LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Chris Papastrat, City Council President
Leighton Rogers, City Clerk

CITY COUNCIL WORK SESSION AGENDA
City Council Work Room, 38 Hawley St, Binghamton
6pm Wednesday, January 6, 2016

The Work Session begins at 6:00pm. Times for RL(s)/Topics are approximate only and items may be considered earlier or later.

Time	Committee	Chair	RL(s)/Topic	Pages	Presenter
6:00pm	Employees	Matzo	**RL 16-030**: Employee Annual Leave	1-2	Trish Keppler
6:15pm	Finance	Mihalko	**RL 16-003**: CDBG ACHIEVE **RL 16-004**: CDBG Actions for Older Persons **RL 16-005**: CDBG Urban League **RL 16-006**: CDBG Boys and Girls Club **RL 16-007**: CDBG Cornell Cooperative Extension **RL 16-008**: CDBG Center for Employment Opportunities **RL 16-009**: CDBG Mothers and Babies Perinatal Network **RL 16-010**: CDBG Catholic Charities **RL 16-011**: CDBG United Way **RL 16-012**: ESG Catholic Charities **RL 16-013**: ESG YWCA **RL 16-014**: ESG First Assembly of God **RL 16-015**: ESG Family Enrichment Network **RL 16-016**: ESG Family Enrichment Network **RL 16-017**: ESG Volunteers of America	3-17	Jared Kraham, Steve Carson
6:45pm	PW/Parks	Mihalko	**RL 16-025**: Term Agreement with Keystone Associates for Architectural and Surveying Services **RL 16-024**: Renewal of Term Agreement with Keystone Associates for Material Testing **RL 16-034**: Term Agreement with Environmental Design and Research for Landscape Architecture Services	18-27	Ray Standish, Bill Barber, Terry Kellogg, Mike Dervay
7:00pm	Finance	Mihalko	**RL 16-031**: Amending Board of Contract and Supply Thresholds	28	Mike Dervay
7:15pm	PW/Parks	Mihalko	**RL 16-022**: Amending Resolution R14-22 for Parking Garage Inspection Contract with TimHaahs **RL 16-027**: Old DPW Facility Asbestos Abatement Change Order Number 1 **RL 16-026**: Amending Resolution R15-118 for Design of State Street Improvement Project	29-71	Ray Standish
7:30pm	MPA	Matzo	**RL 16-029**: SRO Agreement with Binghamton City School District **RL 16-018**: Agreement with Broome County for use of space at Intermodal Transportation Center **RL 16-037**: K9 Vehicle Donation	72-84	Joe Zikuski

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7:45pm	PW/Parks	Mihalko	**RL 16-021**: JSTP CSEA Adjustments **RL 16-039**: JSTP Management Adjustments **RL 16-019**: JSTP Transfer of funds for Health Insurance Buy-Out **RL 16-020**: JSTP FEMA Insurance funds Transfer	85-104	Charlie Pearsall, Chuck Shager,
8:15pm	Finance	Mihalko	**RL 16-001**: JSTP EFC Grant Acceptance	105-107	Chuck Shager
8:30pm	Finance	Mihalko	**RL 16-032**: Stafkings Agreement for JSTP Project Assistant **RL 16-028**: JSTP Supplemental Agreement Number 2 with Jacobs Management Company for Additional Construction Management Services	108-118	Gary Holmes, Chuck Shager
9:00pm	Finance	Mihalko	**RL 16-002**: Contract with Wladis Law Firm for Grant Consulting Services	119-122	Jared Kraham
9:15pm	PW/Parks	Mihalko	**RL 16-033**: Amending Rules for Shade Tree Commission **RL 16-035**: Amending Rules for Public Art Advisory Board **RL 16-036**: Amending Rules for Human Rights Commission	123-133	Jared Kraham
9:30pm	----------	----------	**Discussion**: CDAC Appointments		Council President
9:45pm	----------	----------	**Discussion**: EV Charging Stations		Council President
10:00pm	----------	----------	**Discussion**: Review of Committee Reports and Pending Legislation		Council President

RL Number: 16-030

Date Submitted: 12/31/15

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Patricia Keppler

Title/Department: Director of Personnel and Safety

Contact Information: 772-7067

RL Information

Proposed Title: An ordinance to amend 124-17 Annual Leave, to grant the Mayor authority to award additional leave for retention and recruitment of employees.

Suggested Content:

Additional Information

Does this RL concern grant funding?	Yes ☐	No ☒
If 'Yes', is the required RL Grant Worksheet attached?	Yes ☐	No ☒
Is additional information related to the RL attached?	Yes ☐	No ☒
Is RL related to previously adopted legislation?	Yes ☒	No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): attached

OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance ☐ **Planning** ☐ **MPA** ☐ **PW/Parks** ☐ **Employees** ☒ **Rules/Special Studies** ☐

Keppler, Patricia

From: Frank, Kenneth
Sent: Tuesday, December 29, 2015 10:16 AM
To: Keppler, Patricia
Subject: Annual Leave

Follow Up Flag: Follow up
Flag Status: Flagged

§ 124-17. Annual leave. [Amended 12-20-1999 by Ord. No. 99-187; Amended 4-7-08 by Ord. No. 16-2008; Amended 12-21-09 by Ord. No. 42-2009]

A. Officers, employees represented by recognized employee organizations. Each officer or employee of the City of Binghamton who is represented by a recognized employee organization pursuant to the provisions of Article 14 of the Civil Service Law shall earn any and all vacation privileges set forth in the appropriate duly authorized agreement, if any, by and between the City of Binghamton and such recognized employee organization.

B. Officers, employees not represented by recognized employee organizations. Any officer or employee of the City of Binghamton who is not represented by a recognized employee organization pursuant to the provisions of Article 14 of the Civil Service Law shall earn annual leave at the rates set forth hereinafter:

(1) Officers and employees of the City of Binghamton (the "City") shall earn and accumulate annual leave credits at the rate of 1/2 day per semimonthly period *or as may be awarded by the Mayor up to 20 days a year.* An officer or employee shall not earn annual leave credit for any semimonthly pay period unless he or she is in full pay status for at least seven workdays during such semimonthly pay period. *If the Mayor awards annual leave days in excess of ½ day per semimonthly period and the additional annual leave days below, then additional annual leave days will not accrue until total annual leave days awarded equal total annual leave days accumulated. The amended language herein in italics will sunset and be null and void as of December 31, 2016, unless extended by City Council.*

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RL Number: 16-603

Date Submitted: 12/31/15

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Jared M. Kraham

Title/Department: Office of the Mayor

Contact Information: X 7001

RL Information

Proposed Title: A Resolution authorizing the Mayor to enter into an agreement with ACHIEVE for the use of FY 41 CDBG funding in an amount not to exceed $9,500.

Suggested Content: To be drafted by Corporation Counsel.

Additional Information

Does this RL concern grant funding?	Yes □	No □
If 'Yes', is the required RL Grant Worksheet attached?	Yes □	No □
Is additional information related to the RL attached?	Yes □	No □
Is RL related to previously adopted legislation?	Yes □	No □

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance ☒ **Planning** □ **MPA** □ **PW/Parks** □ **Employees** □ **Rules/Special Studies** □

RL Number: 16-004

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Jared M. Kraham

Title/Department: Office of the Mayor

Contact Information: X 7001

RL Information

Proposed Title: A Resolution authorizing the Mayor to enter into an agreement with Actions For Older Persons for the use of FY 41 CDBG funding in an amount not to exceed $16,000.

Suggested Content: To be drafted by Corporation Counsel.

Additional Information

Does this RL concern grant funding?	Yes □	No □
If 'Yes', is the required RL Grant Worksheet attached?	Yes □	No □
Is additional information related to the RL attached?	Yes □	No □
Is RL related to previously adopted legislation?	Yes □	No □

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance X **Planning** □ **MPA** □ **PW/Parks** □ **Employees** □ **Rules/Special Studies** □

RL Number: 16-005

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Jared M. Kraham

Title/Department: Office of the Mayor

Contact Information: X 7001

RL Information

Proposed Title: A Resolution authorizing the Mayor to enter into an agreement with B.C. Urban League for the use of FY 41 CDBG funding in an amount not to exceed $15,000.

Suggested Content: To be drafted by Corporation Counsel.

Additional Information

Does this RL concern grant funding?	Yes □	No □
If 'Yes', is the required RL Grant Worksheet attached?	Yes □	No □
Is additional information related to the RL attached?	Yes □	No □
Is RL related to previously adopted legislation?	Yes □	No □

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance ☒ **Planning** □ **MPA** □ **PW/Parks** □ **Employees** □ **Rules/Special Studies** □

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RL Number: 16-0060

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Jared M. Kraham

Title/Department: Office of the Mayor

Contact Information: X 7001

RL Information

Proposed Title: A Resolution authorizing the Mayor to enter into an agreement with Boys & Girls Club of Binghamton for the use of FY 41 CDBG funding in an amount not to exceed $15,000.

Suggested Content: To be drafted by Corporation Counsel.

Additional Information

Does this RL concern grant funding?	Yes ☐	No ☐
If 'Yes', is the required RL Grant Worksheet attached?	Yes ☐	No ☐
Is additional information related to the RL attached?	Yes ☐	No ☐
Is RL related to previously adopted legislation?	Yes ☐	No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance ☒ **Planning** ☐ **MPA** ☐ **PW/Parks** ☐ **Employees** ☐ **Rules/Special Studies** ☐

RL Number: 16-007

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Jared M. Kraham

Title/Department: Office of the Mayor

Contact Information: X 7001

RL Information

Proposed Title: A Resolution authorizing the Mayor to enter into an agreement with Cornell Cooperative Extension for the use of FY 41 CDBG funding in an amount not to exceed $13,500.

Suggested Content: To be drafted by Corporation Counsel.

Additional Information

Does this RL concern grant funding?	Yes □	No □
If 'Yes', is the required RL Grant Worksheet attached?	Yes □	No □
Is additional information related to the RL attached?	Yes □	No □
Is RL related to previously adopted legislation?	Yes □	No □

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance ☒ **Planning** □ **MPA** □ **PW/Parks** □ **Employees** □ **Rules/Special Studies** □

RL Number: 16-008

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Jared M. Kraham

Title/Department: Office of the Mayor

Contact Information: X 7001

RL Information

Proposed Title: A Resolution authorizing the Mayor to enter into an agreement with Center for Employment Opportunities for the use of FY 41 CDBG funding in an amount not to exceed $4,000.00

Suggested Content: To be drafted by Corporation Counsel.

Additional Information

Does this RL concern grant funding?	Yes ☐	No ☐
If 'Yes', is the required RL Grant Worksheet attached?	Yes ☐	No ☐
Is additional information related to the RL attached?	Yes ☐	No ☐
Is RL related to previously adopted legislation?	Yes ☐	No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance ☒ **Planning** ☐ **MPA** ☐ **PW/Parks** ☐ **Employees** ☐ **Rules/Special Studies** ☐

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RL Number: 16-009

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Jared M. Kraham

Title/Department: Office of the Mayor

Contact Information: X 7001

RL Information

Proposed Title: A Resolution authorizing the Mayor to enter into an agreement with Mothers and Babies Perinatal Network for the use of FY 41 CDBG funding in an amount not to exceed $17,000.00

Suggested Content: To be drafted by Corporation Counsel.

Additional Information

Does this RL concern grant funding?	Yes ☐	No ☐
If 'Yes', is the required RL Grant Worksheet attached?	Yes ☐	No ☐
Is additional information related to the RL attached?	Yes ☐	No ☐
Is RL related to previously adopted legislation?	Yes ☐	No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance ☒ **Planning** ☐ **MPA** ☐ **PW/Parks** ☐ **Employees** ☐ **Rules/Special Studies** ☐

RL Number: 16-010

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Jared M. Kraham

Title/Department: Office of the Mayor

Contact Information: X 7001

RL Information

Proposed Title: A Resolution authorizing the Mayor to enter into an agreement with Catholic Charities of Broome County for the use of FY 41 CDBG funding in an amount not to exceed $7,000.00

Suggested Content: To be drafted by Corporation Counsel.

Additional Information

Does this RL concern grant funding?	Yes ☐	No ☐
If 'Yes', is the required RL Grant Worksheet attached?	Yes ☐	No ☐
Is additional information related to the RL attached?	Yes ☐	No ☐
Is RL related to previously adopted legislation?	Yes ☐	No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor: _____

Comptroller: _____

Corporation Counsel: _____

Finance ☒ **Planning** ☐ **MPA** ☐ **PW/Parks** ☐ **Employees** ☐ **Rules/Special Studies** ☐

RL Number: 16-611

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Jared M. Kraham

Title/Department: Office of the Mayor

Contact Information: X 7001

RL Information

Proposed Title: A Resolution authorizing the Mayor to enter into an agreement with United Way of Broome County for the use of FY 41 CDBG funding in an amount not to exceed $3,000.00

Suggested Content: To be drafted by Corporation Counsel.

Additional Information

Does this RL concern grant funding? Yes ☐ No ☐

If 'Yes', is the required RL Grant Worksheet attached? Yes ☐ No ☐

Is additional information related to the RL attached? Yes ☐ No ☐

Is RL related to previously adopted legislation? Yes ☐ No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance ☒ **Planning** ☐ **MPA** ☐ **PW/Parks** ☐ **Employees** ☐ **Rules/Special Studies** ☐

11

RL Number: 16-012

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Jared M. Kraham

Title/Department: Office of the Mayor

Contact Information: X 7001

RL Information

Proposed Title: A Resolution authorizing the Mayor to enter into an agreement with Catholic Charities of Broome County for the use of FY 41 ESG funding in an amount not to exceed $42,000.00

Suggested Content: To be drafted by Corporation Counsel.

Additional Information

Does this RL concern grant funding?	Yes ☐	No ☐
If 'Yes', is the required RL Grant Worksheet attached?	Yes ☐	No ☐
Is additional information related to the RL attached?	Yes ☐	No ☐
Is RL related to previously adopted legislation?	Yes ☐	No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor: _____

Comptroller: _____

Corporation Counsel: _____

Finance ☒ **Planning** ☐ **MPA** ☐ **PW/Parks** ☐ **Employees** ☐ **Rules/Special Studies** ☐

12

RL Number: 10-013

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Jared M. Kraham

Title/Department: Office of the Mayor

Contact Information: X 7001

RL Information

Proposed Title: A Resolution authorizing the Mayor to enter into an agreement with YWCA of Binghamton / Broome County for the use of FY 41 ESG funding in an amount not to exceed $25,342.00

Suggested Content: To be drafted by Corporation Counsel.

