



THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: April 9, 2014

Sponsored by Council Members: Berg, Matzo, Motsavage, Webb, Rennia, Mihalko; Papastrat

Introduced by Committee: Finance

ORDINANCE

entitled

AN ORDINANCE AUTHORIZING THE
ISSUANCE OF \$19,495,500 IN SERIAL BONDS
TO FINANCE 2014 CAPITAL PROJECTS

WHEREAS, the City of Binghamton wishes to finance certain capital projects as set forth in the attached "Exhibit A"; and

WHEREAS, in order to finance these projects, it is necessary for the Council of the City of Binghamton to adopt a Bond Ordinance, the full text of which is attached hereto as "Schedule P".

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

Section 1. That this Bond Ordinance, authorizing the issuance of serial bonds in an amount not to exceed Nineteen Million, Four Hundred Ninety-Five Thousand, Five Hundred dollars (\$19,495,500) by the Council of the City of Binghamton, annexed hereto as "Schedule I," is hereby approved.

Section 2. That this Ordinance shall take effect immediately upon (1) adoption by the Council of the City of Binghamton and approved in writing by the Mayor of the City of Binghamton in the manner prescribed by law; (2) its approval in writing by the Board of Estimate and Apportionment of the City of Binghamton; and (3) proper publication.

I hereby certify the above to be a true copy
of the legislation adopted by the Council
of the City of Binghamton at a meeting
held on 4/9/14. Approved by the
Mayor on 4/14/14.

Introductory No. O14-14

Permanent No. O14-13

Sponsored by City Council Members:
Berg, Matzo, Motsavage, Webb, Rennia, Mihalko,
Papastrat

AN ORDINANCE AUTHORIZING THE
ISSUANCE OF \$19,495,500 IN SERIAL BONDS
TO FINANCE 2014 CAPITAL PROJECTS

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

APRIL 9, 2014
Date
[Signature]
City Clerk

APRIL 10, 2014
Date Presented to Mayor
4/14/14
Date Approved
[Signature]
Mayor

	Ayes	Nays	Abstain	Absent
Motsavage	✓			
Mihalko	✓			
Rennia				✓
Webb	✓			
Papastrat	✓			
Matzo	✓			
Berg	✓			
Total	6	0	0	1

Code of the City of Binghamton

Adopted Defeated

6 Ayes 0 Nays 0 Abstain 1 Absent

State Environmental Quality Review
Determination of Type II Action and
Negative Declaration regarding First Ward Pool

Project Number: None

Date: April 9, 2014

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.

The City of Binghamton City Council has determined that the proposed action described below 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, (4) repaving of existing highways not involving the addition of new travel lanes, (5) street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities, (11) extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list and (15) minor temporary uses of land having negligible or no permanent impact on the environment; and no further environmental review is necessary.

Excepting therefrom the removal of the First Ward pool, which is considered a local landmark historic property, and therefore an Unlisted action. The First Ward pool is in such a state of disrepair that it cannot be remediated. Prior to any removal, the City will obtain all required approvals from New York State Agencies, including the New York State Historic Preservation Office ("SHPO").

The lead agency has determined that the action will not have a significant adverse impact on the environment for the following reasons:

The action will not produce a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production, a substantial increase in potential for erosion, flooding, leaching or drainage problems.

The action will not involve the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant or the habitat of such a species; or other significant adverse impacts to natural resources.

The action will not cause the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR 617.14 (g).

The action will not create a material conflict with a community's current plans or goals as officially approved or adopted.

The action will not cause a major change in the use of either the quantity or type of energy.

The action will not create a hazard to human health.

The action will not cause a substantial change in the use or intensity of use of land including agriculture, open space or recreation resources, or in its capacity to support existing uses.

The action will not change two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together results in a substantial adverse impact on the environment.

Impacts from the action may combine with impacts of other, possible independent actions in the vicinity. The lead agency finds that when considered cumulatively such combination will not create a significant adverse impact on the environment.

In light of the condition of the pool and because any determination to be made by SHPO will mitigate any potential impacts, City Council determines that there will be no significant adverse environmental impact.

Name of Action: An ordinance authorizing issuance of \$19,495,500 serial bonds to finance 2014 capital projects. The projects are for replacement, rehabilitation or reconstruction of existing structures or facilities, repaving of existing highways not involving the addition of new travel lanes, and street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities, and various equipment needs.

