



# Legislative Branch

RL Number:  
20-93  
Date Submitted:  
4/29/2020

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: PLANNING DEPT. FOR TAREK ALGAHEIM

Title/Department: \_\_\_\_\_

Contact Information: 607-772-7028 OAVARUGHESE@CITYOFBINGHAMTON.COM

### RL Information

Proposed Title: ORDINANCE TO ALLOW THE SALE OF TOBACCO PRODUCTS AT 494.5 CHENANGO ST WHERE IT IS NOT PERMITTED DUE TO BEING WITHIN 500 FEET OF A SCHOOL

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 checked="" type="checkbox"/>
MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>
Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>



# City of Binghamton Planning Department

Mayor, Richard C. David  
Director, Dr. Juliet Berling

PLANNING COMMISSION OFFICIAL DECISION LETTER	
TO:	L. Rogers, City Clerk; C. Schleider, Supervisor of OBCCE; Applicant; File
FROM:	Planning, Housing, & Community Development
DATE:	April 24, 2020
RE:	494.5 Chenango St; Site Plan Review and Special Use Permit
APPLICANT:	Tarek Algaheim
TAX ID:	144.59-2-33
CASE ID:	PC-2019-65

REVIEW REQUESTED	
Site Plan Review and Special Use Permit for the conversion of an existing building into a Retail Food Sales establishment, including the sale of tobacco at 494.5 Chenango St. The property is located within the C-6 Limited Neighborhood Commercial District	
DECISION	
Site plan dated November 25, 2019 <b>CONDITIONALLY APPROVED</b> , SUBJECT TO:	
<ul style="list-style-type: none"> <li>A revised site plan that does not include the parking lot is submitted to the Planning Department</li> </ul>	AND
<b>APPROVE</b> the recommendation of the sale of tobacco within 500 feet of a school to city council	

REVIEWED AND APPROVED	DATE
 <hr/> Obed A. Varughese, Planner	<hr/> 4/24/2020
<hr/> Brian Seachrist, First Assistant Corporation Counsel	<hr/>
 <hr/> Nicholas Corcoran, Planning Commission Chairman	<hr/> 4/24/2020

**Please note:** The approval of this application constitutes Planning Department approval of the proposed land use **only**. This approval does **not** include approval of any necessary Building or Sign permits. This approval does **not** ensure that the property is in compliance with applicable building, property maintenance, life safety, or fire prevention codes. Please contact the Office of Building Construction & Code Enforcement, at (607) 722-7010, to determine whether your project will require additional permits.

**SEE FOLLOWING PAGE FOR A SUMMARY OF THE PROCEEDINGS**

## SUMMARY OF PROCEEDINGS

COMMISSIONERS	PRESENT 03/09/2020	PRESENT 04/13/2020
Nicholas Corcoran (chair)	X	X
Joseph De Angelo (vice-chair)	X	X
Maura Cahill	X	X
Christopher Dziedzic	X	X
Mario DiFulvio	X	X
Paul O'Brien	X	X
Arthur Ospelt	X	X

### SEQR DETERMINATION 03/09/2020 REGULAR MEETING

**REPRESENTATIVE(S):** Fawzi Algaheim

**DISCUSSION POINTS:**

- Grocery store on the north side
- Willing to include parking lot, if the city was willing to sell the proposed lot to him

#### VOTING

**MOTION** that the Planning Commission intends to act as Lead Agency in SEQR review and that the action is a Type II Action under SEQRA.

<b>FIRST:</b> Dziedzic	<b>SECOND:</b> O'Brien	<b>VOTE:</b> Carried (6-1-0)
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<b>AYE(S):</b> De Angelo, Cahill, Dziedzic, DiFulvio, O'Brien, Ospelt	<b>NAY(S):</b> Corcoran	<b>ABSTENTION(S):</b>
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**MOTION** to schedule a public hearing at the April regular meeting

<b>FIRST:</b> Corcoran	<b>SECOND:</b> O'Brien	<b>VOTE:</b> Carried (7-0-0)
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### PUBLIC HEARING & FINAL DELIBERATIONS 04/13/20 REGULAR MEETING

**REPRESENTATIVE(S):** Fawzi Algaheim

**DISCUSSION POINTS:**

- Distance from school is measured from lot line to lot line
- Previous approval for tobacco was granted by ZBA
- The commission is not reviewing tobacco, only the site plan
- Parking lot will not be included

**PUBLIC COMMENT:**

- Mr. McCarthy spoke in favor of the application.
- No one spoke in opposition to the application.
- 17 letters were received.

#### VOTING

**MOTION** that the requirements for Site Plan Review and Special Use Permit been met and therefore the application has been conditionally approved, subject to the following:

- A revised site plan that does not include the parking lot is submitted to the Planning Department

<b>FIRST:</b> Ospelt	<b>SECOND:</b> De Angelo	<b>VOTE:</b> Carried unanimously /Failed (7-0-0)
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<b>AYE(S):</b> Corcoran, De Angelo, Cahill, DiFulvio, O'Brien, Ospelt	<b>NAY(S):</b> Dziedzic	<b>ABSTENTION(S):</b>
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**MOTION** to approve the recommendation of the sale of tobacco within 500 feet of a school to city council

<b>FIRST:</b> O'Brien	<b>SECOND:</b> Ospelt	<b>VOTE:</b> Carried (5-2-0)
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<b>AYE(S):</b> De Angelo, Cahill, DiFulvio,	<b>NAY(S):</b> Dziedzic, Corcoran	<b>ABSTENTION(S):</b>
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O'Brien, Ospelt		
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*THE PLANNING DEPARTMENT RETAINS AUDIO OF ALL MEETINGS, WHICH MAY BE MADE AVAILABLE UPON REQUEST*



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# Legislative Branch

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20-91

Date Submitted:

4/29/2020

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

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### Applicant Information

Request submitted by: Lt. David R Bidwell

Title/Department: Binghamton Police Department

Contact Information: 607-772-7093

### RL Information

Proposed Title: City of Binghamton BJA FY 2020 Coronavirus Emergency Supplemental

Funding Program

Suggested Content: General Project, Special Considerations & Budget Attached

Award will be used to fund overtime, reimburse previously purchased and new purchases of PPE & sanitary related to and necessary to combat COVID-19 issues, Grant Period 1/20/20-1/19/22

### Additional Information

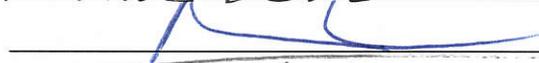
Does this RL concern grant funding? Yes  No

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):

<b>OFFICE USE ONLY</b>	
Mayor:	
Comptroller:	
Corporation Counsel:	
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"/>



**Department of Justice (DOJ)**  
Office of Justice Programs  
*Office of Civil Rights*

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Washington, DC 20531

April 22, 2020

The Honorable Richard A. Bucci  
City of Binghamton  
38 Hawley Street  
Binghamton, NY 13901-3767

Dear Mayor Bucci:

Congratulations on your recent award. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) has been delegated the responsibility for ensuring that recipients of federal financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) are not engaged in discrimination prohibited by law. Several federal civil rights laws, such as Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, require recipients of federal financial assistance to give assurances that they will comply with those laws. In addition to those civil rights laws, many grant program statutes contain nondiscrimination provisions that require compliance with them as a condition of receiving federal financial assistance. For a complete review of these civil rights laws and nondiscrimination requirements, in connection with OJP and other DOJ awards, see <https://ojp.gov/funding/Explore/LegalOverview/CivilRightsRequirements.htm>

Under the delegation of authority, the OCR investigates allegations of discrimination against recipients from individuals, entities, or groups. In addition, the OCR conducts limited compliance reviews and audits based on regulatory criteria. These reviews and audits permit the OCR to evaluate whether recipients of financial assistance from the Department are providing services in a non-discriminatory manner to their service population or have employment practices that meet equal-opportunity standards.

If you are a recipient of grant awards under the Omnibus Crime Control and Safe Streets Act or the Juvenile Justice and Delinquency Prevention Act and your agency is part of a criminal justice system, there are two additional obligations that may apply in connection with the awards: (1) complying with the regulation relating to Equal Employment Opportunity Programs (EEOs); and (2) submitting findings of discrimination to OCR. For additional information regarding the EEO requirement, see 28 CFR Part 42, subpart E, and for additional information regarding requirements when there is an adverse finding, see 28 C.F.R. §§ 42.204(c), .205(c)(5). Please submit information about any adverse finding to the OCR at the above address.

We at the OCR are available to help you and your organization meet the civil rights requirements that are associated with OJP and other DOJ grant funding. If you would like the OCR to assist you in fulfilling your organization's civil rights or nondiscrimination responsibilities as a recipient of federal financial assistance, please do not hesitate to let us know.

Sincerely,

Michael L. Alston  
Director

cc: Grant Manager  
Financial Analyst



**Department of Justice (DOJ)**

Office of Justice Programs

*Bureau of Justice Assistance*

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Washington, D.C. 20531

**Memorandum To:** Official Grant File  
**From:** Orbin Terry, NEPA Coordinator  
**Subject:** Categorical Exclusion for City of Binghamton

The Coronavirus Emergency Supplemental Funding (CESF) Program allows eligible states, local units of government, and tribes to support a broad range of activities including preventing, preparing for, and responding to the coronavirus.

All recipients of CESF funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a sub-grantee or third party.

BJA's expectation is that none of the following activities will be conducted whether under this federal award or a related third party action:

- (1) New construction
- (2) Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including property (a) listed on or eligible for listing on the National Register of Historic Places, or (b) located within a 100-year flood plain, a wetland, or habitat for an endangered species
- (3) A renovation that will change the basic prior use of a facility or significantly change its size
- (4) Research and technology whose anticipated and future application could be expected to have an effect on the environment
- (5) Implementation of a program involving the use of chemicals (including the identification, seizure, or closure of clandestine methamphetamine laboratories) other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments.

Consequently, the subject federal action meets the Office of Justice Programs' criteria for a categorical exclusion as contained in paragraph 4(b) of Appendix D to Part 61 of Title 28 of the Code of Federal Regulations.

If, however, award funds are proposed to be used for any of the enumerated projects or activities above, grant recipients must contact their grant manager, and receive written approval prior to commencing that project or activity.

Questions about this determination may be directed to your grant manager or Orbin Terry, Environmental Coordinator for BJA.