Additional Information

Does this RL concern grant funding?	Yes ☐	No ☐
If 'Yes', is the required RL Grant Worksheet attached?	Yes ☐	No ☐
Is additional information related to the RL attached?	Yes ☐	No ☐
Is RL related to previously adopted legislation?	Yes ☐	No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance ☒ **Planning** ☐ **MPA** ☐ **PW/Parks** ☐ **Employees** ☐ **Rules/Special Studies** ☐

13

RL Number: 16-614

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Jared M. Kraham

Title/Department: Office of the Mayor

Contact Information: X 7001

RL Information

Proposed Title: A Resolution authorizing the Mayor to enter into an agreement with First Assembly of God for the use of FY 41 ESG funding in an amount not to exceed $19,490.00

Suggested Content: To be drafted by Corporation Counsel.

Additional Information

Does this RL concern grant funding?	Yes □	No □
If 'Yes', is the required RL Grant Worksheet attached?	Yes □	No □
Is additional information related to the RL attached?	Yes □	No □
Is RL related to previously adopted legislation?	Yes □	No □

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance ☒ **Planning** □ **MPA** □ **PW/Parks** □ **Employees** □ **Rules/Special Studies** □

RL Number: 16-015

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Jared M. Kraham

Title/Department: Office of the Mayor

Contact Information: X 7001

RL Information

Proposed Title: A Resolution authorizing the Mayor to enter into an agreement with Family Enrichment Network for the use of FY 41 ESG funding in an amount not to exceed $18,828.00

Suggested Content: To be drafted by Corporation Counsel.

Additional Information

Does this RL concern grant funding?	Yes ☐	No ☐
If 'Yes', is the required RL Grant Worksheet attached?	Yes ☐	No ☐
Is additional information related to the RL attached?	Yes ☐	No ☐
Is RL related to previously adopted legislation?	Yes ☐	No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance ☒ **Planning** ☐ **MPA** ☐ **PW/Parks** ☐ **Employees** ☐ **Rules/Special Studies** ☐

15

RL Number: 16-016

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Jared M. Kraham

Title/Department: Office of the Mayor

Contact Information: X 7001

RL Information

Proposed Title: A Resolution authorizing the Mayor to enter into an agreement with Family Enrichment Network for the use of FY 41 ESG funding in an amount not to exceed $18,828.00 *Separate Rapid Rehousing Contract

Suggested Content: To be drafted by Corporation Counsel.

Additional Information

Does this RL concern grant funding?	Yes ☐	No ☐
If 'Yes', is the required RL Grant Worksheet attached?	Yes ☐	No ☐
Is additional information related to the RL attached?	Yes ☐	No ☐
Is RL related to previously adopted legislation?	Yes ☐	No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance ☒ **Planning** ☐ **MPA** ☐ **PW/Parks** ☐ **Employees** ☐ **Rules/Special Studies** ☐

16

RL Number: 16-017

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Jared M. Kraham

Title/Department: Office of the Mayor

Contact Information: X 7001

RL Information

Proposed Title: A Resolution authorizing the Mayor to enter into an agreement with Volunteers of America for the use of FY 41 ESG funding in an amount not to exceed $21,057.00 *Separate Rapid Rehousing Contract

Suggested Content: To be drafted by Corporation Counsel.

Additional Information

Does this RL concern grant funding?	Yes □	No □
If 'Yes', is the required RL Grant Worksheet attached?	Yes □	No □
Is additional information related to the RL attached?	Yes □	No □
Is RL related to previously adopted legislation?	Yes □	No □

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

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Mayor:

Comptroller:

Corporation Counsel:

Finance ☒ **Planning** □ **MPA** □ **PW/Parks** □ **Employees** □ **Rules/Special Studies** □

RL Number: 16-625

Date Submitted: 12/30/15

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Ray Standish, P.E.

Title/Department: City Engineer - Engineering Dept

Contact Information: 607-772-7007

RL Information

Proposed Title: Resolution to Renew the 2015 Term Agreement for Architectural/Engineering/ Surveying Services with Keystone Associates for 2016

Suggested Content: Renewing the 2015 Term Agreement for Architectural/Engineering/Surveying Services with Keystone Associates for 2016 at the same rates. This agreement is NTE $50,000.00. There is no budget line attached to this amount as other departments will or can use the services at the department's cost using that department's budget line.

Additional Information

Does this RL concern grant funding?	Yes ☐	No ☒
If 'Yes', is the required RL Grant Worksheet attached?	Yes ☐	No ☒
Is additional information related to the RL attached?	Yes ☒	No ☐
Is RL related to previously adopted legislation?	Yes ☒	No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): R15-32

OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance ☒ **Planning** ☐ **MPA** ☐ **PW/Parks** ☐ **Employees** ☐ **Rules/Special Studies** ☐

KEYSTONE ASSOCIATES

2016
Architectural/Engineering/Surveying Fee Schedule

Revised 08/25/14

Architectural Term Contract – City of Binghamton Only

Hourly Rates:

Managing Member/Member	$140.00/Hour
Sr. Architect/Sr. Engineer/ Sr. Planner/ Sr. Surveyor	$120.00/Hour
Architect/Engineer/Surveyor	$100.00/Hour
Sr. Environmental Scientist	$100.00/Hour
Sr. Designer/Sr. Construction Manager	$ 90.00/Hour
Designer	$ 80.00/Hour
Sustainability Manager	$ 80.00/Hour
Environmental Scientist	$ 75.00/Hour
Sr. Technician	$ 70.00/Hour
Construction Administrator	$ 65.00/Hour
Technician	$ 60.00/Hour
Administration	$ 40.00/Hour

Additional Rates:

1 Man Crew w/GPS or Robotic	$ 85.00/Hour
Expert Testimony & Related Investigations	$120.00/Hour
Two Man Survey Field Crew	$120.00/Hour
NYS Prevailing Wage Rates/ 2 Man Crew	$250.00/Hour

(All counties except as follows: Delaware, Orange, Rockland, Sullivan, Ulster Counties $320.00/Hour)

The above hourly rates include compensation for professional, technical and non-technical personnel time, equipment, materials, and overhead, which ordinarily would be incurred during the performance of our work. Services are normally billed monthly. A finance charge of 1.5% per month will be billed on all accounts not paid within 30 days of the invoice date. Rates will be revised on January 1 of every year.

The following reimbursable expenses are also included for your information:

Member designates ownership percentage of firm.

REIMBURSABLE EXPENSES:

Reproduction/Prints/Scans

In-House Prints.....24x36	$2.50/Each
In-House Prints.....30x42	$3.00/Each
In-House Mylar's.....24x36	$10.00/Each
In-House Mylar's.....30x42	$15.00/Each

Photocopies

In-House Service....8-1/2x11	$0.15/Each
In-House Service....8-1/2x14	$0.20/Each
In-House Service....11x17	$0.30/Each
Outside Services	Cost + 10%

Postage/Courier

Bulk Postage, Express Mail UPS, FedEx, DHL etc.	Cost + 10%

Miscellaneous

Consumable Supplies (*Project Related*)	Cost + 10%
Outside Services	Cost + 10%
Geotechnical Drilling Services	Cost + 15%

Travel

Mileage	$0.60/Mile
Meals/Lodging	Cost + 10%
Vehicle Rental/Fuel	Cost + 10%

RL Number: 16-024

Date Submitted: 12/30/15

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Ray Standish, P.E. RS

Title/Department: City Engineer - Engineering Dept

Contact Information: 607-772-7007

RL Information

Proposed Title: Resolution to Renew Keystone Material Testing's 2015 Term Agreement for Material Testing for Various Street Reconstruction and Other Capital Projects for 2016

Suggested Content: Renewing Keystone Material Testing's 2015 Term Agreement for Material Testing for Various Street Reconstruction and Other Capital Projects for 2016. This Term Agreement is not-to-exceed $50,000.00. There is no budget line attached to this amount as other departments will or can use this at their cost using that department's budget line.

Additional Information

Does this RL concern grant funding?	Yes ☐	No ☒
If 'Yes', is the required RL Grant Worksheet attached?	Yes ☐	No ☒
Is additional information related to the RL attached?	Yes ☒	No ☐
Is RL related to previously adopted legislation?	Yes ☒	No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): R15-36

OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance ☒ **Planning** ☐ **MPA** ☐ **PW/Parks** ☐ **Employees** ☐ **Rules/Special Studies** ☐

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KEYSTONE
MATERIAL TESTING, LLC

HOURLY TESTING RATES

Project Name: 2016 Term Contract – Material Testing
Project No. 0047.00216
Client: City of Binghamton
Date: January 1, 2016

SERVICE	UNIT FEE
FIELD TESTING:	
TECHNICAL PERSONNEL	
Soil Technician - (In-Place Density Testing and Inspection) •Includes: Sub-grade acceptance tests and in-place density tests of fill and/or backfill. Meets the requirements of ASTM D75, D2922, D3017, and D6938.	$ 45.00/Hour, Plus Nuclear Density Gauge $ 67.50/Hour O.T.
Concrete Technician - (On-Site Placement and Inspection) •Includes (in accordance with ACI 318): measurement of slump, air content and unit weight on each truck placed; molding of cylinders as required; and visual inspection of reinforcement. Meets the requirements of ASTM C31, C143, C172, and C231.	$ 45.00/Hour $ 67.50/Hour O.T.
Reinforcing Steel Technician - (Inspection) •Includes: verify bar sizes, number of bars, placement of bars, layout of bars, clearances, etc.	$ 70.00/Hour $ 105.00/Hour O.T.
Structural Steel Technician - (Inspection) •Includes: checks for bolt tension, column plumbness, visual inspection of welds and bearing plates, tests of shear studs, etc.	$ 100.00/$125.00 Hour $ 150.00/$187.50. Hour O.T.
Masonry Technician - (Testing and Inspection) •Includes (in accordance with ACE 530.1): checking "plumb and straightness"; molding of grout prisms, mortar cylinders and cubes; checking reinforcement, and observation of grouting procedures.	$ 45.00/Hour $ 67.50/Hour O.T.
Asphalt Technician - (Testing and Inspection) •Includes: monitoring of temperature and density during placement; coring for thickness and density verification.	$ 50.00/Hour $ 75.00/Hour O.T.
Engineering / Office Technician	$ 70.00/Hour
Environmental Technician: OSHA Certified	$ 75.00-$110.00/Hour
Professional Engineer: (Range, if Requested)	$ 120.00-$140.00 Hour
LABORATORY TESTING:	
Concrete: ASTM C39: Compressive Strength Test/Hold Cylinders Cylinders fabricated by KMT /Cylinders fabricated by others ASTM C109: Mortar Cubes ASTM C1019: Grout & Observation	$ 13.00/Cylinder/$ 15.00/Cylinder $ 30.00/Set of 3 $ 45.00/Set of 4

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SERVICE (con't)	UNIT FEE (con't)
LABORATORY TESTING (con't):	
Soil:	
ASTM C117: Material Finer than 75 µm (No. 200 Sieve) in Mineral Aggregates by Washing	$ 30.00/Each
ASTM C136: Sieve Analysis of Fine and Coarse Aggregates	$ 55.00/Each
ASTM D4318: Atterberg Limits	$ 85.00/Each
ASTM D422: Particle Size Analysis with Hydrometer	$ 110.00/Each
ASTM D698: Standard Proctor Test	$ 120.00/Each
ASTM D1557: Modified Proctor Test	$ 140.00/Each
ADDITIONAL & MISCELLANEOUS SERVICES	
Overtime and Saturday rates will be charged at 1.5 times hourly rate.	Cost + 10%
Outside / Subcontracted Services	Cost + 15%
(Outside Services: Geotechnical Drilling Services)	$ 25.00/Hour
Administrative/Secretarial Fee	$ 15.00/Hour
Nuclear Density Gauge	$ 0.15/Each
Photocopies (8-1/2 x 11)	Standard Rates
Postage: Regular Mail, FedEx, etc.	$ 0.60/Mile (portal to portal)
Travel (mileage)	*10 mile radius from Binghamton: $25.00 each pick up*
Cylinder Pickup (when no other work is being performed)	*Over 10 miles: $ 0.60/Mile + $25.00/hr (portal to portal)*

GENERAL TERMS AND CONDITIONS:

- *A one-day advance notice will be provided to schedule services on site.*
- *We will hold cylinders to be discarded when the compressive strength exceeds the minimum specified value, unless otherwise instructed.*
- *Cancellation of scheduled services must be received prior to personnel departure for the project site, or a minimum charge in accordance with the Unit Fee Schedule will be applicable.*

CORPORATE OFFICE 58 Exchange Street, Binghamton, NY 13901 | Tel: (607) 723-5117 | Fax: (607) 729-5154 | Email: info@KECompanies.com | www.KECompanies.com

RL Number: 16-084

Date Submitted: 12/30/15

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: William M. Barber

Title/Department: Commissioner of Parks & Recreation

Contact Information: 772-7017

RL Information

Proposed Title: A resolution authorizing the Mayor to enter into a term agreement with Environmental Design & Research, D.P.C. teamed with Keystone Associates, on as as needed basis for City Parks and other various City Departments.

Suggested Content: Request agreement up to $80,000/year. Funding is available for each project that services will be provided for under various City Departments to include operating, capital and grant funds.

Additional Information

Does this RL concern grant funding?	Yes ☐	No ☒
If 'Yes', is the required RL Grant Worksheet attached?	Yes ☐	No ☒
Is additional information related to the RL attached?	Yes ☒	No ☐
Is RL related to previously adopted legislation?	Yes ☐	No ☒

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance ☐ **Planning** ☐ **MPA** ☐ **PW/Parks** ☒ **Employees** ☐ **Rules/Special Studies** ☐

Environmental Design & Research,
Landscape Architecture, Engineering & Environmental Services, D.P.C.
217 Montgomery Street, Suite 1000, Syracuse, New York 13202
P. 315.471.0688 • F. 315.471.1061 • www.edrdpc.com

2016 rate & cost schedule

Environmental Design & Research, Landscape Architecture, Engineering and Environmental Services, D.P.C. (EDR) agrees to provide professional services to:

Client:	City of Binghamton
Client's Address:	City Hall 38 Hawley Street Binghamton, NY 13901
Project Name:	Design Services for Landscape Architecture
Date:	January 4, 2016

LABOR CATEGORY	MAXIMUM HOURLY RATE
Principal	$156.00
Senior Project Manager	$120.00
Project Manager	$107.00
Senior Landscape Architect	$100.00
Landscape Architect	$80.00
Site Designer	$57.00
Project Environmental Analyst	$87.00
Environmental Inspector	$70.00
Staff Environmental Analyst	$75.00
Senior Cultural Resources Specialist	$85.00
Cultural Resources Analyst	$70.00
Project Archeologist	$70.00
Archeology Field Assistant	$45.00
Project Engineer	$90.00
Design Engineer	$78.00
Staff Engineer	$63.00
Staff Planner	$65.00
Senior Visualization/Graphic Specialist	$83.00
Visualization/Graphic Specialist	$62.00
GIS Analyst	$72.00
Administrative Support	$60.00

*This schedule is subject to annual or periodic adjustments.

