



LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Tom Scanlon, City Council President
Leighton Rogers, City Clerk

COUNCIL OF THE CITY OF BINGHAMTON
Business Meeting Agenda
City Council Chambers, 38 Hawley Street, Binghamton, NY 13901
Wednesday, February 19, 2020

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. ACKNOWLEDGEMENTS AND RECOGNITIONS

V. REPORTS FROM COMMITTEES AND APPROVAL OF MINUTES

Approval of Minutes

Approve the Minutes from February 5, 2020 Business Meeting

City Council Finance Committee: Strawn (Chair), Resciniti, Burns

No items to report.

City Council Planning and Community Development Committee: Strawn (Chair), Scaringi, Friedman

No items to report.

City Council Municipal and Public Affairs Committee: Resciniti (Chair), Strawn, Riley

No items to report.

City Council Public Works/Parks and Recreation Committee: Resciniti (Chair), Scaringi, Riley

No items to report.

City Council Employees Committee: Scaringi (Chair), Resciniti, Burns

No items to report.

City Council Rules and Procedures/Special Studies Committee: Scaringi (Chair), Strawn, Friedman

No items to report.

VI. APPROVAL OF APPOINTMENTS

VII. PUBLIC HEARING

VIII. SET PUBLIC HEARINGS

IX. PUBLIC COMMENT/COMMUNICATION

X. REVIEW OF MAYORAL VETO



LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

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XI. SECOND READING LEGISLATION

XII. FIRST READING LEGISLATION

A. PREFERRED AGENDA

Introductory Resolution 20-08. Considered in Planning: Strawn

A Resolution allowing the Department of Planning, Housing, & Community Development to apply for a Preserve New York Grant to fund the preparation of National register Nomination for the eligible Main Street District

Introductory Resolution 20-09. Considered in Finance: Strawn

A resolution authorizing and amendment to the 2019 Tax Role for 2 Lawton Ave

B. NON-PREFERRED AGENDA

Introductory Ordinance 20-23. Considered in Finance: Strawn

An ordinance to amend the 2020 Water Fund Budget to transfer funds for the Superintendent Water/Sewer

Introductory Ordinance 20-24. Considered in Finance: Strawn

An ordinance to amend the 2020 Capital Budget for garage inspections

Introductory Ordinance 20-25. Considered in Finance: Strawn

Ordinance to amend the 2020 Police Budget to temporarily add two police officers

Introductory Resolution 20-07. Considered in Public Works/Parks: Resciniti

Resolution authorizing the Mayor to accept \$5,000 from Broome County Youth Bureau, Youth Programming for Summer Fun expenses

Introductory Resolution 20-10. Considered in Finance: Strawn

Resolution authorizing the Mayor to enter into an agreement with CPL Architects, Engineers, Landscape Architect and Surveyor for 7 Hawley Parking Garage

XIII. COMMUNICATIONS FROM COUNCIL MEMBERS

XIV. ADJOURNMENT



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: February 19, 2020

Sponsored by Council Members: Scaringi, Resciniti, Riley, Friedman, Burns, Strawn, Scanlon
Introduced by Committee: Planning

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE DEPARTMENT OF PLANNING, HOUSING AND COMMUNITY DEVELOPMENT TO APPLY FOR A PRESERVE NEW YORK GRANT TO FUND THE PREPERATION OF A NATIONAL REGISTER NOMINATION FORM FOR THE ELIGIBLE MAIN STREET HISTORIC DISTRICT

WHEREAS, the City of Binghamton is eligible to receive a \$8,000 grant from Preservation League of New York for the eligible Main Street Historic District; and

WHEREAS, the grant requires matching funds of \$2,000 to be paid by the property owner(s); and

WHEREAS, the Historic Preservation and Neighborhood Planner shall be the grant administrator and the estimated date of project completion is April of 2021; and

WHEREAS, the City wishes to accept the grant.

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

RESOLVE that the Mayor, or his designee, is hereby authorized to execute any and all documents, approved as to form and content by the Office of Corporation Counsel, to accept a grant from Preservation League of New York for the eligible Main Street Historic District in the amount of \$8,000; and be it further

RESOLVED that the matching funds of \$2,000 will be paid by the property owners and the City accepts this payment/donation; and be it further

RESOLVED that the Historic Preservation and Neighborhood Planner shall be the grant administrator and the estimated date of project completion is April of 2021.