For Further Information

Contact Person: Teri Renna, President
City of Binghamton City Council

Address: City Hall
38 Hawley Street
Binghamton, NY 13901

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



PHONE: 212-820-9300
FAX: 212-514-8425

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April 8, 2014

City of Binghamton, New York
\$19,495,500 Bonds for Various Purposes
(Our File Designation: 5040/38436)

REVISED

Charles L. Pearsall
Comptroller
City of Binghamton
City Hall
38 Hawley Street
Binghamton, New York 13901-3766

Dear Charlie:

Pursuant to your request, I have prepared the attached Extract of Minutes of a Council meeting to be held April 9, 2014 showing adoption of the above bond ordinance and providing for publication, *in summary*.

The bond ordinance requires at least a two-thirds vote of the full Council for adoption, without taking into consideration any temporary absences or vacancies.

A summary of the bond ordinance with the prescribed form of Clerk's statutory notice affixed in readiness for publication in the official City newspaper is also included. As you know, publication of the bond ordinance, in summary, commences a 20-day statute of limitations period pursuant to the provisions of Section 80.00 *et seq.* of the Local Finance Law. The publication of the legal notice should be made as soon as possible following adoption of the ordinance by the City Council.

Please obtain and forward to me a certified copy of the Extract of Minutes and an original Affidavit of Publication, when available.

With best regards, I am

Very truly yours,

William J. Jackson

WJJ/ml
Enclosures

1340945.1 038436 RSIND

EXTRACT OF MINUTES

Meeting of the Council of the City of Binghamton,
in the County of Broome, New York

April 9, 2014

* * *

A regular meeting of the Council of the City of Binghamton, in the County of Broome, New York, was held at the City Hall, Binghamton, New York, on April 9, 2014.

There were present: Lea Webb, Jerry Motsavage, Bill Berg, John Matzo, Joseph Mihalko, Chris Papastrat

Councilpersons: Lea Webb, Jerry Motsavage, Bill Berg, John Matzo, Joseph Mihalko, Chris Papastrat

There were absent: Teri Remia

Also present: Angela Holmes, City Clerk

* * *

Councilman Bill Berg offered the following ordinance and moved its adoption:

EXHIBIT A

BOND ORDINANCE OF THE CITY OF BINGHAMTON, NEW YORK, ADOPTED APRIL 9, 2014, AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE CITY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$19,495,500, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE AND AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$19,495,500 TO FINANCE SAID APPROPRIATION

Recital

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 CONVENEED (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 \$19,495,500 and said amount is hereby appropriated therefor, such appropriation having been authorized by the Council pursuant to Ordinance No. 14-13 The plan of financing includes the

issuance of bonds of the City in the principal amount of not to exceed \$19,495,500 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.

Section 2. Serial bonds of the City in the aggregate principal amount of not to exceed \$19,495,500 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 serial bonds are authorized to be issued, within the limitations of §11.00 a. of the Law as referenced in Column E of said Schedule I, are set forth in Column D 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 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 "*Binghamton Press*," 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.

* * *

The adoption of the foregoing ordinance was seconded by

Councilman Motsavage and duly put to a vote on roll call, which resulted as follows:

AYES: Motsavage, Mihalko, Webb, Papastrat, Matzo, Berg

NOES: None

The ordinance was declared adopted.

Approved by the Mayor on April 14, 2014.

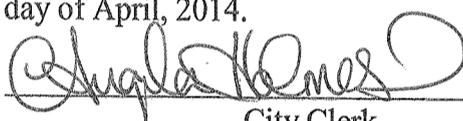
**Schedule I
2014 Capital Improvement Plan**