DIRECT COST RATES:
Refer to contract or contract proposal for multipliers applied to direct cost rates.

SUBCONTRACTOR SERVICES ..... **COST plus 10%**

REIMBURSABLE EXPENSES:

Photocopies	$0.05/page
Color Prints 8 ½ X 11	$.50/page
Double Sided	$.75/page
Color Prints 11 X 17	$1.00/page
Double Sided	$1.50/page
Large Format CAD Plots	$0.60/square foot
Large Format Photo/Rendering Plots	$6.00/square foot
Large Format Cartographic	$1.75/square foot
Mileage	IRS Current Rate plus 10%
Tolls	cost plus 10%
Lodging	cost plus 10%
Equipment Rentals	cost plus 10%
Expedited Delivery (courier, overnight mail)	cost plus 10%

*This schedule is subject to annual or periodic adjustments.

KEYSTONE ASSOCIATES
ARCHITECTS • ENGINEERS • SURVEYORS, LLC

2015
Architectural/Engineering/Surveying Fee Schedule

Hourly Rates:

Managing Member/Member	$140.00/Hour
Sr. Architect/Sr. Engineer/ Sr. Planner/ Sr. Surveyor	$120.00/Hour
Architect/Engineer/Surveyor	$100.00/Hour
Sr. Environmental Scientist	$100.00/Hour
Sr. Designer/Sr. Construction Manager	$ 95.00/Hour
Designer	$ 80.00/Hour
Sustainability Manager	$ 80.00/Hour
Environmental Scientist	$ 75.00/Hour
Sr. Technician	$ 75.00/Hour
Construction Administrator	$ 65.00/Hour
Technician	$ 65.00/Hour
Survey Technician	$ 60.00/Hour
Administration	$ 45.00/Hour

Additional Rates:

1 Man Crew w/GPS or Robotic	$ 85.00/Hour
Expert Testimony & Related Investigations	$120.00/Hour
Two Man Survey Field Crew	$120.00/Hour
NYS Prevailing Wage Rates/ 2 Man Crew	$265.00/Hour
(All counties except as follows: Delaware, Orange, Rockland, Sullivan, Ulster Counties	$335.00/Hour)

The above hourly rates include compensation for professional, technical and non-technical personnel time, equipment, materials, and overhead, which ordinarily would be incurred during the performance of our work. Services are normally billed monthly. A finance charge of 1.5% per month will be billed on all accounts not paid within 30 days of the invoice date. Rates will be revised on January 1 of every year.

The following reimbursable expenses are also included for your information:

Member designates ownership percentage of firm.

REIMBURSABLE EXPENSES:

Reproduction/Prints/Scans

In-House Prints.....24x36	$2.50/Each
In-House Prints.....30x42	$3.00/Each
In-House Mylar's.....24x36	$10.00/Each
In-House Mylar's.....30x42	$15.00/Each

Photocopies

In-House Service 8-1/2x11	$0.15/Each
In-House Service 8-1/2x14	$0.20/Each
In-House Service 11x17	$0.30/Each
Outside Services	Cost + 10%

Postage/Courier

Bulk Postage, Express Mail UPS, FedEx, DHL etc.	Cost + 10%

Miscellaneous

Consumable Supplies (*Project Related*)	Cost + 10%
Outside Services	Cost + 10%
Geotechnical Drilling Services	Cost + 15%

Travel

Mileage	$0.60/Mile
Meals/Lodging	Cost + 10%
Vehicle Rental/Fuel	Cost + 10%

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RL Number: 16-031

Date Submitted: 12/28/15

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: MICHAEL DERVAY

Title/Department: SECRETARY BOARD OF CONTRACT & SUPPLY

Contact Information:

RL Information

Proposed Title: ~~CHANGE PROFESSIONAL~~ SERVICE THRESHOLDS FOR BOARD OF CONTRACT AND SUPPLY

Amend §127-11 C.(1)

Suggested Content: CURRENTLY THE CITY CHARTER HAS THE PROFESSIONAL SERVICE APPROVAL LEVELS FOR THE BOARD OF CONTRACT & SUPPLY TO BE $5,000 UP TO $50,000. I AM REQUESTING THAT THESE LIMITS BE INCREASED TO $10,000 UP TO $80,000 DUE TO THE INCREASE COST TO DO BUSINESS AT THIS LEVEL.

Additional Information

Does this RL concern grant funding?	Yes ☐	No ☒
If 'Yes', is the required RL Grant Worksheet attached?	Yes ☐	No ☒
Is additional information related to the RL attached?	Yes ☐	No ☒
Is RL related to previously adopted legislation?	Yes ☐	No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s):

OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance ☒ **Planning** ☐ **MPA** ☐ **PW/Parks** ☐ **Employees** ☐ **Rules/Special Studies** ☐

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EXPEDITE

RL Number: 16-022

Date Submitted: 12/30/15

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Ray Standish, P.E.

Title/Department: City Engineer - Engineering Dept

Contact Information: 607-772-7007

RL Information

Proposed Title: Resolution to Amend Previous Resolution R14-22 per Additional Services #1 on the Parking Garage Repairs Contract with TimHaahs

Suggested Content: A Resolution to amend previous Resolution R14-22 per Additional Services #1 in the amount of $30,575 for the City's request of more site visits on the Parking Garage Repairs Contract with TimHaahs. Funding for this is in budget line H5650.525080.92208. at the department's cost using that department's budget line.

Additional Information

Does this RL concern grant funding?	Yes ☐	No ☒
If 'Yes', is the required RL Grant Worksheet attached?	Yes ☐	No ☒
Is additional information related to the RL attached?	Yes ☒	No ☐
Is RL related to previously adopted legislation?	Yes ☒	No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): R14-22

OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance ☐ **Planning** ☒ **MPA** ☐ **PW/Parks** ☐ **Employees** ☐ **Rules/Special Studies** ☐

TimHaahs

Additional Service #1

PROJECT:	**City of Binghamton Three Garage Restoration**	ADD SERVICE NO.:	1
PROJECT NUMBER:	PHL14115.00	DATE:	August 5, 2015 (rev. November 23, 2015)
COMPANY:	City of Binghamton	PROJECT MANAGER:	Chris Gray, PE
CLIENT CONTACT:	Terry Kellogg	CC:	Todd Helmer, PE

Based on our previous discussions, TimHaahs is submitting additional services for the construction administration for the following items:

1. **Increase frequency of site visits during restoration & provide additional details as required:**
   - Description of Additional Service:
     - Increase frequency of site presence during restoration of the garages to a weekly basis as requested by the City. Current proposal anticipated fourteen (14) site visits. As of August 5, 2015, all fourteen (14) site visits were expended. Eleven (11) additional visits were required to carry the work through November 4, 2015.
     - Provide updated details for unforeseen post-tensioned strand repairs.
     - Provide updated details for unforeseen wall repair at Collier Street stair tower.
   - Reason for Additional Service:
     - Our previous proposal was based on the understanding that the City would oversee most of the repair work.
     - The current condition of the Collier Street Garage, and the required repairs are beyond the extent of the initially bid project and warrant closer attention on the part of the design professional.
     - More frequent site presence will allow for better understanding of the potential changes to the repairs, and whether or not the repair methodology needs to be re-evaluated.
   - Scope of Work for Additional Service:
     - Provide eleven (11) additional site visits:
       - 3 visits x 8 hours/visit x $125/hour = **$3,000**
       - 8 visit x 8 hours/visit x $200/hour = **$12,800**
     - Provide additional details needed to convey changes to the restoration work.
       - 60 hours x $125/hour = **$7,500**
       - 24 hours x $200/hour = **$4,800**
     - Reimbursable Expense Increase: 11 trips x $225/trip = **$2,475**

Additional Service #1

Lump Sum Professional Fee: **$30,575**

We are sending you this notice per our agreement dated June 5, 2014

This notice enables us to verify with you that the description above represents your direction to *TimHaahs*, and enables us to properly identify the time spent on making changes in the project scope.

Please notify us immediately if the above description does not conform to your understanding of the additional services requested for this project.

Project Manager: _____

Chris Gray, PE

Principal-in-Charge: _____

Todd Helmer, PE

AUTHORIZATION

Trusting the above is satisfactory, please sign and return one copy as our authorization to proceed.

Project	**City of Binghamton Three Garage Restoration – Binghamton, NY**
Add Service No.	**1 (revised)**
Signed	
Print Name	
Title	
Date	

TimHaahs

RL Number: 16-027

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Ray Standish, City Engineer

Title/Department: Engineering Department

Contact Information: 772-7007

RL Information

Proposed Title: A resolution authorizing the Mayor to execute Change Order No. 1 for additional work on the Asbestos Abatement project at the Old DPW Facility East Middle School

Suggested Content: Requesting City Council to authorize Change Order No. 1 on the Asbestos Abatement project at the Old DPW Facility in the amount of $38,000 in order to perform asbestos abatement at the Old DPW Supply Shops Bldg. This amount is over 25% of the original amount of $132,000. Funding is available in the 2016 Budget in line A1364.54470 - Demolition

Additional Information

Does this RL concern grant funding?	Yes □	No □
If 'Yes', is the required RL Grant Worksheet attached?	Yes □	No □
Is additional information related to the RL attached?	Yes □	No □
Is RL related to previously adopted legislation?	Yes □	No □

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor: _____

Comptroller: _____

Corporation Counsel: _____

Finance □ **Planning** ~~□~~ **MPA** □ **PW/Parks** ~~□~~ **Employees** □ **Rules/Special Studies** □

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RL Number: 16-026

Date Submitted: 12/30/15

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Ray Standish, P.E. RS

Title/Department: City Engineer - Engineering Dept

Contact Information: 607-772-7007

RL Information

Proposed Title: Resolution to Amend Previous Resolution R15-118 Approving the Original Professional Services Agreement with McFarland Johnson on the State Street Pedestrian/Streetscape Improvements Project, PIN 9009.36.

Suggested Content: A Resolution to amend previous Resolution R15-20 which approved the original Professional Services Agreement with McFarland Johnson on the State Street Pedestrian/Streetscape Improvements Project, PIN 9009.36, due to revising the cost in the Scope of Services to $133,449.00 Funding for this is available in Budget Line H5110.525163.21815.

Additional Information

Does this RL concern grant funding?	Yes ☐	No ☒
If 'Yes', is the required RL Grant Worksheet attached?	Yes ☐	No ☒
Is additional information related to the RL attached?	Yes ☒	No ☐
Is RL related to previously adopted legislation?	Yes ☒	No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): R15-118

OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance ☒ **Planning** ☒ **MPA** ☐ **PW/Parks** ☐ **Employees** ☐ **Rules/Special Studies** ☐

Legal Counsel Approval

RL15-213

Introductory No. R15-120

Permanent No. R15-118

THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: November 18, 2015

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

Introduced by Committee: Finance

RESOLUTION
entitled
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MCFARLAND JOHNSON FOR DESIGN SERVICES ON THE STATE STREET PEDESTRIAN/STREET SCAPE IMPROVEMENTS PROJECT, PIN 9009.36

WHEREAS, the City of Binghamton wishes to retain McFarland Johnson to provide design services for the State Street Pedestrian/Street Scape Improvements project (PIN 9009.36) at a cost not to exceed $138,843; and

WHEREAS, this project is eligible for funding under Title 23 U.S. Code, which calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, funds for such agreement are available from budget line H5110.525163.21815 (Construction of State St.) pending reimbursement.

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

RESOLVE that the Mayor, or his designee, is authorized to enter into an agreement, approved as to form and content by the Office of Corporation Counsel, with McFarland Johnson to provide design services for the State Street Pedestrian/Street Scape Improvements project (PIN 9009.36) at a cost not to exceed $138,843; and be it further

RESOLVED that funding for such agreement shall be deducted from budget line H5110.525163.21815 (Construction of State St.) pending reimbursement.

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

Chuck Shager, Comptroller

Introductory No. R15-120

Permanent No. _____

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

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MCFARLAND JOHNSON FOR DESIGN SERVICES ON THE STATE STREET PEDESTRIAN/STREET SCAPE IMPROVEMENTS PROJECT, PIN 9009.36

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

11/18/15
Date

City Clerk

19 Nov 15
Date Presented to Mayor

11/19/15
Date Approved

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

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 19 Nov 15. Approved by the Mayor on 19 Nov 15.

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Base Scope of Services

Prepared for:

City of Binghamton
Department of Engineering
City Hall, Government Plaza
Binghamton, NY 13901-3776

Describing Services for:

PIN 9009.36, State Street Pedestrian/Streetscape Improvements
City of Binghamton
State Street/Hawley Street Intersection

10/7/15

McFarland Johnson

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Section 1 - General

1.01 Project Description and Location

Project Name: State Street Pedestrian/Streetscape Improvements, City of Binghamton

PIN: 9009.36

Project Description: State Street Pedestrian/Streetscape Improvements. State Street and Hawley Street intersection improvements.

Project Limits: The limits at the State Street/Hawley Street intersection shall extend along State Street a distance of approximately 1200 feet south and along Hawley Street 285 feet West/215 feet east.

Sponsor: City of Binghamton

County: Broome

The anticipated start date of design is October 2015.

The letting date is August 2016.

The construction completed date is November 2016.

The anticipated preliminary design costs are approximately $75,187.
The anticipated final design costs are approximately $63,656.

The anticipated construction cost is approximately $773,000 based on preliminary cost estimate included with the scope of services.

1.02 Project Manager

The **Sponsor's** Project Manager for this project is:

Name: Terry J. Kellogg
Phone #: 607-772-7021
Email: tjkellogg@cityofbinghamton.com

All correspondence to the **Sponsor** should be addressed to:

City of Binghamton
Commissioner of Public Works
City Hall, 38 Hawley Street
Binghamton, NY 13901

The **Sponsor's** Project Manager should receive copies of all project correspondence directed other than to the **Sponsor**.

1.03 Project Classification

This project is assumed to be a Class (II) action under USDOT Regulations, 23 CFR 771.