Department of Justice (DOJ)  
Office of Justice Programs  
Bureau of Justice Assistance

## GRANT MANAGER'S MEMORANDUM, PT. I: PROJECT SUMMARY

### Grant

PROJECT NUMBER

2020-VD-BX-0140

PAGE 1 OF 1

This project is supported under FY20(BJA - CESF) Pub. L. No. 116-136, Div. B: 28 U.S.C. 530C

1. STAFF CONTACT (Name & telephone number)

Ania M. Dobrzanska  
(202) 598-7476

2. PROJECT DIRECTOR (Name, address & telephone number)

David Bidwell  
Lieutenant  
38 Hawley Street  
Binghamton, NY 13901-3789  
(607) 772-7093

3a. TITLE OF THE PROGRAM

BJA FY 20 Coronavirus Emergency Supplemental Funding Program

3b. POMS CODE (SEE INSTRUCTIONS  
ON REVERSE)

4. TITLE OF PROJECT

Binghamton Coronavirus Pandemic Response

5. NAME & ADDRESS OF GRANTEE

City of Binghamton  
38 Hawley Street  
Binghamton, NY 13901-3767

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 01/20/2020 TO: 01/31/2022

8. BUDGET PERIOD

FROM: 01/20/2020 TO: 01/31/2022

9. AMOUNT OF AWARD

\$ 87,502

10. DATE OF AWARD

04/22/2020

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

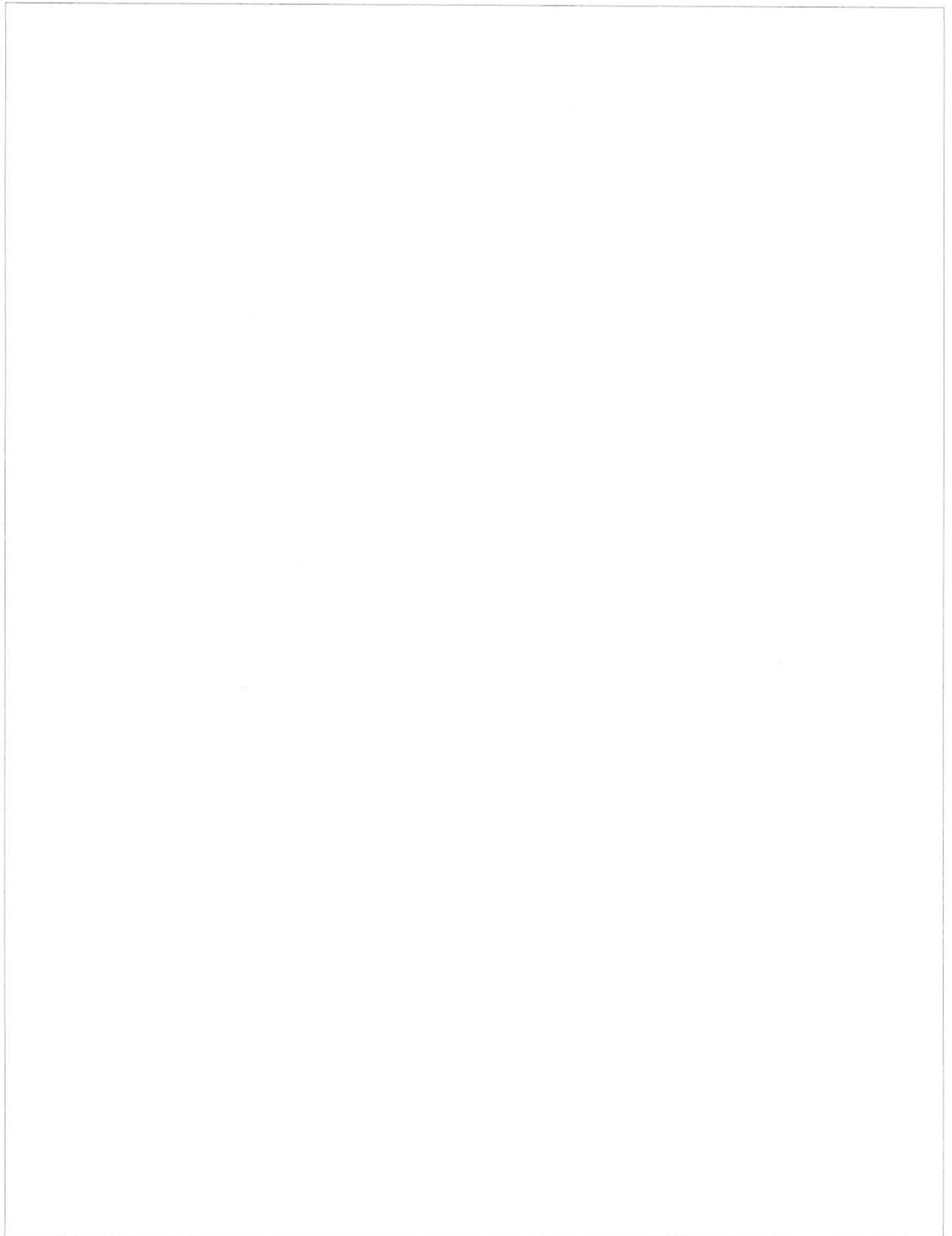
14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The Coronavirus Emergency Supplemental Funding (CESF) Program allows States, U.S. Territories, the District of Columbia, units of local government, and federally recognized tribal governments to support a broad range of activities to prevent, prepare for, and respond to the coronavirus. Funded projects or initiatives may include, but are not limited to, overtime, equipment (including law enforcement and medical personal protective equipment), hiring, supplies (such as gloves, masks, sanitizer), training, travel expenses (particularly related to the distribution of resources to the most impacted areas), and addressing the medical needs of inmates in state, local, and tribal prisons, jails, and detention centers.

NCA/NCF

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Department of Justice (DOJ)  
Office of Justice Programs  
**Bureau of Justice Assistance**

**Grant**

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) City of Binghamton 38 Hawley Street Binghamton, NY 13901-3767		4. AWARD NUMBER: 2020-VD-BX-0140	
		5. PROJECT PERIOD: FROM 01/20/2020 TO 01/31/2022 BUDGET PERIOD: FROM 01/20/2020 TO 01/31/2022	
		6. AWARD DATE 04/22/2020	7. ACTION Initial
2a. GRANTEE IRS/VENDOR NO. 156000409	8. SUPPLEMENT NUMBER 00		
2b. GRANTEE DUNS NO. 138840538	9. PREVIOUS AWARD AMOUNT \$ 0		
3. PROJECT TITLE Binghamton Coronavirus Pandemic Response	10. AMOUNT OF THIS AWARD		\$ 87,502
	11. TOTAL AWARD		\$ 87,502
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY20(BJA - CESF) Pub. L. No. 116-136, Div. B; 28 U.S.C. 530C			
14. CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number) 16.034 - Coronavirus Emergency Supplemental Funding Program			
15. METHOD OF PAYMENT GPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Katharine T. Sullivan Principal Deputy Assistant Attorney General		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Richard A. Bucci Mayor	
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL 	19A. DATE
AGENCY USE ONLY			
20. ACCOUNTING CLASSIFICATION CODES FISCAL YEAR    FUND CODE    BUD. ACT.    OFC.    DIV. REG.    SUB.    POMS    AMOUNT X    B    VD    80    00    00       87502		21. VVDUGT0190	

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)



Department of Justice (DOJ)  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 2 OF 16

PROJECT NUMBER 2020-VD-BX-0140

AWARD DATE 04/22/2020

*SPECIAL CONDITIONS*

1. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Limited Exceptions. In certain special circumstances, the U.S. Department of Justice ("DOJ") may determine that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such exceptions regarding enforcement, including any such exceptions made during the period of performance, are (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions" ([ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm](http://ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm)), and incorporated by reference into the award.

By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized recipient official, all assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance.

Failure to comply with one or more award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in OJP taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. DOJ, including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

RD

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Department of Justice (DOJ)  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD CONTINUATION  
SHEET  
Grant**

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PROJECT NUMBER 2020-VD-BX-0140

AWARD DATE 04/22/2020

*SPECIAL CONDITIONS*

2. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2019 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2019 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2019 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

3. Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

4. Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

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Department of Justice (DOJ)  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD CONTINUATION  
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Grant**

PAGE 4 OF 16

PROJECT NUMBER 2020-VD-BX-0140

AWARD DATE 04/22/2020

*SPECIAL CONDITIONS*

5. Required training for Point of Contact and all Financial Points of Contact

Both the Point of Contact (POC) and all Financial Points of Contact (FPOCs) for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2018, will satisfy this condition.

In the event that either the POC or an FPOC for this award changes during the period of performance, the new POC or FPOC must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after -- (1) the date of OJP's approval of the "Change Grantee Contact" GAN (in the case of a new POC), or (2) the date the POC enters information on the new FPOC in GMS (in the case of a new FPOC). Successful completion of such a training on or after January 1, 2018, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://www.ojp.gov/training/fmts.htm>. All trainings that satisfy this condition include a session on grant fraud prevention and detection

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

6. Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

7. Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.

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Department of Justice (DOJ)  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD CONTINUATION  
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Grant**

PAGE 5 OF 16

PROJECT NUMBER 2020-VD-BX-0140

AWARD DATE 04/22/2020

*SPECIAL CONDITIONS*

8. Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

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Department of Justice (DOJ)  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD CONTINUATION  
SHEET  
Grant**

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PROJECT NUMBER 2020-VD-BX-0140

AWARD DATE 04/22/2020

*SPECIAL CONDITIONS*

9. Employment eligibility verification for hiring under the award

I. The recipient (and any subrecipient at any tier) must--

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1) and (2).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both--

(1) this award requirement for verification of employment eligibility, and

(2) the associated provisions in 8 U.S.C. 1324a(a)(1) and (2) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1) and (2).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify ([www.e-verify.gov](http://www.e-verify.gov)), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or



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any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1) and (2).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at [E-Verify@dhs.gov](mailto:E-Verify@dhs.gov). E-Verify employer agents can email E-Verify at [E-VerifyEmployerAgent@dhs.gov](mailto:E-VerifyEmployerAgent@dhs.gov).

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

10. Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

11. All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

12. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.

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13. Unreasonable restrictions on competition under the award; association with federal government

SCOPE. This condition applies with respect to any procurement of property or services that is funded (in whole or in part) by this award, whether by the recipient or by any subrecipient at any tier, and regardless of the dollar amount of the purchase or acquisition, the method of procurement, or the nature of any legal instrument used. The provisions of this condition must be among those included in any subaward (at any tier).

1. No discrimination, in procurement transactions, against associates of the federal government

Consistent with the (DOJ) Part 200 Uniform Requirements -- including as set out at 2 C.F.R. 200.300 (requiring awards to be "manage[d] and administer[ed] in a manner so as to ensure that Federal funding is expended and associated programs are implemented in full accordance with U.S. statutory and public policy requirements") and 200.319(a) (generally requiring "[a]ll procurement transactions [to] be conducted in a manner providing full and open competition" and forbidding practices "restrictive of competition," such as "[p]lacing unreasonable requirements on firms in order for them to qualify to do business" and taking "[a]ny arbitrary action in the procurement process") -- no recipient (or subrecipient, at any tier) may (in any procurement transaction) discriminate against any person or entity on the basis of such person or entity's status as an "associate of the federal government" (or on the basis of such person or entity's status as a parent, affiliate, or subsidiary of such an associate), except as expressly set out in 2 C.F.R. 200.319(a) or as specifically authorized by USDOJ.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. The term "associate of the federal government" means any person or entity engaged or employed (in the past or at present) by or on behalf of the federal government -- as an employee, contractor or subcontractor (at any tier), grant recipient or -subrecipient (at any tier), agent, or otherwise -- in undertaking any work, project, or activity for or on behalf of (or in providing goods or services to or on behalf of) the federal government, and includes any applicant for such employment or engagement, and any person or entity committed by legal instrument to undertake any such work, project, or activity (or to provide such goods or services) in future.

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

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14. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

15. Determination of suitability to interact with participating minors

SCOPE. This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Explore/Interact-Minors.htm> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

16. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

17. Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

18. OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>.

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19. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

20. Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

21. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

22. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

23. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

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24. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

25. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2020) The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions that may be set out in applicable appropriations acts are indicated at <https://ojp.gov/funding/Explore/FY20AppropriationsRestrictions.htm>, and are incorporated by reference here. Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

26. Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient and any subrecipients ("subgrantees") must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award -- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 1425 New York Avenue, N.W. Suite 7100, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Fraud Detection Office (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

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27. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

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28. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

29. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

30. Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at [OJP.ComplianceReporting@ojp.usdoj.gov](mailto:OJP.ComplianceReporting@ojp.usdoj.gov). For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

31. Signing Authority

This award must be signed by an authorized official of the applicant State, local, or tribal government, on behalf of that applicant State, unit of local government, or Tribe, unless the applicant designates an organizational unit to apply on its behalf. For example, if designated by a unit of local government, a Police Department or Sheriff's Office (or similar agency) may apply on behalf of the applicant jurisdiction, as long as the department, office, or agency is listed as the organizational unit on the SF-424. In that case, the head of the designated organizational unit (such as a Police Chief or Sheriff) may sign the award. Documentation of the designation by the appropriate governing body must be retained by the grant recipient.

