permanent financing for the Project is aided by a federally-aided mortgage, the rents for housing accommodations in the Project shall be subject solely to such rules and regulations as may be promulgated by the United States Department of Housing and Urban Development or any successor agency. Thereafter, and so long as Article V remains applicable to the Project, such rentals shall be subject to the rules and regulations of the Comptroller of the City acting as Supervising Agency pursuant to Article V; it being understood, however, that such rents shall be calculated in a manner so as to provide for the payment of Project operating expenses, payment in lieu of taxes, interest and amortization on debt, the maximum return on equity investment provided under Article V, which shall be 6% per annum.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

CITY OF BINGHAMTON

BY: _____
Mayor

ATTEST:

_____
City Clerk

WOODBURN COURT ASSOCIATES
BY TRANSURBAN HOUSING SYSTEMS, INC.
GENERAL PARTNER

BY: _____
Vice President

STATE OF NEW YORK)
COUNTY OF BROOME) SS.:
CITY OF BINGHAMTON)

On this day of , 1976, before me, the undersigned, personally appeared ALFRED J. LIBOUS, who being by me duly sworn, deposes and says: That he is the Mayor of the City of Binghamton, the municipal corporation named in and which executed the above instrument; that he knows the seal of said City and that the seal affixed to said instrument is such corporate seal and that it was so affixed by order of the Council of said City and that he signed his name thereto by like order.

And on the same day before me personally appeared , City Clerk of the City of Binghamton, who being by me duly sworn did depose and say that she is the City Clerk of the City of Binghamton; that she knows the seal of said City and that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of said Council; that the said Alfred J. Libous is Mayor of said City and that the signature on said instrument is the signature of said Alfred J. Libous, as Mayor.

Notary Public

STATE OF NEW YORK)
COUNTY OF BROOME) SS.:
CITY OF BINGHAMTON)

On this day of , 1976 before me personally came , to me known, who, being duly sworn, did depose and say that he resides at

that he is the Vice President of TRANSURBAN HOUSING SYSTEMS, INC., the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation on behalf of and as General Partner of WOODBURN COURT ASSOCIATES, a limited partnership, and that he signed his name thereto by like order.

Notary Public