



LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Tom Scanlon, City Council President

Leighton Rogers, City Clerk

CITY COUNCIL WORK SESSION AGENDA City Hall 2nd Floor Atrium, 38 Hawley St, Binghamton 6pm Monday, July 20, 2020

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

Time	Committee	Chair	RL/Topic	Pages	Presenter
6:00pm	MPA	Resciniti	*RL20-146: Accept a donation from West Islip Fire District for multiple gear racks to the Cob Fire Department	1-2	Al Gardiner
6:05pm	Parks	Resciniti	*RL20-139: Authorize the acceptance of donation of in-kind services from the BOCES Summer Youth Employment Program for improvements of City parks *RL20-142: Authorize the Mayor to enter into an agreement with Play by Design for reconstruction, design, and supervision for OurSpace at Recreation Park	3-8	Paul Palmer/Pat McGinnis
6:15pm	Finance	Strawn	*RL20-141: Amend the 2020 DPW Budget to create a new position Heavy Equipment Operator and Trainer and to defund the HEO position	9	John Paddock
6:20pm	Finance	Strawn	RL20-143: Amend the BJCSB 2020 Budget for Health Insurance, Permits, and Fines and Equipment Rental/Lease	10-11	Charlie Pearsall
6:25pm	Finance	Strawn	*RL20-140: Accept a donation from EWS Foundation to pay Delta Engineers for engineering work on Fairview Park RL20-25: Amend the 2019 Capital Fund budget to close grant lines that are no longer active	12-16	Chuck Shager
6:30pm	Planning	Strawn	RL20-147: Supplemental Agreement No. 2 with NYSDOT to perform the construction and construction inspection/supervision for PIN 9754.04-Belden St over Pierce Creek RL20-148: A lighting agreement with NYSDOT for PIN 9038.26 Greenway shared-use path on Route 434 to Penn Ave to Murray Hill Rd RL20-149: Utility agreement with NYSDOT for PIN 9038.26-Route 434 Greenway shared use path on Penn Ave to Murray Hill Rd RL20-150: No cost time extension on State/Hawley St traffic Signal Upgrade and State St Pedestrian and Streetscape Improvements	17-59	Ray Standish
6:40pm	Rules	Scaringi	RL20-123: Local Law amending Chapter 170 of the Code of the CoB to include "ARTICLE III, CONSUMPTION OF ALCOHOLIC BEVERAGES BY MINORS ON PRIVATE PROPERTY" also known as "Social Host Ordinance"	60-62	Jared Kraham
6:45pm	MPA	Resciniti	*RL20-144: Rumble Ponies firework displays	63-72	Grace Doherty



LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

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			* RL20-145: Sale of a portion of 1209 Vestal Ave and permanent easement with Pritchard Property Development		
6:50pm	-----	-----	Discussion: RL20-151 A Resolution Condemning Hateful Acts and Racism	73-74b	-----
7:00pm	Finance	Strawn	RL20-151: Allowing the City of Binghamton police Department to use awarded funds to implement the GIVE initiative and fund aspects of the Southern Tier Crime Analysis Center RL20-152: Allowing Mayor David to use \$250,000 through DOJ COPS office to fund the hiring of two newly appointed police officers for a three year period	75-78	David Bidwell
7:10pm	-----	-----	Pending Legislation: RL20-118: Amend the 2020 Capital Fund budget to close Bond lines that are no longer active RL20-119: Amend the 2020 Capital Fund budget to close Serial bond revenue line for grant funds received and increase Federal and State Aid for Transportation projects for grant funds to pay down Bans/Bonds RL20-120: Change Order No.3 with John W. Danforth regarding the Binghamton-Johnson City Joint Sewage Treatment Facilities Phase III Project RL20-125: Authorize a PILOT agreement with Opportunities for Broome and Chenango Inc. for 542 State St RL20-130: Authorize the Mayor to enter into an agreement with NYSDOT to maintain, repair, and energize lighting installed for the Greenway Project, NYS Route 434 (#SH49-8), PIN 903826 RL20-132: Amend the Fire Department Budget RL20-133: Amend the 2016 Bond Ordinance for Water Filtration Sludge Extraction system RL20-134: Agreement with Binghamton Tech LLC for lease of real property for use by the Binghamton Fire Department at 151 Court Street RL20-135: Agreement with KeyStone for design services for new fire station NTE 650,000 RL20-136: Amend the 2020 General Fund Budget for the purchase of real property at 235 Court Street for 220,000	-----	Grace Doherty

COMMITTEE REPORTS

**Please Expedite for Next Business Meeting*



Legislative Branch

RL Number:
20-146
Date Submitted:
7/17/2020

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: Al Gardiner
Title/Department: Fire Marshal, Fire Bureau
Contact Information: aggardiner@cityofbinghamton.com; 772.7016

RL Information

Proposed Title: A RESOLUTION TO ACCEPT A DONATION FROM THE WEST ISLIP FIRE DISTRICT OF "ONE 6 POSITION GEAR RACK," "TWO 10 POSITION GEAR RACKS," AND "ONE 5 POSITION GEAR RACK" IN "AS IS CONDITION" TO THE CITY OF BINGHAMTON FIRE BUREAU.

Suggested Content: To be drafted by Corporation Counsel. See attached letter from Kris Tillis, District Manager of the West Islip Fire District.

Additional Information

Does this RL concern grant funding? Yes No
If 'Yes', is the required RL Grant Worksheet attached? Yes No
Is additional information related to the RL attached? Yes No
Is RL related to previously adopted legislation? Yes No
If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

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

West Islip Fire District

309 UNION BLVD.

WEST ISLIP, N.Y. 11795

OFFICE OF THE
BOARD OF FIRE COMMISSIONERS
TELEPHONE: (631) 669-1939
(631) 661-6440
FAX: (631) 669-1480

July 15, 2020

The West Islip Fire District donates the following items to the City of Binghamton Bureau of Fire located at 38 Hawley Street Binghamton NY 13901.

One 6 Position gear rack.

Two 10 Position gear racks.

One 5 Position gear rack.

All items are donated in "as is condition"

Kris Tillis

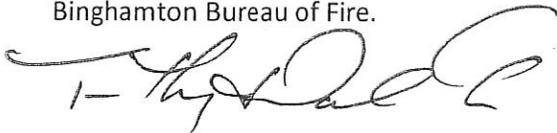
District manager

West Islip Fire District



Representative

Binghamton Bureau of Fire.



KRIS TILLIS
DISTRICT MANAGER

HEATHER URIZZO
TREASURER

CHRISTINA GERBASIO
SECRETARY

JOSEPH BADALA
CHAIRMAN

MICHAEL MERCURIO

MITCH LOHAN

VICTOR PADUANO
VICE-CHAIRMAN

GEORGE BAXTER III



Legislative Branch

RL Number:
20-139
Date Submitted:
7/13/2020

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: Pat McGinnis

Title/Department: Parks & Recreation

Contact Information: (607) 772-7017

RL Information

Proposed Title: A Resolution authorizing the acceptance of donation of in-kind services from the BOCES Summer Youth Employment Program for improvements at City parks.

Suggested Content: _____

Additional Information

Does this RL concern grant funding? Yes No

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

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

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

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

Dozens benefit from summer youth employment

About 225 students were "hired" under this year's Summer Youth Employment program (SYEP), working at an array jobs with nearly 30 different local schools, agencies and businesses.

Funded through the state Office of Temporary and Disability Assistance, SYEP provides youth between the ages of 14 and 20 with paid summer employment for up to six weeks in July and August. Jobs this year include work at the Broome County Parks Department, Broome County Urban League, Opportunities for Broome, Boys & Girls Club of Binghamton, Camp Sertoma and many others.

In addition to receiving a paycheck, participants get training at BOCES in the various soft skills associated with seeking and maintaining employment, including interviewing techniques, resume building and general workplace etiquette. Prospective applicants are first identified by the Department of Social Services and then undergo an application and interview process to gain acceptance.

"It is so exciting to provide the youth of Broome and Tioga Counties the opportunity to gain hands-on experience and learn marketable job skills while they earn money to further their education," said Laurie Hahl, a work experience coordinator for Broome-Tioga BOCES.

The program concluded with a community fair in BOCES' main gymnasium that featured representatives from approximately 25 local agencies and support groups who offered advice and information on a variety of topics, from healthy lifestyles to financial planning.

[View gallery](#)

Posted: Thursday, August 14, 2014



Please ee

Legislative Branch

RL Number:

20-142

Date Submitted:

7/15/2020

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

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Paul Palmer

Title/Department: Commissioner of Parks and Recreation

Contact Information: (607) 772-7017

RL Information

Proposed Title: A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN

AGREEMENT WITH PLAY BY DESIGN FOR RECONSTRUCTION DESIGN AND SUPERVISION

FOR OURSPACE AT RECREATION PARK

Suggested Content: TBD by Counsel.

Please expedite for Wed. 7/22

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):

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



304 north geneva street
ithaca, ny 14850

7/13/2020

City of Binghamton
Our Space @ Rec Park

PROPOSAL

Working with the City of Binghamton and Our Space Playground Committee, Play by Design LLC (hereafter called PBD) will assist in recreating a custom-designed, inclusive playground. PBD will provide the custom design, project management and construction supervision. The City of Binghamton and Our Space Playground Committee will provide all materials, tools, and volunteer labor to prepare the site and construct the playground.

The play area will be designed in accordance with all ASTM and CPSC guidelines and safety standards for public playgrounds, as well as the requirements of ADAAG (Americans with Disabilities Act Accessibility Guidelines).

RESPONSIBILITIES

Play By Design:

- Design development including construction documents and details
- Materials takeoff and final materials list
- Organizational materials, including tools list and other useful coordinating information
- Project management
- Supply and deliver custom PBD shop built components to be installed during construction.
- Pre-construction visit to community for organizational meeting and process review
- On-site construction consultation, 4 consultants for 7 days. PBD is responsible for supervision of a volunteer and/or contractor installation. PBD is not responsible for supervision of installation of manufactured equipment which is not purchased directly through PBD. All "by other" equipment must be installed by others.
- Final inspection of completed structure at the end of construction to be performed by PBD CPSI
- Playground maintenance information

**Note: Play by Design orders manufactured playground components and building materials and invoices City of Binghamton and Our Space Playground Committee. The invoice is due upon receipt. **



304 north geneva street
ithaca, ny 14850

City of Binghamton and Our Space Playground Committee:

- All site preparation prior to the construction, including (but not exclusive to) site staging, grading, drainage, survey for stake out, post hole and footings for equipment locations, and digging postholes for play structure (PBD will provide stakeout drawings).
- Installation of walkways, new vegetation, and/or curbing if applicable.
- Secure and store all construction materials prior to the build. All materials must meet exact specifications as outlined in materials list provided by PBD. The manufactured components will be sourced factory direct through PBD.
- Supply all tools required for build as outlined in list provided, including temporary electrical service to the build site. Must supply a tool trailer with shelving and lighting.
- Recruit and enlist adult volunteer labor necessary to complete construction of playground. (Volunteer numbers and skill level specified by PBD consultants).
- Provide food and staffing for volunteers (lunch, dinner, and snacks).
- Provide and staff volunteer check in tent and first aid.

** Note: PBD is not responsible for any site preparation: including surveying, permits/licensing, reviewing local codes, city preferences and/or rules regarding curbing, drainage, and/or materials used, or excavation, removal, and disposal of current equipment and soil.

*Note: If using rubber surfacing, prep work must be done to the specifications of the supplier.



304 north geneva street
ithaca, ny 14850

PLAY BY DESIGN PROFESSIONAL FEES

Design Phase / Project Management	\$9,500
Prebuilt Components	\$48,720
Pre-construction Visit	\$1,000
Construction Consultation (4 consultants & 7 days of supervision)	\$33,600*
Travel, Mobilization, Lodging	\$6,000

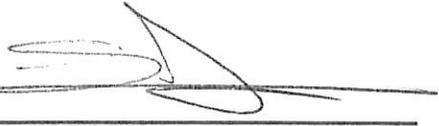
*Reimbursement of mileage.

Payment schedule

Due date

Design Phase / Project Management	65% Upon receipt of invoice 35% 2 wks. before build
Prebuilt Components	30 % Upon receipt of invoice 70% 2 wks. before build
Pre-construction	Upon receipt of invoice
Construction Consultation	Final day of construction
Travel, Mobilization, Lodging	2 wks. before build

Please Note: Late or unpaid invoices are subject to a 3% interest charge per month past the due date.

X 

Lee Archin
Co-Founder of Play By Design

X _____

8



EXPEDITE

Legislative Branch

RL Number: 20-141
Date Submitted: 7/15/2020

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

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: JOHN PADDOCK

Title/Department: DPW COMMISSIONER

Contact Information: 772-7021

RL Information

Proposed Title: AMEND 2020 DPW BUDGET. CREATE NEW POSITION HEAVY EQUIPMENT OPERATOR AND TRAINER. DEFUND HEO POSITION.

Suggested Content: INCREASE A5110.51000 HEO-TRAINER \$21533.60 DEFUND A5110.51000 HEO \$21093.60 DECREASE A1490.51800 TEMPORARY SERVICES \$440.00

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



Legislative Branch

RL Number:
20-143
Date Submitted:
7/15/2020

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

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Charlie Pearsall
Title/Department: BJCJSTP Business Manager
Contact Information: 729-2975

RL Information

Proposed Title: Ordinance to amend the BJCSB 2020 Budget for Health Insurance, Permits & Fines and Equipment Rental/Lease

Suggested Content: The Board requests the Owners to process legislation to increase Budget Appropriations for Health Insurance, Permits/Fees Penalties, and Equipment Lease Rental per the attached information sheet.

Additional Information

Does this RL concern grant funding? Yes No
If 'Yes', is the required RL Grant Worksheet attached? Yes No
Is additional information related to the RL attached? Yes No
Is RL related to previously adopted legislation? Yes No
If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor: _____
Comptroller: _____
Corporation Counsel: _____
Finance Planning MPA PW/Parks Employees Rules/Special Studies

July 14, 2020

Binghamton-Johnson City Joint Sewage Board

Increase:	Health Insurance (J9060.58000C)	\$25,000
	From: Personal Services (J8130.51000)	\$25,000

In January this year a transfer was taken from this line to allow a MOU with the Hourly Employees for 2020 wages. By the end of the year we need to replenish this for the final quarterly Health Insurance payment.

Increase:	Permits, Penalties and Fees (J8130.54802)	\$15,000
	From: Chemicals (J8130.54150)	\$15,000

Continuing DEC Phase II construction belatedness penalties have reduced this line to the point that we will not have enough to pay for our annual SPDES permit in September.

Increase:	Equipment Lease/Rental (J8130.54520)	\$5,500
	From: Equip Repairs & Maintenance (J8130.54621A)	\$5,500

To allow the Plant to take advantage of a MSA Gas Sensor exchange program for relatively expensive but short life-span Oxygen and Hydrogen Sulfide gas sensors.



Legislative Branch

RL Number: 20-140
Date Submitted: 7/13/2020

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

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: CHUCK SHAGER
Title/Department: COMPTROLLER/FINANCE
Contact Information: 607-772-7011

RL Information

Proposed Title: a resolution for the City of Binghamton to accept a donation from the EWS Foundation to pay Delta Engineers for engineering work on Fairview Park Project

Suggested Content: accept donation of \$9,400 from EWS Foundation for Fairview Park Project Engineering services from Delta Engineers

Additional Information

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

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

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

CITY OF BINGHAMTON
38 HAWLEY ST
BINGHAMTON, NY 13901

FSCR

Account Number:
****4013

Account Name:
EWS FOUNDATION

Date:
06/16/2020

Description:
FAIRVIEW PARK PROJ
2020 GRANT AWARD
BINGHAMTON, NY

FSCR

Please Detach Before Depositing Check

1

VERIFY THE AUTHENTICITY OF THIS MULTI-TONE SECURITY DOCUMENT.

CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM TOP TO BOTTOM.

BANK OF AMERICA 

2832476

Bank of America, N.A.
1300 American Blvd, MSC 0303
Pennington, NJ 08534-4127

DATE

06/16/2020

11-35
1210

PAY ** Nine Thousand Four Hundred and 00/100 Dollars **

AMOUNT

*****\$9,400.00

TO THE
ORDER OF
CITY OF BINGHAMTON
38 HAWLEY ST
BINGHAMTON, NY 13901

Phyllis Stevenson

Void if not cashed within 90 days

MEMO FAIRVIEW PARK PROJ

⑈02832476⑈ ⑆121000358⑆ ⑈1233295411⑈

13



Jill Damato
Senior Vice President
Sr. Philanthropic Officer

NJ2-130-03-22 1300 American Blvd
Pennington NJ 08534
T 609-274-2751 F 609-681-5886
jill_damato@bofa.com

June 17, 2020

Binghamton City Hall
38 Hawley St
Binghamton, NY 13901

Re: EWS Foundation

Dear Sir or Madam:

We are pleased to inform you that your organization has been designated to receive the enclosed grant in the amount \$9,400.00 from the EWS Foundation. This gift is designated for the Fairview Park Project.

If you would like to send a receipt of this grant to the Foundation please forward it to me at the address below. By accepting this gift you acknowledge that there has been no change in your organization's tax exempt status.

Should you have any questions, please contact me at (609) 274-2751.

Sincerely,

Jill Damato

Enclosure

cc: EWS Foundation
The Erdmann Group

Trust and fiduciary services are provided by Bank of America, N.A., Member FDIC, or U.S. Trust Company of Delaware. Both are a wholly-owned subsidiaries of Bank of America Corporation ("BofA Corp.").

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Are Not FDIC Insured	Are Not Bank Guaranteed	May Lose Value
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Legislative Branch

RL Number: RL20-25
Date Submitted: 1/29/2020

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

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: CHUCK SHAGER

Title/Department: COMPTROLLER/FINANCE

Contact Information: 607-772-7011

RL Information

Proposed Title: ordinance to amend the 2019 Capital fund budget to close grant lines that are no longer active.

Suggested Content: ordinance to amend the 2019 Capital fund budget to close grant lines that are no longer active, SEE Attached

Additional Information

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

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

OFFICE USE ONLY	
Mayor:	<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"/>



Legislative Branch

RL Number: 20-147
Date Submitted: 7/17/2020

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

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Ray Standish, P.E.
Title/Department: City Engineer, Engineering Dept.
Contact Information: 772-7007 or rstandish@cityofbinghamton.com

RL Information

*H5120.525262.22118 Belden
~~525261.20118~~*

Proposed Title: Supplemental Agreement No. 2 with the NYSDOT to Perform the Construction and Construction Inspection/Supervision for PIN 9754.04 - Belden St over Pierce Creek (BIN 2226260) and Conklin Ave over Pierce Creek (BIN2003610)

Suggested Content: Construction and Construction Inspection/Supervision, PIN 9754.04 - Belden St over Pierce Creek and Conklin Ave over Pierce Creek. The estimated cost for BIN 2003610, Conklin Ave over Pierce Creek, increased from \$1,319,000 to \$1,391,000. City will be reimbursed 80% (\$1,112,800)

w/Fed. Funds and 15% (\$208,650) with Bridge Initiatives PIT Bond funds. **The City is authorizing an additional \$72,000 for this phase of the project. Funding available in line:**

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): R17-74, R18-34 & R19-83

OFFICE USE ONLY						
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
Transportation

ANDREW M. CUOMO
Governor

MARIE THERESE DOMINGUEZ
Commissioner

NICOLAS A. CHOUBAH, P.E.
Regional Director

June 2, 2020

Mr. Ray Standish, P.E.
City Engineer
City of Binghamton
38 Hawley Street
Binghamton, NY 13901

Dear Mr. Standish:

**RE: PIN 9754.02, D035913
BIN 2226260 - Belden Street over Pierce Creek
BIN 2003610 – Conklin Avenue over Pierce Creek
City of Binghamton, County of Broome**

Enclosed for processing are five copies of Supplemental Agreement # 2 to Master Federal Aid Local Project Agreement (D035913) to perform the Construction and Construction Supervision and Inspection work. The work involves the rehabilitation of BIN 2226260, Belden Street over Pierce Creek, and BIN 2003610, Conklin Avenue over Pierce Creek, in the City of Binghamton, County of Broome. This is a Locally Administered Project.

All five copies must have original signatures and all five copies must be notarized. In addition, five certified copies of the necessary City Resolution must accompany the Agreements (a sample resolution is included in this agreement). Please return all five copies to our Regional Office for further processing. A completed copy will be returned to you once the agreement has been fully executed.

The estimated cost for the Construction and Construction Supervision and Inspection work for BIN 2003610, Conklin Avenue over Pierce Creek, **has increased from \$1,319,000 to \$1,391,000**. The City will be reimbursed 80% of \$1,391,000, or \$1,112,800, with Federal funds. The City will also be reimbursed 15% of \$1,391,000, or \$208,650, with Bridge Initiative Pit Bond funds.

Therefore, the necessary City resolution must authorize **an additional \$72,000** for this phase of the project.

Sponsor: **City of Binghamton**
PIN: **9754.02** BINs: **2226260** and **2003610**
Comptroller's Contract No. **D035913**
Supplemental Agreement No. **2**
Date Prepared: **06/02/2020** By: LEH
Initials

Press F1 for instructions in the blank fields:

SUPPLEMENTAL AGREEMENT No. 2 to D035913 (Comptroller's Contract No.)

This Supplemental Agreement is by and between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at 50 Wolf Road, Albany, NY 12232, on behalf of New York State ("State");

and

the **City of Binghamton** (the Sponsor)
Acting by and through **Mayor Rich C. David**
with his office at **38 Hawley Street, Binghamton, New York 13901.**

This amends the existing Agreement between the parties in the following respects only (*check applicable categories*):

Amends a previously adopted Schedule A by (*check as applicable*):

- amending a project description
- amending the contract end date
- amending the scheduled funding by:
 - adding additional funding (*check and enter the # phase(s) as applicable*):
 - adding phase _____ which covers eligible costs incurred on/after / /
 - adding phase _____ which covers eligible costs incurred on/after / /
 - increasing funding for a project phase(s) (**9754.02.321.322**)
 - adding a pin extension
 - change from Non-Marchiselli to Marchiselli
 - deleting/reducing funding for a project phase(s)
 - other (_____)

Amends a previously adopted Schedule "B" (Phases, Sub-phase/Tasks, and Allocation of Responsibility)

Amends a previously adopted Agreement by replacing the Appendix A dated January 2014 with the Appendix A dated October 2019

Amends the text of the Agreement as follows (*insert text below*):

Sponsor: **City of Binghamton**
PIN: **9754.02** BINs: **2226260** and **2003610**
Comptroller's Contract No. **D035913**
Supplemental Agreement No. **2**
Date Prepared: **06/02/2020** By: LEH
Initials

Press F1 for instructions in the blank fields:

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officials as of the date first above written.

SPONSOR:

SPONSOR ATTORNEY:

By: _____

By: _____

Print Name: _____

Print Name: _____

Title: _____

STATE OF NEW YORK

)ss.:

COUNTY OF **BROOME**

On this _____ day of _____, 2020 before me personally came _____ to me known, who, being by me duly sworn did depose and say that he/she resides at _____; that he/she is the _____ of the Municipal/Sponsor Corporation described in and which executed the above instrument; (except New York City) that it was executed by order of the _____ of said Municipal/Sponsor Corporation pursuant to a resolution which was duly adopted on _____ and which a certified copy is attached and made a part hereof; and that he/she signed his/her name thereto by like order.

Notary Public

APPROVED FOR NYSDOT:

APPROVED AS TO FORM:
STATE OF NEW YORK ATTORNEY GENERAL

By: _____
For Commissioner of Transportation

By: _____
Assistant Attorney General

Agency Certification: In addition to the acceptance of this contract I also certify that original copies of this signature page will be attached to all other exact copies of this contract.

COMPTROLLER'S APPROVAL:

Date: _____

By: _____
For the New York State Comptroller
Pursuant to State Finance Law '112

**SCHEDULE A – Description of Project Phase, Funding and Deposit Requirements
NYSDOT/ State-Local Agreement - Schedule A for PIN 9754.02**

JSC Municipal Contract #: 0035913	Contract Start Date: 4/26/2018	Contract End Date: 12/31/2024 <input checked="" type="checkbox"/> Check, if date changed from the last Schedule A
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Purpose: Original Standard Agreement Supplemental Schedule A No. 2

Agreement Type: Locally Administered Municipality/Sponsor (Contract Payee): City of Binghamton
Other Municipality/Sponsor (if applicable):

State Administered List participating Municipality(ies) and the % of cost share for each and indicate by checkbox which Municipality this Schedule A applies.

<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share

Authorized Project Phase(s) to which this Schedule applies: PE/Design ROW Incidentals
 ROW Acquisition Construction/CI/CS

Work Type: BR REHAB **County** (If different from Municipality): County of Broome

Marchiselli Eligible Yes No (Check, if Project Description has changed from last Schedule A):

Project Description: BIN 2226260 (Belden Street over Pierce Creek) and BIN 2003610 (Conklin Avenue over Pierce Creek); City of Binghamton; County of Broome

Marchiselli Allocations Approved FOR ALL PHASES All totals will calculate automatically.

<small>Check box to indicate change from last Schedule A</small>	State Fiscal Year(s)	Project Phase			TOTAL
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
<input type="checkbox"/>	Cumulative total for all prior SFYs	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
<input type="checkbox"/>	Current SFY	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Authorized Allocations to Date		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

A. Summary of allocated MARCHISELLI Program Costs FOR ALL PHASES For each PIN Fiscal Share below, show current costs on the rows indicated as "Current.". Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.

PIN Fiscal Share	"Current" or "Old" entry indicator	Federal Funding	Total Costs	FEDERAL Participating Share	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
	Current		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
	Old		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
	Current		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
	Old		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
	Current		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
	Old		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
	Current		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
	Old		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
	Current		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
	Old		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
TOTAL CURRENT COSTS:			\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

21

NYSDOT/State-Local Agreement – Schedule A

B. Summary of Other (including Non-allocated MARCHISELLI) Participating Costs FOR ALL PHASES For each PIN Fiscal Share, show current costs on the rows indicated as "Current.". Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.

Other PIN Fiscal Shares	'Current' or 'Old' entry indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
9754.02.321 322.	Current	STP - FLEX	\$1,391,000.00	\$ 1,112,800.00	\$ 208,650.00	\$ 69,550.00
	Old	STP - FLEX	\$ 1,319,000.00	\$1,055,200.00	\$ 197,850.00	\$ 65,950.00
9754.02.323 324.	Current	STP - LOC BR	\$ 891,000.00	\$ 712,800.00	\$ 133,650.00	\$ 44,550.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
TOTAL CURRENT COSTS:			\$ 2,282,000.00	\$1,825,600.00	\$ 342,300.00	\$ 114,100.00

C. Local Deposit(s) from Section A:	\$ 0.00
Additional Local Deposit(s)	\$ 0.00
Total Local Deposit(s)	\$ 0.00

D. Total Project Costs All totals will calculate automatically.

Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total OTHER STATE Cost	Total LOCAL Cost	Total ALL SOURCES Cost
\$ 1,825,600.00	\$ 0.00	\$ 342,300.00	\$ 114,100.00	\$ 2,282,000.00

E. Point of Contact for Questions Regarding this Schedule A (Must be completed)	Name: Linda Halaburka Phone No: 607-721-8274
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See Agreement (or Supplemental Agreement Cover) for required contract signatures.

NYSDOT/State-Local Agreement – Schedule A

Footnotes: (See LPB's website for link to sample footnotes)

- PIN 9754.02 and PIN 9754.13 merged for the C/CS/CI phase of the projects.
- PIN 9754.02.321 and PIN 9754.02.322 - apply to BIN 2003610 (Conklin Avenue over Pierce Creek)
- PIN 9754.02.323 and PIN 9754.02.324 - apply to BIN 2226260 (Belden Street over Pierce Creek)
-
-
-
-
-
-
-
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-



Legislative Branch

RL Number:
20-148

Date Submitted:
7/17/20

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: City Engineer - Engineering Dept

Contact Information: 607-772-7007

RL Information

Proposed Title: A Lighting Agreement with NYSDOT for PIN 9038.26 - Route 434 Greenway Shared- Use Path on Route 434 Greenway to Pennsylvania Ave to Murry Hill Rd

Allowing the Placement/Replacement of Street Lighting Along the Pathway, PIN No. 9038.08

Suggested Content: As part of the subject construction project, the State has committed to installing pedestrian lighting on the Shared-Use Path. This requires a commitment from the City to energize and maintain the pedestrian lighting.

Additional Information

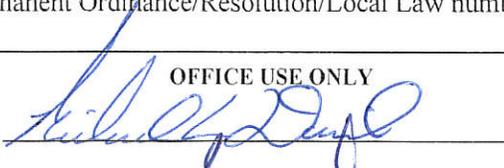
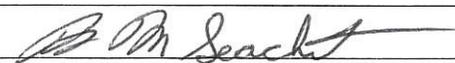
Does this RL concern grant funding? Yes No

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

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

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

OFFICE USE ONLY	
Mayor:	<u></u>
Comptroller:	_____
Corporation Counsel:	<u></u>
Finance	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

June 23, 2020

Mr. Ray L. Standish, P.E.
City Engineer
Engineering Department
City of Binghamton
38 Hawley Street, City Hall
Binghamton NY 139010-1486

Dear Mr. Myers:

**RE: PIN 903826 NYS ROUTE 434 GREENWAY SHARED-USE
PATH PENNSYLVANIA AVENUE TO MURRAY HILL
ROAD
LIGHTING AGREEMENT FOR REVIEW, ACCEPTANCE
AND SUBMISSION
CITY OF BINGHAMTON, BROOME COUNTY
LETTING DATE: SEPTEMBER 24, 2020**

As part of the subject reconstruction project in the City of Binghamton, the State has committed to installing pedestrian lighting on the Shared -Use Path as shown in attached project plan sheets and referenced in the enclosed street lighting agreement. This in turn, requires a commitment on the part of the City to energize and maintain the pedestrian lighting so that the state may include the installation of the pedestrian street lighting in the subject project.

Therefore, I have attached six (6) copies of the pedestrian lighting resolution and Ref. 11L Street Lighting Agreement for the City's review and approval. Once the City has completed their review of the pedestrian lighting agreement and approves by council resolution, keep one (1) copy of all forms for your records and return five (5) completed (signed) Pedestrian Lighting Agreements with five (5) copies of the City Council resolution. Also, if the City has an alternate style of a resolution form, replace the provided form with the City's style.

NYSDOT utilities in turn will review and return one signed copy of the completed Ref. 11L Street Lighting agreement with resolution attached for your records.

If you have any further questions, please do not hesitate to contact me at (607) 721-8187 or by email at marvin.fetterman@dot.ny.gov.

Sincerely,



Marvin Fetterman, P.E.
Regional Utilities Engineer

MF/at

Enclosure: Six Copies of City of Binghamton Lighting Agreement & Resolution
Four copies of PIN 903826 Plan Sheets LTT-03 to LTT-08, LTD-01 to LTD-03, LTP-08 to LTP-26

cc: **PIN 903826**

Revised 2019

**AGREEMENT FOR INSTALLATION, MAINTENANCE, REPAIR AND ENERGIZING OF
LIGHTING SYSTEM FOR STATE HIGHWAY IDENTIFIED AS**

**NYS Route 434 Greenway Shared-Use Path
Pennsylvania Avenue to Murray Hill Road
SH # 49-8 Binghamton City & SH #1613 Vestal-Binghamton
LOCATION: City of Binghamton, Broome County
P.I.N. 9038.26; Construction Contract D264287**

Agreement # D_____

This Agreement, made this _____ / _____ / _____ between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at
50 Wolf Road, Albany, NY 12232, on behalf of New York State ("State")

and

the City Council of the City of Binghamton which is herein referred to as the "MUNICIPALITY".