32. The "Emergency Appropriations for Coronavirus Health Response and Agency Operations" law (Public Law 116-136) includes definitions, reporting requirements, and certain other provisions that apply (whether in whole or in part) to this award. In addition, consistent with the CESF Program's purposes, which involve preparing for, preventing, and responding to the coronavirus national emergency, OJP will provide notice of any additional CESF program-specific grants administrative requirements on an award page, accessible at <https://www.ojp.gov/funding/explore/CESF-program-specific-condition>, that is incorporated by reference here.

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33. The recipient agrees to comply with OJP grant monitoring guidelines, protocols, and procedures, and to cooperate with BJA and OCFO on all grant monitoring requests, including requests related to desk reviews, enhanced programmatic desk reviews, and/or site visits. The recipient agrees to provide to BJA and OCFO all documentation necessary to complete monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by BJA and OCFO for providing the requested documents. Failure to cooperate with BJA's/OCFO's grant monitoring activities may result in sanctions affecting the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).
34. FFATA reporting: Subawards and executive compensation
- The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.
- This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$25,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
35. Required monitoring of subawards
- The recipient must monitor subawards under this award in accordance with all applicable statutes, regulations, award conditions, and the DOJ Grants Financial Guide, and must include the applicable conditions of this award in any subaward. Among other things, the recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of award funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.
36. Use of program income
- Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Federal Financial Report, SF 425.
37. Justice Information Sharing
- Recipients are encouraged to comply any information-sharing projects funded under this award with DOJ's Global Justice Information Sharing Initiative (Global) guidelines. The recipient (and any subrecipient at any tier) is encouraged to conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: [https://it.ojp.gov/gsp\\_grantcondition](https://it.ojp.gov/gsp_grantcondition). The recipient (and any subrecipient at any tier) must document planned approaches to information sharing and describe compliance with the GSP and appropriate privacy policy that protects shared information.
38. Avoidance of duplication of networks
- To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity.

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39. Compliance with National Environmental Policy Act and related statutes

Upon request, the recipient (and any subrecipient at any tier) must assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these award funds, either directly by the recipient or by a subrecipient. Accordingly, the recipient agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the award, the recipient agrees to contact BJA. The recipient understands that this condition applies to new activities as set out below, whether or not they are being specifically funded with these award funds. That is, as long as the activity is being conducted by the recipient, a subrecipient, or any third party, and the activity needs to be undertaken in order to use these award funds, this condition must first be met. The activities covered by this condition are: a. New construction; b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places; c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size; d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories. The recipient understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/ or an Environmental Impact Statement, as directed by BJA. The recipient further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at [https:// bja.gov/ Funding/ nepa.html](https://bja.gov/Funding/nepa.html), for programs relating to methamphetamine laboratory operations. Application of This Condition to Recipient's Existing Programs or Activities: For any of the recipient's or its subrecipients' existing programs or activities that will be funded by these award funds, the recipient, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

40. Establishment of interest-bearing account

If award funds are being drawn down in advance, the recipient (or a subrecipient, with respect to a subaward) is required to establish an interest-bearing account dedicated specifically to this award. Recipients (and subrecipients) must maintain advance payments of federal awards in interest-bearing accounts, unless regulatory exclusions apply (2 C.F.R. 200.305(b)(8)). The award funds, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Coronavirus Emergency Supplemental Funding (CESF) program . The recipient also agrees to obligate the award funds in the account(including any interest earned) during the period of performance for the award and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to OJP at the time of closeout.

41. Expenditures requiring prior approval

No funds under this award may be expended on individual items costing \$500,000 or more, or to purchase Unmanned Aerial Systems (UAS), Unmanned Aircraft (UA), and/or Unmanned Aerial Vehicles (UAV) without prior written approval from BJA. Prior approval must be obtained post-award, through the submission and approval of a Grant Adjustment Notice (GAN) through OJP's Grant Management System (GMS).

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*SPECIAL CONDITIONS*

42. Authorization to obligate (federal) award funds to reimburse certain project costs incurred on or after January 20, 2020

The recipient may obligate (federal) award funds only after the recipient makes a valid acceptance of the award. As of the first day of the period of performance for the award (January 20, 2020), however, the recipient may choose to incur project costs using non-federal funds, but any such project costs are incurred at the recipient's risk until, at a minimum-- (1) the recipient makes a valid acceptance of the award, and (2) all applicable withholding conditions are removed by OJP (via a Grant Adjustment Notice). (A withholding condition is a condition in the award document that precludes the recipient from obligating, expending, or drawing down all or a portion of the award funds until the condition is removed.)

Nothing in this condition shall be understood to authorize the recipient (or any subrecipient at any tier) to use award funds to "supplant" State or local funds.

43. Use of funds for DNA testing; upload of DNA profiles

If award funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System ("CODIS," the DNA database operated by the FBI) by a government DNA laboratory with access to CODIS. No profiles generated under this award may be entered or uploaded into any non-governmental DNA database without prior express written approval from BJA. Award funds may not be used for the purchase of DNA equipment and supplies unless the resulting DNA profiles may be accepted for entry into CODIS.

44. Body armor - compliance with NIJ standards and other requirements

Ballistic-resistant and stab-resistant body armor purchased with award funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the body armor has been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and is listed on the NIJ Compliant Body Armor Model List (<https://nij.gov/topics/technology/body-armor/Pages/compliant-ballistic-armor.aspx>). In addition, ballistic-resistant and stab-resistant body armor purchased must be made in the United States and must be uniquely fitted, as set forth in 34 U.S.C. 10202(c)(1)(A). The latest NIJ standard information can be found here: <https://nij.gov/topics/technology/body-armor/pages/safety-initiative.aspx>.

 25



Exp

# Legislative Branch

RL Number:

20-90

Date Submitted:

4/27/2020

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: Ray Standish, P.E.

Title/Department: Engineering

Contact Information: (607) 772-7007

### RL Information

Proposed Title: A Resolution authorizing the Mayor to enter into an agreement with Barton and Loguidice for preliminary design services for the DECO District Streetscape Improvements project in an amount not to exceed \$174,970.00

Suggested Content: Budget line: H5110.555555.M0015 — DECO DISTRICT GRANT

### 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): \_\_\_\_\_

<b>OFFICE USE ONLY</b>	
Mayor:	<u>[Signature]</u>
Comptroller:	<u>[Signature]</u>
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"/>

## SCOPE OF SERVICES

**Barton & Loguidice, D.P.C.**

**City of Binghamton**  
**DECO District Streetscape Improvements**  
30% Preliminary Design Services

### I. GENERAL

#### A. Project Name & Location

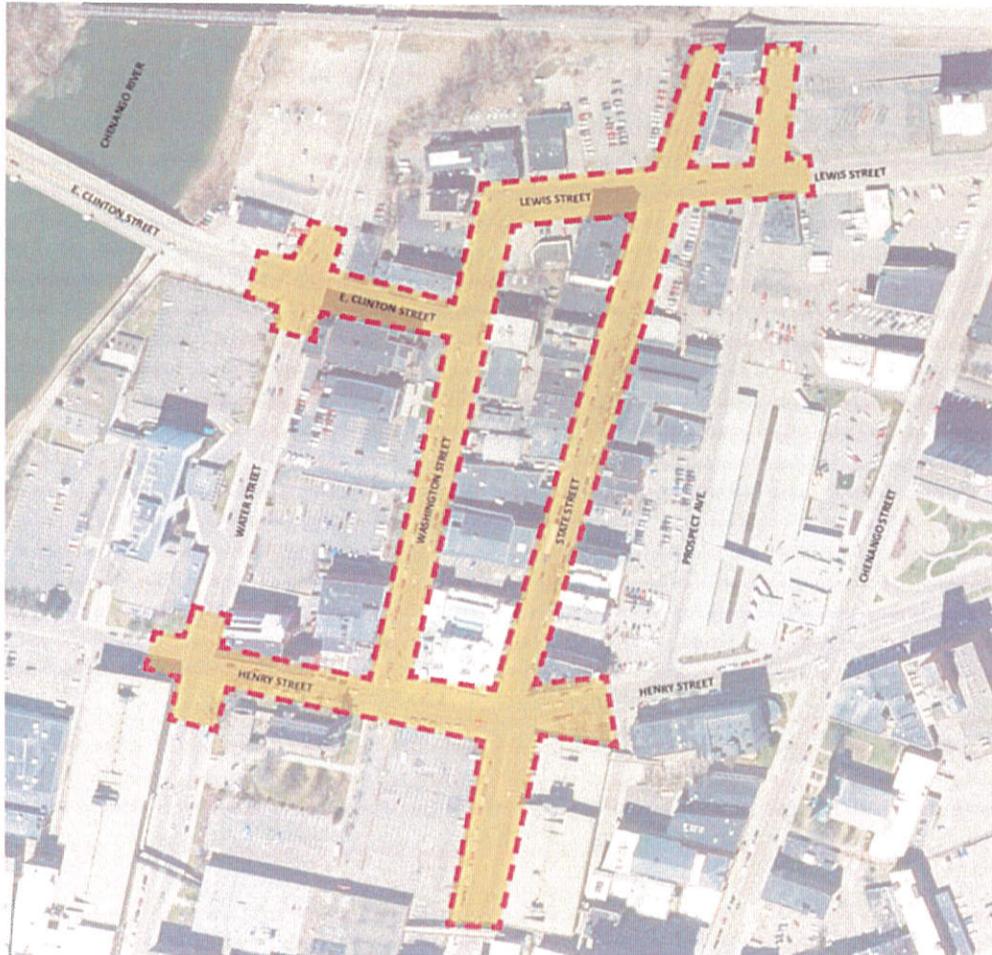
1. NAME: DECO District Streetscape Improvements
2. LOCATION: City of Binghamton – Portions of State St., Water St., Washington St., Henry St., Lewis St.

#### B. Project Team

1. CONSULTANT: **Barton & Loguidice, D.P.C. (B&L)**
2. OFFICER-IN-CHARGE: Ken Knutsen, P.E., Sr. Vice President
3. PROJECT MANAGER: Jeffery Nadge, R.L.A., Sr. Project LA
4. ENGINEER'S SUB-CONSULTANTS  
30% Preliminary Design Services:
  - a. **Whitham Planning & Design**
    - Landscape Architecture
    - Public Engagement
    - Public Art Initiatives & District Identity Strategy
  - b. **Costich Engineering**
    - Survey Base Mapping and ROW Mapping
  - c. **Cloud Gehshan (only if Optional Task 4.2 is authorized by the City)**
    - Wayfinding, Gateway Enhancements & Public Art
    - Public Art Initiatives & District Identity Strategy

**C. Project Understanding**

The City of Binghamton is requesting the Preliminary and Final Design of streetscape improvements in the City's Downtown Arts & Cultural Organizations (DECO) District. The streetscape improvements as envisioned in the City's successful funding application, budget and grant award, generally include pedestrian sidewalk and crosswalk improvements, traffic calming using mid-block curb bump-outs, intersection improvements, landscape and street trees, district furnishings, accent lighting, and pavement improvements on several of the DECO area streets, depicted below.



The proposed topographic survey boundaries for the DECO District project are shown above, and fall within the State-Henry Historic District. Surface, streetscape and intersection enhancements will include improvements to the following intersections:

- Water and E. Clinton Streets
- Water and Henry Streets
- Henry and State Streets
- Lewis and State Streets

It is assumed that the DECO project limits include the full right-of-way widths for the following segments of streets within the District as depicted above:

- 650 LF of Henry Street (Water St. to State St.)
- 325 LF of E. Clinton Street (Water St. to Washington St.)
- 350 LF of Lewis Street (Washington St. to Prospect Ave.)
- 280 LF of Prospect Street (Lewis St. to NYSW Railroad)
- 1,580 LF of State Street (Mid-block at parking garage to NYSW Railroad Bridge)
- 900 LF of Washington Street (Henry St. to Lewis St.)

