



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

Date: November 18, 2015

Sponsored by Council Members: Motsavage, Mihalko, Berg, Webb

Introduced by Committee: Public Works/Parks and Recreation

RESOLUTION

entitled

**A RESOLUTION AUTHORIZING
NEGOTIATION OF A PROJECT LABOR
AGREEMENT FOR THE RESTORATION AND
REHABILITATION OF THE JOINT SEWAGE
TREATMENT PLANT**

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

WHEREAS, the City is the Lead Agency for the Phase III Remedial Project at the JSTF pursuant to a series of inter-municipal agreements (collectively the "IMA") between the City and the Village; and

WHEREAS, Nautilus Consulting, LLC, prepared a "Due Diligence Assessment on Impacts and Implementation of a Project Labor Agreement for the Restoration and Rehabilitation of the Binghamton-Johnson City Joint Sewage Treatment Plant"; and

WHEREAS, the Due Diligence Assessment recommends negotiation of a Project Labor Agreement; and

WHEREAS, the City wishes to explore a possible Project Labor Agreement; and

WHEREAS, the Due Diligence Assessment may have to be updated to further establish the public benefit based on the terms and conditions of a proposed Project Labor Agreement; and

WHEREAS, any proposed Project Labor Agreement would require approval by City Council and the Village prior to execution.

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

RESOLVE that the Mayor, or his designated agent, is authorized to negotiate a proposed Project Labor Agreement; and be it further

RESOLVED that a proposed Project Labor Agreement shall not be executed until approved by the City Council of the City of Binghamton and Board of Trustees of the Village of Johnson City; and be it further

RESOLVED that the City Council of the City of Binghamton reserves the right to require an update of the Due Diligence Assessment to further establish the public benefit of a Project Labor Agreement based on the proposed terms and conditions.

Introductory No. R15-119

Permanent No. **VETOED**

Sponsored by City Council Members:
Motsavage, Mihalko, Berg, Webb

A RESOLUTION AUTHORIZING NEGOTIATION OF A
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RESTORATION AND REHABILITATION OF THE
JOINT SEWAGE TREATMENT PLANT

The within Resolution was adopted by the Council of
the City of Binghamton.

11/18/15
Date

[Signature]
City Clerk

19 Nov 15
Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Motsavage	✓			
Mihalko		✓		
Rennia	✓			
Webb	✓			
Papastrat		✓		
Matzo		✓		
Berg	✓			
Total	4	3	0	0

Code of the City of Binghamton

Adopted Defeated

4 Ayes 3 Nays 0 Abstain 0 Absent

Veto
See Attached



MEMORANDUM OFFICE OF THE MAYOR

Richard C. David, Mayor
Jared M. Kraham, Deputy
Donna Ferranti, Secretary

DATE: Nov. 30, 2015
TO: City Council
CC: Joe Merrill, City Clerk
Ken Frank, Corporation Counsel
Chuck Shager, Comptroller
Ray L. Standish, P.E., City Engineer
Mayor Greg Deemie, Village of Johnson City
Village of Johnson City Board of Trustees
FROM: Richard C. David, Mayor
RE: Veto — Resolution No. 15-119, a Resolution authorizing negotiation of a Project Labor Agreement for the restoration and rehabilitation of the Joint Sewage Treatment Plant, passed on Nov. 18, 2015.

There has been much public discussion and debate regarding a proposed project labor agreement for the rehabilitation of the Binghamton-Johnson City Joint Sewage Treatment Plant (BJCJSTP).

At more than \$200 million, this rehabilitation project is the largest local capital infrastructure project to date in Broome County and one that will directly impact City residents and ratepayers for decades. My primary goal is to ensure as much local labor as possible is utilized and as much of the money as possible associated with this project stays here in the Southern Tier.

Both union and non-union representatives believe their respective approach is the best strategy to ensure that local labor will be utilized. In fact, both sides offer identical arguments, stating the community will be negatively impacted if the opposite side prevails. I have the utmost respect for both union trade organizations and non-union shops and have supported each on many occasions.

Neither a PLA nor an open bid process would guarantee achieving our collective goal of utilizing local labor and keeping the money in our region.

A PLA will ensure a portion of regional labor will be utilized, but also ensures many non-union Binghamton firms will not have the ability to even bid on the project.

Conversely, an open-bid process — which benefits local taxpayers by ensuring the lowest responsible bidder prevails — provides an opportunity for out-of-state companies to bid, with some of those profits headed outside our area if they are awarded.

There should be a fair and level playing field in which everyone can compete to work on this project. I do believe there are enough qualified local firms that will competitively bid on this project to ensure that as much of the work as possible will stay local.

Whether a PLA was t's important to keep in mind that some of the rehabilitation work dealing with specialized wastewater treatment operations can only be handled by national or even international companies having specific expertise and capabilities.

At this point, I believe there is not adequate time to negotiate a thorough PLA with the unions while adequately addressing concerns that have been raised — including non-union participation — and have the project bid in time to meet long-term deadlines provided to the New York State Department of Environmental Conservation (NYSDEC).

I have also spoken with Johnson City Mayor Greg Deemie to convey my position on the issue and garner his input and support.

Whether a PLA is in place or not, it's important to keep in mind that a portion of the work deals with specialized wastewater treatment operations, meaning only certain companies with specific expertise will bid on components of the project. These companies could very well be from outside New York State or even the United States due to the size of the project and the specific wastewater treatment processes involved. That's why it's important to ensure local companies have an opportunity to bid on as much of the remaining work as possible.

Therefore, I have vetoed City Council Resolution No. 15-119, a Resolution authorizing negotiation of a Project Labor Agreement for the restoration and rehabilitation of the Joint Sewage Treatment Plant, passed on Nov. 18, 2015.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard C. David".

Richard C. David
Mayor