WITNESSETH:

WHEREAS, pursuant to Highway Law §10 (23, 24 and/or 27) the Commissioner of Transportation (the "Commissioner"), may at the expense of the state, or using federal funds, and/or using local funds provide for the installation of **lighting system**, provided the Commissioner deems it practicable to perform such work for such Municipality/Sponsor in connection with the performance of any work of construction, reconstruction or improvement under the Highway Law; and

WHEREAS, the COMMISSIONER proposes to construct a lighting system along NYS Route 434 (SH # 49-8) Greenway Shared-Use Path as detailed in Plan Sheets LTT-03 to LTT-08, LTD-01 to LTD-03, and LTP-08 to LTP-26 pursuant to the New York State Highway Law, such highway being identified as SH # 49-8 in Broome County within the geographical jurisdiction of the MUNICIPALITY and geographical jurisdiction of City of Binghamton in Broome County; and

WHEREAS, the MUNICIPALITY desires to have lighting system installed along NYS Route 434 (SH # 49-8) Greenway Shared-Use Path as detailed in Plan Sheets LTT-03 to LTT-08, LTD-01 to LTD-03, and LTP-08 to LTP-26 on or along such highway within the geographical jurisdiction of the MUNICIPALITY; and

WHEREAS, it is recognized by the MUNICIPALITY and the COMMISSIONER that if the MUNICIPALITY desires to have lighting system installed on or along such highway within the geographical jurisdiction of the MUNICIPALITY, the MUNICIPALITY shall maintain, repair and energize such lighting system at its own expense; and

WHEREAS, the MUNICIPALITY by Resolution No. _____ adopted at the **City Council of the MUNICIPALITY meeting held on _____**, approved the installation, maintenance and energizing of said lighting and has provided such Resolution hereto, and has further authorized the **Mayor, Richard C. David** to execute this Agreement on behalf of the MUNICIPALITY; and

WHEREAS, the City Council of the City of Binghamton and the COMMISSIONER are desirous of identifying the respective responsibilities of the parties with regard to the highway lighting system;

NOW, THEREFORE, in consideration of the mutual promises and benefits moving to the parties, it is agreed as follows:

ARTICLE 1: DOCUMENTS FORMING THIS AGREEMENT. The parties agree that the Agreement consists of the following:

- a. Agreement: This document, entitled "Agreement for Installation, Maintenance, Repair and Energizing of Lighting System for State highway identified as **"NYS Rte 434 Greenway Shared-Use Path"**;
- b. Schedule "A" - Description of Project, funding and deposit requirements;
- c. Appendix "A" - Standard Clauses for New York State Contracts;
- d. Appendix A-1: Supplemental Title VI Provisions (Civil Rights Act);
- e. Municipal Resolution(s): duly adopted resolution authorizing this agreement and the appropriate municipal office to execute the Agreement and undertake the project on the terms and conditions set forth herein.

ARTICLE 2: PROJECT RESPONSIBILITIES.

2.1 The COMMISSIONER shall provide for the furnishing and placing of the following items in connection with a lighting system on the above-mentioned highway and identified in the contract documents for this transportation project:

- a. Underground duct system, including conduit, pull boxes, handholds, and drainage pockets.
- b. Ducts, pull boxes, and anchor bolts on structures.
- c. Foundation for light standards, concrete pads and meter boxes.
- d. Light standards and bracket arms.
- e. Luminaries, lamps, wiring, photo-electric switches, switches and ballasts and all other components necessary to complete the lighting system.

All of the above-identified items shall be and continue to be the property of the State of New York.

2.2 Upon completion of construction of the above identified highway project, the MUNICIPALITY shall, at its own expense, maintain the lighting system installed under such highway project within the geographical jurisdiction of the MUNICIPALITY. Such maintenance shall include, but not be limited to:

- a. Repair of equipment which may be damaged from any cause whatsoever.
- b. Replacement of equipment which may be non-functioning or damaged from any cause whatsoever, such replacement material to be of equal character to the original equipment.
- c. Payment for delivery and supply of the electric current for the lighting system during the customary night hours [dusk to dawn] of each day of the year, at no cost or obligation to the STATE.
- d. Should MUNICIPALITY choose to install lighting attached to a utility pole(s) belonging to Utility Company, the STATE shall not be involved and MUNICIPALITY shall make appropriate Pole Attachment Agreement and payment arrangements with the respective Utility Company.

ARTICLE 3: TERM OF AGREEMENT.

3.1 This Agreement shall commence upon June 01, 2023 and shall expire upon June 01, 2048 (the date twenty-five (25) years thereafter). The MUNICIPALITY shall continue to maintain and energize the lighting system for the period of its useful life or until such time as the COMMISSIONER, at his/her discretion, in agreement with MUNICIPALITY, determines that such lighting and/or the maintenance of such lighting system is no longer warranted or desired for such State HAI [for: Highway, Arterial, or Interstate: choose], and sets forth action to remove such lighting system at the MUNICIPALITY's expense.

3.2 The MUNICIPALITY agrees not to assign, transfer, convey, sublet or otherwise dispose of this Agreement or any part thereof, or its right, title, or interest therein, or its power to execute this Agreement to any person, company or corporation without COMMISSIONER's written consent. MUNICIPALITY shall express their desire to change the terms of this Agreement in writing to the COMMISSIONER, except as herein provided by Municipal Resolution attached hereto.

3.3 The COMMISSIONER herewith extends his/her consent to the MUNICIPALITY to establish a lighting district to transfer the MUNICIPALITY's cost for repair, maintenance of the lighting system, and to ensure that payments are made to Utility Company for delivery and supply of energy.

ARTICLE 4. TERMINATION OF AGREEMENT.

4.1. Prior to the expiration of the Agreement, the MUNICIPALITY shall review the Agreement and determine whether it desires to continue maintaining said lighting system. If at any time after the useful life of the lighting system the MUNICIPALITY, in its discretion, determines that it does not desire to maintain said lighting system, it shall notify the COMMISSIONER or his/her representative in writing.

4.2. During the duration of this Agreement, where the MUNICIPALITY has no desire to maintain the lighting system, and / or discontinues payment for the energizing of the lighting system covered in this Agreement, said fixtures will be removed by the STATE at the expense of the MUNICIPALITY, unless the STATE has funds available to maintain, repair and energize

said lighting system, and the COMMISSIONER, in his/her discretion, determines that such lighting system is warranted or desired for such State Highway. Upon written notification by the COMMISSIONER of the removal cost, the MUNICIPALITY shall, within 90 days of the receipt of such written notification from the COMMISSIONER, reimburse the STATE the amount specified. The cost of removal includes but is not limited to review and upgrading of roadway delineation features, including pavement markings, and any and all penalties, fees and/or other costs for unamortized fixtures which the STATE is required to pay the Federal Government.

ARTICLE 5: REMEDIES

5.1. Should the MUNICIPALITY, within the term of this Agreement and without the prior written consent of the COMMISSIONER, discontinue the repairs and maintenance, and/or discontinue payment for energizing the lighting system covered in this Agreement, which results in the STATE being required to make payment to the Federal Government, as a penalty or otherwise, the MUNICIPALITY, upon written notification by the COMMISSIONER of such requirement to pay, shall reimburse the STATE the amount of such required payment within 90 days of the receipt of such written notification from the COMMISSIONER.

5.2. Further, it is expressly understood that the MUNICIPALITY shall indemnify and save harmless the STATE from claims, suits, actions, damages and costs of every name and description resulting from the discontinuance of the repairs and maintenance, and/or discontinuance of payment for energizing of the lighting system by the MUNICIPALITY.

5.3. The COMMISSIONER or his/her representative may periodically inspect the lighting system **installed** under the above-identified Construction Project to ascertain that the lighting system is being maintained and energized in accordance with the terms of this Agreement and in condition satisfactory to the COMMISSIONER. The COMMISSIONER shall, in writing, notify the MUNICIPALITY of any observed deficiencies, listing such deficiencies. Within thirty (30) days of receipt of such notification by MUNICIPALITY, the COMMISSIONER or his/her representative shall arrange for a meeting to be held with the authorized representative of the MUNICIPALITY. At such meeting the COMMISSIONER or his/her representative and the authorized representative of the MUNICIPALITY shall discuss the means required to remedy the noted deficiencies. Based on the discussion, and based on the nature of the required remedial action, a reasonable time limit shall be mutually established by the COMMISSIONER or his/her representative and the authorized representative of the MUNICIPALITY for the satisfactory completion of remedial action by the MUNICIPALITY.

5.4. It is recognized by the parties hereto that failure of the MUNICIPALITY to complete the required remedial actions within the agreed upon time limit may subject the MUNICIPALITY to certain penalties. If the equipment supplied and installed by the STATE for the above subject lighting system was done pursuant to a Federally aided and/or Federally reimbursable contract, and the MUNICIPALITY fails to make the remedial actions within the agreed upon time limit, no further Federally aided project shall be approved for the MUNICIPALITY until such time as the said lighting system is restored to the level and condition required by this Agreement. In addition, failure of the MUNICIPALITY to make such remedial actions may subject the MUNICIPALITY to loss of State aid for other future municipal contracts.

ARTICLE 6: NOTICE REQUIREMENTS

6.1 All notices permitted or required hereunder shall be in writing and shall be transmitted either:

- i. Via certified or registered United States mail, return receipt requested;
- ii. By personal delivery;
- iii. By expedited delivery service; or
- iv. By e-mail.

Such notices shall address as follows or to such different addresses as the parties may from time-to-time designate:

New York State Department of Transportation (NYSDOT)

Name: Marvin Fetterman
Title: Region 9 Utilities Engineer
Address: NYSDOT, Region 9 Design, 44 Hawley St., Binghamton,
NY 13901-3200
Telephone Number: (607) 721-8187
E-Mail Address: Marvin.Fetterman@dot.ny.gov

Municipality City of Binghamton

Name: Ray L. Standish
Title: City Engineer
Address: Engineering Department, City of Binghamton, 38 Hawley St.,
Binghamton, NY 13901
Telephone Number: (607) 772-7007
E-Mail Address: rstandish@cityofbinghamton.com
Fed. Tax No. 15-600-0404

6.2 Any such notice shall be deemed to have been given either at the time of delivery or, in the case of expedited delivery service or certified or registered US mail, as of the date of first attempted delivery at the address and in the manner provided herein, or in the case of facsimile transmission by e-mail, upon request.

6.3 The parties may, from time to time, specify any new or different address in the United States as their address for purpose of receiving notice under this Agreement by giving fifteen (15) days written notice to the other party sent in accordance herewith. The parties agree to mutually designate individuals as their respective representatives for the purposes of receiving notices under this Agreement. Additional individuals may be designated in writing by the parties for the purposes of implementation and administration/billing, resolving issues and problems, and/or for dispute resolution.

ARTICLE 7: PROCESSING OF BETTERMENT DEPOSITS AND PAYMENTS

7.1 NYSDOT will install, remove, relocate, replace and/or reconstruct the MUNICIPAL facilities in accordance with plans and specifications related thereto, as they may be amended or revised, and subject to such change orders as may be approved by NYSDOT in connection with its administration of the work and other work under the Construction Contract for or relating to the work under this Agreement.

7.2 For all Betterment work done by NYSDOT, the MUNICIPALITY shall, prior to the work being done, deposit in a project escrow account with the Office of State Comptroller the full amount of the MUNICIPAL share (if any) reflected in the itemized engineer's estimated cost of the work to be performed on MUNICIPAL facilities for payments by the Comptroller on account of Project costs. The excess amount of such deposit shall be reimbursed to the MUNICIPALITY after project close out, unless Fixed Price Lump Sum project share is established.

7.3 Payments to the Contractor for Betterment work shall be made using State Comptroller vouchers or requisitions approved by the COMMISSIONER.

7.4 When Betterment work performed on the MUNICIPAL facilities contemplated herein has been completed, and all payments have been made to the Contractor, the COMMISSIONER shall determine the additional costs thereof to be borne by the MUNICIPALITY. Any excess of the deposit shall be returned to the MUNICIPALITY on the warrant of the State Comptroller or using vouchers approved by the COMMISSIONER; and, in the event such costs exceed the amount of the deposit, the COMMISSIONER shall send a written notice to the MUNICIPALITY requesting such extra payment be deposited with the Office of State Comptroller in a project escrow account. The MUNICIPALITY shall, within 90 days of receipt of such written notice from the COMMISSIONER, pay the amount of such deficiency to the Office of State Comptroller, unless Fixed Price Lump Sum project share has been established.

IN WITNESS WHEREOF, the STATE has caused this instrument to be signed by the said COMMISSIONER of Transportation and the MUNICIPALITY has caused this instrument to be signed by its authorized officer.

Agreement No. _____

APPROVED:

MUNICIPALITY:

Municipal Attorney

By: _____
(Title)

STATE OF NEW YORK)
) ss:
COUNTY OF _____)

On this _____ day of _____, 20 ____, before me personally came _____, to me known, who being by me duly sworn did depose and say that he/she is the _____ of the Municipal Corporation described herein, and which executed the above instrument; that he/she knows the seal of such Municipality; that the seal affixed to said instrument is such corporate seal, that it was affixed by order of the legislative Body of said Municipal Corporation pursuant to a Resolution which was duly adopted on _____ and to which a certified copy is attached and made a part hereof; and that he signed his name thereto by like order.

Notary Public

APPROVED FOR NYSDOT:

APPROVED AS TO FORM:
STATE OF NEW YORK ATTORNEY GENERAL

By: _____ Date _____
For the Commissioner of Transportation

By: _____
Assistant Attorney General

Agency Certification - "In addition to the acceptance of this contract, I also certify that original copies of this signature page will be attached to all other copies of this contract."

COMPTROLLER'S APPROVAL:

By: _____
For the New York State Comptroller
Pursuant to State Finance Law §112

SCHEDULE A
DESCRIPTION OF PROJECT, FUNDING AND DEPOSIT REQUIREMENTS.

Is the project linked to a State project in the area? **YES**

If linked to a State project, describe the State project:

NYS Route 434 Greenway Shared-Use Path Pennsylvania Avenue to Murray Hill Road
SH # 49-8 Binghamton City & SH #1613 Vestal-Binghamton
LOCATION: City of Binghamton, Broome County
P.I.N. 9038.26; Construction Contract D264287

Description of the work to be performed on local facilities:

New York Department of Transportation will install lighting system along the Rte 434 (SH No. 49-8) Greenway Shared-Use Path from Pennsylvania Avenue to Murray Hill Road with the City of Binghamton lighting system into Project PIN 9038.26 as detailed in Plan Sheets LTT-03 to LTT-08, LTD-01 to LTD-03, and LTP-08 to LTP-26.

The City of Binghamton by Resolution No. _____ adopted on _____, requested and authorized the State Department of Transportation to proceed with the necessary arrangements to incorporate the construction of the lighting system located along Rte 434 (SH No. 49-8) as detailed in Plan Sheets LTT-03 to LTT-08, LTD-01 to LTD-03, and LTP-08 to LTP-26 into Project PIN 9038.26.

The City of Binghamton shall not be responsible for any Design or Construction cost.