Planned (surface) “base” improvements for the six streets are summarized below, along with State and City share of the estimated project cost for the proposed improvement or enhancement. There are no subsurface utility improvements proposed or included in this budget.

Improvement Description	Cost Sharing		Est. Total Project Cost
	City	State	
<b>Washington Street</b>			
Washington St. (Lewis To Henry) new pavement	\$ 18,587	\$ 18,587	\$ 37,173
Washington St. (Hawley To Court) new pavement	\$ 11,000	\$ 11,000	\$ 22,000
Washington St. (Lewis To Henry) new ADA curbs	\$ 14,000	\$ 14,000	\$ 28,000
Washington St. (Hawley To Court) new ADA curbs	\$ 7,500	\$ 7,500	\$ 15,000
Curb bumpout - Midblock Washington - West- curb	\$ 2,993	\$ 2,993	\$ 5,987
Curb bumpout - Midblock Washington - West - paving	\$ 5,176	\$ 5,176	\$ 10,352
Curb bumpout - Midblock Washington - East - curb	\$ 3,223	\$ 3,223	\$ 6,447
Curb bumpout - Midblock Washington - East - paving	\$ 5,561	\$ 5,561	\$ 11,122
Street Trees - Washington Street	\$ 7,914	\$ 7,914	\$ 15,829
Street Furnishings -Washington Street - Bike Parking	\$ 2,000	\$ 2,000	\$ 4,000
Street Furnishings - Washington Street - Garbage Cans	\$ 800	\$ 800	\$ 1,600
Street Furnishings - Planters - Washington Street	\$ 4,875	\$ 4,875	\$ 9,750
			\$ 167,260
<b>State Street</b>			
State St. (Lewis to Henry) new pavement	\$ 19,135	\$ 19,135	\$ 38,270
State St. (Lewis to Henry) new ADA curbs	\$ 14,000	\$ 14,000	\$ 28,000
Curb bumpout- Midblock State - West - curb	\$ 2,533	\$ 2,533	\$ 5,067
Curb bumpout - Midblock State - West - paving	\$ 4,227	\$ 4,227	\$ 8,454
Curb bumpout - Midblock State - East - curb	\$ 1,452	\$ 1,452	\$ 2,905
Curb bumpout - Midblock State - East - paving	\$ 1,686	\$ 1,686	\$ 3,371
Corner bumpout - Lewis/ State Intersection - curb	\$ 6,328	\$ 6,328	\$ 12,657
Corner bumpout - Lewis/ State Intersection - paving	\$ 7,367	\$ 7,367	\$ 14,733
Street Trees - State Street	\$ 7,389	\$ 7,389	\$ 14,779
Street Furnishings - State Street - Bike Parking	\$ 2,000	\$ 2,000	\$ 4,000
Street Furnishings - State Street - Garbage Cans	\$ 1,200	\$ 1,200	\$ 2,400
Street Furnishings - Planters - State Street	\$ 19,500	\$ 19,500	\$ 39,000
			\$ 173,636
<b>E. Clinton Street</b>			
E. Clinton St (Water to Washington) new pavement	\$ 9,012	\$ 9,012	\$ 18,023
E. Clinton St (Water to Washington) new ADA curbs	\$ 14,000	\$ 14,000	\$ 28,000
			\$ 18,023
<b>Henry Street</b>			
Street Trees - Henry Street	\$ 1,352	\$ 1,352	\$ 2,704
Corner+ midblock bumpout -Henry/Washington Intersection - curb	\$ 5,891	\$ 5,891	\$ 11,783
Corner + midblock bumpout -Henry/Washington Intersection - paving	\$ 16,595	\$ 16,595	\$ 33,191
			\$ 47,677
<b>Lewis Street</b>			
Lewis St. (Prospect To Water) new pavement	\$ 11,050	\$ 11,050	\$ 22,099
Lewis St. (Prospect To Water) new ADA curbs	\$ 7,000	\$ 7,000	\$ 14,000
Street Trees - Lewis Street	\$ 3,452	\$ 3,452	\$ 6,904
			\$ 43,003
<b>Water Street</b>			
Corner bumpout - Water/Clinton Intersection - curb	\$ 2,878	\$ 2,878	\$ 5,757
Corner bumpout - Water/Clinton Intersection - paving	\$ 3,106	\$ 3,106	\$ 6,212
Street Trees - Water Street	\$ 1,877	\$ 1,877	\$ 3,754
			\$ 15,722
<b>Riverwalk, Intersection &amp; Other Area Improvements</b>			
State / Water St. Garage Façade Improvements	\$ 399,625	\$ 399,625	\$ 799,250
Henry / Water & Henry / State Pedestrian Improvements	\$ 273,125	\$ 273,125	\$ 546,250
Street Furnishings - Benches	\$ 10,000	\$ 10,000	\$ 20,000
In-Ground Lighting from Riverwalk to Water/Henry	\$ 6,263	\$ 6,263	\$ 12,525
			\$ 1,378,025
			Estimated Total Project Cost: \$ 1,843,346

The City’s Request for Qualifications for the proposed DECO District streetscape improvement project also included establishing a unique district identity and branding strategy including, but not limited to, gateway elements, art initiatives in the public realm, environmental graphics, distinct messaging, sculptural signage or interpretive elements, and DECO district wayfinding signage. In reviewing the City’s budget for the project, it appears that these elements were not included, and may therefore be planned and designed separately from the “base” DECO district improvements and enhancements shown in the Project budget.

Our Team for the 30% Preliminary Design Services is comprised of engineers and landscape architects from Barton & Loguidice (B&L as Prime) and Witham Planning and Design (WPD) as our partner (subconsultant). In response to the City’s RFQ, we also intend to retain Cloud Gehshan as a Subconsultant for the arts related services.

The following schedule is proposed for completing the 30% Preliminary Design Services; Final Design, Bidding and Construction Phase services would follow under a Supplemental Agreement and following City approval of the final Project and budget at the 30% deliverables stage.

**Preliminary Schedule**

Topographic / Site Survey .....	May 2020
Field Investigations .....	May 2020
SEQRA/SHPO/CAUD .....	June 2020
30% Preliminary Design .....	July/Aug 2020

**II. SCOPE OF SERVICES**

Based on the above Project Understanding, B&L proposes to provide the following Scope of Services to the City of Binghamton:

**TASK 1 – PROJECT MANAGEMENT**

**1.1 Project Management & Administration**

The Consultant shall provide monthly project updates on invoices, and weekly coordination with the City as requested by the City’s project manager to ensure the project team is meeting the schedule, objectives, and requirements of the City and approved Scope of Service.

The Consultant will schedule coordination and project team management by communications with all sub-consultants and staff, maintaining files, preparing correspondence, preparing and submission of deliverables, and provide guidance to the project team. This task includes review and coordination of sub-consultant deliverables.

The Consultant will prepare and update a schedule of tasks, milestones and contract deliverables. For the purposes of this scope the duration of the project is anticipated to be four (4) months.

## 1.2 Project Coordination Meetings

The Consultant(s) will attend project meetings as outlined below. Meetings will be scheduled by Consultant(s) or requested by the City. Meetings are assumed to be two (2) hours in duration, and held at City Hall or Consultant office locations in the City.

- Project Kick-Off Meeting
- Project Team Meetings (assume 6 meetings)
- City / State / Federal Coordination Meetings (assume 1 meeting)

## 1.3 Project Funding Administration Assistance

The Consultant(s) will assist the City with administration of the grant funds for reimbursement, EEO, WBE/MBE requirements, and general information and requirements of the funding source adherence to the project sub-consultants.

### Task 1 Deliverables:

- a. Project Schedule – within 14 days of fully executed Agreement
- b. Up to four (4) monthly invoices and progress reports
- c. Meeting Minutes for all meetings between City and/ or agencies

## TASK 2 – SURVEY & BASE MAPPING

### 2.1 Data Review

The Consultant(s) shall obtain and review all existing base information, drawings, or other relevant documentation to be provided by the City relevant to the DECO project, including but not limited to the following:

- As-built or record plans of City facilities/utilities within the district or area that would include street pavements, traffic signals, utility infrastructure, drainage systems, property rights of way, and other relevant project information.
- Past engineering reports or contract documents that may be useful for development of design, connectivity, conformance, etc.
- Any building plans, maps, or similar which show “private” vaults, or similar structures that may be buried beneath the City’s sidewalks in the project area.
- Perform and document vault inspections (City to provide letter of authorization to consultant(s)).
- Any other documents the City feels will be relevant to this project that the Consultant’s Team may not already have (ie., grant application, etc.).

As part of this task, the Consultant(s) will conduct up to two (2) initial site visits and (1) follow up verification visit of the field survey. Any necessary supplemental information will be reviewed for accuracy and coordinated with Consultant’s subcontracted surveyor.

## 2.2 Ground Survey & Mapping

The Consultant(s) will provide terrain data required for design by means of a topographic field survey in conformance with Chapter 21 of the NYSDOT HDM. The survey data includes establishing horizontal and vertical control, locations of all planimetric features natural and man-made, collection of sufficient data to generate a digital terrain model (DTM) with a one foot contour interval. All measurable subsurface utility locations and inverts such as storm, sanitary, gas, electric, telephone/data, fiber and/or cable lines, and traffic signal loops, etc. in DTM wherever possible.

The survey will include approximately 4085 lineal feet of City streets as shown on the DECO District Figure above. The lateral limits of the survey will be from building face to building face where present, or ten feet beyond approximate HB/ROW limits, or as shown on the figure. The Consultant(s) will prepare an introductory letter for the field crew to be supplied with on site and distribute to interested/impacted property owners.

Horizontal control will be on the State Plane Coordinate system based on the North American Datum of 1983 (NAD 83). Vertical control and elevations will be based on the North American Vertical Datum of 1988 (NAVD 88).

Design mapping will conform to Chapter 21 of the NYSDOT HDM and shall include, but not be limited to the following features and elements:

- All pavement markings, curb lines, shoulder and median types
- All visible utility infrastructure, lines, subsurface utility locations
- Locations of all traffic control features
- Surface materials and locations (asphalt, concrete, curb, lawn, landscape, tree locations, gravel, etc.)
- Right of way limits with side lines, based on tax map data
- All locations and elevations of building fronts, including changes in direction, stairs, stoops, landings and thresholds, etc.)
- Any subsurface boring locations if requested

This 30% Preliminary Design Scope of Services assumes there will be no right-of-way mapping, abstract request maps, and/or title searches required, and that such features will be obtained from County Real Property tax mapping, from record contract drawings, and/or from available property deed surveys, if requested.

### Task 2 Deliverables:

- a. Survey mapping, provided in either .dgn format, with Microstation version V8i InRoads DTM or .dwg format in AutoCad Civil3D
- b. 1" = 40' scale mapping on 11" x 17" tabloid format, with points and one foot contour intervals.
- c. A summary of horizontal and vertical control established.
- d. Benchmarks established in the field, supported by a Benchmark Summary table.

### **TASK 3 – PUBLIC ENGAGEMENT**

The Consultant(s) will prepare a Public Engagement Plan Summary for the development of the project beginning with outreach during the 30% Preliminary Design Phase, with recommendations to provide additional online and electronic platforms for public viewing and input beyond the 30% design completion. The Public Engagement Plan will outline the list of stakeholders, schedule and timing, materials and methods of involvement, and process of public involvement for the public meetings and stakeholder outreach.

Due to the current COVID-19 social distancing and other restrictions on mass gatherings, the Plan will also include tiered opportunities/protocols for scheduling and conducting virtual meetings with the City, DECO Committee & Project (Business) Stakeholders, and the general public.

