

Legal Counsel Approval



RL14-153

Introductory No. 014-59

Permanent No. \*\*VETOED\*\*

**\*\*VETO SUSTAINED\*\***

Permanent No. 014-65



THE COUNCIL OF THE CITY OF BINGHAMTON  
STATE OF NEW YORK

Date: October 22, 2014

Sponsored by Council Members: Berg, Motsavage, Matzo, Mihalko, Papastrat

Introduced by Committee: Finance

ORDINANCE

*entitled*

AN ORDINANCE ADOPTING THE TAX  
BUDGET FOR THE YEAR 2015

WHEREAS, the Mayor did, on September 15, 2014, and the same was confirmed by the Board of Estimate and Apportionment on September 15, 2014, submit to the Common Council of the City of Binghamton, in writing, the estimate of the probable revenue to be received by the City of Binghamton, and, also, of the several sums of money deemed necessary to pay the expenses of conducting the business of said City, and each department and office thereof, and for the various purposes contemplated by the Charter and Code of the City of Binghamton, the Second Class Cities Law, and all other laws applicable thereto for the 2015 fiscal year commencing January 1, 2015, and also to pay the principal and interest of any indebtedness falling due during said period and not otherwise provided for; and

WHEREAS, the Council, after giving due notice of hearing thereof, pursuant to the Charter and Code of the City of Binghamton and Second Class Cities Law § 75, has heard all citizens and taxpayers who desire to be heard in reference to said estimate.

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

Section 1. That said estimate, as so submitted by the Mayor and the Board of Estimate and Apportionment to the Common Council, pursuant to Second Class Cities Law § 75 and the Charter of the City of Binghamton § 62 on September 15, 2014, be and the same hereby is amended and adopted as hereinafter set forth in full, and said sums contained in said estimate, as so amended, of revenues to be received by the City for such period, be and the same hereby are adopted in the amounts and for the several departments, officers and employees named therein.

Section 2. That the several sums, aggregating \$103,298,707.81 specified in said estimate, as so amended, for paying the expenses of conducting the business of said City, and for the various purposes contemplated by the Supplemental Charter applicable thereto, for said year, after deducting that portion of estimated revenue and the balances applicable for such purposes in the amount of \$54,898,377.70 which leaves the sum of \$48,400,330.11 constituting the tax budget of fiscal year 2015, of which the amounts of \$11,885,890.00 to be raised by tax other

THE COUNCIL OF THE CITY OF BINGHAMTON  
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than on real estates, leaving a balance of \$36,514,440.11 to be raised by a tax upon real estate, an itemized statement which is attached hereto and made a part hereof.

Section 3. That the sum of \$36,514,440.11 be and the same hereby is levied and assessed, and that the same be raised by tax upon the real and personal property liable to tax in the City of Binghamton, at the time and in the manner provided for by the Second Class Cities Law, the Charter and Code of the City of Binghamton, and tax law and all other laws applicable thereto.

Section 4. A sum of \$846,856.46 and \$873,825.35 representing unpaid water and sewer rents respectively billed for the period ending August 2014 and remaining unpaid as of September 1, 2014 and subject to receipt of further payments, are hereby levied and become a lien upon real property liable for said unpaid rents.

Section 5. That this Ordinance shall take effect immediately.

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



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

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 11/19/14. Approved by the Mayor on 11/20/14.



Introductory No. O14-59

Permanent No. \*\*VETOED\*\*

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

**AN ORDINANCE ADOPTING THE TAX BUDGET  
FOR THE YEAR 2015**

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

Date October 22, 2014

City Clerk Jeremy Peduto

Date Presented to Mayor October 23, 2014

Date Approved \_\_\_\_\_

Mayor \_\_\_\_\_

A Public Hearing on the legislation was held at the Special Business Meeting on October 22, 2014.

Veto message received from Mayor Richard C. David on November 6, 2014. David vetoed thirteen of Council's amendments to the proposed 2015 budget.