Engineer's Estimate	\$ <u>1,234,522.00</u> for installation of lighting system
Federal Aid Eligible	YES
State Share (in dollars)	\$ <u>246,904.40</u>
Federal Share (in dollars)	\$ <u>987,617.60</u>
Local Share (in dollars)	\$ <u>N/A</u>

APPENDIX A-1 SUPPLEMENTAL TITLE VI PROVISIONS (CIVIL RIGHTS ACT)
(To be included in all contracts)

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- (1) Compliance with Regulations: The contractor shall comply with the Regulation relative to nondiscrimination in Federally assisted programs of the Department of Transportation of the United States, Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) Nondiscrimination: The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, religion, age, color, sex or national origin, sex, age, and disability/handicap in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR, section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) Solicitations for Subcontractors, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin, sex, age, and disability/handicap.
- (4) Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by NYSDOT or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to NYSDOT's Office of Civil Rights or FHWA, as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, NYSDOT shall impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - a) Withholding of payments to the contractor under the contract until the contractor complies; and/or
 - b) Cancellation, termination or suspension of the contract, in whole or in part.
- (6) Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

Revised 2019

**AGREEMENT FOR INSTALLATION, MAINTENANCE, REPAIR AND ENERGIZING OF
LIGHTING SYSTEM FOR STATE HIGHWAY IDENTIFIED AS**

**NYS Route 434 Greenway Shared-Use Path
Pennsylvania Avenue to Murray Hill Road
SH # 49-8 Binghamton City & SH #1613 Vestal-Binghamton
LOCATION: City of Binghamton, Broome County
P.I.N. 9038.26; Construction Contract D264287**

Agreement # D_____

This Agreement, made this _____ / _____ / _____ between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at
50 Wolf Road, Albany, NY 12232, on behalf of New York State ("State")

and

the City Council of the City of Binghamton which is herein referred to as the "MUNICIPALITY".

WITNESSETH:

WHEREAS, pursuant to Highway Law §10 (23, 24 and/or 27) the Commissioner of Transportation (the "Commissioner"), may at the expense of the state, or using federal funds, and/or using local funds provide for the installation of **lighting system**, provided the Commissioner deems it practicable to perform such work for such Municipality/Sponsor in connection with the performance of any work of construction, reconstruction or improvement under the Highway Law; and

WHEREAS, the COMMISSIONER proposes to construct a lighting system along NYS Route 434 (SH # 49-8) Greenway Shared-Use Path as detailed in Plan Sheets LTT-03 to LTT-08, LTD-01 to LTD-03, and LTP-08 to LTP-26 pursuant to the New York State Highway Law, such highway being identified as SH # 49-8 in Broome County within the geographical jurisdiction of the MUNICIPALITY and geographical jurisdiction of City of Binghamton in Broome County; and

WHEREAS, the MUNICIPALITY desires to have lighting system installed along NYS Route 434 (SH # 49-8) Greenway Shared-Use Path as detailed in Plan Sheets LTT-03 to LTT-08, LTD-01 to LTD-03, and LTP-08 to LTP-26 on or along such highway within the geographical jurisdiction of the MUNICIPALITY; and

WHEREAS, it is recognized by the MUNICIPALITY and the COMMISSIONER that if the MUNICIPALITY desires to have lighting system installed on or along such highway within the geographical jurisdiction of the MUNICIPALITY, the MUNICIPALITY shall maintain, repair and energize such lighting system at its own expense; and

WHEREAS, the MUNICIPALITY by Resolution No. _____ adopted at the **City Council of the MUNICIPALITY meeting held on _____**, approved the installation, maintenance and energizing of said lighting and has provided such Resolution hereto, and has further authorized the **Mayor, Richard C. David** to execute this Agreement on behalf of the MUNICIPALITY; and

WHEREAS, the City Council of the City of Binghamton and the COMMISSIONER are desirous of identifying the respective responsibilities of the parties with regard to the highway lighting system;

NOW, THEREFORE, in consideration of the mutual promises and benefits moving to the parties, it is agreed as follows:

ARTICLE 1: DOCUMENTS FORMING THIS AGREEMENT. The parties agree that the Agreement consists of the following:

- a. Agreement: This document, entitled "Agreement for Installation, Maintenance, Repair and Energizing of Lighting System for State highway identified as "NYS Rte 434 Greenway Shared-Use Path";
- b. Schedule "A" - Description of Project, funding and deposit requirements;
- c. Appendix "A" - Standard Clauses for New York State Contracts;
- d. Appendix A-1: Supplemental Title VI Provisions (Civil Rights Act);
- e. Municipal Resolution(s): duly adopted resolution authorizing this agreement and the appropriate municipal office to execute the Agreement and undertake the project on the terms and conditions set forth herein.

ARTICLE 2: PROJECT RESPONSIBILITIES.

2.1 The COMMISSIONER shall provide for the furnishing and placing of the following items in connection with a lighting system on the above-mentioned highway and identified in the contract documents for this transportation project:

- a. Underground duct system, including conduit, pull boxes, handholds, and drainage pockets.
- b. Ducts, pull boxes, and anchor bolts on structures.
- c. Foundation for light standards, concrete pads and meter boxes.
- d. Light standards and bracket arms.
- e. Luminaries, lamps, wiring, photo-electric switches, switches and ballasts and all other components necessary to complete the lighting system.

All of the above-identified items shall be and continue to be the property of the State of New York.

2.2 Upon completion of construction of the above identified highway project, the MUNICIPALITY shall, at its own expense, maintain the lighting system installed under such highway project within the geographical jurisdiction of the MUNICIPALITY. Such maintenance shall include, but not be limited to:

- a. Repair of equipment which may be damaged from any cause whatsoever.
- b. Replacement of equipment which may be non-functioning or damaged from any cause whatsoever, such replacement material to be of equal character to the original equipment.
- c. Payment for delivery and supply of the electric current for the lighting system during the customary night hours [dusk to dawn] of each day of the year, at no cost or obligation to the STATE.
- d. Should MUNICIPALITY choose to install lighting attached to a utility pole(s) belonging to Utility Company, the STATE shall not be involved and MUNICIPALITY shall make appropriate Pole Attachment Agreement and payment arrangements with the respective Utility Company.

ARTICLE 3: TERM OF AGREEMENT.

3.1 This Agreement shall commence upon June 01, 2023 and shall expire upon June 01, 2048 (the date twenty-five (25) years thereafter). The MUNICIPALITY shall continue to maintain and energize the lighting system for the period of its useful life or until such time as the COMMISSIONER, at his/her discretion, in agreement with MUNICIPALITY, determines that such lighting and/or the maintenance of such lighting system is no longer warranted or desired for such State HAI [for: Highway, Arterial, or Interstate: choose], and sets forth action to remove such lighting system at the MUNICIPALITY's expense.

3.2 The MUNICIPALITY agrees not to assign, transfer, convey, sublet or otherwise dispose of this Agreement or any part thereof, or its right, title, or interest therein, or its power to execute this Agreement to any person, company or corporation without COMMISSIONER's written consent. MUNICIPALITY shall express their desire to change the terms of this Agreement in writing to the COMMISSIONER, except as herein provided by Municipal Resolution attached hereto.

3.3 The COMMISSIONER herewith extends his/her consent to the MUNICIPALITY to establish a lighting district to transfer the MUNICIPALITY's cost for repair, maintenance of the lighting system, and to ensure that payments are made to Utility Company for delivery and supply of energy.

ARTICLE 4. TERMINATION OF AGREEMENT.

4.1. Prior to the expiration of the Agreement, the MUNICIPALITY shall review the Agreement and determine whether it desires to continue maintaining said lighting system. If at any time after the useful life of the lighting system the MUNICIPALITY, in its discretion, determines that it does not desire to maintain said lighting system, it shall notify the COMMISSIONER or his/her representative in writing.

4.2. During the duration of this Agreement, where the MUNICIPALITY has no desire to maintain the lighting system, and / or discontinues payment for the energizing of the lighting system covered in this Agreement, said fixtures will be removed by the STATE at the expense of the MUNICIPALITY, unless the STATE has funds available to maintain, repair and energize

said lighting system, and the COMMISSIONER, in his/her discretion, determines that such lighting system is warranted or desired for such State Highway. Upon written notification by the COMMISSIONER of the removal cost, the MUNICIPALITY shall, within 90 days of the receipt of such written notification from the COMMISSIONER, reimburse the STATE the amount specified. The cost of removal includes but is not limited to review and upgrading of roadway delineation features, including pavement markings, and any and all penalties, fees and/or other costs for unamortized fixtures which the STATE is required to pay the Federal Government.

ARTICLE 5: REMEDIES

5.1. Should the MUNICIPALITY, within the term of this Agreement and without the prior written consent of the COMMISSIONER, discontinue the repairs and maintenance, and/or discontinue payment for energizing the lighting system covered in this Agreement, which results in the STATE being required to make payment to the Federal Government, as a penalty or otherwise, the MUNICIPALITY, upon written notification by the COMMISSIONER of such requirement to pay, shall reimburse the STATE the amount of such required payment within 90 days of the receipt of such written notification from the COMMISSIONER.

5.2. Further, it is expressly understood that the MUNICIPALITY shall indemnify and save harmless the STATE from claims, suits, actions, damages and costs of every name and description resulting from the discontinuance of the repairs and maintenance, and/or discontinuance of payment for energizing of the lighting system by the MUNICIPALITY.

5.3. The COMMISSIONER or his/her representative may periodically inspect the lighting system **installed** under the above-identified Construction Project to ascertain that the lighting system is being maintained and energized in accordance with the terms of this Agreement and in condition satisfactory to the COMMISSIONER. The COMMISSIONER shall, in writing, notify the MUNICIPALITY of any observed deficiencies, listing such deficiencies. Within thirty (30) days of receipt of such notification by MUNICIPALITY, the COMMISSIONER or his/her representative shall arrange for a meeting to be held with the authorized representative of the MUNICIPALITY. At such meeting the COMMISSIONER or his/her representative and the authorized representative of the MUNICIPALITY shall discuss the means required to remedy the noted deficiencies. Based on the discussion, and based on the nature of the required remedial action, a reasonable time limit shall be mutually established by the COMMISSIONER or his/her representative and the authorized representative of the MUNICIPALITY for the satisfactory completion of remedial action by the MUNICIPALITY.

5.4. It is recognized by the parties hereto that failure of the MUNICIPALITY to complete the required remedial actions within the agreed upon time limit may subject the MUNICIPALITY to certain penalties. If the equipment supplied and installed by the STATE for the above subject lighting system was done pursuant to a Federally aided and/or Federally reimbursable contract, and the MUNICIPALITY fails to make the remedial actions within the agreed upon time limit, no further Federally aided project shall be approved for the MUNICIPALITY until such time as the said lighting system is restored to the level and condition required by this Agreement. In addition, failure of the MUNICIPALITY to make such remedial actions may subject the MUNICIPALITY to loss of State aid for other future municipal contracts.

ARTICLE 6: NOTICE REQUIREMENTS

6.1 All notices permitted or required hereunder shall be in writing and shall be transmitted either:

- i. Via certified or registered United States mail, return receipt requested;
- ii. By personal delivery;
- iii. By expedited delivery service; or
- iv. By e-mail.

Such notices shall address as follows or to such different addresses as the parties may from time-to-time designate:

New York State Department of Transportation (NYSDOT)

Name: Marvin Fetterman
Title: Region 9 Utilities Engineer
Address: NYSDOT, Region 9 Design, 44 Hawley St., Binghamton,
NY 13901-3200
Telephone Number: (607) 721-8187
E-Mail Address: Marvin.Fetterman@dot.ny.gov

Municipality City of Binghamton

Name: Ray L. Standish
Title: City Engineer
Address: Engineering Department, City of Binghamton, 38 Hawley St.,
Binghamton, NY 13901
Telephone Number: (607) 772-7007
E-Mail Address: rstandish@cityofbinghamton.com
Fed. Tax No. 15-600-0404

6.2 Any such notice shall be deemed to have been given either at the time of delivery or, in the case of expedited delivery service or certified or registered US mail, as of the date of first attempted delivery at the address and in the manner provided herein, or in the case of facsimile transmission by e-mail, upon request.

6.3 The parties may, from time to time, specify any new or different address in the United States as their address for purpose of receiving notice under this Agreement by giving fifteen (15) days written notice to the other party sent in accordance herewith. The parties agree to mutually designate individuals as their respective representatives for the purposes of receiving notices under this Agreement. Additional individuals may be designated in writing by the parties for the purposes of implementation and administration/billing, resolving issues and problems, and/or for dispute resolution.

ARTICLE 7: PROCESSING OF BETTERMENT DEPOSITS AND PAYMENTS

7.1 NYSDOT will install, remove, relocate, replace and/or reconstruct the MUNICIPAL facilities in accordance with plans and specifications related thereto, as they may be amended or revised, and subject to such change orders as may be approved by NYSDOT in connection with its administration of the work and other work under the Construction Contract for or relating to the work under this Agreement.

7.2 For all Betterment work done by NYSDOT, the MUNICIPALITY shall, prior to the work being done, deposit in a project escrow account with the Office of State Comptroller the full amount of the MUNICIPAL share (if any) reflected in the itemized engineer's estimated cost of the work to be performed on MUNICIPAL facilities for payments by the Comptroller on account of Project costs. The excess amount of such deposit shall be reimbursed to the MUNICIPALITY after project close out, unless Fixed Price Lump Sum project share is established.

7.3 Payments to the Contractor for Betterment work shall be made using State Comptroller vouchers or requisitions approved by the COMMISSIONER.

7.4 When Betterment work performed on the MUNICIPAL facilities contemplated herein has been completed, and all payments have been made to the Contractor, the COMMISSIONER shall determine the additional costs thereof to be borne by the MUNICIPALITY. Any excess of the deposit shall be returned to the MUNICIPALITY on the warrant of the State Comptroller or using vouchers approved by the COMMISSIONER; and, in the event such costs exceed the amount of the deposit, the COMMISSIONER shall send a written notice to the MUNICIPALITY requesting such extra payment be deposited with the Office of State Comptroller in a project escrow account. The MUNICIPALITY shall, within 90 days of receipt of such written notice from the COMMISSIONER, pay the amount of such deficiency to the Office of State Comptroller, unless Fixed Price Lump Sum project share has been established.

IN WITNESS WHEREOF, the STATE has caused this instrument to be signed by the said COMMISSIONER of Transportation and the MUNICIPALITY has caused this instrument to be signed by its authorized officer.

Agreement No. _____

APPROVED:

MUNICIPALITY:

Municipal Attorney

By: _____
(Title)

STATE OF NEW YORK)
) ss:
COUNTY OF _____)

On this _____ day of _____, 20 ____, before me personally came _____, to me known, who being by me duly sworn did depose and say that he/she is the _____ of the Municipal Corporation described herein, and which executed the above instrument; that he/she knows the seal of such Municipality; that the seal affixed to said instrument is such corporate seal, that it was affixed by order of the legislative Body of said Municipal Corporation pursuant to a Resolution which was duly adopted on _____ and to which a certified copy is attached and made a part hereof; and that he signed his name thereto by like order.

Notary Public

APPROVED FOR NYSDOT:

APPROVED AS TO FORM:
STATE OF NEW YORK ATTORNEY GENERAL

By: _____ Date _____
For the Commissioner of Transportation

By: _____
Assistant Attorney General

Agency Certification - "In addition to the acceptance of this contract, I also certify that original copies of this signature page will be attached to all other copies of this contract."

COMPTROLLER'S APPROVAL:

By: _____
For the New York State Comptroller
Pursuant to State Finance Law §112

SCHEDULE A
DESCRIPTION OF PROJECT, FUNDING AND DEPOSIT REQUIREMENTS.