#### **3.1 Public Meetings / Open Houses**

The Consultant(s) will plan, prepare for and facilitate up to one (1) public meeting and/or open house during the Preliminary Design Phase. The public meeting is anticipated to be held in close proximity to the project area, either at an area business or at City Hall. The Consultant(s) will provide meeting notices, flyers, agenda, graphics, presentations, and adequate staff to facilitate, host and record the meetings.

Should COVID-19 restrictions still be in place, the Consultant will utilize City-approved virtual/video public outreach strategies to maintain project schedule with public participation milestones.

#### **3.2 Stakeholder Outreach & Workshops**

The Consultant(s) will conduct a series of small group or individual stakeholder meetings and/or workshops to discuss specific elements of the design project, issues or concerns, reviews and coordination, and desirable resolutions to include in the project designs. Stakeholders may include the City's re-formation of a DECO District Working Group (ie., DECO Committee), or other interested property owners, tenants, NYSDOT representatives, NYSDOS/ESD representatives, elected officials, and appointed City representation. The Consultant(s) anticipates the need for up to five (5) stakeholder meetings through the Preliminary Design Phase.

#### **Task 3 Deliverables:**

- a. Public Engagement Plan
- b. Public Meeting / Open House notices, materials, graphic presentations, meeting summary (1 meeting; deliverables modified as necessary if video conferencing or virtual meetings are used)
- c. Stakeholder Meeting Agendas, supporting documents, plans, presentations, brief summary, action items list (5 meetings)

## **TASK 4 – PRELIMINARY (30%) DESIGN**

The Consultant(s) will prepare and submit to the City preliminary design documents for the DECO District Streetscape Improvements, including 30% schematic drawings, basis of design memorandum, and accompanying probable construction cost estimate at 30% completion for review by the City. The Preliminary 30% Design Phase will include the following sub-tasks:

### **4.1 Preliminary Design & Engineering**

The Consultant(s) will produce preliminary plans, basis of design summary memo, and estimates to 30% completion. The 30% preliminary submission will generally include the layout of pedestrian sidewalk and crosswalk improvements, traffic calming and curb extensions, pavement replacement areas, intersection improvements, landscape and street trees, and preliminary locations and styles of district furnishings.

The following components will be considered and incorporated in the Preliminary 30% Design Phase deliverables development:

- **Landscape Architectural Design**

The Consultant(s) will revisit the conceptual design images and proposed improvements from the DECO District funding application process, from the Committee/Stakeholder and Public Outreach meetings, and prepare the layout of the streetscape design to include areas and limits of pedestrian improvements, curb extensions and crosswalk improvements, locations and styles of street furnishings, material(s) identification, and planting plans and details.

The Consultant(s) will develop site analysis diagrams, precedent studies, and a comprehensive rendered, master plan drawing conveying the unified identity, theme, and branding through furnishing, lighting, materials, colors, and landscape improvements. This information will become the basis for the 30% streetscape improvement plans.

- **Engineering Design**

The Consultant(s) will provide preliminary engineering review, coordination, and conformance to standard Federal, State and Local regulations and requirements of the streetscape layout and design. Horizontal alignments will be prepared to be included to assist the design of the layout, as well as vertical alignments to generate profiles as needed. Preliminary investigation of potential impacts to above grade and buried utilities will be completed and illustrated on accompanying 30% Utility Plans that will include typical sections, horizontal geometry, plan and profile for sidewalks, street and storm infrastructure (as needed), utility layout, traffic signage and striping plans.

This project will be designed and constructed in accordance with the NYSDOT Standard Specifications for Construction and Materials, including all applicable revisions, and all applicable local City of Binghamton standards.

All streetscape infrastructure work will be designed in accordance with the current versions of the following documents, as applicable:

- A Policy on Geometric Design of Highways and Streets (AASHTO)
  - ADA Accessibility Guidelines for Buildings and Facilities (ADAAG)
  - AASHTO Guide for the Development of Bicycle Facilities
  - NYS DOT Highway Design Manual
  - National Manual for Uniform Traffic Control Devices (NMUTCD)
  - NYSDEC Stormwater Management Design Manual
- Design Geometry / Transit / Pedestrian Generators

The Consultant(s) will review the preliminary designs for conformance to applicable NYS DOT, FHWA, and AASHTO guidelines including turning movement templates (design vehicle designation), roadway geometry, pedestrian and bicycle facilities, on-street parking, delivery truck parking/offloading, transit stop requirements, and safety issues.

Accident Data and Analysis, Traffic Counts, Capacity Analysis, Pavement Analysis, and Traffic Signal Design are not within the scope of this project. Supplemental services can be provided as requested.

- 30% Basis of Design Memorandum

A 30% Basis of Design Memorandum will be prepared for summarizing proposed improvements, narrative descriptions, supporting design calculations, and cost estimates. A Draft memorandum will be submitted to the City for review and comment. City comments will be reviewed in a conference call or video conference. Consultant will prepare a final 30% Basis of Design Memorandum incorporating City (and Stakeholder) comments, and provide one (1) electronic file and three (3) hard copies to the City.

Once the City reviews and approves the 30% Basis of Design Memorandum, it will become the basis of design for the DECO Project and the basis for developing the Scope of Service for Final Design, Bidding and Construction Phase services under a Supplemental Agreement.

#### 4.2 Brand Identity, Gateway & Environmental Enhancements – Optional Task

This Task is shown as “Optional” as the targeted enhancements do not appear within the Project Budget included above in Section 1. Should the City authorize these optional services, the Consultant will subcontract the services of Cloud Gehshan to complete the services below and the proposed *Environmental Enhancements Package* (EEP) deliverable. Cloud Gehshan’s proposed Scope of Service and fee for these services is attached as Exhibit A. Support services will also be provided for this Optional Task 4.2 by B&L and WPD team members.

The Consultant(s) will perform an audit of the DECO District area and review possible sites, sequences, opportunities, locations, scales, and materials to inform the programming and design for brand identity; gateway, arrival and orientation (wayfinding) signage; environmental enhancements; and accent features or lighting, into the DECO District improvements.

The Consultant(s) will conduct design discussions during Stakeholder Workshops to review and discuss DECO District identity, and possible themes and ideas for branding and system

design, design opportunities, schematic studies, and summarize preferred alternatives, schedule, collaborations and accent lighting options.

The following elements are intended to signify arrival, celebrate the diverse and creative community, and elevate the district's place-brand and messaging:

- Branding & Identity Strategy
- Gateway Enhancements
- Wayfinding
- Accent Lighting & District Illumination

The conceptual development of design strategies will be documented in a comprehensive design package to convey a legible, unified design theme.

The *Environmental Enhancements Package* (EEP) will consist of refinements to selected branding concepts; provide design development of coordinated elements such as furnishings, signage, and accent lighting; use of graphics, images, or photo-rendered proposed options; and, annotations indicating materials, colors, typography, dimensions, and descriptions and notes on deployment in the streetscape. This information will be utilized to convey the identity and inform the design intention for the Preliminary and Final Design deliverables.

#### **4.3 Environmental Reviews**

The Consultant(s) will identify regulatory review/permitting requirements, provide preliminary review agency coordination, and complete Environmental Assessment forms for the alternatives evaluation.

The Consultant(s) will assist the City (Lead Agency) in complying with SEQRA (6 NYCRR Part 617). It is anticipated that the project will be classified as a Type I Action under SEQRA, and be advanced under a coordinated review. The Consultant(s) will assist the City, acting as Lead Agency, in the following SEQRA related tasks:

- Preparing Letters to Involved/Interested Agencies with intent to be Lead Agency
- Preparing Part 1 of a Full Environmental Assessment Forms (FEAF)
- Progressing the Coordinated Review Process, including assisting the City with completing Parts 2 and 3 of the FEAF
- Coordination with agencies including the SHPO
- Preparation of a Negative Declaration
- Preparing and posting official notices, including publication of the final determination of environmental impacts in the Environmental Notice Bulletin (ENB)

##### **Task 4 Deliverables:**

- a. 30% Streetscape Improvement Plans & Estimate
- b. Basis of Design Memorandum (30% Submittal)
- c. Proposed Materials & Furnishings
- d. SEQRA / SHPO Documentation (30% Submittal)
- e. [Optional Task 4.2 \(If Authorized\) - Environmental Enhancements Package](#)
  - i. Branding & Identity Strategy

- ii. Accent Lighting Concepts
- iii. Wayfinding Concepts
- iv. Gateway Enhancements

The Consultant(s) will develop the proposed design to the 30% stage, consistent with the following anticipated contract drawing sheets:

**Anticipated Contract Drawings List  
(30% Completion)**

Plan sheet (Est. No. of Shts.)	30%
Cover Sheet (1)	X
Typical Sections (4)	X
Site Layout (12)	X
Materials Plans (8)	X
Work Zone Traffic Control Plans (0)	
Plans and Profiles (0)	
Drainage Plans and Tables (2)	X
Planting Plans (12)	X
Utility Plans (3)	X
Signage & Striping Plans (0)	
Site Details (4)	X
Landscape Details (0)	
Estimated Total No. of Sheets	46

**III. SERVICES NOT INCLUDED**

The following services are not included in the Preliminary 30% Design Scope of Service and would, if requested by the City, be provided through Supplemental Agreement:

- A. Final Design Services – 60%, 90%, 100% Bid Documents
- B. Bid Phase Services
- C. Utility Coordination Services
- D. Phase 1A/1B Archaeological (Cultural Resource) Survey (if required)
- E. Traffic Counts, Accident Analysis, or Pavement Analysis
- F. Construction Administration & Inspection Services (to be added by supplement upon request from the City)

**IV. FEE SUMMARY**

The proposed fee is summarized in the table below; estimated fees have been shown for each Task of the Scope of Service, broken down by Consultant and Subconsultant fees.

All Tasks, with the exception of Task 2. Survey & Base Mapping, will be billed as Lump Sum amounts as shown in the table below.

Task 2. Survey & Base Mapping fee estimate is an amount equal to the cumulative time charged to the Project by each class of Engineer’s employees times hourly billing rates then in effect for each applicable billing class for all services performed on the Project, plus reimbursable expenses and Engineer’s charges for subconsultants, if any. Engineer’s charges for subcontracted services shall be invoiced at cost plus ten percent. Engineer’s current 2020 Standard Billing Rates schedule is included below in support of any services provided on a time plus expense basis.

The total compensation for services and reimbursable expenses, as listed in the table below, will not be exceeded without authorization of the Owner.