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
Project Description (object or purpose)	Estimated Maximum Cost	Amount of Bonds Authorized	Period of Probable Usefulness	PPU Section 11.00 a. Reference
<u>Police Department</u>				
Acquisition of Police Cars	\$ 60,000	\$ 60,000	3	77
FATS (Range Simulator)	55,000	55,000	5	35
<u>Fire Department</u>				
75' Straight Ladder Truck	499,000	499,000	27	20
<u>Department of Public Works</u>				
Chiller Replacement	200,000	200,000	10	13
Cooling Tower Replacement	125,000	125,000	10	13
Installation of Air Handler Units	100,000	100,000	10	13
Acquisition of Dump Truck	110,000	110,000	15	28
<u>Engineering</u>				
Street Reconstruction	1,693,500	1,693,500	15	20(c)
Water Line Improvements	1,000,000	1,000,000	40	1
Sewer Line Improvements	1,500,000	1,500,000	40	4
Chenango River Trail Connection Improvements	1,000,000	1,000,000	15	19(c)
Front Street Gateway Improvements	5,000,000	5,000,000	15	20(c)
E. Clinton Street Bridge Rehabilitation	1,000,000	1,000,000	20	10
S. Washington Street Bridge Rehabilitation	1,585,000	1,585,000	20	10
North Bank Susquehanna Trail Improvements	1,000,000	1,000,000	15	19(c)
Exchange Street Bridge Reconstruction	3,000,000	3,000,000	20	10
Reconstruction of Front Street Mill and Pave	250,000	250,000	15	20(c)
Installation of Signals at Riverside Drive and Beethoven	360,000	360,000	20	72(a)
<u>DPW</u>				
Acquisition of Small Roller and Truck	125,000	125,000	15	28
<u>Parks Department</u>				
Ross Park Carousel Relocation and Renovations	198,000	198,000	15	19(c)
Remove First Ward Pool	100,000	100,000	5	35
Heating/Cooling System Upgrades - 1 st Ward Senior Center	100,000	100,000	10	13
Design plans and specs. for improvements for Cheri Lindsey Bath House	75,000	75,000	5	62
Design plans and specs. for improvements for Southside Pool Bath House	50,000	50,000	5	62
Improvements to bathroom facilities	60,000	60,000	10	12(a)(3)
<u>Water Department</u>				
Design plans and specifications for Sludge Extraction System and Plant Modifications	<u>250,000</u>	<u>250,000</u>	5	62

CERTIFICATE

I, ANGELA HOLMES, City Clerk of the City of Binghamton, in the County of Broome, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Council of said City of Binghamton duly called and held on April 9, 2014, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Council and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City of Binghamton this 14 day of April, 2014.



City Clerk

(SEAL)

<u>A</u> Project Description (object or purpose)	<u>B</u> Estimated Maximum Cost	<u>C</u> Amount of Bonds Authorized	<u>D</u> Period of Probable Usefulness	<u>E</u> PPU Section 11.00 a. Reference
Totals:	<u>\$19,495,500</u>	<u>\$19,495,500</u>		

(NOTICE AND SUMMARY OF ORDINANCE FOR PUBLICATION)

LEGAL NOTICE

The ordinance, a summary of which is published herewith, has been adopted by the Council of the City of Binghamton on April 9, 2014. Such ordinance was approved in writing by the Mayor of the City on April 14, 2014 and by the Board of Estimate and Apportionment of the City on April 9, 2014.

The validity of the obligations authorized by such ordinance may be hereafter contested only if such obligations were authorized for an object or purpose for which the City of Binghamton, in the County of Broome, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

DATE: April 9, 2014

ANGELA HOLMES
City Clerk
City of Binghamton, New York

BOND ORDINANCE OF THE CITY OF BINGHAMTON, NEW YORK,
ADOPTED APRIL 9, 2014, AUTHORIZING VARIOUS CAPITAL
IMPROVEMENTS IN AND FOR THE CITY, STATING THE
ESTIMATED MAXIMUM COST THEREOF IS \$19,495,500,
APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE AND
AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY IN THE
PRINCIPAL AMOUNT OF NOT TO EXCEED \$19,495,500 TO
FINANCE SAID APPROPRIATION

The objects or purposes for which the bonds are authorized is to finance various capital improvements in and for the City of Binghamton, as further described in the City's 2014 Capital Improvement Plan, at the estimated total cost of \$19,495,500.

The total amount of obligations authorized to be issued is not to exceed \$19,495,500.

The periods of usefulness for the objects or purposes listed above are various periods ranging from 3 to 40 years.

A complete copy of the Bond Ordinance summarized above shall be available for public inspection during normal business hours at the office of the City Clerk, City of Binghamton, City Hall, 38 Hawley Street, Binghamton, New York.

Dated: April 9, 2014
Binghamton, New York