Is the project linked to a State project in the area? **YES**

If linked to a State project, describe the State project:

**NYS Route 434 Greenway Shared-Use Path Pennsylvania Avenue to Murray Hill Road
SH # 49-8 Binghamton City & SH #1613 Vestal-Binghamton
LOCATION: City of Binghamton, Broome County
P.I.N. 9038.26; Construction Contract D264287**

Description of the work to be performed on local facilities:

New York Department of Transportation will install lighting system along the Rte 434 (SH No. 49-8) Greenway Shared-Use Path from Pennsylvania Avenue to Murray Hill Road with the City of Binghamton lighting system into Project PIN 9038.26 as detailed in Plan Sheets LTT-03 to LTT-08, LTD-01 to LTD-03, and LTP-08 to LTP-26.

The City of Binghamton by Resolution No. _____ adopted on _____, requested and authorized the State Department of Transportation to proceed with the necessary arrangements to incorporate the construction of the lighting system located along Rte 434 (SH No. 49-8) as detailed in Plan Sheets LTT-03 to LTT-08, LTD-01 to LTD-03, and LTP-08 to LTP-26 into Project PIN 9038.26.

The City of Binghamton shall not be responsible for any Design or Construction cost.

Engineer's Estimate	\$ <u>1,234,522.00</u> for installation of lighting system
Federal Aid Eligible	YES
State Share (in dollars)	\$ <u>246,904.40</u>
Federal Share (in dollars)	\$ <u>987,617.60</u>
Local Share (in dollars)	\$ <u>N/A</u>

APPENDIX A-1 SUPPLEMENTAL TITLE VI PROVISIONS (CIVIL RIGHTS ACT)

(To be included in all contracts)

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- (1) Compliance with Regulations: The contractor shall comply with the Regulation relative to nondiscrimination in Federally assisted programs of the Department of Transportation of the United States, Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) Nondiscrimination: The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, religion, age, color, sex or national origin, sex, age, and disability/handicap in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR, section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) Solicitations for Subcontractors, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin, sex, age, and disability/handicap.
- (4) Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by NYSDOT or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to NYSDOT's Office of Civil Rights or FHWA, as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, NYSDOT shall impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - a) Withholding of payments to the contractor under the contract until the contractor complies; and/or
 - b) Cancellation, termination or suspension of the contract, in whole or in part.
- (6) Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.



Legislative Branch

RL Number:
20-149
 Date Submitted:
7/17/20

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: City Engineer, Engineering Dept.

Contact Information: rstandish@cityofbinghamton.com

RL Information

Proposed Title: A Utility Agreement with the NYSDOT for PIN 9038.26 - Route 434 Greenway

Shared-Use Path on Pennsylvania Ave to Murray Hill Rd

Suggested Content: As part of the subject construction project, the State has committed to relocating

City sanitation lines, water lines, appurtenances, plate reader, and street lights at no cost to the City.

The City will maintain these items upon completion of the project.

Additional Information

Does this RL concern grant funding? Yes No

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

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

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

OFFICE USE ONLY	
Mayor:	<u>[Signature]</u>
Comptroller:	<u>[Signature]</u>
Corporation Counsel:	<u>[Signature]</u>
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

June 24, 2020

Mr. Ray L. Standish, P.E.
City Engineer
Engineering Department
City of Binghamton
38 Hawley Street, City Hall
Binghamton NY 139010-1486

Dear Mr. Standish:

**RE: PIN 903826 NYS ROUTE 434 GREENWAY SHARED-USE
PATH PENNSYLVANIA AVENUE TO MURRAY HILL
ROAD
UTILITY AGREEMENT FOR REVIEW, ACCEPTANCE
AND SUBMISSION
CITY OF BINGHAMTON, BROOME COUNTY
LETTING DATE: SEPTEMBER 24, 2020**

As part of the subject construction project in the City of Binghamton, the State has committed to relocating City of Binghamton sanitation lines, water lines and appurtenances, plate reader, and streetlights at no cost to the City of Binghamton as shown on project plan sheets attached to the enclosed agreements. This in turn requires a commitment on the part of the City of Binghamton; to allow the State to perform work on City of Binghamton owned sanitation lines, water lines and appurtenances, plate reader, and streetlights with the City of Binghamton maintaining these items upon completion of the project.

Therefore, I have attached six (6) copies of the agreements and resolutions for the City's approval. Please keep one (1) copy of the form(s) for your records and return five (5) completed (signed) agreements with resolutions. NYSDOT utilities in turn will review and return one signed copy of the completed utility agreement for your records.

Also, if the City has an alternate style of a resolution form, replace the provided form with the City's style.

If you have any further questions, please do not hesitate to contact me at (607) 721-8187 or by email at marvin.fetterman@dot.ny.gov.

Sincerely,



Marvin Fetterman, P.E.
Regional Utilities Engineer

MF/at

Enclosure: Six Copies of City of Binghamton HC-140 Utility Agreement & Resolution
Four copies of Marked Up Plan Sheets UTP-08 thru UTP-10, UTP-20, UTP-24, LTP-08 thru LTP-10
Four copies of PIN 903826 Plan Sheets Cover Page, GNP-08 thru GNP-26, UTP-08 thru UTP-26, DRP-08 thru DRP-26

cc: **PIN 903826**

NEW YORK STATE DEPARTMENT OF TRANSPORTATION REF. # 9A
UTILITY WORK AGREEMENT

Since the construction, reconstruction, or maintenance of the transportation project described below, identified as:

Project Identification No.: 9038.26	F.A. Project No.: N/A
ROW Declaration No.: N/A	Map Nos.: N/A
Parcel Nos.: N/A	County of: Broome
Contract No.: D264287	

Project Description: NYS Route 434 Greenway Shared-Use Path Pennsylvania Avenue to Murray Hill Road, City of Binghamton, Broome County

necessitates the adjustment of utility facilities as hereinafter described, the owner, **City of Binghamton**, of said facilities herewith agrees with the State of New York acting through the Commissioner of Transportation that this agreement shall apply to the accommodation of these utility facilities. Any adjustment of said facilities will be accomplished under the terms of this agreement, in accordance with the Rules and Regulations Governing the Accommodation of Utilities within the State Highway Right-of-Way, in compliance with the attached Special Note "Coordination with the Utility Schedule, and in accordance with the contract plans, specifications, proposal, amendment(s) or change order(s).

I. **Existing Facilities** (describe type, size, capacity, location, etc.)

The City of Binghamton has sanitation lines, water lines and appurtenances, plate reader, and streetlights located within the project limits as shown on the plan sheets.

presently located on _____ State _____ Right-of-Way
(indicate State, County, City, Town, Village, Private, etc.)

as shown on the plans for the proposed transportation project are to be adjusted as follows: (describe type, size, capacity, location, etc.)

The project will perform the following at no cost to the City of Binghamton:

- 1) Relocate and replace in kind the City of Binghamton owned water line and appurtenances impacted by the project along with adjusting water valve access (Reference attached marked up Plan Sheet UTP-08 & UTP-09).
- 2) Adjust sanitation manhole covers impacted by the project (Reference attached marked up Plan Sheet UTP-08, UTP-09, UTP-20, UTP-24).
- 3) Relocate City owned streetlights impacted by the project (Reference attached marked up Plan Sheet LTP-08, LTP-09, LTP-10, UTP-10).
- 4) Relocate City owned plate reader impacted by the project (Reference attached marked up Plan Sheet LTP-10).

II. **Financial Responsibility** (check appropriate boxes):

- The facilities to be adjusted under the terms of this agreement are subject to Section 52 of the State Highway Law, and the cost of this adjustment is the sole responsibility of the owner.
- Subdivision 24 of Section 10 of the State Highway Law enables the Commissioner of Transportation to provide at the expense of the State, for adjustment to a municipally owned utility when such work is necessary as a result of State highway work. (Municipal Agreement required.)
- Subdivision 24-b of Section 10 of the State Highway Law enables the Commissioner of Transportation to participate in the necessary expenses incurred for adjustment of privately, publicly or cooperatively owned facilities, municipal utility facilities, or facilities of a corporation organized pursuant to the State Transportation Corporations Law. (Privately Owned Property Agreement or Reimbursement Agreement required.)
- Subdivision 27 of Section 10 of the State Highway Law enables the Commissioner of Transportation, upon the request of a municipality, to perform for and at the expense of such municipality specified work to be included within a State-let contract. (Betterment Resolution required.)
- Subdivision 33 of Section 10 of the State Highway Law enables the Commissioner of Transportation, upon the request of a public utility corporation, to perform for and at the expense of such public utility corporation specified work to be included within a State-let contract.
- Subdivision 13 of Section 30 of the State Highway Law enables the Commissioner of Transportation to enter into an agreement to reimburse with public funds the owner for necessary expenses incurred as a result of this adjustment, or to replace the facilities in kind.
- The owner will develop and keep a record of costs in accordance with the New York State Department of Transportation (NYSDOT) Reimbursement Procedures, and when federal funds participate in the cost, the Federal Highway Administration (FHWA) Federal-Aid Policy Guide Part 645, or as indicated below:

III. **Physical Adjustment Method** (check appropriate boxes):

The actual adjustment or design engineering will be performed by the following method (s):

- Contract let by the Commissioner.
- Contract let by the Owner, (check applicable statement, i.e., a or b)
 - a. Best Interests of State.
 - b. Utility not sufficiently staffed or equipped.
- By the Owner's forces.

IV. **Betterment, Salvage, and Depreciation Credits Due the Project** (check appropriate boxes):

- There will be no extension of service life, improved capacity nor any other betterment of the facility (as defined by the NYSDOT Utility Reimbursement Procedures and by FHWA Federal-Aid Policy Guide Part 645) as a result of the adjustments made pursuant to this agreement.
- There is betterment described as follows:
 - The owner will not claim reimbursement for that betterment portion of the work, but will duly account for it as required by applicable NYSDOT and FHWA procedures.
 - The owner hereby agrees to deposit with the Comptroller of the State of New York the amount of \$ _____ to cover the cost of the betterment as described above.
 - The owner agrees to comply with the requirements of the NYSDOT Utility Reimbursement Procedure and FHWA Federal-Aid Policy Guide Part 645 with the respect to salvage and depreciation credits when applicable.

V. **General Covenants**

The owner hereby agrees to accept full title and responsibility for the adjusted facility in writing upon satisfactory completion of the work. Such acceptance will acknowledge the owner's responsibility to maintain the facility in accordance with all applicable codes, standards and regulations, including his obligation, where applicable, to remove any or all of the facility from the highway at the order of the Commissioner of Transportation, all in accordance with the Rules and Regulations Governing the Accommodation of Utilities within the State Highway Right-of-Way. All compensable claims covered by this agreement will be included in one of the following:

- A. Privately Owned Property Agreement executed prior to the performance of the work.
- B. Municipal Agreement executed prior to performance of the work.
- C. Reimbursement Agreement executed prior to performance of the work.
- D. Such other agreement as approved by NYSDOT Office of Legal Affairs.

VI. References

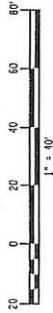
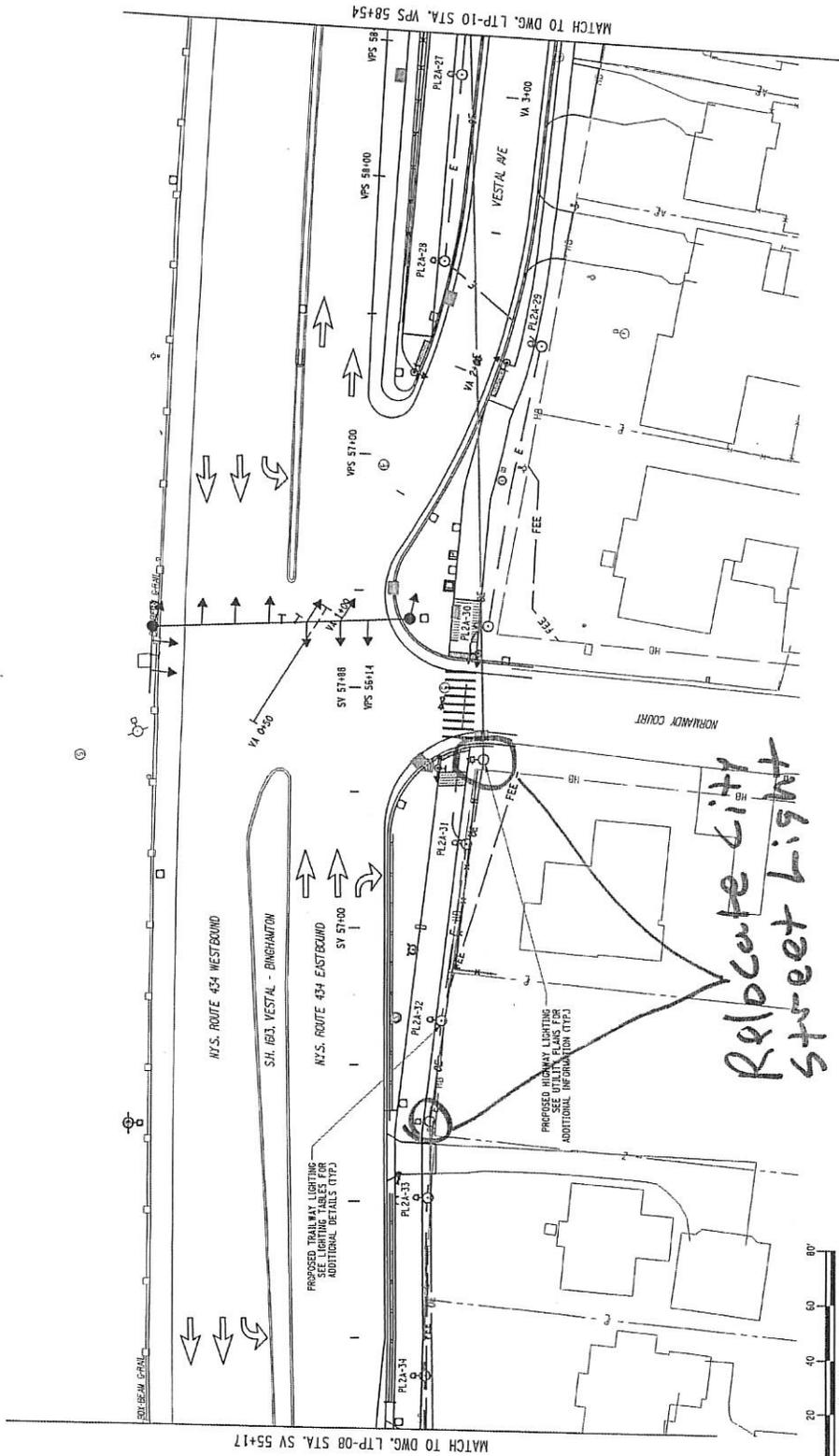
The following documents are herewith incorporated in this agreement by reference (check appropriate boxes)

- Federal Highway Administration's Federal-Aid Policy Guide Part 645.
- Contract documents : Contract number D264287
 PIN 9038.26
 Plan sheets No. All and in particular Attached Plan Sheets
Marked Up LTP-08, LTP-09, LTP-10, UTP-08,
UTP-09, UTP-10, UTP-20, UTP-24
Special Utility Coordination Note (Attached)
Owner Water Requirements (copy attached)
- Owner's plan sheets _____
- Owner's estimate sheets form No. _____
- Resolution dated _____, by _____
 - Granting the State of New York authority to perform the adjustment for the owner.
 - Agreeing to maintain facilities adjusted via State-let contract.
 - Authorizing deposit of funds by the owner.
- Certification by the owner or his agent that he has the legal authority to enter into this agreement.