Task	Description	B&L	WPD	Costich Eng.	Cloud-Gehshan	Task Totals
1	Project Management	\$ 12,675	\$ 3,000			\$15,675
2	Survey & Base Mapping (Allowance)	\$ 5,735	\$ 1,750	\$21,400		\$28,885
3	Public Engagement	\$ 6,660	\$ 9,500			\$16,160
4	Preliminary Design (30% Completion)	\$ 40,200	\$25,500			\$65,700
4.2	Brand Identity, Gateway & Environmental Enhancements – <b>Optional Task</b>	\$ 9,850	\$ 8,000		\$30,700	\$48,550
<b>Total Base Fee, Preliminary 30% Design Phase</b>		<b>\$65,270</b>	<b>\$39,750</b>	<b>\$21,400</b>	-	<b>\$126,420</b>
<b>Total Base + 4.2 Fee, Prelim. 30% Design Phase</b>		<b>\$75,120</b>	<b>\$47,750</b>	<b>\$21,400</b>	<b>\$30,700</b>	<b>\$174,970</b>

**Barton & Loguidice**  
**Billing Rates For Calendar Year 2020**



Travel - by common carrier .....at cost  
 Travel - by passenger vehicles\* ..... IRS published rate for current year  
 Subsistence (when overnight away from home office) .....at cost  
 Telephone, outside printing, postage, etc. ....at cost  
 In-house printing ..... Billing rate schedule for printed material  
 Sampling - equip. Rental..... Expendables billing rate schedule for sampling services  
 Outside contracted services ..... Cost plus 10%

INDIVIDUAL PRINCIPALS AND TECHNICAL EMPLOYEES AT THE FOLLOWING HOURLY RATES:

TITLE/NAME		RATE
Executive Manager	\$	254.00
Manager IV	\$	218.00
Manager III	\$	195.00
Manager II	\$	183.00
Manager I	\$	168.00
Professional VI	\$	151.00
Professional V	\$	133.00
Professional IV	\$	116.00
Professional III	\$	103.00
Professional II	\$	91.00
Professional I	\$	76.00
Technician VI	\$	126.00
Technician V	\$	120.00
Technician IV	\$	106.00
Technician III	\$	88.00
Technician II	\$	74.00
Technician I	\$	60.00
Construction III	\$	122.00
Construction II	\$	104.00
Construction I	\$	92.00
Technical Assistant III	\$	90.00
Technical Assistant II	\$	76.00
Technical Assistant I	\$	64.00

\*Approved IRS mileage rate in effect at time of billing \*\* Does not include operator



# Legislative Branch

RL Number:  
20-92

Date Submitted:  
4/29/2020

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: Jared M. Kraham / Kenneth Frank

Title/Department: Office of the Mayor / Corporation Counsel

Contact Information: (607) 772-7001 / 7013

### RL Information

Proposed Title: A RESOLUTION AUTHOIZING THE CITY TO ACCEPT PAYMENT AND FOR THE MAYOR TO EXECUTE ANY AGREEMENT WITH NYS DOT FOR ACQUISITION OF VESTAL AVE BY-PASS, PIN 9038.26.221

Suggested Content: NYSDOT is taking property at Vestal Ave, By-Pass West City Line to Pennsylvania Ave. Vestal-Binghamton. This is a mix of fee interest, permanent and temporary easements. The appraised value is \$33,400.

### 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):

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



**Department of  
Transportation**

**ANDREW M. CUOMO**  
Governor

**MARIE THERESE DOMINGUEZ**  
Commissioner

**NICOLAS A. CHOUBAH, P.E.**  
Regional Director

April 23, 2020

City of Binghamton  
ATT: Kenneth J. Frank, Corporate Counsel  
38 Hawley Street / 5<sup>th</sup> floor  
Binghamton NY 13901

RE: PIN: 9038.26.221 PROC: 14735 SH: C49-8  
Project: City of Binghamton, Arterial Route No. 17 Vestal Avenue By-Pass West  
City Line to Pennsylvania Avenue Vestal - Binghamton  
City: Binghamton County: Broome  
Map(s) 67, 68 Parcel(s) 74, 75, 76, 77, 78, 79

Dear Mr. Frank:

The New York State Department of Transportation (NYSDOT) is progressing the above-captioned project and we are now able to extend an offer of just compensation to your client for their property as described in the attached maps. Our offer, based on the amount of our highest approved appraisal, is **\$33,400.00 (THIRTY-THREE THOUSAND FOUR HUNDRED DOLLARS AND 00/100)**.

To assist you with your review of our offer, enclosed please find the following documents:

- 1) **EXPLANATION OF ACQUISITION & OFFER OF SETTLEMENT (ROW 265-1)**
- 2) **HOW PROPERTY IS ACQUIRED IN NEW YORK STATE (ROW 432a)**
- 3) **ACQUISITION FACT SHEET (ROW 431a)**
- 4) **APPROPRIATION MAPS:** These maps depict the area and interest the Department is acquiring. The maps became official upon filing with the Department of Transportation on April 20, 2020. After you have had a reasonable opportunity to consider the offer stated above, we will record these maps with the County Clerk's Office where the property is located whereupon title will transfer from you to the State of New York; you will be notified of this by personal service or certified mailing of a Notice of Appropriation and map.
- 5) **PLAN SHEET**
- 6) **DESCRIPTION OF PROJECT**

- 7) **AGREEMENTS:** By law, you may receive your compensation either as an advance payment on your claim by signing and returning the enclosed Agreement for Advance Payment, or as a full settlement of your claim by signing an Agreement of Adjustment and Release of Owner (which will be provided upon request).
- (a) If you sign the enclosed Agreement for Advance Payment, you may collect the amount stated on the agreement, plus applicable interest, and negotiate for additional compensation, if warranted and justified. The Agreement for Advance Payment provides you with the right to file a claim with the Court of Claims, within a three-year period from the date the Department delivers you a Notice of Appropriation. Your failure to file a claim in the Court of Claims within the three years shall be automatically deemed an acceptance of the amount paid as full settlement of your claim.
- (b) If you sign the Agreement of Adjustment and Release of Owner, this settles your claim for the offered amount, plus applicable interest, and waives your right to file a claim in the Court of Claims. Please note that this agreement is not included in this offer package but is available upon request. For either type of agreement, please execute all four (4) originals in the presence of a notary public, if indicated. Keep one original for your files and return the other three (3) to my attention in the enclosed postpaid envelope.
- 8) **INTEREST SUPPLEMENT TO AGREEMENT (ROW 21-8)** – This is an Informational sheet explaining how interest is calculated on the offered amount and will be attached to the agreements if applicable to your specific appropriation.
- 9) **REQUEST FOR TAXPAYER IDENTIFICATION NUMBER AND CERTIFICATION (W-9)**  
- This form is used to collect your Social Security/Taxpayer Identification number.
- 10) Stamped, self-addressed envelope for return of the signed agreements and other completed documents

Please be advised that before we can issue a check for your property, the following steps must be completed:

- (a) The Department must take title to the property by recording the appropriation map with the County Clerk where the property is located.
- (b) The Department must receive three (3) copies of the signed agreement from you containing original signatures, signed in the presence of a notary (retain one (1) for your records). The agreement must be approved by the Commissioner or his/her designee and, in certain instances, the Office of the New York State Comptroller.
- (c) IRS Form W-9 must be properly executed and returned.
- (d) Any other closing documents required by the New York State Attorney General Office, which represents the Department for the closing, must be completed and returned.

Any additional required documents needed to issue payment which not already included in this package will be provided to you after the Department receives a signed agreement.

Please also note that pursuant to New York State Eminent Domain Procedure Law §304(e)(2), the Department may make a deposit in the amount of our highest approved appraisal of your property if federal funds are involved in the project and the Department determines that it is necessary to proceed with a construction contract without delay. Such a deposit complies with federal laws, rules, and regulations. You will be notified if a deposit has been made and you may apply to receive the deposited funds.

I will contact you again shortly as well as to further discuss the materials enclosed and answer any questions you may have. In the meantime, should you wish to contact me, I can be reached at 607.721.8298 or by e-mail at [bruce.koshinski@dot.ny.gov](mailto:bruce.koshinski@dot.ny.gov) Thank you.

Sincerely,



---

Bruce Koshinski  
Real Estate Specialist

Enclosures

c: Acquisitions Management Bureau, POD 41  
File

NEW YORK STATE DEPARTMENT OF TRANSPORTATION  
OFFICE OF RIGHT OF WAY  
REGION 9

**EXPLANATION OF ACQUISITION/OFFER OF SETTLEMENT**

<b>PIN:</b> 9038.26.221	<b>PROC#:</b> 14735	<b>DECL:</b> 1252
<b>SH:</b> C49-08	<b>PROJECT:</b> City of Binghamton, Arterial Route No. 17 Vestal Avenue By-Pass West City Line to Pennsylvania Avenue	
<b>COUNTY:</b> Broome	<b>TOWN/CITY:</b> Binghamton	<b>VILLAGE:</b>
<b>MAP(S):</b> 67, 68	<b>PARCEL(S):</b> 74, 75, 76, 77, 78, 79	
<b>CLAIMANT(S):</b> City of Binghamton		

**EXPLANATION OF ACQUISITION**

**Map 67, Parcel 74** is a 31,006±sf (0.712±acre) irregularly-shaped (quasi U-shaped) Fee acquisition. It has 41'± frontage along the highway boundary at the western end and 240'± along the highway boundary at the eastern end. This parcel contains woods and grass.

**Map 67, Parcel 75** is 5,656± sf (0.13±acre) irregularly-shaped Fee acquisition. It is quasi-L shaped with 19'± along the highway boundary and with 158'± westerly depth. The area contains wild growth, grass and a chain-link fence. The chain-link fence will be moved by the Department of Transportation.

**Map 67, Parcel 88** is a triangular-shaped Permanent Easement with 75'± along the highway boundary, depth of 40'± and 86'± diagonally on the southerly side. It has 1,517±sf (0.035±acre) and contains grass and rip-rap.

**Map 68, Parcel 76** is a 3,222± sf (0.074± acre) irregularly-shaped (quasi-L shaped) Temporary Easement. It borders Map 67, Parcel 74 to the south and has 12'± along the highway boundary, and with 237'± and 61'± along the common boundary of Map 67, Parcel 74.

**Map 68, Parcel 77** is an 1,831± (0.042±acre) irregularly-shaped (quasi-L shaped) Temporary Easement. It borders Map 67, Parcel 74 to the north and has 11'± along the highway boundary, and with 164'± and 80.47'± along the common boundary of Map 67, Parcel 74. The area contains wild growth.

**Map 68, Parcel 78** is a 7,601± sf (0.174± acre) irregularly-shaped Temporary Easement that borders Map 67, Parcel 74 on its southeasterly side and borders Map 67, Parcel 75 on its westerly and southerly sides. The area contains grass and a length of chain-link fence.

**Map 68, Parcel 79** is a 2,580± sf (0.059± acre) irregularly-shaped Temporary Easement bordering Map 67, Parcel 74 on its easterly boundary. The area contains grass, rip-rap and scoreboard.

The irregular shapes of the parcels are best understood by viewing the acquisition/appropriation maps. The acquisitions will be used in connection with the shared-use bicycle and pedestrian path along approximately 2.5 miles of NYS Route 434 between Pennsylvania Avenue and Murray Hill Road.

**Offer Of Settlement**

1. Direct Damages – (FEE: 36,662± sf. land, PE: 1,517± sf., rip-rap)	\$31,100.00
2. Indirect Damages	
3. Rental Value - Temporary Occupancy	
4. Rental Value - Temporary Easements (TE totals: 15,234± sf.)	\$ 2,300.00
Scoreboard will remain in place	
Total Damages - Just Compensation	\$33,400.00

The above value represents the amount of our highest approved appraisal, developed in accordance with appraisal standards as defined by the Uniform Standards of Professional Appraisal Practice (USPAP). If you are satisfied with our explanation of

**PIN:** 9038.26.221

**SH:** 1613    **Project Name:** Vestal – Binghamton

**SH:** C49-8    **Project Name:** City of Binghamton, Arterial Route No 17 Vestal Avenue  
By-Pass West City Line to Pennsylvania Avenue

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### **The Purpose of the Project**

The project will involve constructing a new, shared-use bicycle and pedestrian path along approximately 2.5 miles of NYS Route 434 between Pennsylvania Avenue and Murray Hill Road. The project will provide a travel alternative for cyclists and pedestrians, enhance safety, support healthy, environmentally friendly modes of transportation, and enhance access and connectivity to neighborhoods, businesses, community spaces and the natural environment. This portion of the Route 434 Greenway is an important link in the development of the regional Two Rivers Greenway system, which is a network of existing and planned bicycle and pedestrian facilities in Broome and Tioga counties.