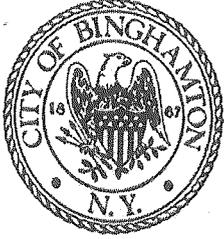
	Ayes	Nays	Abstain	Absent
Motsavage	✓			
Mihalko	✓			
Rennia				✓
Webb				✓
Papastrat	✓			
Matzo	✓			
Berg	✓			
Total	5	0	0	2

Code of the City of Binghamton

Adopted  Defeated

5 Ayes 0 Nays 0 Abstain 2 Absent

*\*See Veto Memo*



# MEMORANDUM OFFICE OF THE MAYOR

*Richard C. David, Mayor*  
*Jared M. Kraham, Executive Assistant*  
*Donna Ferranti, Secretary*

RECEIVED

DATE: Nov. 6, 2014  
TO: City Council  
CC: Jeremy Pelletier, City Clerk

NOV 06 2014

OFFICE OF THE CITY CLERK  
CITY OF BINGHAMTON

Ken Frank, Corporation Counsel

Chuck Shager, Comptroller

Gary Holmes, Commissioner of Public Works

William Barber, Director, Parks & Recreation

Jennie Skeadas-Sherry, Director, Planning, Housing & Community Development

Joseph Yannuzzi, Water / Sewer Superintendent

FROM: Richard C. David, Mayor

RE: Veto — Ordinance 014-59, An Ordinance Adopting The Tax Budget For The  
Year 2015

I would like to thank City Council for its support of my 2015 Proposed Budget. After consideration, I have decided to veto some of Council's changes to the proposed budget and restore the stated funds (unless otherwise noted) to the following budget lines:

**A1440.51800 — Engineering, Temporary Services: \$3,000.00 (restore)**

The balance remaining after Council's cut is not adequate to cover estimated expenses, which is why I am restoring this line to its originally budgeted amount.

**A1620.54440 — City Hall — Operation of Plant, Elevator Service & Repair: \$5,000.00 (restore)**

These funds are necessary for mandated elevator safety inspections, repairs and maintenance.

**A1650.54410 — Signals/Combined Shops, Professional Services: \$2,080.00 (restore)**

The balance remaining after Council's cut is not adequate to cover estimated expenses, which is why I am restoring this line to its originally budgeted amount.

**A5182.54202 — Street Lighting, Electricity: \$50,000.00 (restore)**

Estimated costs were carefully determined by the Commissioner of Public Works and City Comptroller. The balance remaining after Council's cut is not adequate to cover estimated expenses, which is why I am restoring this line to its originally budgeted amount.

**A7020.51000 — Parks & Rec Admin, Commissioner of Parks: \$59,684.00 (restore)**

The Department of Parks & Recreation plays an important role in improving the quality of life in every corner of the City and works in tandem with many other departments to accomplish that goal. Department heads should be management appointed, serving as part of an executive management team at the pleasure of the Mayor. This department's recent history shows the problems that can arise from a department head not being accountable to any executive authority. Making the Director of Parks & Recreation a Commissioner of Parks will prevent that.

**A8684.54701 — Planning & MGMT Dev, Travel & Training: \$3,000.00 (restore)**

In 2015, two positions will be filled, Assistant Director of Planning, Housing & Community Development and Grants Administrator. As PHCD deals daily with many technical and regulatory issues, it's paramount that staff members are well-trained. In addition to technical training, conferences and workshops can spark creative solutions to different community development challenges and networking opportunities. Specifically, the Grants Administrator must receive regular training to stay up-to-date on the latest policies and protocols from the U.S. Department of Housing and Urban Development, which administers roughly \$1.9 million in Community Development Block Grants to the City. The balance remaining after Council's cut is not adequate to provide training for two new staff members, which is why I am restoring this line to its originally budgeted amount.

**CL8160.51900 — Refuse Disposal, Overtime: \$14,800.00 (restore)**

The balance remaining after Council's cut is not adequate to cover estimated expenses, which is why I am restoring this line to its originally budgeted amount.

**CL8160.54112 — Refuse Disposal, Gasoline / Diesel Fuel: \$40,000.00 (restore)**

Estimated costs were carefully determined by the Commissioner of Public Works and City Comptroller. The balance remaining after Council's cut is not adequate to cover estimated expenses, which is why I am restoring this line to its originally budgeted amount.

**CL8160.54662 — Refuse Disposal, Yard Waste Fee: \$4,150 (remove)**

By restoring Council's various cuts in the Refuse Fund, there are not adequate funds in Refuse Fund contingency to cover Council increasing this line by \$4,150. Those additional funds are removed. Therefore, I am vetoing this increase.

**FX8330.54665 — Water Purification, JSTP IPP: \$50,000.00 (restore)**

The balance remaining after Council's cut is not adequate to cover estimated expenses, which is why I am restoring this line to its originally budgeted amount.

**H8340.525058.10515 — Capital Fund, Water Lines: \$1,000,000.00 (restore)**

In September, New York State Comptroller Thomas P. DiNapoli released a report detailing the need for local governments to increase capital spending on infrastructure. By his estimates, municipalities across the state are spending one third of what is required on infrastructure. "The decline in local government spending on water and sewer systems was significant," according to DiNapoli. Residents deserve roads with integrity and utility services that work. With debt service costs low and a crumbling infrastructure, now is the time to invest. This administration made a commitment to invest in the City's aging infrastructure. Unfortunately, years of neglect and deferred maintenance in this area mean that significant work must be done to reliably provide this basic municipal service.

