



LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Tom Scanlon, City Council President

Leighton Rogers, City Clerk

COUNCIL OF THE CITY OF BINGHAMTON

Special Business Meeting Agenda

2nd Floor Atrium, 38 Hawley Street, Binghamton, NY 13901

7pm Monday, July 27, 2020

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. SECOND READ LEGISLATION

A. Introductory Ordinance 20-68. Considered in Finance: Strawn

A Bond Ordinance of the City of Binghamton, New York adopted July 22, 2020, authorizing the preparation of preliminary plans and specifications in connection with the constructing of the new fire station on land to be acquired by the City, stating the estimated maximum cost thereof \$800,000, appropriating said amount for such purpose and authoring the issuance of bonds of the City in the principal amount of not to exceed \$800,000 to finance said appropriation

B. Introductory Ordinance 20-69. Considered in Finance: Strawn

A Bond Ordinance of the City of Binghamton, New York, adopted July 22, 2020, amending the bond ordinance adopted January 22, 2020 on account of an increase in the cost of the replacement of tennis courts

V. ADJOURNMENT

State Environmental Quality Review Act

After the title of the Bond Ordinance for Design of the Fire Station is read, and before a vote, do the following:

A. Motion to declare City Council as “Lead Agency” under SEQRA.

Motion made by _____,

Seconded by _____,

Voice vote

B. Motion to identify the proposed action as “Unlisted” under SEQRA.

Motion made by _____,

Seconded by _____,

Voice vote

C. Motion to issue a negative declaration under SEQRA for the following reasons:

Nature of action. An ordinance authorizing issuance of \$800,000 serial bonds to finance design of a proposed new fire station and purchase of 235 Court Street, Binghamton, New York for the proposed new fire station.

Findings. Court Street is the main commercial street in the City of Binghamton. The property is in a C-1 Service Commercial District, which allows such uses as light industrial, bus depot, and dormitory. While currently vacant, the most recent use of the property was classified as 433 - Auto body. It is located close to access to downtown, Routes 11 and 7 (the Brandywine Parkway). The City owns adjacent properties on Pine Street, allowing for improved ingress/egress. The City has also been advised by the NYS Department of Transportation that the property can access Chapman Street, thus minimizing potential impacts on Court Street and Pine Street. The New York State Historic Preservation Office (SHPO) has determined that the existing structure on the property is not historically significant.

While purchase of the property and authorizing a bond for design are important steps in the process, they are preliminary steps in a longer more detailed process. Once an initial design is presented, it will require additional public hearing(s), site plan review for various impacts, including traffic, noise, etc... and approval from the City of Binghamton

Commission on Architecture and Urban Design (“CAUD”). Thus it is anticipated that this initial SEQRA determination will be supplemented as the process evolves.

Based on the forgoing, it is determined that issuance of \$800,000 serial bonds to finance design of a proposed new fire station and purchase of 235 Court Street, Binghamton, New York for the proposed new fire station will not have a significant impact on the environment.

Motion made by _____,

Seconded by _____,

Roll call vote

State Environmental Quality Review
Negative Declaration of Unlisted Action

Project Number: None

Date: July 22, 2020

This Notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

Nature of action. An ordinance authorizing issuance of \$800,000 serial bonds to finance design of a proposed new fire station and purchase of 235 Court Street, Binghamton, New York for the proposed new fire station.

Findings. The City of Binghamton City Council has determined that the proposed action described above is an unlisted action. Court Street is the main commercial street in the City of Binghamton. The property is in a C-1 Service Commercial District, which allows such uses as light industrial, bus depot, and dormitory. While currently vacant, the most recent use of the property was classified as 433 - Auto body. It is located close to access to downtown, Routes 11 and 7 (the Brandywine Parkway). The City owns adjacent properties on Pine Street, allowing for improved ingress/egress. The City has also been advised by the NYS Department of Transportation that the property can access Chapman Street, thus minimizing potential impacts on Court Street and Pine Street. The New York State Historic Preservation Office (SHPO) has determined that the existing structure on the property is not historically significant.

While purchase of the property and authorizing a bond for design are important steps in the process, they are preliminary steps in a longer more detained process. Once an initial design is presented, it will require additional public hearing(s), site plan review for various impacts, including traffic, noise, etc... and approval from the City of Binghamton Commission on Architecture and Urban Design ("CAUD"). Thus it is anticipated that this initial SEQRA determination will be supplemented as the process evolves.

Based on the forgoing, it is determined that issuance of \$800,000 serial bonds to finance design of a proposed new fire station and purchase of 235 Court Street, Binghamton, New York for the proposed new fire station will not have a significant impact on the environment.