Classification under the New York State Environmental Quality Review Act (SEQRA) Part 617, Title 6 of the Official Compilation of Codes, Rules, and Regulations of New York State (6 NYCRR Part 617) is assumed to be Unlisted.

1.04 Categorization of Work

Project work is generally divided into the following sections:

Section 1	General
Section 2	Data Collection & Analysis
Section 3	Preliminary Design
Section 4	Environmental (Not Used)
Section 5	Right-of-Way
Section 6	Detailed Design
Section 7	Advertising, Bid Opening and Award
Section 8	Construction Support
Section 9	Construction Inspection
Section 10	Estimating & Technical Assumptions

When specifically authorized in writing to begin work the **Consultant** will render all services and furnish all materials and equipment necessary to provide the **Sponsor** with reports, plans, estimates, and other data specifically described in Sections 1, 2, 3, 4, 5, 6, 7, 8, and 10.

1.05 Project Familiarization

The **Sponsor** will provide the **Consultant** with the following information (as available):

- Approved project initiation document (Initial Project Proposal or similar documentation) indicating project type, project location, cost estimate, schedule, and fund source(s).
- Traffic data.
    - AM and PM turning movement volumes for all approaches at State/Hawley Street intersection.
    - Pedestrian volumes and movements at State/Hawley Street intersection.
    - Bicycle volumes and movements at State/Hawley Street intersection.
- Accident records and history.
- Record as-built plans.
- Available project studies and reports.
- Other relevant documents pertaining to the project.
- Existing ROW Data (electronic files of ROW and Easement Maps)

The **Consultant** will become familiar with the project before starting any work. This includes a thorough review of all supplied project information and a site visit to become familiar with field conditions.

1.06 Meetings

The **Consultant** will prepare for and attend all meetings as directed by the **Sponsor's** Project Manager. Meetings may be held to:

- Discuss all project issues, objectives, etc. with **Sponsor** (a "kick-off" meeting)
- Present, discuss, and receive direction on the progress and scheduling of work in this agreement.
- Present, discuss, and receive direction on project specifics.
- Discuss and resolve comments resulting from review of project documents, advisory agency review, and coordination with other agencies.
- Manage subconsultants and subcontractors.

The **Consultant** will be responsible for the preparation of all meeting minutes; the minutes will be submitted to meeting attendees within one (1) week of the meeting date.

1.07 Cost and Progress Reporting

For the duration of this contract, the **Consultant** will prepare and submit to the **Sponsor** on a monthly basis a Progress Report in a format approved by the **Sponsor**. The Progress Report must contain the Cost Control Report. The beginning and ending dates defining the reporting period must correspond to the beginning and ending dates for billing periods, so that this reporting process can also serve to explain billing charges. (In cases where all work under this contract is officially suspended by the **Sponsor**, this task will not be performed during the suspension period).

1.08 Policy and Procedures

The design of this project will be progressed in accordance with the current version of the *NYSDOT Procedures for Locally Administered Federal Aid Projects (PLAFAP) Manual*, including the latest updates.

1.09 Standards & Specifications

The project will be designed and constructed in accordance with the current edition of the NYSDOT Standard Specifications for Construction and Materials, including all applicable revisions.

1.10 Subconsultants

The **Consultant** will be responsible for:

- Coordinating and scheduling work, including work to be performed by subconsultants.
- Technical compatibility of a subconsultant's work with the prime **Consultant**'s and other subconsultants' work.

The following Subconsultants are included in the project:

Prudent Engineering (Survey and Mapping)
Saratoga Associates (Streetscape/Landscaping)
C.T. Male (Asbestos Screening existing Pedestrian Bridge)

1.11 Subcontractors

Procurement of subcontractors must be in accordance with the requirements set forth in the *NYSDOT PLAFAP Manual.*

Section 2 - Data Collection & Analysis

2.01 Design Survey

A. Ground Survey

The **Consultant** will provide terrain data required for design by means of a topographic field survey.

A complete topographic survey will be performed in accordance with the standards set forth in the "Locally Administered Federal Aid Procedures Manual"

The topographic survey & mapping to be completed lay within the area shown on Figure 1 attached and generally are limited to the back edge of sidewalks and will include all pavement markings, details on the pedestrian bridge and subsurface & overhead utilities; vaults (sidewalk areaways) will be sketched and details provided by others for inclusion in the mapping,. Show ROW from tax map data.

The **Consultant** will contact the utility companies to obtain any plans they might have for their utilities within the project area, and request a stakeout if possible. All utilities visible or marked in the field by others will be located. Any underground features, not visible or not marked in the field, will be plotted by use of as-built maps and/or any other available information.

B. Stream Survey (Not used)

C. Survey of Wetland Boundaries (Not Used)

D. Supplemental Survey

The **Consultant** will provide supplemental survey when needed for design purposes and to keep the survey and mapping current. Assume 1 day of supplemental survey & office time.

E. Standards

Project control will conform to the standards set forth in the current NYSDOT Land Surveying Standards and Procedures Manual and in accordance with local standards described in Section 10 of the SOS.

Horizontal project control

- All horizontal coordinates will be State Plane Coordinate System based on North American Datum of 1983 (NAD 83). This will be accomplished through the use of RTK GPS equipment, no additional horizontal adjustment will be needed.

Vertical project control

- Elevations will be based on North American Vertical Datum of 1988 (NAVD88)

2.02 Design Mapping

The **Consultant** will provide the following design mapping:

1" = 20'-0" scale mapping with a 1 foot contour interval will be progressed in English units with 11x17 deliverables for all plan submittals. The project will be completed using the current version of Microstation.

The **Consultant** will provide supplemental mapping when needed for design purposes and to keep the mapping current. (see 2.01D)

A **survey control plan** will include the following: general location plan, Baseline plot, general overview of the project, Baseline tie diagrams, benchmark listing.

A minimum of **3 benchmarks** will be required for the project.

2.03 Determination of Existing Conditions

The **Consultant** will determine, obtain or provide all information needed to accurately describe in pertinent project documents the existing conditions within and adjacent to the project limits, including:

- the existing highway section(s) and features within the project limits, including:
- number, width, type (through, turning, climbing, etc.), and location of travel lanes.
- shoulder widths and types (asphalt, gravel, grass, etc.).
- number, width, type, and location of utility strips.
- location of curbed sections.
- width and type of medians.
- width of clear zones.
- location and percent of grades.
- horizontal curve radii.
- intersection geometry and conditions.
- parking regulations and conditions within the project limits.
- right-of-way width (may be shown on a plan with references to the plan).
- condition and adequacy of guiderail, median barriers, and impact attenuators.
- location of traffic control features and their conformity with the latest guidelines for such features.
- provisions for pedestrians and bicyclists.
- the existing conditions and roadway sections of all abutting (adjacent) and intersecting highway segments.
- the following information for each bridge within the project limits:
- existing pedestrian bridge conditions, including:
- structure and deck type.
- year constructed.
- wearing surface type.
- length.
- number of spans and length of each.
- out to out width.
- curb-to-curb or rail-to-rail width.

- skew angle.
- utilities carried on the bridge.
- utilities parallel to the bridge.
- posted weight limits and year of posting.
- vertical clearance restrictions less than the legal minimum.
- expected future conditions (assuming the null alternative) using an anticipated deterioration rate provided by the **Sponsor**.
- existing mainline speed limit (and whether the speed limit is posted or not), and existing operating speeds (85th percentile speeds in most cases).
- land use for the project area as it now exists and future land development (planned and potential), including development years.
- existing vehicular access control (full control, partial control, or uncontrolled) and whether existing driveway entrances comply with local standards or policies.
- existing pavement and shoulder conditions within the project limits.
- a general assessment of drainage conditions within the project limits.
- a list of all utilities, and the respective owners, that are within the project's existing right of way.
- which, if any, school buses, emergency vehicles, or farm machinery regularly use this route.
- which, if any, suitable detour routes are available.

2.04 Accident Data and Analysis

The **Sponsor** will provide accident records for the last three years for the intersections plus one-tenth of a mile immediately outside of the project limits.

Collision diagrams and associated summary sheets will not be prepared. The **Consultant** and the Project Manager will discuss the accident records to note any clusters of accidents or patterns that may imply inadequate geometrics or other safety problems within the project limits.

2.05 Traffic Counts

The **Sponsor** will provide traffic count data for use by the **Consultant**. The **Consultant** will determine growth factors for forecasting, and forecast data.

The **Consultant** will provide flow diagrams for appropriate peak periods (e.g., am, noon, pm) showing existing and design year volumes on each approach of the intersection. A noon peak period will be included if the **Sponsor** provides traffic count data for that period.

2.06 Capacity Analysis

The **Consultant** will perform capacity analyses using the latest version of the Highway Capacity Manual or Synchro at the intersection location to determine:

- Existing level of service.
- Design year level of service.

2.07 Future Plans for Roadway and Coordination with Other Projects

The **Sponsor** will provide a brief written statement specifying whether or not plans exist to reconstruct or widen the highway segments immediately adjacent to the project within the next twenty years.

The **Sponsor** will determine the influence, if any, of other existing or proposed projects or proposed developments in the vicinity of this project (e.g., whether a nearby highway widening would influence this project's design traffic volumes) .

The **Sponsor** will provide all necessary information pertaining to the other projects or developments.

2.08 Soils Investigations (Not Used)

2.09 Hydraulic Analysis (Not Used)

2.10 Bridges to be Rehabilitated (Not Used)

2.11 Pavement Evaluation (Not Used)

Section 3 - Preliminary Design

3.01 Design Criteria

The **Consultant** will identify the applicable design standards to be used for this project, and will establish project-specific design criteria in accordance with the *NYSDOT Project Development Manual.*

The **Sponsor** will approve the selected project design criteria and will obtain NYSDOT concurrence (either by a written submission or at a meeting).

Based on the selected design criteria, the **Consultant** will identify all existing non-standard features that are within and immediately adjacent to the project limits. Non-standard features that correlate with a high accident rate will be noted.

3.02 Development of Alternatives

A. Selection of Design Alternative(s)

The **Consultant** will identify and make rudimentary evaluations of potential design alternative concepts that would meet the **Sponsor's** defined project objectives. These evaluations are not to be carried beyond the point of establishing the feasibility of each concept as a design alternative; only those significant environmental and geometric design constraints that bear on the feasibility should be identified.

For each concept the **Consultant** will prepare rudimentary sketches of plan, profile, and typical section views which show:

- On plan: proposed centerlines; pavement edges; curve radii and termini; and existing ROW limits.
- On profile: theoretical grade lines; critical clearances; vertical curve data; grades; and touchdown points.
- On typical section: lane, median, and shoulder widths; ditches; gutters; curbs; and side slopes.
- Where necessary: important existing features.
- Where pertaining to feasibility: significant environmental and geometric design constraints, labeled as such.

These sketches will include only the minimum information needed to select design alternatives to be studied in further detail.

The **Consultant** will meet with the **Sponsor** to discuss the concepts, using the sketches as discussion aids to describe the relative order-of-magnitude costs, advantages, disadvantages, and problem areas of each. From these concepts the **Sponsor** will select one, or in some cases more, design alternative(s) for further development.

B. Detailed Evaluations of Alternative(s)

The **Consultant** will further evaluate each design alternative and the null alternative with specific engineering analyses and considerations. Analyses will be conceptual and limited to determining the relative suitability of each design alternative, and will include:

- Design geometry, including the identification and comparison of alignment constraints and (where applicable) justification for retaining nonstandard design features, per the NYSDOT *Highway Design Manual*.
- Environmental constraints and potential environmental impact mitigation measures (identified under Section 4 tasks).
- Traffic flow and safety considerations, including signs, signals, and level of service analysis for intersections.
- Pavement.
- Structures, including bridges, retaining walls, major culverts, and building alterations (limited to establishing basic concepts, accommodating clearances and stream flow, and estimating costs). Bridge investigative work (inspection, deck coring, etc.) is covered under Section 2.
- Drainage.
- Maintenance responsibility.
- Maintenance and protection of traffic during construction.
- Soil and foundation considerations.
- Utilities.
- Evaluation of impacts to underground sidewalk vaults.
- Railroads.
- Right-of-way acquisition requirements.
- Conceptual landscaping (performed by a Registered Landscape Architect).
- Accessibility for pedestrians, bicyclists and the disabled.
- Lighting.
- Construction cost factors.

The **Consultant** will prepare the following drawings for each design alternative analyzed:

- 1"=40'-0" plans showing (as a minimum) stationed centerlines; roadway geometrics; major drainage features; construction limits; cut and fill limits; and proposed right-of-way acquisition lines.
- Profiles, at a scale of 1"=40'-0" horizontal and 1"=10'-0" (maximum) vertical, showing (as a minimum) the vertical datum reference; significant elevations; existing ground line; theoretical grade line; grades; vertical curve data including sight distances; critical clearances at structures; centerline stations and equalities; construction limits; and superelevation data.
- Typical sections showing (as a minimum) lane, median, and shoulder widths; ditches; gutters; curbs; and side slopes.

3.03 Cost Estimates

The **Consultant** will develop a preliminary cost estimate to be submitted with the Design

Approval Document for the project.

3.04 Preparation of Draft Design Approval Document

For this project the Design Approval Document (DAD) will be a Project Scoping Report/ Final Design Report (PSR/FDR).

The **Sponsor** will make all determinations not specifically assigned to the **Consultant** which are needed to prepare the Draft DAD.

The **Consultant** will prepare a Draft DAD, which will include the results of analyses and/or studies performed in other Sections of this document. The DAD will be formatted as specified in the NYSDOT *Project Development Manual (PDM).*

The **Consultant** will submit 3 copies of the Draft DAD to the **Sponsor** for review. The **Sponsor** will review the Draft DAD and provide the **Consultant** with review comments. The **Consultant** will revise the Draft DAD to incorporate the comments.

3.05 Advisory Agency Review

The **Consultant** will provide the **Sponsor** with 5 copies of the signed Draft DAD for distribution to advisory agencies.

The **Sponsor** will distribute the Draft DAD to the advisory agencies.

The **Consultant** will assist the **Sponsor** in evaluating and preparing individual responses to the review comments received.

3.06 Public Information Meeting(s) and/or Public Hearing(s)

A. Public Information Meeting(s)

The **Consultant** will assist the **Sponsor** at 1 public information meeting with advisory agencies, local officials, and citizens, at which the **Consultant** will provide visual aids and present a technical discussion of the alternatives.

The **Sponsor** will arrange for the location of public information meeting(s). The **Consultant** will assist the **Sponsor** with appropriate notification.