Legal Counsel Approval 

RL 20-26

Introductory No. R20-09

Permanent No. _____



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: February 19, 2020

Sponsored by Council Members: Scaringi, Resciniti, Riley, Friedman, Burns, Strawn, Scanlon

Introduced by Committee: Finance

RESOLUTION

entitled

A RESOLUTION AUTHORIZING AN
AMENDMENT TO THE 2019 TAX ROLL FOR 2
LAWTON AVE

WHEREAS, an application to correct the tax roll for 2 Lawton Ave., Binghamton, New York, has been duly filed with or by the Assessor of the City of Binghamton; and

WHEREAS, pursuant to Real Property Tax Law § 554 the Assessor of the City of Binghamton has determined that certain errors exist that should be corrected as set forth in the attached "Exhibit A".

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

RESOLVE that pursuant to Real Property Tax Law § 554 the Council of the City of Binghamton, as the tax levying body for the City of Binghamton, hereby authorizes the Mayor to execute any and all documents necessary or proper to correct certain errors in the tax levy and tax rolls as set forth in the attached "Exhibit A," for the Assessor of the City of Binghamton to make such corrections, and for the Assessor to provide the corrected tax rolls to the Broome County Director of Real Property Tax Services.



Application for Refund or Credit of Real Property Taxes

Part 1 – General information: To be completed in duplicate by the applicant.

Names of owners Richard E Coughlin		
Mailing address of owners (number and street or PO box) 2 Lawton Avenue		Location of property (street address) 2 Lawton Avenue
City, village, or post office Binghamton	State NY	ZIP code 13905
City, town, or village Binghamton		State NY
Daytime contact number		Evening contact number
Account number (as appears on tax bill) 00000414400		Amount of taxes paid or payable 900.66
Date of payment		Tax map number of section/block/lot: Property identification (see tax bill or assessment roll) 143.82-3-14
Reasons for requesting a refund or credit: Clerical Error VET DIS CT Exemption percentage incorrectly entered. Should have been 70% not 35 %.		

I hereby request a refund or credit of real property taxes levied by City of Binghamton for the year(s) 2019.
(County, city, village, etc.)

Signature of applicant <i>Margaret Myers</i>	Date <i>1/13/2020</i>
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Part 2 – To be completed by the County Director or Village Assessor. Attach a written report including documentation and recommendation. Specify the type of error and paragraph of subdivision 2, 3, or 7 of Section 550 under which the error falls. If a *Directed reinstatement*, see instructions.

Date application received <i>1-13-20</i>	Date warrant annexed <i>1-1-20</i>
Last day for collection of taxes without interest	Recommendation Approve application <input checked="" type="checkbox"/> Deny application <input type="checkbox"/>
Signature of official <i>Suzanne P. Rigby</i>	Date <i>1-22-20</i>

If approved, this copy is for the assessor and board of assessment review of city/town/village of _____ who must consider the attached report and recommendation as equivalent of petitions filed under Real Property Law section 553.

Part 3 – For use by the tax levying body or official designated by resolution _____ : (insert number or date, if applicable)

Application approved (Mark an X in the applicable box):
Clerical error Error in essential fact Unlawful Entry Directed reinstatement

Amount of taxes paid	Amount of taxes due	Amount of refund or credit
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Application denied (reason): _____ _____ _____	
Signature of chief executive officer or official designated by resolution	Date

Instructions

General information

Where to send

Submit two copies of this application to the County Director of Real Property Tax Services (in Nassau and Tompkins Counties, submit to Chief Assessing Officer). In a village which has retained its assessing unit status, submit to the village assessor or chairman of village board of trustees.

When to send

You must submit this application within three years of the annexation of the warrant for the collection of such tax.

Refunds

If the tax was already paid, and the application is approved, the applicant is entitled to a refund of the overpayment.

Credits

If the tax has not yet been paid, and the application is approved, the applicant is entitled to a credit reducing the amount of the outstanding tax. The corrected tax must be paid with the interest and penalties that have accrued up to that point. No additional interest and penalties will be imposed if the corrected tax is paid within eight days of the date on which the notice of approval is mailed to the applicant. The interest and penalties on the credited portion of the tax are cancelled.

Types of correctable errors

Real Property Tax Law (RPTL) section 550 recognize the following types of correctable errors:

Clerical error (RPTL section 550, subdivision 2):

- (a) an entry of assessed value on the tax roll which differs from the entry for the same parcel on the property record card, field book, or other final work product of the assessor, or the final verified statement of the board of assessment review due to an error in transcription
- (b) a mathematical error in the calculation of a partial exemption
- (c) an incorrect entry due to failure of the assessor to act on a partial exemption
- (d) an arithmetical error in the calculation or extension of the tax
- (e) an incorrect entry due to a mistake in the determination or transcription of a special assessment or other charge based on units of service provided by a special district
- (f) a duplicate entry of the description or assessed valuation, or both, of an entire single parcel
- (g) an entry on a tax roll which is incorrect by reason of an arithmetical mistake by the assessor appearing on the property record card, field book, or other final work product of the assessor
- (h) an incorrect entry on a tax roll of a re-levied school tax or re-levied village tax which has been previously paid
- (i) an entry on a tax roll which is incorrect by reason of a mistake in transcription of a re-levied school tax or re-levied village tax