(Print/Type Name)Owner or Agent	(Signature)	Title	Date
---------------------------------	-------------	-------	------

For NYSDOT Commissioner of Transportation	Main Office Utilities Engineer	Title	Date
---	--------------------------------	-------	------

GRID NORTH



AFFIX SEAL: X.XXXXXX DN:	ALTERED BY: ON:
--------------------------------	--------------------

NOTES:

- FOR SUPPLEMENTAL LIGHTING LEGEND AND LIGHTING NOTES, SEE DWG. NO. LTP-01

AS-BUILT REVISIONS
DESCRIPTION OF ALTERATIONS:

NYS ROUTE 434 GREENWAY
PENNSYLVANIA AVE TO MURRAY HILL ROAD
SH. 49-B, CITY OF BINGHAMTON & SH. 113.1, TOWN OF VESTAL
COUNTY: BROOME
REC'D: 9

PIN 903426

BRIDGES

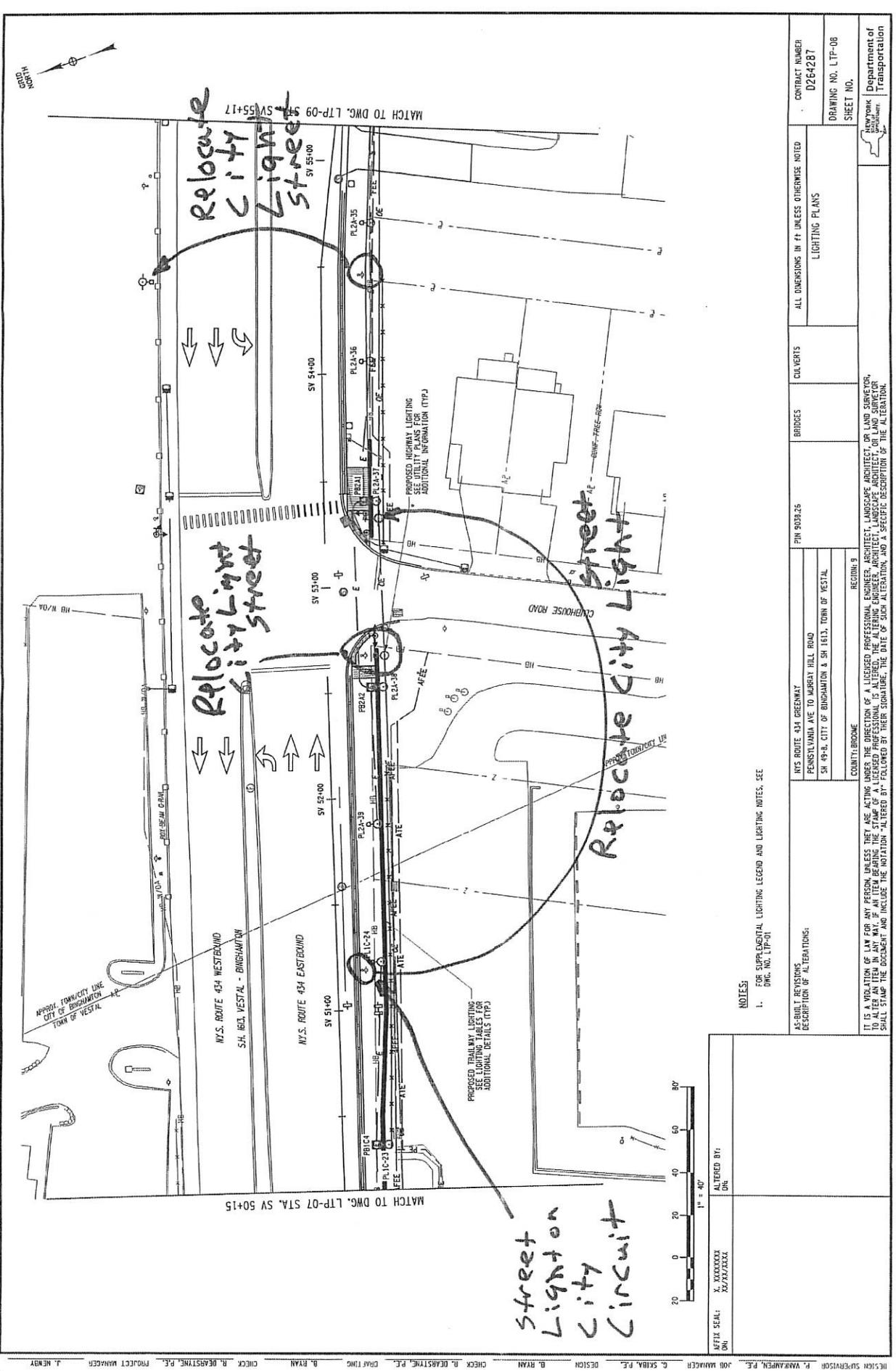
CULVERTS

ALL DIMENSIONS IN FT UNLESS OTHERWISE NOTED
LIGHTING PLANS

CONTRACT NUMBER
D264287
DRAWING NO. LTP-09
SHEET NO.



Department of
Transportation



MATCH TO DWG. LTP-07 STA. SV 50+15
 MATCH TO DWG. LTP-09 STA. SV 55+17
 NYS. ROUTE 434 WESTBOUND
 S.H. 162, VESTAL - BINGHAMTON
 NYS. ROUTE 434 EASTBOUND
 PROPOSED HIGHWAY LIGHTING
 SEE UTILITY PLANS FOR
 ADDITIONAL INFORMATION (TYP)
 PROPOSED TRAILWAY LIGHTING
 SEE LIGHTING TABLES FOR
 ADDITIONAL DETAILS (TYP)
 APPROX. TOWN/CITY LINE
 CITY OF BINGHAMTON
 TOWN OF VESTAL
 CHURCHHOUSE ROAD
 PREVIOUS TOWN/CITY LINE
 NORTH

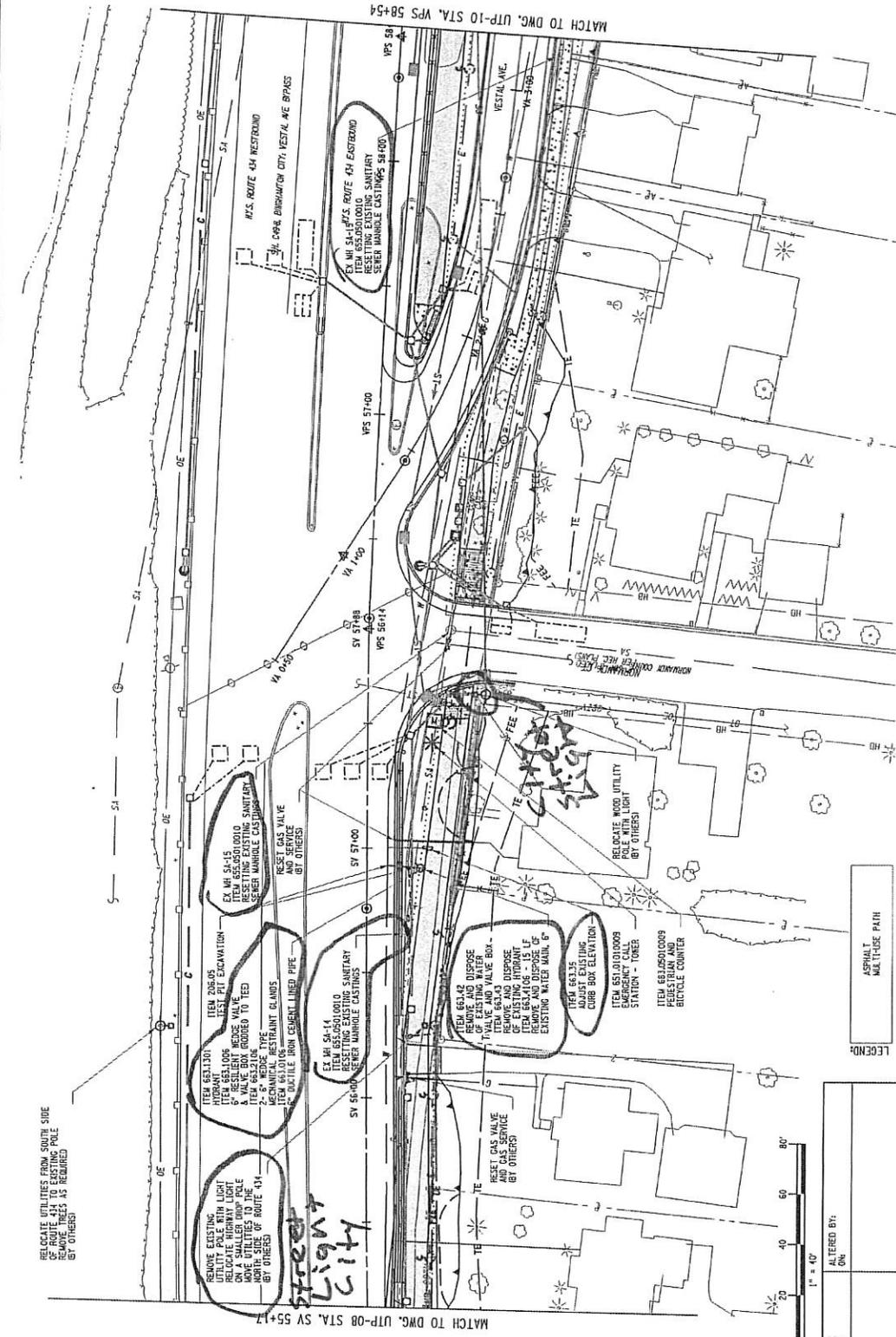
APTK SEAL: 10/20/2028 10/20/2028 10/20/2028	ALTERED BY: DN
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NOTES:
 1. FOR SUPPLEMENTAL LIGHTING LEGEND AND LIGHTING NOTES, SEE DMC. NO. LTP-01

AS BUILT REVISIONS DESCRIPTION OF ALTERATIONS: COUNTY: BROOME RECORD: 3	PIN 9039.26 NYS ROUTE 434 GREENWAY PENNSYLVANIA AVE TO MURRAY HILL ROAD S.H. 49-R, CITY OF BINGHAMTON & S.H. 1613, TOWN OF VESTAL	ALL DIMENSIONS IN FT UNLESS OTHERWISE NOTED LIGHTING PLANS	CONTRACT NUMBER D2E4287 DRAWING NO. LTP-08 SHEET NO.
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IT IS A VIOLATION OF LAW FOR ANY PERSON UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR, TO PREPARE, REVISION, ALTER, OR REPRODUCE ANY DRAWING OR SPECIFICATION OF ANY KIND. ANY SUCH VIOLATION SHALL BE PENALIZED AS PROVIDED BY LAW. ANY SUCH VIOLATION SHALL BE PENALIZED AS PROVIDED BY LAW. ANY SUCH VIOLATION SHALL BE PENALIZED AS PROVIDED BY LAW. ANY SUCH VIOLATION SHALL BE PENALIZED AS PROVIDED BY LAW.



RELOCATE UTILITIES FROM SOUTH SIDE TO NORTH SIDE
 REMOVE POLE
 REMOVE TIEAS IS REQUIRED
 BY OTHERS

REMOVE EXISTING
 RELOCATE WOOD UTILITY
 ON A SMALLER WOOD POLE
 NORTH SIDE OF ROUTE 434
 BY OTHERS

ITEM 663.1008
 HYDRANT
 ITEM 663.1009
 VALVE AND VALVE BOX
 ITEM 663.2106
 MECHANICAL RESTRAINT GLANDS
 ITEM 663.1008
 DUCTILE IRON CEMENT LINED PIPE
 BY OTHERS

EX MH 54-14
 ITEM 663.0610010
 SEWER MANHOLE CASTINGS
 BY OTHERS

ITEM 663.1008
 DISPOSE
 OF EXISTING WATER
 REMOVE AND DISPOSE
 OF EXISTING HYDRANT
 REMOVE AND DISPOSE
 OF EXISTING WATER MAIN
 ITEM 663.1008
 ADJUST EXISTING
 CURB BOX ELEVATION
 ITEM 663.0100008
 EMERGENCY CALL
 STATION - TOWER
 ITEM 663.0300008
 PEDESTRIAN AND
 BICYCLE COUNTER

RELOCATE WOOD UTILITY
 POLE WITH LIGHT
 BY OTHERS



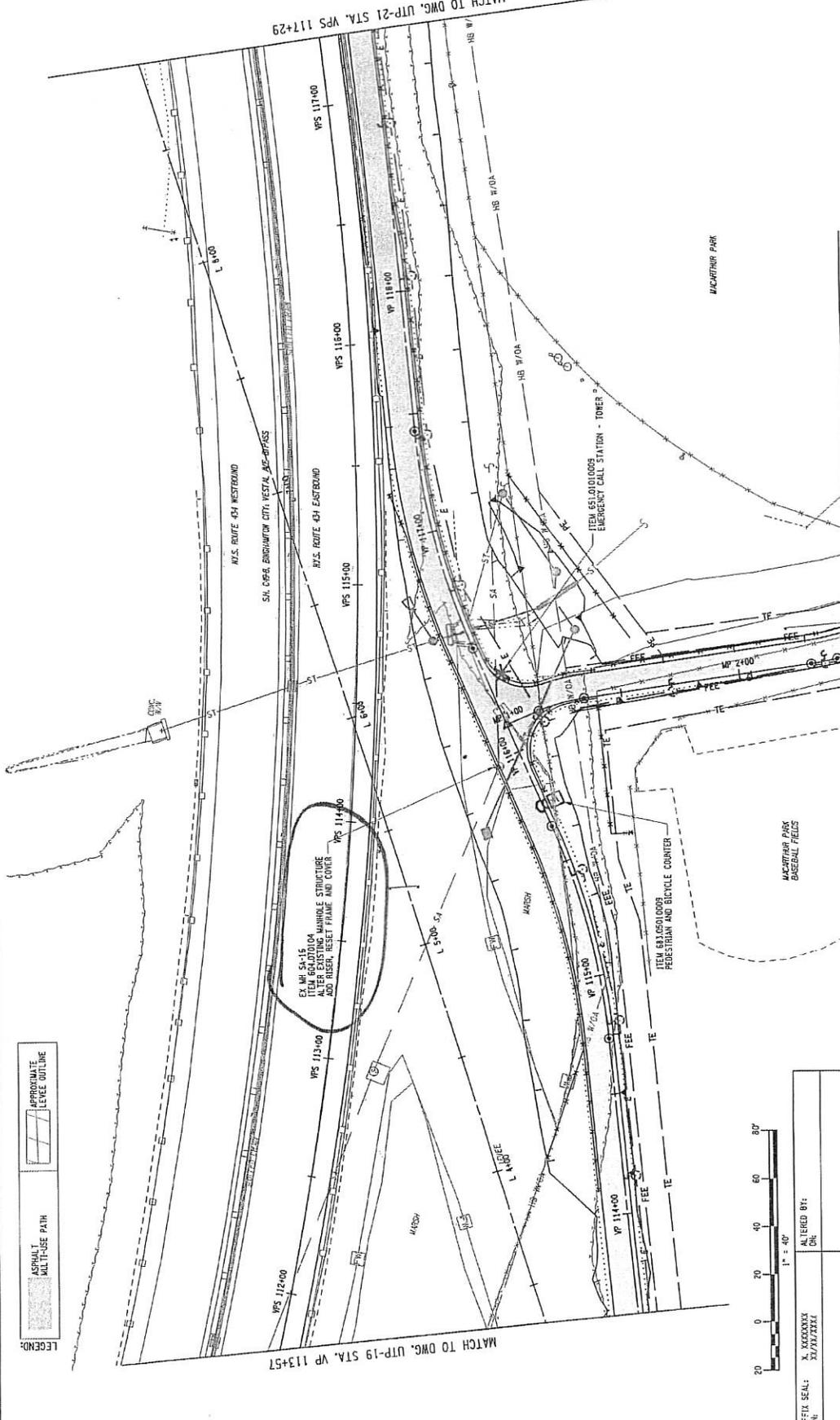
APRIL SEAL:
 ALTERED BY:
 OR:
 1/20/2008

LEGEND
 ASPHALT
 MULTIPURPOSE PATH

AS-BUILT REVISIONS DESCRIPTION OF ALTERATIONS:		COUNTY: BROOME REGION: 9		PIN: 003426 MAY ROUTE 434 GREENWAY PENNSYLVANIA AVE TO MERRILL HILL ROAD SH 43-8, CITY OF BUGHAMTON & SH 161A, TOWN OF VESTAL		COLVERTS BRIDGES ALL DIMENSIONS IN FT UNLESS OTHERWISE NOTED		UTILITY PLANS		CONTRACT NUMBER D264287	
										DRAWING NO. UTP-03 SHEET NO.	
IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR, TO REPRODUCE, COPY, OR TRANSMIT IN ANY MANNER, THE CONTENTS OF THIS DRAWING, OR TO REPRODUCE, COPY, OR TRANSMIT IN ANY MANNER, THE DATE OF SUCH REPRODUCTION, OR TO REPRODUCE, COPY, OR TRANSMIT IN ANY MANNER, THE DATE OF SUCH REPRODUCTION, OR TO REPRODUCE, COPY, OR TRANSMIT IN ANY MANNER, THE DATE OF SUCH REPRODUCTION.											