**H5182.525151.10515 — Capital Fund, Street Light Replacement: \$2,000,000.00 (restore)**

This administration's plan to replace the roughly 7,000 street lights with LED bulbs will be a significant step to improve public safety, streetscape aesthetics and the energy efficiency in the City of Binghamton. Residents, business owners and the Press & Sun-Bulletin's editorial board have expressed excitement and support for converting to LED technology. Our street lights will burn brighter and last longer. The costs of replacing the bulbs will be recouped through energy and maintenance efficiencies, which will provide savings to taxpayers for years to come.

**H5650.525080.10515 — Capital Fund, Parking Ramps: \$1,000,000.00 (restore)**

Over the years, multiple studies have shown the City's parking garages are in various states of disrepair. Beyond normal fixes, several major projects are necessary to bring the ramps into safety and structural compliance, as well as address handicap accessibility. The Collier St. garage is at the end of its useful life. Cosmetic fixes are no longer applicable and major improvements are planned. The City must also make significant investments in the State St. and Water St. parking garages as well.

Sincerely,



Richard C. David  
Mayor



# LEGISLATIVE BRANCH ■ CITY OF BINGHAMTON

Teri Renna, City Council President  
Jeremy Pelletier, City Clerk

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## COUNCIL OF THE CITY OF BINGHAMTON Business Meeting Minutes

City Council Chambers, 38 Hawley Street, Binghamton, NY 13901  
Wednesday November 19, 2014

### CALL TO ORDER

Called to order by City Council President Renna at 6:33pm.

### PLEDGE OF ALLEGIANCE

City Council City Council President Renna led the Pledge of Allegiance.

### ROLL CALL

City Council Members Present: Jerry Motsavage, Joseph Mihalko, Teri Renna, Chris Papastrat, John Matzo, Bill Berg

City Council Members Absent: Lea Webb

Also Present: Jeremy C. Pelletier, City Clerk; Tito Martinez, Deputy City Clerk; Allison Sosa, Assistant Corporation Counsel

### REPORTS FROM COMMITTEES AND APPROVAL OF MINUTES

Motion to approve the minutes from the Business Meeting held on Wednesday November 5, 2014.

Moved by Motsavage, seconded by Berg.

Voice vote, none opposed.

### PUBLIC COMMENT/COMMUNICATION

Jack Sheehan, <sup>1</sup>Tito Martinez (read a letter on behalf of City Council)

Commissioner Anthony Annucci  
Office of the Commissioner  
Building 2 State Campus  
Albany, NY 12226-2050

Wednesday November 19, 2014

### RE: LETTER AGAINST RELEASE OF JAMES B. WALES

Dear Commissioner Annucci,

We, the undersigned members of Binghamton City Council, are writing today to express our opposition to the transfer of James B. Wales from a Maximum Security Prison to a Medium Security Prison and his potential parole in March of 2017. Cheri Lindsey's family and many residents of the City of Binghamton have contacted City Council expressing their deep concerns with the recent move of James B. Wales to a Medium Security Prison because this is one step towards his potential parole in March 2017. Also over 3,500 individuals have signed a petition against the release of James B. Wales. We strongly urge that you reconsider the move of James B. Wales to a Medium Security Prison and deny him parole in March 2017.

Thank you for your consideration.

Motion to suspend the rules to move Reconsidered Legislation to the end of the Business Meeting

Moved by Berg, seconded by Motsavage.



## LEGISLATIVE BRANCH ■ CITY OF BINGHAMTON

Teri Renna, City Council President

Jeremy Pelletier, City Clerk

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Voice vote, none opposed.

### **FIRST READING LEGISLATION**

#### **Introductory Ordinance 14-61. Considered in Employees, Chair: Berg**

An Ordinance amending Section 26-12 of the Code of the City of Binghamton, regarding City Council's salary starting in 2016

*Note: Public Hearing was held on Wednesday, November 5, 2014.*

Motion to approve legislation. Moved by Berg, seconded by Motsavage.

**Motion carried. Legislation adopted as Permanent Ordinance 14-61. (Vote 6-1)**

Ayes: Motsavage, Mihalko, Renna, Webb, Papastrat, Berg

Nays: Matzo

Absent: None

#### **Introductory Ordinance 14-63. Considered in Finance, Chair: Berg**

An Ordinance authorizing an amendment to the 2014 Water Department budget to pay JSTP IPP bills

Motion to approve legislation. Moved by Berg, seconded by Matzo.

