



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

Date: May 20, 2020

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

Introduced by Committee: Planning

**ORDINANCE**

*entitled*

AN ORDINANCE TO ALLOW SALE OF  
TOBACCO PRODUCTS AT 494.5 CHENANGO  
STREET WHERE IT IS NOT PERMITTED DUE  
TO BEING WITHIN 500 FEET OF A SCHOOL

WHEREAS, pursuant to Permanent Ordinance O14-19, dated April 9, 2014, City Council amended § 410-24, *Performance standards*, regarding the sale of tobacco and tobacco products near schools; and

WHEREAS, pursuant to Permanent Ordinance O19-157, dated December 18, 2019, City Council further amended § 410-24, *Performance standards*, as follows:

P. Tobacco Sales Near Schools Prohibited. The sale of tobacco and tobacco products (including but not limited to: cigarettes, cigars, pipe tobacco, chewing tobacco, and electronic cigarettes) is expressly prohibited within 500 feet of any property boundary of any public or private elementary or secondary school, except upon appeal to the Common Council as provided herein; and

WHEREAS, Tarek Algahaim, the owner of 494.5 Chenango Street, has requested approval to sell tobacco and tobacco products within 500 of a school; and

WHEREAS, on April 24, 2020, the Planning Commission approved a site plan for retail food sales at 494.5 Chenango Street, including sale of tobacco and tobacco products; and

WHEREAS, Council of the City of Binghamton has authority to allow a place of business to sell tobacco product within 500 feet of a school as provided by § 410-24.P.

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

Section 1. That the Council approves the application of Tarek Algaheim, the owner of 494.5 Chenango Street, to sell tobacco and tobacco products within 500 of a school in conjunction with the operation of the premises for retail food sales.

Section 2. That this Ordinance shall become effective immediately.



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

Date: June 3, 2020

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

Introduced by Committee: Planning

**ORDINANCE**

*entitled*

AN ORDINANCE TO TEMPORARILY AMEND OR WAIVE CHAPTER 327, RIGHTS-OF-WAY, USE OF, ARTICLE II, OUTDOOR CAFÉ PERMITS CHAPTER 410, ZONING, SECTION 410-45, CATEGORIES OF REVIEW, AND THE FEE SCHEDULE FOR SITE PLAN REVIEW OF OUTDOOR SEATING

WHEREAS, the Governor of the State of New York has issued a series of Executive Orders related to the Covid-19 pandemic, including restrictions on restaurants and other food/drink services; and

WHEREAS, Phase Three of New York State's Re-opening Plan includes allowing restaurants and other food-service businesses to re-open for dine-in service with restrictions; and

WHEREAS, the City of Binghamton wishes to encourage outdoor dining to comply with New York State restrictions and social distancing; and

WHEREAS, the City regulates outdoor cafés on public property pursuant to Chapter 327, *RIGHTS-OF-WAY, USE OF, ARTICLE II, Outdoor Cafe Permits*, §§ 327-2A-M; and

WHEREAS, the City regulates outdoor seating on private property as part of site plan review, generally pursuant to Chapter 410, *Zoning*, §410-45, *Categories of Review*, B. *Administrative Planning Review and Approval*, for projects of less than 4,000 square feet; and

WHEREAS, the City wishes to streamline the outdoor café and outdoor seating application process to assist restaurants and other food/drink services.

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

Section 1. That Outdoor Café Permit fees, § 327-2E, are waived.

Section 2. That the Mayor, or his designee, and the Director of Planning, Housing, and Community Development, or her designee, may jointly amend or waive the Hours and Months of Operations, Area Requirements, Permit Approval Procedure, Site Plan Design Standards, Terms and Conditions, and such other sections of Article II to provide for a streamlined café application permit process.

Section 3. That the fee for site plan review, as provided in Appendix C of the 2020 budget, is waived for outdoor seating applications.

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Section 4. That all applications for outdoor seating on private property shall qualify for Administrative Planning Review and Approval, even if the application exceeds 4,000 square feet.

Section 5. That nothing herein will be considered to allow for a waiver of (i) New York State Executive Orders or other laws, (ii) New York State Liquor Authority requirements, including any necessary extension of premises permit, (iii) Americans with Disabilities (ADA) Act, and (iv) City of Binghamton insurance requirements, where applicable.

Section 6. That this Ordinance shall become effective immediately and shall cease at the same time New York State removes any special restrictions on restaurants and other food/drink services related to the Covid-19 pandemic.



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

Date: June 3, 2020

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

Introduced by Committee: Finance

**ORDINANCE**

*entitled*

**AN ORDINANCE TO AMEND THE 2020  
ENGINEERING AND IT BUDGET FOR  
SURVEYING EQUIPMENT**

WHEREAS, the City Engineer and Comptroller of the City of Binghamton find it proper and necessary to amend the 2020 Engineering and IT budgets for surveying equipment; and

WHEREAS, such budget amendment was approved by the Board of Estimate and Apportionment on May 20, 2020.