B. Public Hearing(s) **(Not Used)**

3.07 Preparation of Final Design Approval Document (DAD)

The **Consultant** will revise the draft PSR/FDR to incorporate comments from the **Sponsor** and NYSDOT.

The **Consultant** will submit the final PSR/FDR to the **Sponsor** and NYSDOT.

The **Sponsor** will grant or obtain, from or through the NYSDOT, Design Approval.

Section 4 - Environmental

4.01 NEPA Classification

The **Consultant** will verify the anticipated NEPA Classification.

The project is determined to be a Class II action. The **Consultant** will complete the Federal Environmental Approval Worksheet (FEAW), and forward the completed checklist to the **Sponsor** for forwarding to the NYSDOT for a final NEPA determination.

The Lead Agency for NEPA is the Federal Highway Administration (FHWA).

4.02 SEQRA Classification

The **Consultant** will assist the **Sponsor** in complying with SEQRA (6 NYCRR Part 617). The **Sponsor** is the Lead Agency. Consultant tasks include, but are not limited to:

- Drafting letters to involved agencies to determine the lead agency.
- Drafting Environmental Assessment Form(s).
- Drafting a negative declaration.
- Drafting a positive declaration.
- Drafting notices.

The **Consultant** will document the results of SEQRA processing in the body of the Design Approval Document (DAD) and will include documentation of the final SEQRA determination in the Appendix of the DAD.

4.03 Smart Growth

The **Consultant** will complete the Smart Growth Checklist developed by NYSDOT to measure whether and to what extent a project conforms to the principles and objectives of Smart Growth and submit same to the **Sponsor** for attestation. (New York State's Smart Growth policy was adopted by amendment to the State Highway Law and is intended to minimize the "unnecessary cost of sprawl development." It requires public infrastructure projects to undergo a consistency evaluation and attestation using established Smart Growth Infrastructure Criteria. The consistency evaluation is measured with the Smart Growth checklist which can be found in the Chapter 7 Appendices on the PLAFAP Manual website.)

4.04 Screenings and Preliminary Investigations

The **Consultant** will screen and perform preliminary investigations to determine potential impacts resulting from the design alternative(s). Work will be performed in accordance with the criteria contained in the NYSDOT *Environmental Procedures Manual*, to determine whether further detailed analysis or study is required. The results of these screenings and preliminary investigations will be summarized in the appropriate sections of the DAD.

4.05 Detailed Studies and Analyses

- **Asbestos**

The **Consultant** must maintain a valid asbestos handling license for the duration of this agreement and all **Consultant** personnel engaged in asbestos-related work must be appropriately certified for the work being performed, as described in Section 56-2.2 of Industrial Code Rule 56 (12 NYCRR Part 56).

The **Consultant** will perform a preliminary investigation for the presence of asbestos-containing materials (ACM's) within the project site and corridor, using the following screening techniques:

The **Consultant** will conduct a site-visit to the listed bridge.

The **Consultant** will collect bulk samples of materials suspected of containing asbestos per NYSDOL Code Rule 56. Samples will be analyzed by a NYS ELAP approved laboratory to determine asbestoform type and content. Materials containing asbestos content of more than 1% shall be identified as asbestos containing.

The **Consultant** will collect bulk samples of suspect lead-based paint. This will be accomplished using Atomic Absorption Spectrometry (AAS). AAS technology involves the collection of paint chip samples and subsequent laboratory analysis. This analysis provides precise weight percent data for each sample collected.

The **Consultant** will Prepare and submit a report(s) documenting the survey results and recommendations for appropriate response actions.

Section 5 – Right of Way

5.01 Abstract Request Map and/or Title Search (Not Used)

5.02 Right-of-Way Boundaries

Existing Right-of-Way Boundaries will be shown on the plans.

The existing Right-of-Way / Highway Boundaries will be determined from record plans or other data provided by the **Municipality**, and tax map data under section 2.01.

Section 6 - Detailed Design

6.01 Preliminary Bridge Plans (Not Used)

6.02 Advance Detail Plans (ADP)

The **Consultant** will develop the approved design alternative to the ADP stage. At this stage all plans, specifications, estimates and other associated materials will be **90%** complete.

Advance Detail Plans may include, but are not limited to, the following contract sheet drawings:

- Title Sheet
- Index and legend
- Typical sections
- Traffic Control Plan (including construction sign text data and temporary traffic signal plans and details)
- Maintenance jurisdiction table
- Survey baseline ties
- Miscellaneous tables
- Miscellaneous details
- Erosion and Sediment Control Plan
- General Plans
- General Profiles
- Signs & Sign Structures
- Traffic signal plans
- Lighting plans
- Pavement marking plans
- Drainage/Utility plans
- Landscaping plans

The **Consultant** will prepare and submit 3 copies of the ADP's to the **Sponsor** for review.

The **Consultant** will modify the design to reflect the review of the ADP package.

6.03 Contract Documents

The **Consultant** will prepare a complete package of bid-ready contract documents. The package will include:

- Instructions to bidders.
- Bid documents.
- Contract language, including applicable federal provisions and prevailing wage rates.
- Special notes.

- Specifications.
- Plans.
- PS&E Transmittal Memo
- A list of supplemental information available to bidders (i. e., subsurface exploration logs, record as-built plans, etc.).
- Other pertinent information.

The **Consultant** will submit 5 preliminary copies of the contract documents to the **Sponsor** for review and comment. After revising the contract documents to incorporate comments, the **Consultant** will submit 5 copies of the final contract documents to the **Sponsor** for distribution. The Sponsor will submit 3 copies of the contract bid documents to NYSDOT as described in the *PLAFAP Manual.*

6.04 Cost Estimate

The **Consultant** will develop, provide, and maintain the construction cost estimate for the project. The **Consultant** will submit the initial estimate with the ADP's and will develop and provide the final Engineer's Estimate, including all quantity computations with the Contract Documents.

6.05 Utilities

The **Consultant** will coordinate with the known utility companies in the project area to identify and locate their facilities.

The **Sponsor** will assist with the coordination by providing names and contact information of the individuals the City routinely coordinates with regarding construction activity.

The **Consultant** will assist the **Sponsor** in preparing any necessary agreements with utility companies. The **Sponsor** will be responsible for obtaining signed agreements.

No relocations are anticipated.

6.06 Railroads (Not Used)

6.07 Bridge Inventory and Load Rating Forms (Not Used)

6.08 Information Transmittal

Upon completion of the contract documents, the **Consultant** will transmit to the **Sponsor** all project information, including electronic files. The electronic information will be in the format requested by the **Sponsor**. An electronic PDF copy of the contract documents will be submitted to the **Sponsor**.

Section 7 - Advertisement, Bid Opening and Award

7.01 Advertisement

The **Consultant** will prepare the advertisement for bids to be placed in the NYS Contract Reporter and any other newspaper or publication identified by the **Sponsor**. The **Consultant** will submit the ad(s) to the **Sponsor** for review and will revise the ad(s) to reflect comments generated by that review. Upon approval by the **Sponsor**, the **Consultant** will place the advertisements.

Advertisements must not be placed until authorization is granted to the **Sponsor** by the NYSDOT.

A Pre-Bid Meeting will not be required.

7.02 Bid Opening (Letting)

The **Sponsor** will hold the public bid opening.

7.03 Award

The **Consultant** will analyze the bid results. The analysis will include:

- Verifying the low bidder.
- Ensuring receipt of all required bid documents (non-collusive bid certification, debarment history certification, etc.).
- Breaking the low bid into fiscal shares, if necessary.
- Determining, with assistance from the **Sponsor**, whether the low bidder is qualified to perform the work.
- Determining whether the low bid is unbalanced.
- For pay items bid more than 25% over the Engineer's Estimate:
  - Checking accuracy of quantity calculations.
  - Determining appropriateness of price bid for work in the item.
  - Determining whether the low bidder is qualified to perform the work.

The **Consultant** will assist the **Sponsor** in preparing and compiling the package of information to be transmitted to the NYSDOT.

The **Sponsor** will award the contract and will transmit the award package to the NYSDOT as described in the *NYSDOT PLAFAP Manual*.

Section 8 - Construction Support

8.01 Construction Support

The **Consultant** will provide design response to unanticipated or changed field conditions, analyze and participate in proposed design changes, and explain the design, drawings, plans, and specifications to the Construction Contractor in understandable terms.

Work under this section will be in response to a specific assignment from the **Sponsor** under one of the tasks below:

- In response to unanticipated and/or varying field conditions or changes in construction procedures, the **Consultant** will conduct on-site field reconnaissance and, where required, prepare Field Change Sheets modifying pertinent contract plan sheets.
- The **Consultant** will analyze and make recommendations on the implementation of changes proposed by the **Sponsor** or the Construction Contractor. This includes the Traffic Control Plan.
- The **Consultant** will interpret and clarify design concepts, plans and specifications.
- The **Consultant** will review and approve shop drawings produced by the Construction Contractor showing the different portions of the work. Review of the shop drawings shall be limited to assuring conformance and compatibility with the information given in the Construction Contractor's contract documents. Such reviews or other actions shall not extend to means, methods, techniques, sequences, or procedures of construction or to safety precautions and programs incidental thereto.

The **Consultant** shall not invoice the **Municipality** for the following services:

- Corrections of design errors and omissions
- Straightforward interpretations of plans and designer intentions.

Section 9 - Construction Observation
(Not Used)

Attachment A - Estimating & Technical Assumptions

10.01 Estimating Assumptions

The following assumptions have been made for estimating purposes:

Section 1) Estimate 2 meetings during the life of this agreement.

Estimate 10 cost and progress-reporting periods will occur during the life of this agreement.

Estimate 2 progress meetings during the life of this agreement.

Section 2) Assume that GPS methods and equipment will not be used to establish local control points.

Estimate 10 accidents will require analysis.

Estimate 3 capacity analyses will be required.

Estimate 0 soil borings will be taken.

Section 3) Estimate 2 cost estimates will be required during preliminary design.

Estimate 2 Stakeholders meetings will be required during preliminary design.

Section 4) Not Used.

Section 5) Estimate 0 property acquisitions will be required.

Section 6) Estimate 10 sidewalk handicap ramps will be revised.

Estimate 1 cost estimate plus 1 update will be required.

Estimate 4 utility companies and 0 railroad agencies will be affected.

Estimate 10 street lights will need relocation/replacement

Estimate 1 signalized intersection will need upgrading/replacement

Section 7) Estimate 15 copies of the final contract bid documents will be needed for prospective bidders.

The bid opening is anticipated for August 2016.

Section 8) Estimate one (1) situation involving unanticipated and/or varying field conditions or changes in construction procedures that will require on-site field reconnaissance and follow up.

Estimate one (1) change proposed by the **Sponsor** or the Construction Contractor that will require analysis and recommendation.

Section 9) Not used.

10.02 Technical Assumptions

Roadway Assumptions

- It is assumed that no horizontal or vertical alignment improvements are necessary. If horizontal or vertical alignment improvements are necessary, supplemental design efforts will be added by a supplemental agreement.
- It is assumed that one feasible alternative will be investigated based on the project's objectives. Investigating additional alternatives will require a supplemental agreement.
- Impacts to utilities will be identified within the roadway right of way. Existing utility relocation including but not limited to water, sewer, gas, and electric is not anticipated. Utility relocations if required will be done with a supplemental agreement.
- It is assumed that a pavement design is not required. It is assumed that the existing pavement will be milled and overlaid within the project limits. Pavement reconstruction areas, if required, will match existing pavement section based on pavement cores provided by the City of Binghamton.
- Permanent pavement markings will be developed for the intersection approaches within the project limits.
- It is assumed that the power source for the existing traffic signals will be sufficient to power the new traffic signals.

Pedestrian Bridge

- It assumed the existing pedestrian bridge will be screened and tested for asbestos. Removal of the existing bridge will be studied and a cost estimate will be provided. Project costs and available funding will determine whether or not this structure will be removed as part of this project. Demolition plans and/or permits required to remove the existing bridge will be developed under a supplemental agreement.

Geotechnical Assumptions

- It is assumed 3 pavement cores will be provided by the City of Binghamton.

Environmental Testing

- It is assumed that one submission consisting of a project description, photos, and location map will be sufficient to obtain a "No Adverse Effect" determination from SHPO. If a detailed study is required this will be done under a supplemental agreement.
- It is assumed that no environmental permits will be necessary due to limited impacts within existing right-of-way. It is assumed that the existing pedestrian bridge will require asbestos screening and testing.
- The Smart Growth checklist prepared in the IPP will be reviewed and updated as needed.

- It is assumed that there won't be a significant change in LOS, therefore an Air Quality analysis won't be necessary.
- Due to the urban setting, it is assumed that a Visual Resource study will not be necessary.
- It is assumed that no environmental coordination will be required.

Right-of-Way Assumptions

- No ROW acquisitions are anticipated.
- ROW and property lines will be based on tax map data and data provided by the City.

Miscellaneous Assumptions

- The location of existing utilities shall be determined via ground survey supplemented by location plans provided by each utility owner. If underground exploration becomes necessary to locate existing vaults or any other utilities this will be done by a supplemental agreement.

