



THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: May 20, 2015

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

Introduced by Committee: Public Works/Parks & Recreation

ORDINANCE

entitled

AN ORDINANCE AMENDING THE
BINGHAMTON JOHNSON CITY JOINT
SEWAGE TREATMENT PLANT FACILITIES
INTERMUNICIPAL AGREEMENT X (MASTER
IMA)

WHEREAS, the City of Binghamton ("City") and the Village of Johnson City ("Village") adopted a "Master IMA" (Intermunicipal Agreement X) organizing the original agreement and all amendments into a single document and exhibits; and

WHEREAS, the City and Village wish to amend the Master IMA, Exhibit IMA No. VIII, paragraph 6 as provided herein.

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

Section 1. Pursuant to the Master IMA, Section 31. *Modifications*, the Council of the City of Binghamton hereby agrees to amend the Master IMA, Exhibit IMA No. VIII, paragraph 6, as follows:

6. There is no compensation for being Lead Agency. Any other costs incurred for service as Lead Agency cannot be charged to the Phase III Remedial Project, the Sewage Board, or the Village of Johnson City. This would not preclude the City from applying for and accepting grant funds to offset the administrative costs incurred by it as Lead Agency, or from pursuing claims for recovery of such costs from appropriate parties other than the Village and the Sewage Board, including through litigation.

ADD: Notwithstanding the forgoing, the City may retain the services of Gary Holmes, a professional engineer, as an employee of the City of Binghamton as a "Project Manager" for the Phase III Remediation Project. Mr. Holmes will maintain hourly time records. He will be paid \$75 per hour and otherwise receive benefits from the City of Binghamton commensurate with his position. That the total compensation from the City of Binghamton in 2015 will not exceed \$72,000, including benefits, and in 2016 will not exceed \$100,000, including benefits. The cost of Mr. Holmes' services may be paid by the City in the first instance, but will be included in the project budget for the Phase III Remediation Project, budget lines HX8150.500100.J11FF (Flood) and HX8150.500100.J11NN (Non-Flood). That Mr. Holmes will be employed by the City of Binghamton in this position for not more than 18 months. The Owners agree to amend the authorizing Bond Ordinances for this purpose, if necessary.

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 5/17/15. Approved by the Mayor on 6/18/15

Introductory No. O15-31

Permanent No. 015-34
Sponsored by City Council Members:
Motsavage, Mihalko, Matzo, Berg, Papastrat

AN ORDINANCE AMENDING THE BINGHAMTON
JOHNSON CITY JOINT SEWAGE TREATMENT
PLANT FACILITIES INTERMUNICIPAL AGREEMENT
X (MASTER IMA)

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

Date June 17, 2015

City Clerk Jany Bellis

Date Presented to Mayor June 18, 2015

Date Approved 6/18/15
Richard L. Davis
Mayor

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

Code of the City of Binghamton

Adopted Defeated

6 Ayes 1 Nays 0 Abstain 0 Absent

I hereby certify the above to be a true and correct copy of the resolution adopted by the Council of the City of Binghamton at a meeting held on _____ at _____