Error in essential fact (RPTL section 550, subdivision 3):

- (a) the assessment of an improvement destroyed or removed prior to taxable status date
- (b) the assessment of an improvement not in existence or present on a different parcel

- (c) an incorrect entry of acreage which was considered by the assessor in valuing the parcel and which resulted in an incorrect assessed valuation, where such acreage is shown to be incorrect on a survey submitted by the applicant
- (d) not applicable to refunds
- (e) not applicable to refunds
- (f) misclassification of a parcel in an approved assessing unit which is exclusively used for either residential or non-residential purposes

Unlawful entry (RPTL section 550, subdivision 7):

- (a) an assessment of wholly exempt property on the taxable portion of the assessment roll
- (b) an assessment of real property located entirely outside the boundaries of the assessing unit, the school district, or the special district in which the real property is designated as being located
- (c) an entry made by a person or body without the authority to make such entry
- (d) an assessment of taxable state land which exceeds the assessment as approved by the Office of Real Property Tax Services (ORPTS)
- (e) an assessment of special franchise property which exceeds the final assessment as made by ORPTS or the full value of that special franchise as determined by ORPTS adjusted by the final state equalization rate established by the ORPTS for the assessment roll upon which that value appears

For an *unlawful entry*, attach a statement signed by assessor or majority of board of assessors substantiating that that parcel should have been granted tax exempt status on tax roll.

Directed reinstatements:

Enter Directed reinstatement on the report required by Part 2 only when an Enhanced STAR Exemption or a senior citizens exemption was properly removed but is being reinstated under the *good cause* authorization of Real Property Tax Law (RPTL) sections 425(6)(a-2) or 467(8-a). In such a case, the written report of the county director or village assessor must indicate that there has been a good cause finding, and a copy of the written report must be attached to this form.



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: February 19, 2020

Sponsored by Council Members: Scaringi, Resciniti, Friedman, Burns, Strawn, Scanlon

Introduced by Committee: Finance

ORDINANCE

entitled

**AN ORDINANCE TO AMEND THE 2020
WATER FUND BUDGET TO TRANSFER FUNDS
FOR THE SUPERINTENDENT WATER/SEWER**

WHEREAS, the Comptroller of the City of Binghamton finds it proper and necessary to amend the 2020 Water Fund budget to transfer funds for the Superintendent of Water/Sewer to pay separation benefits; and

WHEREAS, the budget transfer was approved by the Board of Estimate and Apportionment on February 5, 2020.

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 City Treasurer of the City of Binghamton are hereby authorized and directed to amend the 2020 Water Fund budget to to transfer funds for the Superintendent of Water/Sewer to pay separation benefits as follows:

Transfer From (Decrease):

Transfer To (Increase):

\$42,124.05 FX8330.51000 (Per Ser-Water Treat.
Plant Super.)

\$42,124.05 FX8310.51000 (Wtr/Swr Super)

Section 2. That this ordinance shall take effect immediately.

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

Chuck Shager, Comptroller



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: February 19, 2020

Sponsored by Council Members: Scaringi, Resciniti, Burns, Strawn, Scanlon

Introduced by Committee: Finance

ORDINANCE

entitled

**AN ORDINANCE TO AMEND THE 2020
CAPITAL BUDGET FOR GARAGE
INSPECTIONS**

WHEREAS, the Comptroller of the City of Binghamton finds it proper and necessary to amend the 2020 Capital budget for garage inspections; and

WHEREAS, the budget amendments were approved by the Board of Estimate and Apportionment on February 19, 2020.

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 City Treasurer of the City of Binghamton are hereby authorized and directed to amend the 2020 Capital budget to create a new budget line for "Parking Maintenance" and to transfer funds for garage inspections as follows:

Transfer From (Decrease):

\$18,767.17 H1440.590042 (Robinson St.
Repairs)
24,647.73 H1440.590032 (Inspect Bridge and
Culverts)

\$43,414.90

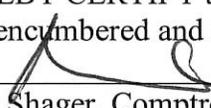
Transfer To (Increase):

\$43,414.90 H5650.5XXXX (Parking
Maintenance)

\$43,414.90

Section 2. That this Ordinance shall take effect immediately.