**Motion carried. Legislation adopted as Permanent Ordinance 14-62. (Vote 6-1)**

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

Nays: Renna

Absent: None

#### **Introductory Ordinance 14-64. Considered in Finance, Chair: Berg**

An Ordinance authorizing a revision to the 2013 Capital Budget

Motion to approve legislation. Moved by Berg, seconded by Mihalko.

**Motion carried. Legislation adopted as Permanent Ordinance 14-63. (Vote 4-3)**

Ayes: Motsavage, Mihalko, Papastrat, Matzo

Nays: Renna, Webb, Berg

Absent: None

#### **Introductory Ordinance 14-65. Considered in Finance, Chair: Berg**

An Ordinance authorizing a change order for additional sediment removal from Trout Brook

1. Motion to approve legislation. Moved by Berg, seconded by Webb.
2. **Point of Order.** Council President stepped down from the Council President Chair to speak on the proposed legislation.
3. **Point of Order.** Council President Renna resumed the Council President Chair.
4. **Motion carried. Legislation adopted as Permanent Ordinance 14-64. (Vote 7-0)**

Ayes: Motsavage, Mihalko, Renna, Webb, Papastrat, Matzo, Berg

Nays: None

Absent: None

#### **Introductory Resolution 14-76. Considered in Public Works / Parks & Recreation, Chair: Motsavage**

A Resolution authorizing an Intermunicipal agreement to form the Broome-Tioga Stormwater Coalition

Motion to approve legislation. Moved by Motsavage, seconded by Webb.



## LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Teri Rennie, City Council President  
Jeremy Pelletier, City Clerk

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**Motion carried. Legislation adopted as Permanent Resolution 14-74. (Vote 7-0)**

Ayes: Motsavage, Mihalko, Rennie, Papastrat, Matzo, Berg

Nays: None

Absent: Webb

**Introductory Resolution 14-77. Considered in Public Works / Parks & Recreation, Chair: Motsavage**

A Resolution authorizing the Mayor to enter into Supplemental Agreement No. 1 with Clark Patterson Lee to perform additional preliminary design and survey work on the Front Street Gateway Project (PIN 9753.16)

Motion to approve legislation. Moved by Motsavage, seconded by Webb.

**Motion carried. Legislation adopted as Permanent Resolution 14-75. (Vote 7-0)**

Ayes: Motsavage, Mihalko, Rennie, Webb, Papastrat, Matzo, Berg

Nays: None

Absent: None

**Introductory Resolution 14-78. Considered in Municipal and Public Affairs, Chair: Motsavage**

A Resolution to enter into an Agreement with Frito Lay, INC. for emergency confined Space Rescue

Motion to approve legislation. Moved by Motsavage, seconded by Webb.

**Motion carried. Legislation adopted as Permanent Resolution 14-76. (Vote 7-0)**

Ayes: Motsavage, Mihalko, Rennie, Webb, Papastrat, Matzo, Berg

Nays: None

Absent: None

### RECONSIDERED LEGISLATION

**Introductory Ordinance 14-59. Considered in Finance, Chair: Berg**

An Ordinance adopting the tax budget for the year 2015

*Note: Notice of the public hearing was published in the Press and Sun Bulletin on October 17, 2014. The public hearing was held at a Business Meeting on October 22, 2014. Legislation was adopted at a Special Business Meeting held on October 22, 2014. Thirteen amendments to the budget were vetoed by Mayor Richard C. David on November 6, 2014.*

Motion to override the mayoral veto of Council's elimination of \$3,000 from budget line A1440.51800 (Temporary Services).

Moved by Webb, seconded by Motsavage.

**Motion defeated. (Vote 4-3)**

Ayes: Motsavage, Rennie, Webb, Berg

Nays: Mihalko, Matzo, Papastrat

Motion to override the mayoral veto of Council's elimination of \$5,000 from budget line A1620.54440 (Service & Repair).

Moved by Webb, seconded by Motsavage.

**Motion defeated. (Vote 4-3)**

Ayes: Motsavage, Rennie, Webb, Berg

Nays: Mihalko, Matzo, Papastrat

Motion to override the mayoral veto of Council's elimination of \$2,080 from budget line A1650.54410 (Professional Services).

Moved by Webb, seconded by Motsavage.



## LEGISLATIVE BRANCH ■ CITY OF BINGHAMTON

Teri Rennia, City Council President

Jeremy Pelletier, City Clerk

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**Motion defeated. (Vote 4-3)**

Ayes: Motsavage, Rennia, Webb, Berg

Nays: Mihalko, Matzo, Papastrat

Motion to override the mayoral veto of Council's elimination of \$50,000 from budget line A5182.54202 (Electricity).