DESIGN SUPERVISOR: J. YANKA, P.E. JOB MANAGER: G. SKIBA, P.E. DESIGN: J. MINER, CHECK: A. NAWROCKI, DRAFTING: T. FISHER, CHECK: T. KIRKLE, PROJECT MANAGER: J. HENRY

FILE NAME: 90328-0381.UTP-03.dgn
 USER: J. YANKA
 DATE: 04/20/08 11:22



LEGEND:

- ASPHALT MULTIPURPOSE PATH
- APPROXIMATE LEVEL OUTLINE



KEY: SEAL: X, XXXXXXXX DN: XL/XX/XXXX	ALTERED BY: DN:
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MATCH TO DWG. UTP-21 STA. VPS 117+29

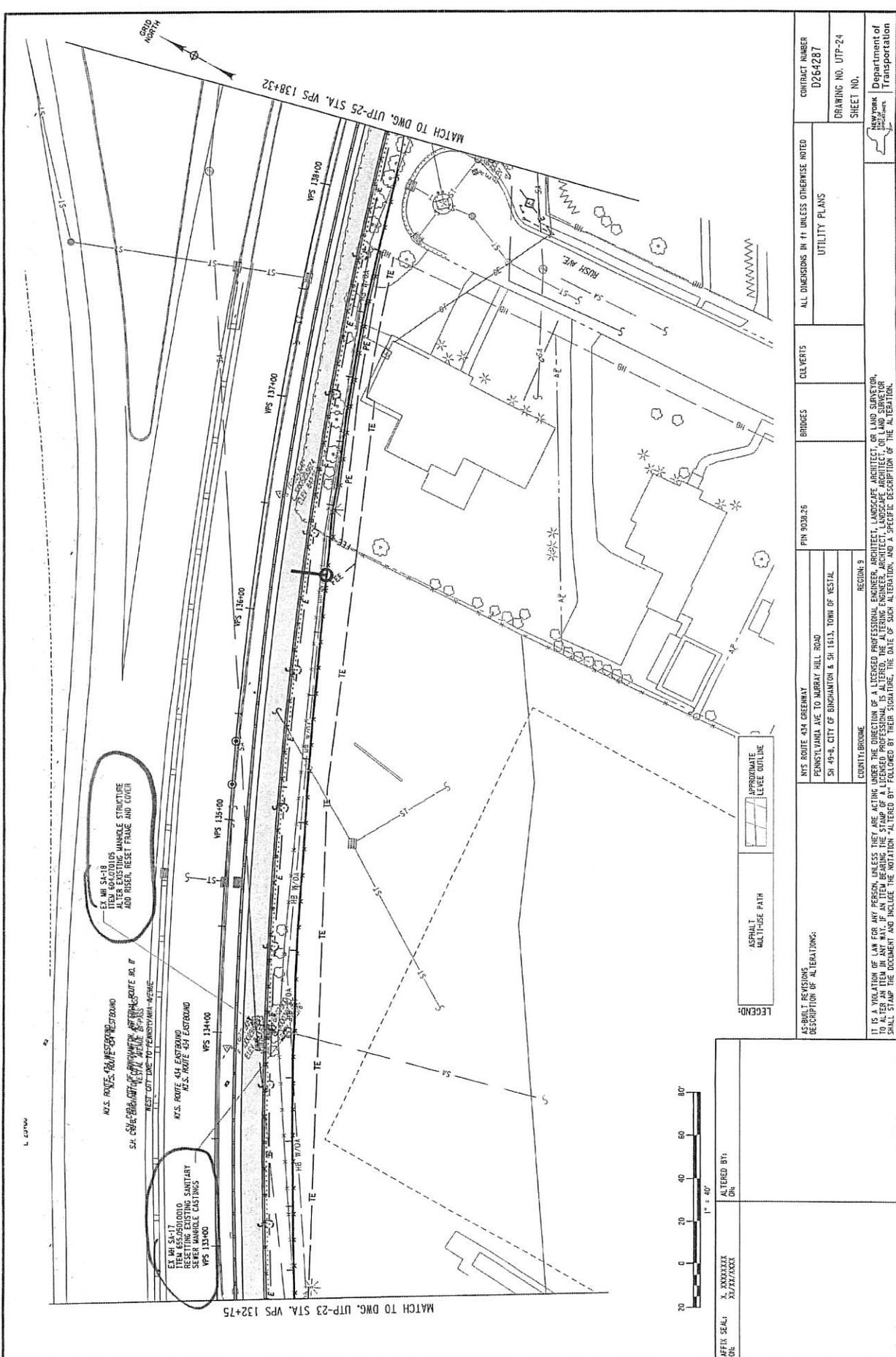
MATCH TO DWG. UTP-19 STA. VP 113+57

MATCH TO DWG. UTP-26 STA. MP 2+47

COUNTY: BROOME REGION: 9 AS-BUILT REVISIONS DESCRIPTION OF ALTERATIONS:		NYS ROUTE 434 GREENWAY PENNSYLVANIA AVE TO MURRAY HILL ROAD SH 49-9, CITY OF BIRCHAMTON & SH 1613, TOWN OF WESTAL	PIN: 9038.26	BRIDGES	CULVERTS	ALL DIMENSIONS IN FT UNLESS OTHERWISE NOTED UTILITY PLANS	CONTRACT NUMBER D264287
IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE SUPERVISION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR, TO ALTER AN ENGINEERING OR ARCHITECTURAL PROFESSIONAL'S DESIGN OR DRAWING. ANY SUCH ALTERATION SHALL BE THE RESPONSIBILITY OF THE PERSON MAKING SUCH ALTERATION AND SHALL BE FOLLOWED BY THEIR SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.		COUNTY: BROOME REGION: 9		DRAWING NO. UTP-20 SHEET NO.		Department of Transportation New York State	

DESIGN: SUPERVISOR P. VANKAWEK, P.E. JOB MANAGER G. SKIBA, P.E. DESIGN J. MINER, CHECK A. MAJONICK, DRAFTING L. FISCHER, CHECK T. KUNDEL, PROJECT MANAGER J. MERRY, J. MERRY

FILE NAME: 903826.dwg, utp 20.dgn
 DATE/TIME: 18-JUN-2020 11:24
 USER: gmaisonick



MATCH TO DWG. UTP-23 STA. VPS 132+75
 MATCH TO DWG. UTP-25 STA. VPS 138+32
 COUNTY: BRONX
 PIN: 9030.26
 COUNTY: BRONX
 NYS ROUTE 434 GREENWAY
 PENNSYLVANIA AVE TO MURRAY HILL ROAD
 SH 49-B, CITY OF BINGHAMTON & SH 1613, TOWN OF WESTAL
 REGION 9

ALL DIMENSIONS IN FT. UNLESS OTHERWISE NOTED
 UTILITY PLANS
 CONTRACT NUMBER: D264287
 DRAWING NO. UTP-24
 SHEET NO.

DEPARTMENT OF TRANSPORTATION
 NEW YORK STATE
 IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR, TO REPRODUCE, COPY, OR TRANSMIT IN ANY MANNER THE CONTENTS OF THIS DRAWING OR ANY PART THEREOF. ANY SUCH VIOLATION SHALL BE SUBJECT TO PROSECUTION AND PENALTY. THE USER SHALL STAMP THE DOCUMENT AND INCLUDE THE NOTATION "ALTERED BY: [NAME], [DATE], [SCALE]" TO INDICATE ANY ALTERATION TO THE ORIGINAL DRAWING.

FILE NAME = 302626.ctb\10-24.dgn
 DATE/TIME = 10-21-2020 11:24
 USER = rmonoziz

JOB MANAGER: J. WANKER, P.E.
 DESIGNER: J. WANKER, P.E.
 CHECKER: A. HANONICK
 DRAFTER: T. FISCHER
 CHECKER: T. KYWIKLE
 PROJECT MANAGER: J. WANKER



Legislative Branch

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

REQUEST FOR LEGISLATION

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

Applicant Information

Request submitted by: Ray Standish, P.E.

Title/Department: City Engineer - Engineering Dept.

Contact Information: 772-7007

RL Information

Proposed Title: No-Cost Time Extension on State/Hawley St. Traffic Signal Upgrade and State St. Pedestrian and Streetscape Improvements, PIN 9009.36

Suggested Content: Extending the contract completion date from 5/25/20 to 6/30/2. Additional time is needed for close-out activities and audits.

Additional Information

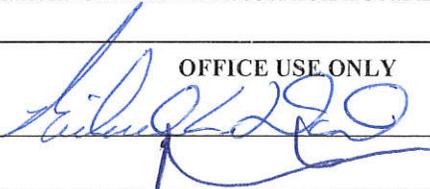
Does this RL concern grant funding? Yes No

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"/>	



Legislative Branch

RL Number:
20-123
Date Submitted:
6/25/2020

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

RL Information

Proposed Title: A Local Law amending Chapter 170 of the Code of the City of Binghamton
to include "ARTICLE III, CONSUMPTION OF ALCOHOLIC BEVERAGES BY MINORS ON PRIVATE
PROPERTY," also known as a "Social Host Ordinance."

Suggested Content: Attached.
Public Hearings Required

Additional Information

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

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

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

LOCAL LAW XXXX

AN ORDINANCE AMENDING CHAPTER 170 BY THE ADDITION OF A NEW ARTICLE TO THE
CITY OF BINGHAMTON CODE
ENTITLED
"ARTICLE III, CONSUMPTION OF ALCOHOLIC BEVERAGES BY MINORS ON PRIVATE
PROPERTY"

BE IT ORDAINED by the City Council of the City of Binghamton as follows:

Section 1. Chapter 170 of the Code shall be amended by the addition of a new Article entitled "Article III, Consumption of alcoholic beverages by minors on private property," as follows:

ARTICLE III

Consumption of Alcoholic Beverages By Minors On Private Property

§ 170-11 Legislative intent.

It is the purpose of this article to protect the public interest, welfare, health and safety within the City of Binghamton by prohibiting the service to and consumption of alcoholic beverages and drugs by persons under the age of 21 at private residences located in the City of Binghamton. The City Council finds that the occurrence of social gatherings at private residences where alcoholic beverages or drugs are served to or consumed by persons under the age of 21 is harmful to such persons themselves and a threat to public welfare, health and safety. The City Council finds further that persons under the age of 21 often obtain alcoholic beverages or drugs at such gatherings and that such persons who are in control of such residences know or have reason to know of such service and/or consumption and will be more likely to ensure that alcoholic beverages and drugs are neither served to nor consumed by persons under the age of 21 at these gatherings.

§ 170-12 Definitions.

For the purpose of this article, the following terms shall be defined as follows:

ALCOHOLIC BEVERAGES

Any liquor, wine, beer, spirits, cider or other liquid or solid, patented or not, composed of or containing alcohol or spirits, whether or not brewed, fermented or distilled, and capable of being consumed by a person; except that confectionaries containing alcohol as provided in Subdivision 12 of § 200 of the Agricultural and Markets Law shall not be considered alcoholic beverages within the meaning of this section.

CONTROL

The authority and ability to regulate, direct or dominate.

DRUG

Includes any substance listed in § 3306 of the Public Health Law.

MINOR

Any person under the age of 21.

OPEN HOUSE PARTY

A social gathering or otherwise, at a residence or other private property with minors present.

PERSON

A human being and, where appropriate, a public or private corporation, an unincorporated association, partnership, a government or a governmental instrumentality.

RESIDENCE

Any home, apartment, condominium, cooperative unit, complex, or dwelling unit of any kind, including amenity spaces, yards and open areas adjacent thereto.

§ 170-13 Prohibition.

No person having control of any residence shall allow an open house party to take place at said residence if such person knows or has reason to know that any alcoholic beverage or drug is being unlawfully possessed, served to or consumed by a minor at said residence.

§ 170-14 Exceptions.

The provisions of this article shall not apply to:

- A. The possession or consumption of an alcoholic beverage by persons lawfully permitted to do so pursuant to § 65-c of the New York State Alcoholic Beverage Control Law, or any other applicable law; or
- B. The possession or consumption of a drug for which the individual has a current, valid prescription or as otherwise permitted by other applicable law.

§ 170-15 Inconsistency with other laws; severability.

- A. If any part or provision of this article is inconsistent with any federal or state statute, law, rule or regulation, then such statute, law, rule or regulation shall prevail.
- B. If any part or provision of this article or the application thereof to any person or circumstance be adjudged invalid by a court or competent jurisdiction, such judgment shall be confined in its operation to the part or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this section or the application thereof to other persons or circumstances.

§ 170-16 Penalties for offenses.

Failure to comply with the provisions of this ordinance shall constitute a violation, punishable by a fine of \$1,000 or imprisonment for 15 days.
Section 2. This act shall take effect immediately.

Exp.



Legislative Branch

RL Number:
20-144
Date Submitted:
7/16/2020

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: Leighton Rogers

Title/Department: City Clerk

Contact Information: 772-7005

RL Information

Proposed Title: Rumble Ponies Fireworks Displays - (1) July 31, rain date of August 1 & (2) September 4, rain date September 5

Suggested Content: TBD by Corporation 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): _____

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



Office of the City Clerk

Date Filed:
License No: P2002

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

OUTDOOR FIREWORKS & INDOOR PYROTECHNICS PERMIT APPLICATION

RECEIVED

JUL 16 2020

Sponsoring Organization Information

OFFICE OF THE CITY CLERK
CITY OF BINGHAMTON

Sponsoring Organization: Evans Street Baseball, Inc dba Binghamton Rumble Ponies

Contact Person: John "JB" Bayne

Address: 201 Henry St. Binghamton, NY 13901

Phone (Home/Work/Cell): 607-722-3866

Fireworks Company Information

Company Name: American Fireworkds Display LLC

Contact Person: Kevin Fritschler

Address: PO Box 980, Oxford, NY 13830

Phone (Home/Work/Cell): 607-316-3011

On Site Supervisor(s)

Name: Kevin Fritschler (See Attached) Date of Birth: _____

Assistant: See Attached Date of Birth: _____

Assistant: _____ Date of Birth: _____

Assistant: _____ Date of Birth: _____

Assistant: _____ Date of Birth: _____

On the lines below please list all qualifications and/or past experience:

64



Office of the City Clerk

Date Filed

License No:

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

Display Information

Location of Proposed Display: NYSEG Stadium 211 Henry Street, Binghamton NY

Date(s) of Display: July 31, rain date Aug 1 & Sept 4, rain date Sept 5 Time(s) of Display: dusk

Type of Display: Indoor Outdoor Both

On the lines below please list all fireworks to be discharged under this permit. Please attach additional pages if necessary.