### **Project Objectives**

The project's primary objective is to provide an improved, direct bicycle and pedestrian connection from the Greenway Trail at Pennsylvania Avenue to the NYS Route 434/Murray Hill Road intersection that provides network connectivity for non-motorized travelers and limits the potential for vehicle-pedestrian and vehicle-bicycle conflict points. The project's secondary objectives are to advance the development of the Two Rivers Greenway by constructing a path that is consistent with existing and future segments of the greenway network and to maintain the current traffic flow capacities of Route 434 and Vestal Avenue.

### **Project Description**

This project proposes to extend the existing Greenway west from Pennsylvania Avenue to Murray Hill Road. The path, which would be at least 12 feet wide, would run along the south side of Route 434 and include proposed connections to Vestal Avenue at MacArthur Park, Ivanhoe Road and at the intersection of Vestal Avenue and Route 434. These links provide network connectivity and maintenance and emergency access.

The project also proposes to:

- Build retaining walls where needed based on the steepness of the slopes
- Reconfigure the intersection of Route 434 with Vestal Avenue
- Replace existing signals on Route 434 at Vestal Avenue and at University Plaza
- Install a new signal and crosswalks at the intersection of Route 434 with Plaza Drive
- Building new sidewalk and public parking spaces along Service road for trail users
- The project will include lighting, landscaping and signing consistent with the Two Rivers Greenway Signing Plan

Upon completion, the path will be maintained by the City of Binghamton and Town of Vestal within their respective municipal boundaries.



# Legislative Branch

RL Number:

20-94

Date Submitted:

5/1/2020

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: Jared M. Kraham / Kenneth Frank

Title/Department: Office of the Mayor / Corporation Counsel

Contact Information: (607) 772-7001 / 7013

### RL Information

Proposed Title: A RESOLUTION AUTHOIZING THE MAYOR TO ENTER INTO A

PERMENANT EASEMENT WITH NYSEG FOR ELECTRIC SERVICE TO THE NEW 911 CELL TOWER

AT ELY PARK GOLF COURSE

Suggested Content: TBD by Corp. Counsel

### Additional Information

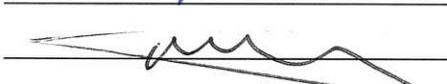
Does this RL concern grant funding? Yes  No

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):

<b>OFFICE USE ONLY</b>					
Mayor:					
Comptroller:	_____				
Corporation Counsel:					
Finance <input 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"/>



April 14, 2020

City of Binghamton  
Office of the Mayor, Property Manager  
38 Hawley Street  
Binghamton, NY 13901

RE: Electric Service Request for Broome Cty 911 Cell Tower Ely Park Golf Course  
67 Ridge St  
City of Binghamton, Broome County  
Tax Map #: 144.10-1-1

Dear City Property Manager:

NYSEG has received a request from Broome County Office of Emergency Services for electric service to a 911 cell tower at the above referenced location. To comply with this request, NYSEG wishes to extend its facilities across the property as stated in the enclosed easement and shown on the enclosed sketch.

Please have an officer for the City of Binghamton sign the easement in black ink in the presence of a Notary Public and return it at your earliest convenience.

If you have any questions, feel free to contact me at 585-484-6238. Thank you for your assistance in this matter.

Sincerely,

Kristine A. Franz  
NYSEG Real Estate and Right of Way

Enclosures

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PO Box 3607, Binghamton, NY 13902-3607

[www.nyseg.com](http://www.nyseg.com)

An equal opportunity employer



# EASEMENT

THIS INSTRUMENT WITNESSETH THAT \_\_\_\_\_ CITY OF BINGHAMTON by: \_\_\_\_\_

hereinafter called the Grantor(s), being the owner(s) of or having an interest in land situate in the \_\_\_\_\_ CITY \_\_\_\_\_ of \_\_\_\_\_ BINGHAMTON \_\_\_\_\_, County of \_\_\_\_\_ BROOME \_\_\_\_\_, State of New York, fronting on the street or highway known as \_\_\_\_\_ RIDGE STREET \_\_\_\_\_, bounded \_\_\_\_\_ NORTHERLY IN PART \_\_\_\_\_ by lands of \_\_\_\_\_ N/F LEGACY BAY APARTMENTS LLC \_\_\_\_\_ and \_\_\_\_\_ SOUTHERLY IN PART \_\_\_\_\_ by lands of \_\_\_\_\_ N/F BARBARA SCOTT \_\_\_\_\_,

for and in consideration of the sum of One and No/100 Dollars (\$1.00), the receipt of which is hereby acknowledged, does hereby grant and release unto NEW YORK STATE ELECTRIC & GAS CORPORATION, a corporation organized under the laws of the State of New York, having an office at 18 Link Drive, in the Town of Kirkwood, County of Broome, State of New York, hereinafter called the Grantee, its lessees, licensees, successors and assigns forever, a permanent easement and right of way, with the right, privilege and authority to install, construct, reconstruct, extend, operate, inspect, maintain, repair, replace, and at its pleasure, remove, underground electric, gas and communication systems, including cables, wires, vaults, pedestals, closures, hand/man holes, pipes, ducts and conduits, with the necessary fixtures or appurtenances thereto, including transformers and switching equipment, which the Grantee shall require now and from time to time for the underground transmission and/or distribution of electric current, natural and/or manufactured gas and communications, for public or private use, in, upon, over, under, and across said land and/or the highways abutting or running through said land.

The easement and right of way hereby granted and released is \_\_\_\_\_ -10- \_\_\_\_\_ feet in width throughout its extent, situate, lying and being as follows:

THE CENTERLINE OF SAID EASEMENT AND RIGHT OF WAY IS GRANTED FOR THE RIGHTS TO INSTALL, MAINTAIN AND REPAIR A PAD MOUNTED TRANSFORMER (PU103-1) TO BE LOCATED UPON GRANTOR'S LANDS, INSTALLED ON A PRIVATE CONCRETE (OR OTHER ACCEPTABLE TYPE) PAD AS CONSTRUCTED. SAID EASEMENT AREA SHALL BE TEN (10) FEET BY TEN (10) FEET SQUARE WITH THE TRANSFORMER CENTERED THEREIN. THE CENTER OF SAID EASEMENT AREA SHALL BE GOVERNED BY THE ACTUAL PLACEMENT OF SAID PAD, THE CENTER OF WHICH SHALL BE LOCATED EASTERLY OF THE BROOME COUNTY 911 TOWER. TOGETHER WITH UNOBSTRUCTED FREE INGRESS AND EGRESS AT ALL TIMES UPON, OVER AND ACROSS GRANTOR'S DRIVEWAY AND THE LANDS ADJACENT THERETO THE EXTENT NECESSARY TO ACCESS THE TRANSFORMER WITH PERSONNEL, VEHICLES AND EQUIPMENT. THE GRANTEE SHALL NOT BE RESPONSIBLE FOR THE REPAIR AND/OR MAINTENANCE OF THE PRIVATELY INSTALLED UNDERGROUND CABLES.

THE GRANTEE, its successors and assigns, are hereby expressly given and granted the right to assign this easement and right of way, or any part thereof, or interest therein, and the same shall be divisible among two or more owners, as to any right or rights created hereunder, so that each assignee or owner shall have the full rights and privileges herein granted, to be owned and enjoyed either in common or severally.

TOGETHER with free ingress and egress over the easement and right of way and other lands of the Grantor(s) for all of the above purposes and the right now and from time to time to trim, cut, burn, treat and/or remove by manual, mechanical and chemical means trees, roots, brush, structures and other obstructions within said easement and right of way.

PROVIDED, however, that any damage (other than for trimming, cutting, treating, burning and/or removing trees, roots, brush, structures and other obstructions as above provided) to the property of the Grantor(s), caused by the Grantee in the exercise of its rights under this instrument shall be borne by the Grantee.

RESERVING, however, to the Grantor(s) the right to cultivate the ground and the right to cross and recross said easement and right of way provided that such use of said ground shall not interfere with, obstruct or endanger any rights granted as aforesaid and shall not disturb the grade of said ground as it now exists, and provided that no structure shall be erected, no trees shall be grown, cultivated or harvested, and no excavating, mining or blasting shall be undertaken within the limits of the easement and right of way without written consent of the Grantee.

This Instrument shall be binding on and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF, the Grantor(s) ha \_\_\_\_\_ hereunto set \_\_\_\_\_ hand(s) and seal(s) this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

IN PRESENCE OF:

_____	X	_____ (L.S.)
_____	Address: X	_____
_____	_____	_____ (L.S.)
_____	Address: _____	_____
_____	_____	_____ (L.S.)
_____	Address: _____	_____
_____	_____	_____ (L.S.)
_____	Address: _____	_____

*metascij* - 48

EASEMENT

Line 1989 PU103-1 911 Tower Ely Park Golf
Auth. 9800008392 Parcel No.
Area Cost Center No. RC2J020410
Construction W.O. No. 801000256974

CITY OF BINGHAMTON by:

TO
NEW YORK STATE ELECTRIC
& GAS CORPORATION

Dated
STATE OF NEW YORK
COUNTY OF } ss.

Recorded on the day of
at o'clock M.
in Book of Deeds at
Page and examined.

(Clerk)

Consideration on this document
is less than \$100.00

(Personal or Corporate Acknowledgment)

STATE OF NEW YORK }
COUNTY OF } ss:
On the day of
before me, the undersigned, a Notary
Public in and for said State, personally appeared

personally known to me or proved to me on the
basis of satisfactory evidence to be the
individual(s) whose name(s) is (are) subscribed to
the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their
capacity(ies), and that by his/her/their signature(s)
on the instrument, the Individual(s) or the person\*
upon behalf of which the Individual(s) acted,
executed the instrument.

Notary Public

\* "For the purposes of this section, the term
"person" means any corporation, joint stock
company, estate, general partnership (including
any registered limited liability partnership or foreign
limited liability partnership), limited liability
company (including a professional service limited
liability company), foreign limited liability company
(including a foreign professional service limited
liability company), joint venture, limited
partnership, natural person, attorney in fact, real
estate investment trust, business trust or other
trust custodians, nominee or any other individual
or entity in its own or any representative capacity."

(Personal or Corporate Acknowledgment)

STATE OF NEW YORK }
COUNTY OF } ss:
On the day of
before me, the undersigned, a Notary
Public in and for said State, personally appeared

personally known to me or proved to me on the
basis of satisfactory evidence to be the
individual(s) whose name(s) is (are) subscribed to
the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their
capacity(ies), and that by his/her/their signature(s)
on the instrument, the Individual(s) or the person\*
upon behalf of which the Individual(s) acted,
executed the instrument.

Notary Public

\* "For the purposes of this section, the term
"person" means any corporation, joint stock
company, estate, general partnership (including
any registered limited liability partnership or foreign
limited liability partnership), limited liability
company (including a professional service limited
liability company), foreign limited liability company
(including a foreign professional service limited
liability company), joint venture, limited
partnership, natural person, attorney in fact, real
estate investment trust, business trust or other
trust custodians, nominee or any other individual
or entity in its own or any representative capacity."

(Subscribing Witness Acknowledgment)

STATE OF NEW YORK }
COUNTY OF } ss:
On this day of
before me personally came

the subscribing witness to the foregoing
instrument, with whom I am personally acquainted,
who being by me duly sworn, did depose and say
that he reside(s) at
in the
that he knew described in and who
executed the foregoing instrument that he, said
subscribing witness, was present and saw
execute the same; and that said witness, at
the same time, subscribed h name as witness
thereto.