Survey Technical Assumptions:

1) Access to the site and surrounding dam will not be impeded
2) Maintenance and Protection of Traffic during survey operation will be the modified DOT 'short-term-stationary' set up by the survey crew.
3) NYS DOL 'prevailing wages' do apply
4) Mapping limits will be as shown on Fig. 1
5) Units of measure will be US customary units.
6) Design mapping will be generated at a 1"= 20 foot scale with 1-foot contour intervals.
7) Assume 1 day of Supplemental Survey, mobilization and office processing and CAD time
8) Prudent will contact DigSafe NY and initiate a design ticket
9) The engineer will be responsible for the layout of borings.
10) Construction layout and or as-built survey is not included
11) Digital tax map files will be provided

State Street Pedestrian Streetscape Improvements PIN 9009.36				
	Quant	Unit	Unit Price	Total
Mobil (4%)	NEC	LS	$30,000.00	$30,000.00
MP&T	NEC	LS	$15,000.00	$15,000.00
Storm Drain	NEC	LS	$15,000.00	$15,000.00
Conc Curb	2800	LF	$25.00	$70,000.00
Conc Sidewalk	200	SY	$40.00	$8,000.00
Remove Bridge (Not Included)				
Remove Tree and Shrub	10	EA	$200.00	$2,000.00
New Antique Traffic Signal Poles and Equipment	NEC	LS	$250,000.00	$250,000.00
Pavmt Profiling	5400	SY	$4.00	$21,600.00
Asphalt Pavement	450	TON	$85.00	$38,250.00
Precast Pavers or stamped colored concrete	5600	SF	$12.00	$67,200.00
Antique Lighting	10	EA	$12,000.00	$120,000.00
Landscaping	NEC	LS	$30,000.00	$30,000.00
Sediment & Erosion control	NEC	LS	$5,000.00	$5,000.00
Subtotal				$672,050.00
Construction Contingency (15%)				$100,807.50
Preliminary Construction Cost				$772,857.50

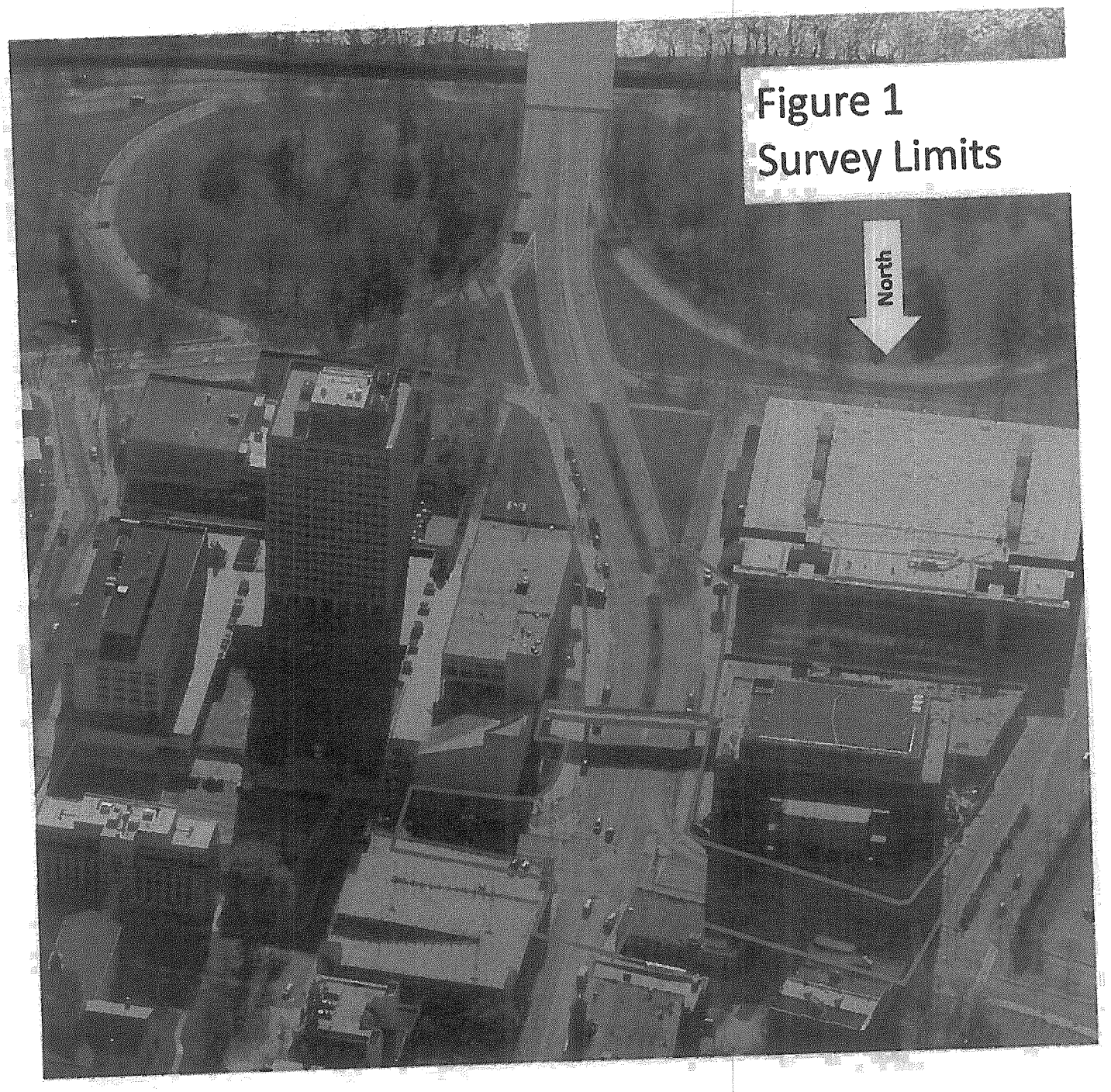


Figure 1
Survey Limits
North

Preliminary Design

EXHIBIT B
State Street Pedestrian/Streetscape Improvements

McFarland Johnson

City of Binghamton
Preliminary Design

Draft
10/7/15

FEE SUMMARY

	DESIGN / PLANNING SERVICES	CONSTRUCTION SERVICES
1. DIRECT TECHNICAL LABOR	$13,611.00	
2. ESTIMATED OVERHEAD EXPENSES AND PAYROLL BURDEN Based on Percentage of Direct Salary Cost (exclusive of Premium Pay) with the estimated Percentage being 175.00 %	$23,819.25	
3. SUBTOTAL OF ITEMS 1 & 2	$37,430.25	
4. FIXED FEE / PROFIT	$5,614.54	
5. DIRECT EXPENSES	$25.00	
6. SUBCONSULTANT COSTS	$32,116.94	
Prudent Inc.	$15,067	
Saratoga Associates	$14,000	
C.T. Male	$3,050	
7. SUBCONTRACT COSTS - (ESTIMATE)		
8. OVERTIME PREMIUM		
9. TOTAL FEE ESTIMATE	$75,186.73	
10. TOTAL FEE FOR ALL SERVICES		$75,187

NOTE: Authorized hours worked in excess of forty per week are subject to a premium time charge

State Street Pedestrian/Streetscape Improvements

City of Binghamton
Preliminary Design

Draft
10/7/15

McFarland Johnson

McFARLAND-JOHNSON LABOR RATES

DIRECT TECHNICAL LABOR

CLASSIFICATION	CURRENT AVG. RATE	PROJECT AVG. RATE
Vice President (VP)	$88.64	$91.12
Regional Office/Division Manager (DM)	$63.50	$65.28
Senior Project Manager (SPM)	$60.92	$62.63
Sr. Project Engineer (SPE)	$48.34	$49.69
Project Engineer (PE)	$43.50	$44.72
Senior Engineer (SE)	$36.65	$37.68
Assistant Engineer (AE)	$31.86	$32.75
Junior Engineer (JE)	$26.16	$26.89
Senior Technician (ST)	$29.12	$29.94
Technician (T)	$25.01	$25.71
Assistant Technician (AT)	$21.67	$22.28
Junior Technician (JT)	$14.40	$14.80
Construction Supervisor / Resident Engineer (CS)	$40.38	$41.51
Senior Inspector (SI)	$36.50	$37.52
Inspector (I)	$29.83	$30.67

Assume Notice to Proceed:	10/15/2015
Design Project Duration (months):	6
Assume Salary Escalation:	4.0%

Year	Compounded Escalation Factor	% Work in year	Effective %
2015	1.000	30.0%	30.0%
2016	1.040	70.0%	72.8%
2017	1.082		
		100.0%	102.8%

State Street Pedestrian/Streetscape Improvements

City of Binghamton
Preliminary Design

Draft
10/7/15

McFarland Johnson

DIRECT COSTS

	DESIGN / PLANNING SERVICES	CONSTRUCTION SERVICES
Travel Related Costs:		
Vehicle Cost Plus Fuel		
Lodging and Meals		
Per Diem		
Reproduction		
CADD Plots		
Prints		
Photocopies		
Photo Costs		
Telephone/Fax:		
Postage/Delivery	$25	
Miscellaneous		
	$25	$25

State Street Pedestrian/Streetscape Improvements

City of Binghamton
Preliminary Design

Draft
10/7/15

McFarland Johnson

ESTIMATED HOURS

PHASE/TASK	DESCRIPTION	HOURS BY CLASSIFICATION													
		VP	DM	SPM	SPE	PE	SE	AE	JE	ST	T	JT	CS	SI	I	SUM
		$91.12	$65.28	$62.63	$49.69	$44.72	$37.68	$32.75	$26.89	$29.94	$25.71	$14.80	$41.51	$37.52	$30.67	
1.06	Meetings				8											8
1.07	Cost and Progress Reporting				6											6
2.04-2.06	Accident Data and Analysis / Traffic Counts / Capacity Anal.				6											24
3.01	Design Criteria						24									4
3.021	Selection of Design Alternatives				4											8
3.022-3.03	Detailed Evaluation of Alternatives / Cost Estimates				8											112
3.04-3.05	Preparation of Draft DAD / Advisory Agency Meeting					40		40		32						88
3.061-3.062	Public Information Meetings / Public Hearing					48				40						40
3.07	Preparation of Final DAD					16				24						24
4.01-4.02	NEPA Classification / SEQRA Classification					24										20
4.03	Smart Growth							20								2
4.04	Screenings and Preliminary Investigations							2								24
4.05	Detailed Studies and Analyses							24								
	Total Hours - Design / Planning Services				26	128	24	86		96						360
	Total Labor Cost - Design / Planning Services				$1,292	$5,724	$904	$2,817		$2,874						$13,611

Final Design

EXHIBIT B
State Street Pedestrian/Streetscape Improvements

McFarland Johnson

City of Binghamton
Final Design

Draft
10/7/15

FEE SUMMARY

	DESIGN / PLANNING SERVICES	CONSTRUCTION SERVICES
1. DIRECT TECHNICAL LABOR	$18,223.00	
2. ESTIMATED OVERHEAD EXPENSES AND PAYROLL BURDEN Based on Percentage of Direct Salary Cost (exclusive of Premium Pay) with the estimated Percentage being 175.00 %	$31,890.25	
3. SUBTOTAL OF ITEMS 1 & 2	$50,113.25	
4. FIXED FEE / PROFIT	$7,516.99	
5. DIRECT EXPENSES	$25.00	
6. SUBCONSULTANT COSTS	$6,000.00	
Saratoga Associates	$6,000	
7. SUBCONTRACT COSTS - (ESTIMATE)		
Subcontractor 1 Name Geotechnical Services		
8. OVERTIME PREMIUM		
9. TOTAL FEE ESTIMATE	$63,655.24	

10. TOTAL FEE FOR ALL SERVICES $63,656

NOTE: Authorized hours worked in excess of forty per week are subject to a premium time charge

State Street Pedestrian/Streetscape Improvements

City of Binghamton
Final Design

Draft
10/7/15

McFarland Johnson

McFARLAND-JOHNSON LABOR RATES

DIRECT TECHNICAL LABOR

CLASSIFICATION	CURRENT AVG. RATE	PROJECT AVG. RATE
Vice President (VP)	$88.64	$92.19
Regional Office/Division Manager (DM)	$63.50	$66.04
Senior Project Manager (SPM)	$60.92	$63.36
Sr. Project Engineer (SPE)	$48.34	$50.27
Project Engineer (PE)	$43.50	$45.24
Senior Engineer (SE)	$36.65	$38.12
Assistant Engineer (AE)	$31.86	$33.13
Junior Engineer (JE)	$26.16	$27.21
Senior Technician (ST)	$29.12	$30.28
Technician (T)	$25.01	$26.01
Assistant Technician (AT)	$21.67	$22.54
Junior Technician (JT)	$14.40	$14.98
Construction Supervisor / Resident Engineer (CS)	$40.38	$42.00
Senior Inspector (SI)	$36.50	$37.96
Inspector (I)	$29.83	$31.02

Assume Notice to Proceed:	10/15/2015
Design Project Duration (months):	4
Assume Salary Escalation:	4.0%

Year	Compounded Escalation Factor	% Work in year	Effective %
2015	1.000		
2016	1.040	100.0%	104.0%
2017	1.082		
		100.0%	104.0%

State Street Pedestrian/Streetscape Improvements

City of Binghamton
Final Design

Draft
10/7/15

McFarland Johnson

DIRECT COSTS

	DESIGN / PLANNING SERVICES	CONSTRUCTION SERVICES
Travel Related Costs:		
Vehicle Cost Plus Fuel		
Lodging and Meals		
Per Diem		
Reproduction		
CADD Plots		
Prints		
Photocopies		
Photo Costs		
Telephone/Fax:		
Postage/Delivery	$25	
Miscellaneous		
	$25	$25

State Street Pedestrian/Streetscape Improvements

City of Binghamton
Final Design

Draft
10/7/15

McFarland Johnson

ESTIMATED HOURS

PHASE/TASK	DESCRIPTION	HOURS BY CLASSIFICATION													
		VP	DM	SPM	SPE	PE	SE	AE	JE	ST	T	JT	CS	SI	I	SUM
		$92.19	$66.04	$63.36	$50.27	$45.24	$38.12	$33.13	$27.21	$30.28	$26.01	$14.98	$42.00	$37.96	$31.02	
1.06	Meetings					8										8
1.07	Cost and Progress Reporting					4										4
6.02	Advance Detail Plans					28	120			152						300
6.03 & 6.08	Contract Documents / Information Transmittal					8	12			96						116
6.04	Cost Estimate								40	24						64
7.01-7.03	Advertisement / Bid Opening / Award					24										24
8.01	Construction Support						16									16
	Total Hours - Design / Planning Services					72	148		40	272						532
	Total Labor Cost - Design / Planning Services					$3,257	$5,642		$1,088	$8,236						$18,223

14

RL Number: 16-029

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Joseph Zikuski, Chief of Police

Title/Department: Police Department

Contact Information: 772-7090

RL Information

Proposed Title: A resolution authorizing the Mayor to enter into an agreement with the Binghamton School District for Resource Officers at Binghamton High School, West Middle School, and East Middle School

Suggested Content: TBD by Corp Counsel

Additional Information

Does this RL concern grant funding?	Yes □	No □
If 'Yes', is the required RL Grant Worksheet attached?	Yes □	No □
Is additional information related to the RL attached?	Yes □	No □
Is RL related to previously adopted legislation?	Yes □	No □

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor: _____

Comptroller: _____

Corporation Counsel: _____

Finance □ **Planning** □ **MPA** □ **PW/Parks** □ **Employees** ☒ **Rules/Special Studies** □

RL Number: 16-018

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Richard David

Title/Department: Mayor

Contact Information: 772-7001

RL Information

Proposed Title: A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BROOME COUNTY FOR USE OF SPACE AT THE INTERMODAL

Suggested Content: TBD By Corp. Counsel

See attached agreement.