Shell type, size and qty:

500-1" or smaller

280-2.5"

80-3"

160-4"

All aerial shells, UN0335 1.3G Display Fireworks.

Type of storage prior to display: _____

Required Attachments

Section 1.

All applications require proof of an insurance certificate in the sum of \$2,000,000.00 for each incident, covering the City of Binghamton as an additional insured for the payment of all damages which may be caused by the reason the display so permitted.

Insurance certificate attached: Yes No

Section 2.

All applications require a diagram of the ground on which the fireworks displays will be held.

Diagram attached: Yes No

I hereby attest that all displays shall meet all the provisions of NFPA 1126 and all provisions of §405.10-18 of the Penal Law of the State of New York. By signing this application, I acknowledge that I understand all the rules and regulations governing fireworks displays and that this display will be in accordance with these regulations.

Signature: 

Date 07/15/2020



Office of the City Clerk

Date Filed:	_____
License No:	_____

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

This Page Office Use Only

- Indoor Pyrotechnics Filing Fee Paid (\$10): Yes No
- Indoor Pyrotechnics Permit Fee Paid (\$150 per occasion/show/performance): Yes No
- Indoor Fire Apparatus Fee Paid, If Required (\$285 per occasion): Yes No
- Outdoor Fire Apparatus Fee Paid, If Required (\$285 per hour, one hour minimum): Yes No

Approval of Application

Chief of Fire Bureau/Fire Marshall: Yes No

Signature: _____ Date: _____

Corporation Counsel: Yes No

Signature: _____ Date: _____

City Clerk: Yes No

Signature: _____ Date: _____

City Council: Yes No

Permanent Resolution Number: _____ Adoption Date: _____

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):

Evans Street Baseball, Inc., City of Binghamton, NY but as respects the negligence of the named insured only.

Display Date: 7/3/20 and 7/4/20

Rain Date: NA

Location of Display: NYSEG Stadium, 211 Henry St., Binghamton, NY

Further this Insurance will be deemed to be primary and non-contributory with respect to the Insurance of such additional insured if you agreed to such a condition in the written contract with such additional insured.

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to Section III – Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
 2. Available under the applicable Limits of Insurance shown in the Declarations;
- whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.



Workers' Compensation Board

CERTIFICATE OF NYS WORKERS' COMPENSATION INSURANCE COVERAGE

<p>1a. Legal Name & Address of Insured (use street address only)</p> <p>Evans Street Baseball Inc. 211 Henry Street Binghamton, NY 13901</p> <p>Work Location of Insured (Only required if coverage is specifically limited to certain locations in New York State, i.e., a Wrap-Up Policy)</p>	<p>1b. Business Telephone Number of Insured</p> <p>607-723-6387</p> <p>1c. NYS Unemployment Insurance Employer Registration Number of Insured</p> <p>1d. Federal Employer Identification Number of Insured or Social Security Number</p> <p>46-2306815</p>
<p>2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)</p> <p>City of Binghamton City Hall 38 Hawley Street Binghamton NY 13901</p>	<p>3a. Name of Insurance Carrier</p> <p>Union Insurance Company</p> <p>3b. Policy Number of Entity Listed in Box "1a"</p> <p>WCA5237745-15</p> <p>3c. Policy effective period</p> <p>06/01/2020 to 06/01/2021</p> <p>3d. The Proprietor, Partners or Executive Officers are</p> <p><input type="checkbox"/> included. (Only check box if all partners/officers included)</p> <p><input checked="" type="checkbox"/> all excluded or certain partners/officers excluded.</p>

This certifies that the insurance carrier indicated above in box "3" insures the business referenced above in box "1a" for workers' compensation under the New York State Workers' Compensation Law. (To use this form, New York (NY) must be listed under Item 3A on the INFORMATION PAGE of the workers' compensation insurance policy). The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed above as the certificate holder in box "2".

Will the carrier notify the certificate holder within 10 days of a policy being cancelled for non-payment of premium or within 30 days if cancelled for any other reason or if the insured is otherwise eliminated from the coverage indicated on this certificate prior to the end of the policy effective period? YES NO

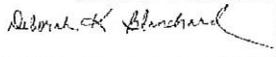
This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy.

This certificate may be used as evidence of a Workers' Compensation contract of insurance only while the underlying policy is in effect.

Please Note: Upon cancellation of the workers' compensation policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Workers' Compensation Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law.

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has the coverage as depicted on this form.

Approved by: Deborah Blanchard, CIC, ACRS - Insurance Office of America
(Print name of authorized representative or licensed agent of insurance carrier)

Approved by:  6/3/2020
(Signature) (Date)

Title: Producer

Telephone Number of authorized representative or licensed agent of insurance carrier: 607-754-3500

Please Note: Only insurance carriers and their licensed agents are authorized to issue Form C-105.2. Insurance brokers are NOT authorized to issue it.

69



Exp.

Legislative Branch

RL Number:
20-145
Date Submitted:
7/16/2020

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: Leighton Rogers

Title/Department: City Clerk

Contact Information: 772-7005

RL Information *permanent*

Proposed Title: Sale - Portion of 1209 Vestal Ave and ~~temporary~~ easement with Pritchard
Property Development, Inc

Suggested Content: TBD by Corporation Counsel

Additional Information

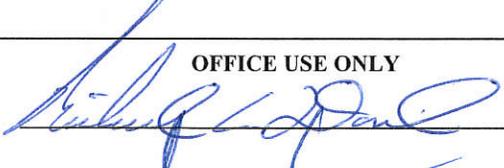
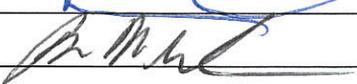
Does this RL concern grant funding? Yes No

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): _____

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



OFFICE OF THE CITY CLERK • CITY OF BINGHAMTON

OFFER TO PURCHASE

Please complete the below application, and submit this document to the City Clerk for consideration. Please note that if such sale is approved, the Applicant will be liable for all filing fees associated with the transfer of this property.

PROPERTY INFORMATION

Street Address of Property: 1209 VESTAL AVE 13903

Tax Parcel Identification Number: # 160.65-3-10

Current Use of Property: [] Residential [] Commercial [] Mixed Use [X] Vacant Lot

Offered Purchase Price: \$ 500.00

Do you wish to opt-out of the free tree planting service? [] Yes [] No

Please describe the intended use of the property. The inclusion of a map or illustration depicting the intended use of the property will expedite the review process.

Looking to purchase a small piece of this property highlighted on the map to become part off the 33 South Washington St project. for parking and electric charging stations.

APPLICANT INFORMATION

Applicant Name: Brett Pritchard / Pritchard Property Dev. Inc / 33 South Washington St LLC
Note: If the applicant is a company or corporation, please list all shareholders of members.

Mailing Address: 21 Timberbluff Ct Binghamton NY 13903

Telephone Number(s): 607 343-9156

Email Address: pritchardpropertydevelopment@gmail.com

Please list any other properties owned by the Applicant located within Broome County.

33 South Washington St 28 Mary St Binghamton

21 Timberbluff Ct Binghamton NY 13903

1309 Holly Hill Vestal NY 13950

I hereby certify that the above information is a true account of my intended purchase and use of City-owned property. I understand that upon approval of any such sale, any deviance from the agreed-upon terms and conditions may result in the termination of such agreement through legal proceedings.

[Signature]
Signature

5/26/20
Date



High Lights in yellow

NEW YORK STATE ROUTE 431
(a.k.a. VESTAL PARKWAY)

DEVELOPER
 NAME: [illegible]
 ADDRESS: [illegible]
 CITY: [illegible]
 STATE: [illegible]
 ZIP: [illegible]



- LEGEND**
- 1 - [illegible]
 - 2 - [illegible]
 - 3 - [illegible]
 - 4 - [illegible]
 - 5 - [illegible]
 - 6 - [illegible]
 - 7 - [illegible]
 - 8 - [illegible]
 - 9 - [illegible]
 - 10 - [illegible]

NOTES

1. [illegible]
2. [illegible]
3. [illegible]
4. [illegible]
5. [illegible]
6. [illegible]
7. [illegible]
8. [illegible]
9. [illegible]
10. [illegible]



Legislative Branch

RL Number:
20-151
 Date Submitted:
7/15/2020

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: Tom Scanlon

Title/Department: City Council

Contact Information: 772-7005

RL Information

Proposed Title: A resolution condemning hateful acts and racism

Suggested Content: TBD by City Council

Additional Information

Does this RL concern grant funding? Yes No

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

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

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

OFFICE USE ONLY

Mayor: _____

Comptroller: _____

Corporation Counsel: _____

Finance Planning MPA PW/Parks Employees Rules/Special Studies

73

Updated 7/20/2020

WHEREAS, the Declaration of Independence defined the founding of the United States of America on the unalienable rights of life, liberty, and the pursuit of happiness, and governments deriving their just powers from the consent of the governed and today we often turn to words written in the Declaration, "We hold these truths to be self-evident, that all men are created equal"; and

WHEREAS, the Thirteenth Amendment to the U.S. Constitution abolished slavery and involuntary servitude; and

WHEREAS, the Fourteenth Amendment to the U.S. Constitution affirmed equal protection under the law; and

WHEREAS, the Fifteenth Amendment to the U.S. Constitution granted African Americans the right to vote; and

WHEREAS, from slavery and Jim Crow laws, to segregation and the modern criminal justice system, systemic racism has led to Black people in America being brutalized and dehumanized for centuries; and

WHEREAS, even in the 21st Century, communities of color have endured the violent acts of racist and white supremacist groups, as well as illegal killings by law enforcement; and

WHEREAS, on May 25, 2020, 46-year-old Black father of two, George Floyd, pleaded for his life while handcuffed and on the ground, while a police officer pushed his knee into Mr. Floyd's neck for eight minutes and forty-six seconds, ultimately killing Mr. Floyd in a horrific act of murder; and

WHEREAS, racism and death in our country to plague our country despite many pleas for change; and

WHEREAS, civil rights leaders have reported an increase in bias, harassment, and hate crimes, particularly against Asian American, Black, Jewish, Latino, immigrant and other marginalized communities; and

WHEREAS, racism, xenophobia and intolerance are evils prevalent in all societies; and

WHEREAS, continued failures of our institutions to rightfully address the effects of oppression and inequality have perpetuated these injustices; and

WHEREAS, on May 31, 2020, one thousand community members marched on Main Street to Recreation Park in protest of these acts, joining one of the largest protest movements in American history; and

WHEREAS, "Equal Justice Under the Law" is engraved on the west pediment of the United States Supreme Court, this City Council believes all government officials should work together toward making this a reality; and

NOW, THEREFORE, BE IT RESOLVED, THIS CITY COUNCIL,

Celebrates the Life and Advocacy of John Lewis who spent much of his life fighting to end racism of all kinds; with only actions and words that placed peace and non-violence above all else; and

That we, the members of Binghamton City Council, unequivocally condemns the killing of George Floyd and all acts of racism; and

Rejects discrimination of any kind, and denounces related harassment based on race, ethnicity, physical ability, socioeconomic status, gender or sexual orientation, age or religion; and

Encourage citizens to promote inclusiveness, celebrate diversity, support our fellow residents and reject hate in all forms; and

Asks community members who observe or experience incidents of harassment, discrimination or hate crimes to call 911 in emergency circumstances, and report incidents to the New York State Division of Human Rights; and

Aims to make the City of Binghamton an even more welcoming, inclusive, and safe community to all, regardless of race or ethnicity, and in doing so listen to and honor our marginalized communities.



Legislative Branch

RL Number:
20-151
Date Submitted:
7/20/2020

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

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Chief Joseph T. Zikuski

Title/Department: Police Department

Contact Information: (607) 772-7091

RL Information

Proposed Title: Resolution allowing the City of Binghamton Police Department to use awarded funds to implement the GIVE initiative and fund aspects of the Southern Tier Crime Analysis Center.

Suggested Content: GIVE VI is NYS DCJS crime reduction initiative that provides funding to the Binghamton Police in their efforts to stop violent crime including firearm-related crime and aggravated assaults. The funds pay for a civilian Crime Analyst (full salary/ fringe), BPD FIO Investigator (full salary/full fringe, travel expenses for training, and money for Overtime crime reduction initiatives.

Additional Information

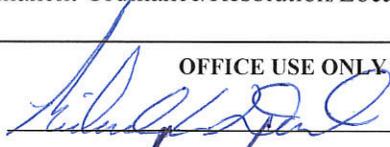
Does this RL concern grant funding? Yes No

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



Legislative Branch

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

GRANT APPLICATION WORKSHEET

*The Request for Legislation must include the project title and the purpose of the grant.
Please provide the following additional information.*

Agency providing the grant: NYS DCJS

Total project cost: \$231,285.00

Total amount of grant: \$231,285.00

Local match (if any): N/A

If local match is monetary, provide the budget line and title: N/A

If local match is "in kind", provide the anticipated personnel and hours to be dedicated to the project:
N/A

Disbursement of grant (upfront, reimbursable?): Reimbursable.

If reimbursable, source of funds pending reimbursement: City Funds

Grant project manager: Lt. David R. Bidwell

Anticipated date of project completion: June 30, 2021

Special project completion requirements (if any): N/A

Attach any required form of Resolution from the Agency providing the grant.

Please provide any additional information in the space provided below, including any other government agency or private partner participating in the grant, along with a description of such participation:

GIVE 7 is a NYS DCJS crime reduction initiative that provides funding to the City of Binghamton Police

Department in their efforts to stop violent crime including firearm related crime and aggravated assaults.

The award funds the salary and fringe benefits of one civilian Crime Analyst a BPD Field Intelligence

Officer's salary and fringe benefits, training expenses for both positions and Overtime money for

evidenced base crime prevention initiatives.

Project #: GV20-1003-D00

Project Title: Gun Involved Violence Elimination (GIVE) Initiative VII



Legislative Branch

RL Number:
20-152
Date Submitted:
7/20/2020

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

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Chief Joseph T Zikuski

Title/Department: City of Binghamton Police Department

Contact Information: (607) 772-7091

RL Information

Proposed Title: Resolution allowing Mayor David to use \$250,000.00 through the DOJ COPS office to fund the hiring of two newly appointed police officers for a three year period.

Suggested Content: This funding opportunity will provide \$250,000.00 to fund the salaries and fringe benefits for two City of Binghamton Police Officers which will allow the City of Binghamton Police Department to focus on community policing and crime prevention strategies.

CITY FUNDING TO BE BUDGETED IN 2021

Additional Information

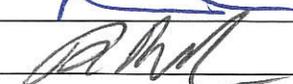
Does this RL concern grant funding? Yes No

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



Legislative Branch

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

GRANT APPLICATION WORKSHEET

*The Request for Legislation must include the project title and the purpose of the grant.
Please provide the following additional information.*

Agency providing the grant: US Department Of Justice COPS (Community Oriented Policing Services)

Total project cost: \$438,802.82

Total amount of grant: \$250,000.00

Local match (if any): \$188,802.82

If local match is monetary, provide the budget line and title: _____

If local match is "in kind", provide the anticipated personnel and hours to be dedicated to the project:

N/A

Disbursement of grant (upfront, reimbursable?): Reimbursable.

If reimbursable, source of funds pending reimbursement: City Funds

Grant project manager: Lt. David R. Bidwell

Anticipated date of project completion: June 30, 2023

Special project completion requirements (if any): Officers employed must be retained 12 mo. after end.

Attach any required form of Resolution from the Agency providing the grant.

Please provide any additional information in the space provided below, including any other government agency or private partner participating in the grant, along with a description of such participation:

This funding opportunity is a 36 month grant to fund the hiring of two new police officers through COPS.

The grant has a ceiling of \$250,000.00, which was awarded, with a 25% match, the City's contributions will total a maximum of \$188,802.82. The two employed officers must be trained for a full year after the end of the grant period.

Project #: 2020UMWX0149

Project Title: Cops Hiring Program 2020