Moved by Webb, seconded by Motsavage.

**Motion defeated. (Vote 4-3)**

Ayes: Motsavage, Rennia, Webb, Berg

Nays: Mihalko, Matzo, Papastrat

Motion to override the mayoral veto of Council's elimination of \$3,000 from budget line A8684.54701 (Travel & Training)

Moved by Webb, seconded by Motsavage.

**Motion defeated. (Vote 4-3)**

Ayes: Motsavage, Rennia, Webb, Berg

Nays: Mihalko, Matzo, Papastrat

Motion to override the mayoral veto of Council's elimination of \$14,800 from budget line CL8160.51900 (Overtime).

Moved by Webb, seconded by Motsavage.

**Motion defeated. (Vote 4-3)**

Ayes: Motsavage, Rennia, Webb, Berg

Nays: Mihalko, Matzo, Papastrat

Motion to override the mayoral veto of Council's elimination of \$40,000 from budget line CL8160.54112 (Gasoline/Diesel Fuel).

Moved by Webb, seconded by Motsavage.

**Motion defeated. (Vote 4-3)**

Ayes: Motsavage, Rennia, Webb, Berg

Nays: Mihalko, Matzo, Papastrat

Motion to override the mayoral veto of Council's increase in the amount of \$4,150 of budget line CL8160.54662 (Yard Waste Fee).

Moved by Webb, seconded by Motsavage.

**Motion defeated. (Vote 4-3)**

Ayes: Motsavage, Rennia, Webb, Berg

Nays: Mihalko, Matzo, Papastrat

Motion to override the mayoral veto of Council's elimination of \$50,000 from budget line FX8330.54665 (JSTP IPP).

Moved by Webb, seconded by Motsavage.

**Motion defeated. (Vote 4-3)**

Ayes: Motsavage, Rennia, Webb, Berg

Nays: Mihalko, Matzo, Papastrat

Motion to override the mayoral veto of Council's elimination of \$1,000,000 from budget line H8340.525058.10515 (Water Lines)

Moved by Webb, seconded by Motsavage.



## LEGISLATIVE BRANCH ■ CITY OF BINGHAMTON

Teri Rennia, City Council President

Jeremy Pelletier, City Clerk

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### **Motion defeated. (Vote 4-3)**

Ayes: Motsavage, Rennia, Webb, Berg

Nays: Mihalko, Matzo, Papastrat

Motion to override the mayoral veto of Council's elimination of \$2,000,000 from budget line H85182.525151.10515 (Street Light Replacement)

Moved by Webb, seconded by Motsavage.

### **Motion defeated. (Vote 3-4)**

Ayes: Rennia, Webb, Berg

Nays: Mihalko, Matzo, Papastrat, Motsavage

Motion to override the mayoral veto of Council's elimination of \$1,000,000 from budget line H5650.525080.10515 (Parking Ramps)

Moved by Webb, seconded by Motsavage.

### **Motion defeated. (Vote 4-3)**

Ayes: Motsavage, Rennia, Webb, Berg

Nays: Mihalko, Matzo, Papastrat

*Note: City Council was unable to override the Mayoral veto items. Therefore, tax budget for the year 2015 is approved to include the Mayor's thirteen budget amendments. Legislation adopted as Permanent Ordinance 14-65.*

### **Introductory Resolution 14-72. Considered in Public Works/Parks & Recreation, Chair: Motsavage**

A Resolution authorizing the Mayor to enter into Supplemental Agreement No. 2 with Clark Patterson Lee for additional design services for the Susquehanna North Bank Trail Development Project (PIN 9009.22)

*Note: Legislation was defeated by a 3-3-1 vote at the Business Meeting held on November 5, 2014.*

Motion to recall legislation

Moved Motsavage, seconded by Webb.

Ayes: Motsavage, Mihalko, Rennia, Webb, Matzo, Papastrat

Nays: Berg

Motion to approve legislation. Moved by Motsavage, seconded by Webb.

### **Motion carried. Legislation adopted as Permanent Resolution 14-77. (Vote 5-2)**

Ayes: Motsavage, Rennia, Webb, Papastrat, Matzo

Nays: Mihalko, Berg

Absent: None

### **COMMUNICATIONS FROM COUNCIL MEMBERS**

Berg, Papastrat, Matzo, Webb, Motsavage, Mihalko, Rennia

### **ADJOURNMENT**

Motion to adjourn at 8:09pm.

Moved by Berg, seconded by Webb.

Voice vote, none opposed.