For Further Information

Contact Person: Thomas Scanlon, President
City of Binghamton City Council

Address: City Hall
38 Hawley Street
Binghamton, NY 13901

Telephone Number: 607-772-7005 (City Clerk's Office)



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

Date: July 22, 2020

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

Introduced by Committee: Finance

ORDINANCE
entitled

BOND ORDINANCE OF THE CITY OF BINGHAMTON, NEW YORK, ADOPTED JULY 22, 2020, AUTHORIZING THE PREPARATION OF PRELIMINARY PLANS AND SPECIFICATIONS IN CONNECTION WITH THE CONSTRUCTION OF A NEW FIRE STATION ON LAND TO BE ACQUIRED BY THE CITY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$800,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE AND AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$800,000 TO FINANCE SAID APPROPRIATION

WHEREAS, the Council of the City of Binghamton (the "City") recognizes the need for the construction of a new fire station in the City and shall authorize the preparation of preliminary plans and specifications in connection therewith;

WHEREAS, the Council of the City expects to acquire land for the site of said new fire station and demolish the existing structure(s) thereon, at a total estimated cost of \$355,000, using funds other than bonds.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain (by the favorable vote of not less than two-thirds of all the members of said Council) as follows:

Section 1. The City of Binghamton, in the County of Broome, New York (herein called the "City"), is hereby authorized to prepare preliminary plans and specifications in connection with the construction of a new fire station on land to be acquired by the City (the "Project"). The estimated maximum cost of the Project, including preliminary costs and costs incidental thereto and the financing thereof, is \$800,000 and said amount is hereby appropriated therefor, such appropriation having been authorized by the Council pursuant to Ordinance No. _____. The plan of financing includes the issuance of bonds of the City in the principal amount of not to exceed \$800,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

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STATE OF NEW YORK**

Section 2. Bonds of the City in the principal amount of not to exceed \$800,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance the appropriation referred to herein.

Section 3. The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 62 of the Law, is five (5) years.

Section 4. The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the City for expenditures made after the effective date of this ordinance for the purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. Each of the bonds authorized by this ordinance, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this ordinance and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing agreements for credit enhancements, are hereby delegated to the City Comptroller, the chief fiscal officer of the City.

Section 7. The validity of the bonds authorized by this ordinance, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such ordinance, or a summary thereof, are not substantially complied with,

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STATE OF NEW YORK**

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 8. This bond ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish the foregoing ordinance, in summary, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in the "*The Press & Sun-Bulletin*," a newspaper published in Binghamton, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

State Environmental Quality Review Act

After the title of the Ordinance to amend the Bond for the tennis courts is read, and before a vote, do the following:

A. Motion to declare City Council as “Lead Agency” under SEQRA.

Motion made by _____,

Seconded by _____,

Voice vote

B. Motion to identify the proposed action as “Type II.”

On January 22, 2020, the City of Binghamton City Council authorized and completed SEQRA for a variety of capital projects, including improvements to tennis courts. Subsequently it was determined that the cost to improve the tennis courts would exceed the January 22, 2020, bond approval. Thus the City is amending the January 22, 2020, bond approval to increase the allocation for Item “J. Replace Tennis Courts” to increase the total amount to \$1,300,000. A Type II determination was made on January 22, 2020.

The City of Binghamton City Council has determined that the proposed action described above is a Type II action based on §617.5 Type II C (1) maintenance or repair involving no substantial changes in an existing structure or facility, (2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part, and (21) minor temporary uses of land having negligible or no permanent impact on the environment; and no further environmental review is necessary.

Motion made by _____,

Seconded by _____,

Roll Call vote

State Environmental Quality Review
Determination of Type II Action
and an Unlisted Action For One Additional Tennis Court

Project Number: None

Date: July 22, 2020

This Notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

Nature of action. On January 22, 2020, the City of Binghamton City Council authorized and completed SEQRA for a variety of capital projects, including improvements to tennis courts. This project is for upgrades to Recreation Park in the City of Binghamton. These upgrades focus mainly on the existing seven tennis courts located along Seminary Avenue at the intersection of Beethoven Street. This will include improvements to the court surfacing, layouts, drainage features, and seating areas. Subsequently it was determined that the cost to improve the tennis courts would exceed the January 22, 2020, bond approval. Thus the City is amending the January 22, 2020, bond approval to increase the allocation for Item "J. Replace Tennis Courts" to increase the total amount to \$1,300,000. A Type II determination was made on January 22, 2020.

Findings. The City of Binghamton City Council has determined that the proposed action described above is a Type II action based on §617.5 Type II C (1) maintenance or repair involving no substantial changes in an existing structure or facility, (2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part, and (21) minor temporary uses of land having negligible or no permanent impact on the environment.

There is one proposed new tennis court, which will be within the same footprint of the existing facilities. As there are already seven tennis courts, one additional tennis court in the same footprint will be a benefit to the community and will have no change of impact on the park. No further environmental review is necessary.