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

Section 1. That the Comptroller and City Treasurer of the City of Binghamton are hereby authorized and directed to amend the 2020 Engineering and IT budgets for surveying equipment as follows:

Transfer From (defund/decrease):

\$9,280 A1440.51000 (Per Serv-Engr Tech)

Transfer To (fund/increase):

\$9,280 A1680.52300 (Hardware/Software)

Section 2. That this Ordinance shall take effect immediately.

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

\_\_\_\_\_  
Chuck Shager, Comptroller



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

Date: June 3, 2020

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

Introduced by Committee: Finance

**ORDINANCE**

*entitled*

AN ORDINANCE TO AMEND THE 2020  
BINGHAMTON-JOHNSON CITY JOINT  
SEWAGE TREATMENT FACILITIES BUDGET  
TO RE-FUND ONE PREVIOUSLY DEFUNDED  
MECHANIC'S ASSISTANT POSITION

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

WHEREAS, the BJCJSTF is operated and maintained by the Binghamton-Johnson City Joint Sewage Board (the "JSB") under a series of inter-municipal agreements between the City and the Village; and

WHEREAS, the Council of the City and the Board of Trustees of the Village approve the BJCJSTF budget; and

WHEREAS, the JSB has requested an amendment to the 2020 BJCJSTF budget to re-fund one previously defunded Mechanic's Assistant position.

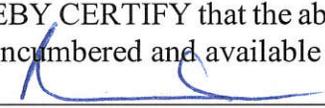
NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That the Council approves and directs the Comptroller/JSB Fiscal Officer to amend and make journal budget entries in the 2020 BJCJSTF budget to re-fund one previously defunded Mechanic's Assistant position as follows:

<u>Transfer From (Decrease/defund)</u>	<u>Transfer To (Increase/fund)</u>
\$31,898 J8130.51000 (Per Serv-Mechanic)	\$26,085 J8130.51000 (Per Serv-Mechanic's Asst)
	5,813 J8130.55000 (Contingency)
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\$31,898	\$31,898

Section 2. That this Ordinance shall become effective as of June 3, 2020, when also approved by sufficient members of the Board of Trustees of the Village.

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

  
\_\_\_\_\_  
Chuck Shager, Comptroller/JSB Fiscal Officer



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

Date: June 3, 2020

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

Introduced by Committee: Finance

**RESOLUTION**

*entitled*

**A RESOLUTION AUTHORIZING THE MAYOR  
TO ENTER INTO A ONE (1) YEAR EXTENSION  
WITH R-1 EMERGENCY MEDICAL SERVICES  
TO PROVIDE AMBULANCE BILLING  
SERVICES**

WHEREAS, the Council of the City of Binghamton approved Permanent Resolution 14-29, dated May 21, 2014, which authorized the Mayor to enter into an agreement with Intermedix to provide ambulance billing services for a period of three (3) years; and

WHEREAS, Intermedix was granted two (2) one (1) year extensions; and

WHEREAS, R-1 Emergency Medical Services is the successor to Intermedix; and

WHEREAS, the Binghamton Fire Department wishes to extend the ambulance billing services agreement with R-1 Emergency Medical Services for one (1) year from July 10, 2020, to July 10, 2021, with an option for a second year, as may be approved by the Fire Department; and

WHEREAS, the terms of agreement will remain the same and funds are available for this purpose.

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

RESOLVE that the Mayor, or his designee, is hereby authorized to extend an agreement, approved as to form and content by the Office of Corporation Counsel, with R-1 Emergency Medical Services for ambulance billing services for one (1) year, from July 10, 2020, to July 10, 2021, with an option for a second year, as may be approved by the Fire Department, and that funds will be deducted from budget line A3410.54410 (Professional Services) for this purpose.

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

\_\_\_\_\_  
Chuck Shager, Comptroller



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

Date: June 3, 2020

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

Introduced by Committee: Planning

**RESOLUTION**

*entitled*

A RESOLUTION AUTHORIZING THE CITY TO  
ACCEPT PAYMENT AND FOR THE MAYOR TO  
EXECUTE AN AGREEMENT WITH NEW YORK  
STATE DOT FOR ACQUISITION OF  
ADDITIONAL PROPERTY FOR THE VESTAL  
AVE BY-PASS, PIN 9038.26.221

WHEREAS, the New York State Department of Transportation ("NYSDOT") is developing the Two Rivers Greenway Project, PIN 9038.26.221, in the City of Binghamton and Town of Vestal; and

WHEREAS, the NYSDOT has identified certain real property owned by the City of Binghamton as a necessary acquisition of fee interest, as set forth in the attached Explanation of Acquisition; and

WHEREAS, the Offer of Settlement for said acquisitions is \$15,000; and

WHEREAS, the Board of Estimate and Apportionment approved and recommended the easement on May 20, 2020.

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

RESOLVE that City Council of the City of Binghamton hereby accepts \$15,000 in adjustment of the claim for certain acquisitions of a fee interest, for the Two Rivers Greenway Project, as set forth in the attached Explanation of Acquisition, located in the City of Binghamton, New York, and that the Mayor of the City of Binghamton be empowered to execute the Agreement for Advance Payment and such other and any subsequent papers which may be required to transfer such interests and secure such payment.