Notary Public

Section 144.10 Block 1 Lot 1

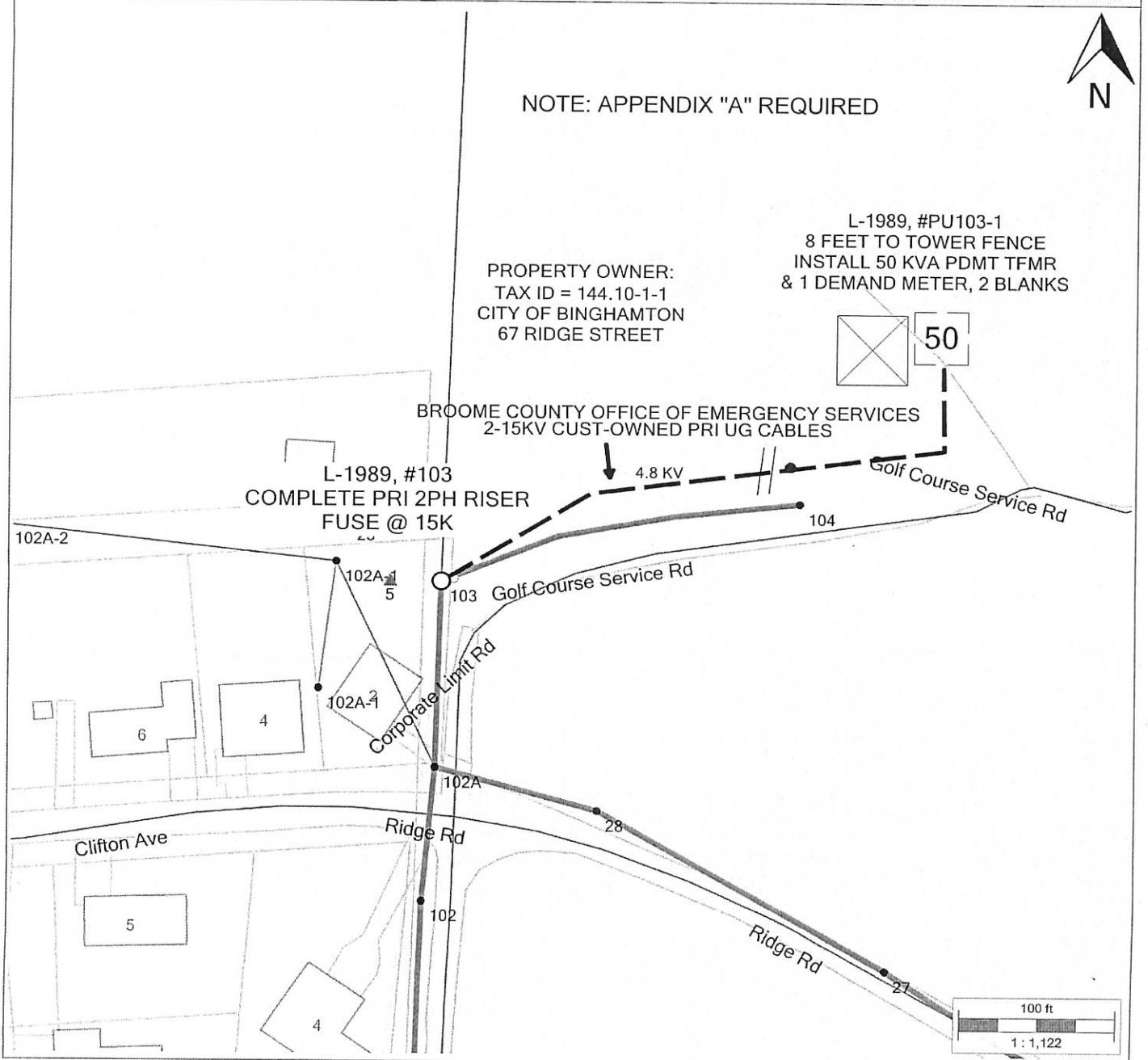
TAX MAP NUMBER
RETURN TO
PROPERTY MANAGEMENT
RECORDS CENTER
NEW YORK STATE ELECTRIC & GAS CORP.
POST OFFICE BOX 5224
BINGHAMTON, NEW YORK 13902-5224



NEW YORK STATE  
ELECTRIC & GAS CORP.

<b>JOB TITLE:</b>	NS, PROVIDE SKETCH, BCES, RIDGE RD		
<b>NOTIFICATION:</b>	10102355588 (Design 1) 10300492964	<b>DIVISION:</b>	BINGHAMTON
<b>WORK ORDER:</b>	801000256974	<b>DRAWN BY:</b>	MICHAEL CARUSO
<b>COUNTY:</b>	Broome	<b>DATE:</b>	11/8/2019 7:10 AM
<b>TOWN:</b>	BINGHAMTON C	<b>REVISION:</b>	1
<b>ROAD:</b>	GOLF COURSE SERVICE RD		
<b>SUB/CKT:</b>	NYS-JARVIS ST 687	<b>SUB/CKT CODE:</b>	8100701

MAP OVERVIEW





Ee

# Legislative Branch

RL Number:  
20-95  
Date Submitted:  
5/1/2020

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:** Jared Kraham  
**Title/Department:** Office of the Mayor  
**Contact Information:** (607) 772-7001

### RL Information

**Proposed Title:** A Resolution approving a Binghamton Local Development Corporation (BLDC) revolving fund loan to the Broome County Council of Churches in the amount of \$150,000.00 for a grocery store to be located at 435 State St. in Binghamton

**Suggested Content:** BLDC resolution 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): \_\_\_\_\_

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

**BINGHAMTON LOCAL DEVELOPMENT CORPORATION**

April 23, 2020

**RESOLUTION 20-9: A RESOLUTION OF THE BINGHAMTON LOCAL DEVELOPMENT CORPORATION ("BLDC") APPROVING A REVOLVING FUND LOAN TO THE BROOME COUNTY COUNCIL OF CHURCHES IN THE AMOUNT OF ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) FOR A NEW GROCERY STORE TO BE LOCATED AT 435 STATE STREET, BINGHAMTON, NEW YORK**

WHEREAS, the Broome County Council of Churches (Borrower), has submitted an application for a loan through Binghamton Local Development Corporation (BLDC) for a new grocery store to be located at 435 State Street, Binghamton, New York; and

WHEREAS, said loan application meets all eligibility requirements set forth by the BLDC Revolving Fund Loan Program; and

WHEREAS, the Borrower demonstrates adequate cash flow to support the loan and the loan will be secured by a grant from the Dormitory Authority of the State of New York (DASNY); and

WHEREAS, the BLDC staff & loan committee have reviewed the said application and recommend it for approval; and

WHEREAS, said loan shall be funded from miscellaneous repayments to the City of Binghamton Community Development Block Grant (CDBG) fund; and

WHEREAS, the loan will require the creation of 5 new jobs, 51% of which must be hired from individuals in the HUD defined low-moderate income categories.

NOW, THEREFORE; the Board of Directors of the BLDC, duly convened at a regular meeting hereby does;

RESOLVE, that the Revolving Fund Loan to the Broome County Council of Churches is hereby approved in the amount of One Hundred Fifty Thousand Dollars (\$150,000.00) and be it further

RESOLVE, that this Loan in the amount of \$150,000.00 shall be secured and paid in full when Borrower receives funding from the DASNY Grant in the amount of \$150,000.00; and be it further

RESOLVED, that the note and terms of said loan together with the loan collateral shall be listed in the narrative attached hereto; and be it further

RESOLVED, that this loan is not likely to have a significant impact on the environment as it is for, acquisition of an existing structure; and be it further

RESOLVED, that the BLDC shall gain the approval of Binghamton City Council for this loan, and be it further

RESOLVED, that after approval from the City Council the BLDC is hereby authorized and empowered to transmit a letter of commitment to said applicant.

I, Ron Sall, hereby certify the above resolution was approved by the Binghamton Local Development Corporation at regular meeting held on April 23, 2020.



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Ron Sall, Secretary  
Binghamton Local Development Corporation

**BINGHAMTON LOCAL DEVELOPMENT CORPORATION  
APRIL 23, 2020**

**Project Profile:**

**Borrower:** Broome County Council of Churches (The Northside Market)  
**Loan Amount:** \$150,000.00  
**Loan Program:** Special Projects Revolving Fund Loan (Restricted)  
**Rate:** 75% of Prime rate published in the Wall Street Journal  
**Term:** To be re-paid in full when borrower receives State Funding from DASNY Grant in the amount of \$150,000

**Collateral/Guarantors:** Proceeds from DASNY grant

**Job Creation:**

HUD rules for job creation for this loan is five employees, three of which is to be of low/moderate income level. The market will focus on hiring residents from the Northside to staff the store. The store will hire eight part-time workers who will be paid \$12 per hour and will work the cash registers and help stock the store. In addition, they will hire three store managers at \$45,000 per year that will report to the Executive Director of the Broome County Council of Churches. These managers will run the operations, ensure quality, run advertising and report sales to the Finance Director of the Council of Churches. The store will also utilize eight volunteer positions for inventory stocking and cleaning. These volunteers will primarily be CHOW Works employees through the Welfare to Work program that is paid through a contract with the Department of Social Services. Benefits and salaries will be reviewed and administered by the Broome County Council of Churches.

**Project Description:**

The North Side of Binghamton has been without a grocery store for the last two decades. The Northside Market is a collaboration between Your Bargain Grocer in Utica and the Broome County Council of Churches. The grocery store will be located on the first floor of the Canal Plaza housing complex that is currently under construction at 435 State Street on the Northside of Binghamton. The market will be a 5,083 square-foot neighborhood store focusing on fresh fruits and vegetables, meats and dairy products that will be offered at discounted prices. State Street and West State Street surround the building with multiple entrances to a large parking lot for customers to use. The three floors located above the store will contain affordable apartments allowing the market to serve those residents directly as well as the residents of the Town and Country Apartments just 800 feet away from the location, among others

According to the Broome County Council of Churches population data indicates there are approximately 1,800 Northside residents with just over 46% of its residents living in poverty and require government assistance to meet their food needs. Due to the economic demographics the market will accept EBT, SNAP, WIC, credit cards and cash. The only stores within a mile radius

of this area is the Family Dollar, CVS and various small mini-markets and corner bodegas. Although these stores do sell limited amounts of eggs, milk and bread they do not sell fresh meat, fruit and vegetables.

**Project Scope:**

<b>Sources:</b>	<b>Percentage *</b>	
2019 Community Dev. Block Grant	22%	\$150,000
DASNY/BLDC Loan **	22%	\$150,000
Hoyt Foundation	11%	\$75,000
2019 Community Foundation Grant	3%	\$20,000
United Way	7%	\$45,000
Klee Foundation	22%	\$150,000
Mee Foundation	10%	\$65,000
Corporate Grant Funding	3%	\$20,000
<b>Total</b>	<b>100%</b>	<b>\$675,000</b>
<b>Uses:</b>		
Architectural Fees- Store Layout	.8%	\$4,500
Materials and Copies of Plans	.2%	\$750
Construction Cost	43%	\$286,000
Contingency Fund	4%	\$28,750
6 months Labor/SGA/Overhead	22%	\$150,000
Phone System	1.5%	\$10,000
Security System	1.5%	\$10,000
New Building Fixtures	23%	\$155,000
Initial Product Cost of Goods Sold	4%	\$30,000
<b>Total</b>	<b>100%</b>	<b>\$675,000</b>

\* All percentages rounded to the nearest percent.

\*\*The 2019 State Funding (DASNY) grant will be used to repay the BLDC Loan. Proceeds from DASNY in the amount of \$150,000 will be used exclusively to re-pay the BLDC Loan and funds are expected to be received within 12 months of project completion.

Application & Closing Fees, Projected Interest Expense to be reimbursed by CDBG funds:

Item	Description	Total
Application Fee	1% of the loan up to \$1,000	\$1,000.00
Closing Fee	2% of the loan, due at closing or within 90 days	\$3,000.00
Interest Expense	3/4 of prime rate fixed (3.25%) = 2.4375%	
	For 12 months, total interest is \$1,987.84	\$1,987.84
	For 18 months, total interest is \$2,911.17	
Total...		\$5,987.84