For Further Information

Contact Person: Thomas Scanlon, President
City of Binghamton City Council

Address: City Hall
38 Hawley Street
Binghamton, NY 13901

Telephone Number: 607-772-7005 (City Clerk's Office)



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

Date: July 22, 2020

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

Introduced by Committee: Finance

ORDINANCE
entitled

AMENDING BOND ORDINANCE OF THE CITY OF BINGHAMTON, NEW YORK, ADOPTED JULY 22, 2020, AMENDING THE BOND ORDINANCE ADOPTED JANUARY 22, 2020 ON ACCOUNT OF AN INCREASE IN THE COST OF THE REPLACEMENT OF TENNIS COURTS

WHEREAS, the Council of the City of Binghamton (the "City"), in the County of Broome, New York, has heretofore duly authorized the issuance of bonds in the principal amount of not to exceed \$8,992,235 to finance various capital projects in and for the City, including the replacement of tennis courts, at an estimated maximum cost of \$600,000, all as specified in the bond ordinance adopted on January 22, 2020; and

WHEREAS, the Council has now determined that the total cost of the replacement of tennis courts is \$1,300,000, and it is necessary and in the public interest to increase the appropriation for such project by \$700,000 and to amend said bond ordinance to authorize the issuance of an additional \$700,000 bonds to finance said increased appropriation.

NOW, THEREFORE, BE IT

RESOLVED BY THE COUNCIL OF THE CITY OF BINGHAMTON, IN THE COUNTY OF BROOME, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Board of Trustees) AS FOLLOWS:

Section A. The bond ordinance of said City duly adopted by the Council of the City on January 22, 2020 entitled:

Bond Ordinance of the City of Binghamton, New York, adopted January 22, 2020, authorizing various capital improvements in and for the City, stating the estimated maximum cost thereof is \$8,992,235, appropriating said amount for such purpose and authorizing the issuance of bonds of the City in the principal amount of not to exceed \$8,992,235 to finance said appropriation,"

is hereby amended to read as follows:

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STATE OF NEW YORK**

BOND ORDINANCE OF THE CITY OF BINGHAMTON, NEW YORK, ADOPTED JANUARY 22, 2020 AND AMENDED ON JULY 22, 2020, AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE CITY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$9,692,235, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE AND AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$9,692,235 TO FINANCE SAID APPROPRIATION

WHEREAS, the Council of the City of Binghamton recognizes the need to provide for various capital improvements in and for the City, as more specifically described herein;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BINGHAMTON, NEW YORK, DULY CONVENED (by the favorable vote of not less than two-thirds of all the members of said Council) AS FOLLOWS:

Section 1. The City of Binghamton, in the County of Broome, New York (herein called the "City"), is hereby authorized to construct, acquire or undertake the various projects as described in Column A of said Schedule I, attached hereto and made a part hereof, at the estimated maximum costs indicated in Column B of said Schedule I. The estimated total cost of such projects, including preliminary costs and costs incidental thereto and the financing thereof, is \$9,692,235 and said amount is hereby appropriated therefor, such appropriation having been authorized by the Council pursuant to Ordinance Nos. _____ and _____. The plan of financing includes the issuance of bonds of the City in the principal amount of not to exceed \$9,692,235 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Debt service on the obligations herein authorized is expected to be paid from the respective funds of the City set forth in Column D of said Schedule I. Any grant funds received from the United States of America, the State of New York or from any other source, including the grant funds referenced in Column E of said Schedule I, in connection with the various projects described in Column A of said Schedule I, are authorized to be applied towards the cost of said projects or redemption of the City's bonds or notes issued therefor, or to be budgeted as an offset to the amounts to be collected for the payment of the principal of and interest on said bonds or notes.

Section 2. Bonds of the City in the aggregate principal amount of not to exceed \$9,692,235 are hereby authorized to be issued in the principal amounts indicated in Column C of said Schedule I for each of the respective objects or purposes indicated in Column A of said Schedule I, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance the appropriation referred to herein.

Section 3. The respective periods of probable usefulness of the specific objects or purposes and classes of objects or purposes for which said bonds are authorized to be issued, within the limitations of §11.00 a. of the Law as referenced in Column G of said Schedule I, are set forth in Column F of said Schedule I.

Section 4. The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the City for expenditures made

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after the effective date of this ordinance for the purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. Each of the bonds authorized by this ordinance, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this ordinance and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing agreements for credit enhancements, are hereby delegated to the City Comptroller, the chief fiscal officer of the City.

Section 7. The validity of the bonds authorized by this ordinance, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such ordinance, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 8. This bond ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish the foregoing ordinance, in summary, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in the "*The Press & Sun-Bulletin*," a newspaper published in Binghamton, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Section B. The amendment of the bond ordinance set forth in Section A of this ordinance, shall in no way affect the validity of the liabilities incurred, obligations issued, or action

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taken pursuant to said bond ordinance, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond ordinance, as so amended.