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



Chuck Shager, Comptroller



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: February 19, 2020

Sponsored by Council Members: Scaringi, Resciniti, Burns, Strawn, Scanlon

Introduced by Committee: Finance

ORDINANCE

entitled

AN ORDINANCE TO AMEND THE 2020
BUREAU OF POLICE BUDGET TO
TEMPORARILY ADD TWO POLICE OFFICERS
TO THE ACADEMY

WHEREAS, the Chief of Police and Comptroller of the City of Binghamton find it proper and necessary to amend the 2020 Bureau of Police budget to temporarily add two police officers to the Police Academy, increasing the total from 140 to 142 from March 16, 2020 to June 26, 2020; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on February 19, 2020.

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 City Treasurer of the City of Binghamton are hereby authorized and directed to amend the 2020 budget to create add two additional police officers to the Police Academy, and to fund these positions as follows:

Transfer From (decrease):

Transfer To (increase):

\$20,025 A3120.51000 (Per.Ser- Asst Chief)
13,270 A6989.51000 (Per.Ser- Dir. Econ Dev)
1,260 A44389 (Other Pub. Safety)
1,260 A43389 (Other pub Safety)

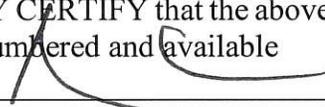
\$14,735 A3120.51000 (Per.Ser-Prob Officer)
6,300 A3120.51678 (Per.Ser- Field Train
4,995 A3120.51600 (Per.Serv- Holiday
Pay)
3,525 A3120.54190 (Uniforms)
2,700 A3120.54701 (Travel&Training)
2,520 A3120.52600 (Equipment)
1,040 A9060.58000C (Health Ins.)

\$35,815

\$35,815

Section 2. That this Ordinance shall take effect February 19, 2020.

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



Chuck Shager, Comptroller



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: February 19, 2020

Sponsored by Council Members: Scaringi, Resciniti, Riley, Burns, Strawn, Scanlon

Introduced by Committee: Public Works/Parks

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE MAYOR
TO ENTER INTO AN AGREEMENT WITH THE
BROOME COUNTY YOUTH BUREAU FOR
FUNDING OF THE SUMMER FUN YOUTH
DEVELOPMENT PROGRAM IN AN AMOUNT
NOT TO EXCEED \$5,000

WHEREAS, the City of Binghamton wishes to enter into an agreement with the Broome County Youth Bureau for funding of the Summer Fun Youth Development Program in an amount not to exceed \$5,000.

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

RESOLVE that the Mayor, or his designee, is hereby authorized to enter into an agreement, approved as to form and content by the Office of Corporation Counsel, with the Broome County Youth Bureau for funding of the Summer Fun Youth Development Program in an amount not to exceed \$5,000; and the Comptroller and City Treasurer of the City of Binghamton are hereby authorized to amend the budget accordinally.



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: February 19, 2020

Sponsored by Council Members: Scaringi, Resciniti, Burns, Strawn, Scanlon

Introduced by Committee: Finance

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE MAYOR
TO ENTER INTO AN AMENDED AGREEMENT
WITH CPL ARCHITECTS, ENGINEERS,
LANDSCAPE ARCHITECT AND SURVEYOR,
D.P.C FOR ADDITIONAL SERVICES FOR THE 7
HAWLEY PARKING GARAGE PROJECT

WHEREAS, the Binghamton Urban Renewal Agency (“BURA”) is the owner of certain real property located at 7 Hawley Street, Binghamton, New York, Parcel ID# 160.48-2-19, consisting of approximately .74 acres (the “Property”); and

WHEREAS, BURA agreed to lease the Property to the City of Binghamton for construction of a parking garage; and

WHEREAS, pursuant to Permanent Resolution R19-77, dated September 18, 2019, the City entered into an agreement with CPL Architects, Engineers, Landscape Architect and Surveyor D.P.C. (“Clark Patterson”) for completion of all design and engineering documents necessary for BURA and the City to prepare a bid for construction of the parking garage; and

WHEREAS, the City Engineer and Comptroller of the City of Binghamton find it proper and necessary to amend the agreement with Clark Patterson for additional architectural and engineering services for CCTV, access control design, and garage relocation and foundation redesign at a cost not to exceed \$24,000 and that funds are available for this purpose.

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

RESOLVE that the Mayor, or his designee, is hereby authorized to enter into an agreement, approved as to form and content by the Office of Corporation Counsel, with Clark Patterson for additional architectural and engineering services for CCTV, access control design, and garage relocation and foundation redesign at a cost not to exceed \$24,000; and that funds are available from budget line H5650.525271.32118 (7 Hawley St. Parking Garage) for this purpose.

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

Chuck Shager, Comptroller