Funds available

Additional Information

Does this RL concern grant funding?	Yes ☒	No ☐
If 'Yes', is the required RL Grant Worksheet attached?	Yes ☐	No ☒
Is additional information related to the RL attached?	Yes ☐	No ☒
Is RL related to previously adopted legislation?	Yes ☐	No ☒

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor: Richard David

Comptroller:

Corporation Counsel:

Finance ☐ **Planning** ☐ **MPA** ☐ **PW/Parks** ☐ **Employees** ☐ **Rules/Special Studies** ☐

AGREEMENT

This Agreement entered into this day of , 2015 by and between the City of Binghamton, a municipal corporation organized and existing under the laws of the State of New York and having offices at City Hall, 38 Hawley Street, Binghamton, New York 13901 (herein after called "City") and the County of Broome, a municipal corporation organized and existing under the laws of the State of New York and having its offices at the Edwin L. Crawford County Office Building, PO Box 1766, Binghamton, NY 13902 (hereinafter "County").

WITNESSETH:

WHEREAS, the County owns and operates the Intermodal Transportation Center in the City of Binghamton; and

WHEREAS, the City has requested to use space on the second floor of the Intermodal for training; and

WHEREAS, in return for the use of this space the City agrees to provide a police presence at the Intermodal to supplement Broome Security.

NOW, THEREFORE, in consideration of the mutual promises, covenants and agreements, the parties agree as follows:

Grant of License

1. The County grants permission for the City to use the space on the second floor of the Intermodal as depicted on the floor plan attached hereto as Exhibit A for training for its Police Department. In addition the County and City will permit other police and sheriff's agencies in Broome County to use this space for training. When other agencies wish to use this space they shall contact the Binghamton Police Chief to obtain badges and keys for use of the space. It is understood that this agreement creates a license only and that the City does not and shall not claim an estate or interest in the property by virtue of this license or the use of the premises.

Consideration

2. In consideration of the use of this space the City will provide police patrols at the Intermodal to supplement those patrols currently provided by Broome Security. In

addition the City will permit other law enforcement agencies in Broome County including but not limited to the Broome County Sheriff's Office to train at this location with the City's equipment.

Renovations

3. The City shall not renovate the space unless the plans for said renovations are reviewed and approved by the County Commissioner of Public Works, Parks, Recreation and Youth Services. Any renovations to said space shall be at the City's expense. Any permanent improvements to this space shall become the County's property at the expiration or early termination of this agreement.

Use of the Premises

4. The City shall exercise due cause in the use and maintenance of the space, keeping it in good repair and in a condition equivalent in all respects to that in which it was received by the City, normal wear and tear excepted.

Insurance and Indemnity

5. The City for itself, its successors and assigns releases, relinquishes, discharges and agrees to indemnify the County, its successors and assigns against any and all claims, demands, and liability for any and all loss damage, injury, or other casualty to property, whether it be that of either of the parties to this agreement or of third persons, and to persons, whether they be third persons or employees of either of the parties to the agreement, caused by, growing out of, or happening in connection with the City's use and occupancy of the space referenced in paragraph 1 of this agreement or any equipment located or to be located on the premises, or by reason of any other casualty. The City shall comply with the insurance requirements set forth in Exhibit B attached hereto.

Breach

6. If the City shall violate any agreements, conditions, or obligations, of this agreement, the County shall have the right to declare this agreement cancelled and terminated and shall have the further right, without notice and without recourse to any legal proceeding, to enter the premises and repossess itself of the premises, including all property embraced within the terms of this agreement.

Return of Premises and Property

7. On termination of this license by lapse of time or otherwise, City shall return to County the premises, together with all property embraced by this agreement, and any other property of County located on the premises in their condition when received by the City, reasonable wear and tear incident to the proper use of such property excepted. If the City shall for any reason be unable to return any such property, City shall replace the property with similar property of value or pay licensor the market value of property.

Right of Entry

8. The County reserves the right of entry of its representatives, agents, and employees for the purpose of examining and inspecting the premises and any property of County located on the premises.

Alteration

9. The City shall make no alterations or changes in or addition to the licensed premises without first procuring the written consent of the County. Any work so authorized shall be at the sole cost of the City. Any such alterations, changes or additions so made shall become the property of County. The City shall have no claim of any kind or character to or for any alterations, changes or additions.

No Transfer or Assignment

10. This license is personal to the City and shall not be assigned in whole or in part without the prior written consent of the County. This agreement shall commence on January 1, 2016 and shall expire on December 31, 2018. This agreement may be renewed for two additional three year periods upon the mutual consent of the parties.

Termination

11. If this agreement shall be cancelled or shall terminate for any cause prior to the expiration of this agreement, this agreement shall terminate automatically without previous notice, and the County shall not be liable to licensee for damages or otherwise on account of cancellation or termination.

Governing Law

12. This agreement shall be governed by the laws of the State of New York.

Notices

13. Any notice provided for or concerning this agreement shall be in writing and deemed sufficiently given when delivered personally or sent by certified or registered mail if sent to the respective addresses of each party as set forth at the beginning of this agreement.

No Waiver

14. The failure of either party to this agreement to insist upon the performance of any of its terms and conditions or the waiver of any breach of any of the terms and conditions of this agreement shall not be construed as waiving any such terms and conditions, but they shall continue and remain in full force and effect as if no waiver had occurred.

Entire Agreement

15. This agreement shall constitute the entire agreement between the parties. Any prior understanding or representation of any kind preceding the date of this agreement shall not be binding upon either party except to the extent incorporated in this agreement.

Modification of Agreement

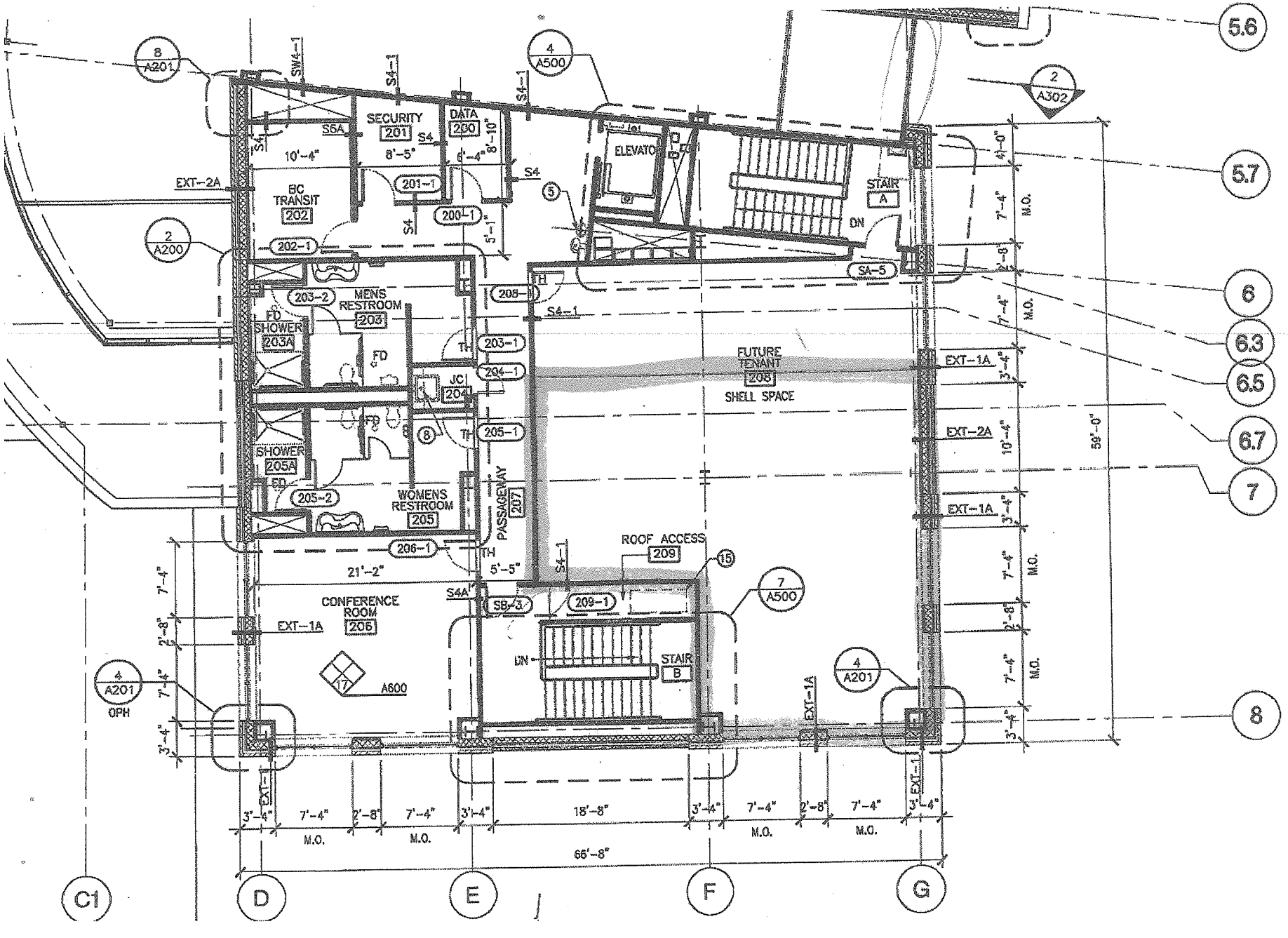
16. Any modification to this agreement or additional obligation assumed by either party in connection with this agreement shall be binding only if evidenced in a writing signed by each party or an authorized representative of each party.

Section Headings

17. The titles to the sections of this agreement are solely for the convenience of the parties and shall not be used to explain, modify, simplify, or aid in the interpretation of the provisions of this agreement.

IN WITNESS WHEREOF, the City and County have caused their respective duly authorized representatives to execute this agreement under seal as of the day and year first above written.

County of Broome	City of Binghamton
By:_____	By:_____
Debra A. Preston	Richard David
County Executive	Mayor



FLOOR

THIS IS NOT AL

1. F
A. E
B. S
C. 1
D. A
2. F
3. 1
4. 1
5. I
6. I
7. I
8. I
9. I
10. I
11. I
12. I

EXHIBIT A

Risk Management & Insurance Specifications

Project Description or Contract Number	Binghamton Police Training at the Broome County at the Greater Binghamton Transportation Center
Date Issued	December 15, 2015
Vendor name ("Contractor")	Binghamton police Department
County Department	

Please read these specifications very carefully. These specifications are part of your contract with Broome County. It is advisable that you forward a copy of these specifications to your insurance agent. Broome County's waiver of any requirement(s) set forth herein shall not constitute a waiver of any other contract provision.

Part I. General Provisions

1. The Contractor shall procure and maintain during the term of this contract, at the Contractor's expense, the insurance policies listed in Part II with limits equal to or greater than the enumerated limits.
2. The contractor shall be solely responsible for any self-insured retention or deductible losses under each of the required policies.
3. Every required policy, including any required endorsements and any umbrella / excess policy, shall be primary insurance. Insurance carried by Broome County, its officers, or its employees, if any, shall be excess and not contributory insurance to that provided by the Contractor.
4. Every required coverage type shall be "occurrence basis".
5. The Contractor may utilize umbrella/excess liability coverage to achieve the limits required hereunder; such coverage must be at least as broad as the primary coverage (follow form).
6. All insurance certificates must be approved by the Office of Risk & Insurance Management. See section II for specific requirements regarding insurance proof.
7. The County reserves its right to request certified copies of any policy or endorsement thereto.
8. All insurance shall be provided by insurance carriers licensed & admitted to do business in the State of New York and must be rated "A–:VII" or better by A.M. Best (Current Rate Guide).
9. If the Contractor fails to procure and maintain the required coverage(s) and minimum limits such failure shall constitute a material breach of contract, whereupon Broome County may exercise any rights it has in law or equity, including but not limited to the following:
   (a) immediate termination of the contract;
   (b) withholding any / all payment(s) due under this contract or any other contract it has with the vendor (common law set-off); OR
   (c) procuring or renewing any required coverage(s) or any extended reporting period thereto and paying any premiums in connection therewith. All monies so paid by Broome County shall be repaid upon demand, or at the County's option, may be offset against any monies due to the Contractor.

Part II. Required Insurance – Minimum coverage types and amounts

1.

Coverage Type	Minimum Limits
Commercial General Liability (CGL) including: ➢ Products & completed operations shall not be excluded. ➢ Broome County shall be named additional insured. The additional insured endorsement for the insurance shall not contain any exclusion for bodily injury or property damage arising from completed operations. ➢ **Proof of additional insured coverage shall be evidenced through a carrier issued endorsement. (ISO CG 20 10 11 85 or equivalent)**	1,000,000 / 2,000,000 Per occurrence / minimum annual aggregate limit
Automobile Liability (Comprehensive Form) Must cover owned, non-owned, and hired vehicles	300,000 Combined Single Limit
Workers' Compensation and Employer's Liability ☐ If you have no employees (sole proprietor) you may provide an affidavit of exemption. (CE-200) if the box to the left is checked.	Statutory amount / 100,000
Disability Insurance ☐ If you have no employees (sole proprietor) you may provide an affidavit of exemption. (CE-200) if the box to the left is checked.	Statutory limits

2. The certificate face shall:
   - ➢ indicate coverage(s) (other than Workers' Compensation & Disability) & minimum amounts required in part II.1
   - ➢ provide that the coverage(s) shall not be cancelled, terminated or materially changed (including an insurance limits reduction) unless **thirty (30) days** prior written notice has been given to the County Office of Risk & Insurance Management.
   - ➢ Disclose all policy exclusions
   - ➢ Disclose the amount of self-insured retention or deductibles.
   - ➢ Show Products & completed operation

3. Proof of Workers' Compensation Coverage must be provided on WCB form C-105.2 or U-26.3

4. Proof of NYS Disability Coverage must be provided on WCB form DB-120.1 OR DB-820/829 OR DB-155

5. The Additional Insured & Certificate Holder should read:
   County Of Broome
   Attn: Office of Risk & Insurance Management
   PO Box 1766 Binghamton, NY 13902-1766

Part III Defense and Indemnification

The following provisions concerning indemnification shall not be construed to indemnify the County for damages arising from bodily injury to persons or property contributed to, caused by or resulting from the sole negligence of the County or its employees.

The Contractor agrees to indemnify and hold the County of Broome and any officer, employee and/or agent thereof free and harmless from any and all losse(s), penalty(ies), damages, settlement(s), cost(s), charge(s), professional fee(s) or other expense(s) or liability(ies) of every kind arising from or relating to any and all claim(s), lien(s), demand(s), obligation(s), action(s), proceedings or causes of action of any kind in connection with, or arising directly or indirectly from the negligent error(s) and/or omission(s) and/or act(s) of the Contractor (including Contractor's employees, agents or and/or subcontractors) in the performance of this agreement.

Without limiting the generality of the preceding paragraphs, the following shall be included in the indemnity hereunder: any and all such claims, etc., relating to personal injury, death, damage to property, or any actual or alleged violation of any applicable statute (including specifically but not limited to New York State Labor Law §§ 200; 202; 240 & 241), ordinance, administrative order, executive order, rule or regulation, or decree of any court of competent jurisdiction in connection with, or arising directly or indirectly from, errors and/or negligent acts by the Contractor, as aforesaid,.

Part IV Safety

Broome County specifically reserves the right to suspend or terminate all work under this contract whenever Contractor and/or contractor's employees or subcontractors are proceeding in a manner that threatens the life, health or safety of any of contractor's employees, subcontractor's employees, county employees or member(s) of the general public on county property. This reservation of rights by Broome County in no way obligates Broome County to inspect the safety practices of the Contractor.

If Broome County exercises its rights pursuant to this part, the contractor shall be given three days to cure the defect, unless Broome County, in its sole and absolute discretion, determines that the service cannot be suspended for three days due to Broome County's legal obligation to continuously provide contractor's service to the public or Broome County's immediate need for completion of the Contractor's work. In such case, Contractor shall immediately cure the defect.

If the Contractor fails to cure the identified defect(s), Broome County shall have the right to immediately terminate this contract. In the event that Broome County terminates this contract, any payments for work completed by the Contractor shall be reduced by the costs incurred by Broome County in re-bidding the work and /or by the increase in cost that results from using a difference vendor.

RL Number: 16-037

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Joseph Zikuski

Title/Department: Police Chief

Contact Information: 772-7090

RL Information

Proposed Title: AN ORDINANCE AMENDING PERM. ORD. 15- TO ACCEPT A CASH DONATION FOR A FULLY EQUIPPED K-9 VEHICLE TO THE CITY OF BINGHAMTON POLICE BUREAU - $65,604.79

Suggested Content: TBD by Corp. Counsel

Additional Information

Does this RL concern grant funding?	Yes ☐	No ☒
If 'Yes', is the required RL Grant Worksheet attached?	Yes ☐	No ☒
Is additional information related to the RL attached?	Yes ☐	No ☒
Is RL related to previously adopted legislation?	Yes ☐	No ☒

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor: _____

Comptroller: _____

Corporation Counsel: _____

Finance ☐ **Planning** ☐ **MPA** ☐ **PW/Parks** ☐ **Employees** ☐ **Rules/Special Studies** ☐

84a

Legislative Branch

RL Number: 16-021

Date Submitted: 12/30/15

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

RECEIVED
DEC 30 2015
OFFICE OF THE CITY CLERK
CITY OF BINGHAMTON

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Binghamton-Johnson City Joint Sewage Board

Title/Department: Charlie Pearsall, Business Manager

Contact Information: cpearsall@stny.rr.com, 607-217-5429

RL Information

Proposed Title: Transfer of 2016 Budget Appropriations in Salary Adjustment line to Personal Services line for 2016 wage increases for hourly positions.

Suggested Content: The Binghamton-Johnson City Joint Sewage Board requests the Owners transfer $60,250.00 into the Personal Services line (J8130.51000) and other related expense lines for the 1.5% annual increase (and adjustments) as provided for during the 2016 CSEA Union Negotiations. See attached agreement and account list.

Additional Information

Does this RL concern grant funding?	Yes ☐	No ☒
If 'Yes', is the required RL Grant Worksheet attached?	Yes ☐	No ☐
Is additional information related to the RL attached?	Yes ☒	No ☐
Is RL related to previously adopted legislation?	Yes ☐	No ☒

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor: _____

Comptroller: _____

Corporation Counsel: _____

Finance ☒ **Planning** ☐ **MPA** ☐ **PW/Parks** ☒ **Employees** ☐ **Rules/Special Studies** ☐

85

(proposed legislation wording)

Dated:

Sponsored by Councilmember(s):

Introduced by Committee(s) on:

[C/Bgm] **ORDINANCE**
entitled

AN ORDINANCE APPROVING TRANSFERS AND MODIFICATIONS IN THE BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD 2016 BUDGET TO FUND FIRST YEAR OBLIGATIONS UNDER THE 2016-2019 COLLECTIVE BARGAINING AGREEMENT WITH CSEA LOCAL UNIT #6153.

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

WHEREAS, the JSTP is operated and maintained by the Binghamton-Johnson City Joint Sewage Board (the "Sewage Board") under a series of inter-municipal agreements between the City and the Village; and

WHEREAS, the Council of the City and the Board of Trustees of the Village approve the Sewage Board's budget; and

WHEREAS, in accordance with Section 12(D) and Section 14 of Intermunicipal Agreement X ("IMA-X") between the City and the Village, the Sewage Board appoints its employees and establishes their salaries; and

WHEREAS, the Sewage Board has negotiated with Local Unit #6153 of the Civil Service Employees Association (the "Union"), which represents its hourly employees, for a collective bargaining agreement setting the terms, conditions, compensation and benefits of bargaining unit employees for the four-year period beginning January 1, 2016 and ending December 31, 2019 (the "CBA"), which CBA was ratified by the Union December 17, 2015 and the Board December 29, 2015; and

WHEREAS, effective January 1, 2016 the CBA provides for [i] a 1.5% general wage increase for bargaining unit employees, [ii] a $0.50/hour Responsibility Adjustment for three job

titles (in addition to the general wage increase), [iii] a $0.15/hour increase in the Shift Differential for the 2nd Shift (2:30pm-11:00pm), [iv] a $0.50/hour increase in the Shift Differential for the 3rd Shift (10:30pm-7:00am), and [v] a $50.00 increase in the annual clothing allowance, together with other changes in terms and conditions from the expiring CBA, in exchange for changes in the health benefits program – including conversion to a high-deductible group health insurance policy with health reimbursement accounts – which changes are projected to generate cost savings for both the Sewage Board and its employees; and

WHEREAS, budget transfers which do not increase projected expenses for the year and budget modifications are required in the Sewage Board's 2016 Budget in order to fund and implement the CBA; and

WHEREAS, the Sewage Board approved the budget transfers and modifications at a special meeting duly convened December 29, 2015 and has complied with the requirements of Section 23(G)(i) and (ii) of IMA-X governing such budget transfers which are for non-capital items in excess of $20,000.00 for the year, as well as for increases in personnel salaries and benefits,

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

Section 1. That upon approval of a majority of the combined voting strength of the Council of the City and the Board of Trustees of the Village, the Joint Sewage Board Fiscal Officer is authorized and directed to transfer $63,650.00 from 2016 Joint Sewage Board Appropriations budget line J9060.58000C ("Health Insurance") in the following amounts to the following budget lines:

$60,250.00	to	J8130.51000 ("Personal Services"), and
$ 1,000.00	to	J8130.51900 ("Overtime"), and
$ 2,000.00	to	J8130.54191 ("Protective Clothing"), and
$ 400.00	to	J9010.58000A ("Social Security").

Section 2. That upon approval of a majority of the combined voting strength of the Council of the City and the Board of Trustees of the Village, the Joint Sewage Board Fiscal Officer is authorized and directed to modify the sub-line detail under budget line J8130.51000 ("Personal

Services") in the 2016 Joint Sewage Board Appropriations budget, as follows:

as Adopted	Modify to Read
Superintendent - 1.00 @ 83,304.00	*Superintendent - 1.00 @ 84,968.00*
Assistant Superintendent (vacant) - 0.00 @ 73,710.00	*Assistant Superintendent (vacant) - 0.00 @ 75,192.00*
Senior Operator - 1.00 @ 67,002.00	*Senior Operator - 1.00 @ 68,341.00*
Laboratory/Safety Manager - 1.00 @ 56,524.00	*Laboratory/Safety Manager - 1.00 @ 58,773.00*
Facility Engineer - 1.00 @ 67,106.00	*Facility Engineer - 1.00 @ 68,458.00*
Head Mechanic - 1.00 @ 60,658.00	*Head Mechanic - 1.00 @ 61,880.00*
Head Electrician - 1.00 @ 64,012.00	*Head Electrician - 1.00 @ 65,299.00*
Computer Systems Engineer - 1.00 @ 65,884.00	*Computer Systems Engineer - 1.00 @ 67,210.00*
Business Manager - 1.00 @ 70,590.00	*Business Manager - 1.00 @ 72,007.00*
Confidential Secretary - 1.00 @ 36,426.00	*Confidential Secretary - 1.00 @ 38,194.00*
Shift Lead Operator- 3@ up to 27.86 - 1.00 @ 173,847.00	*Shift Lead Operator- 3@ up to 28.28 - 1.00 @ 176,468.00*
Operator III- 6@ up to 26.61 - 1.00 @ 332,093.00	*Operator III- 6@ up to 27.01 - 1.00 @ 337,085.00*
Operator II- 4@ up to 24.82 - 1.00 @ 206,503.00	*Operator II- 4@ up to 25.19 - 1.00 @ 209,581.00*
(n/a)	*Operator I, upon DEC certification, $0.50/hour* plus *applicable Operator I/Operator Trainee rate, below*
Operator I/Operator Trainee- 6@ up to 23.06 (below "up to" level) - 1.00 @ 269,214.00	*Operator I/Operator Trainee- 6@ up to 23.41 (below "up to" level) - 1.00 @ 276,756.00*
Maintainer- 2@ up to 23.06 - 1.00 @ 95,930.00	*Maintainer- 2@ up to 23.41 - 1.00 @ 97,386.00*
Motor Equipment Operator-WWTP- 2@ up to 23.06 (below "up to" level) - 1.00 @ 91,914.00	*Motor Equipment Operator-WWTP- 2@ up to 23.91 (below "up to" level) - 1.00 @ 95,450.00*
Laboratory Technician- 2@ up to 25.06 (below "up to" level) - 1.00 @ 103,130.00	*Laboratory Technician- 2@ up to 25.44 (below "up to" level) - 1.00 @ 104,711.00*
Mechanic-5@ up to 25.98 (below "up to" level) - 1.00 @ 264,119.00	*Mechanic-5@ up to 26.37 (below "up to" level) - 1.00 @ 274,249.00*
Mechanic's Assistant- 2@ up to 23.06 (below "up to" level) - 1.00 @ 88,650.00	*Mechanic's Assistant- 2@ up to 23.41 (below "up to" level) - 1.00 @ 90,106.00*
Building Maintenance Helper- 2@ up to 15.74 (below "up to" level) - 1.00 @ 65,479.00	*Building Maintenance Helper- 2@ up to 15.98 (below "up to" level) - 1.00 @ 66,477.00*
Electrcian- 2@ up to 25.98 (below "up to" level) - 1.00 @ 105,997.00	*Electrician- 2@ up to 26.37 (below "up to" level) - 1.00 @ 107,260.00*
Instrumentation Technician- 1@ up to 25.98 - 1.00 @ 54,039.00	*Instrumentation Technician- 1@ up to 26.37 - 1.00 @ 54,850.00*
Account Clerk/Typist- 1@ up to 15.74 - 1.00 @ 32,740.00	*Account Clerk/Typist- 1@ up to 16.48 - 1.00 @ 34,279.00*
Longevity - 1.00 @ 18,800.00	*Longevity - 1.00 @ 18,800.00*
Shift Differential (12 employees) - 1.00 @ 16,848.00	*Shift Differential (12 employees) - 1.00 @ 22,464.00*

Section 3. That this ordinance shall take effect immediately, except as otherwise provided above.

Dec 21, 2015

Binghamton Johnson City Joint Sewage Treatment Facility
CSEA Contract
Tentative Agreement 2016-2019

1. **Article 4-Due Process**
   4.3-Drug 7 Alcohol Testing

Effective 1/1/16- Drug and Alcohol Testing Policy shall be revised to include employer option for hair analysis testing for those employees hired subsequent to 1/1/16 (pre-employment, random, reasonable suspicion, accident resulting in death, personal injury, and/or property damage, return to duty and follow-up testing). Also, change references in Policy and Procedures (Appendix B) to Binghamton-Johnson City Joint Sewage Board [JSB] (from the City of Binghamton).

2. **Article 8- Compensation**

Effective 1/1/2016- 1.5% general wage increase + $.50/hr. Responsibility Adjustment for titles: MEO, Account Clerk and Operator 1 (upon meeting DEC certification requirements only).
Effective 1/1/2017- 1.75% general wage increase
Effective 1/1/2018- 2.0% general wage increase
Effective 1/1/2019- 2.0% general wage increase

Shift Differential Increase:
2nd Shift- To $0.80/hr. (from $.65) effective 1/1/2016
3rd Shift- To $1.20/ hr. (from $.70) effective 1/1/2016

3. **Article 11- Insurance**

Effective 1/1/16- Excellus SimplyBlue Plus Bronze 4 High Deductible Group Health Policy, to be offered with Employer Funded Health Reimbursement Account- up to $5,400 per person per policy year, but not to exceed up to $10,800 per multiple-person enrollment type (i.e. Employee plus Child[ren], Employee plus Spouse, and/or Family coverage).

Employee Share of Health Benefits Program Costs:
2016-2018- 17% (no change)
2019- 18%

4. **Article 14- General Provisions**

Effective 1/1/16- Increase clothing allowance to $450/yr. (from $400/yr).

Effective 1/1/16- Licensing and Certification- Reimburse for fees/costs of application and renewal of licensing and certification in title. (note: Does not include reimbursement of costs for training courses/books/materials/travel expenses [upon advance approval of the employee's Supervisor and the Superintendent, some training course costs may be reimbursed in accordance with the JSB's Travel Policy]).

Above items represent all items agreed to for 1/1/2016 through 12/31/19 contract term.

Above Tentative Agreement ratified by CSEA on 12/17/15 by a vote of 27-6.

F9

Sections 8.1.1 – 8.1.3 for 2016-2019 Collective Bargaining Agreement between Joint Sewage Board and CSEA Local Unit #6153
(proposed [note: non-heading text in **boldface type** differs from existing agreement; there is no wording change in 8.1.3 {typography only}])

8.1 Wage Rates

8.1.1 Pay Schedule: The schedule set forth below will be the applicable schedule for the period January 1, 2016 through December 31, 2019, which reflects [a] a 1.5% general wage increase for 2016 plus a +$0.50/hr. Responsibility Adjustment for titles MEO-WWTP, Account Clerk, and Operator I (upon meeting DEC certification requirements only) effective 01/01/2016; [b] a 1.75% general wage increase for 2017; [c] a 2.0% general wage increase for 2018; and [d] a 2.0% general wage increase for 2019:

	1-Jan-16	1-Jan-17	1-Jan-18	1-Jan-19
Shift Lead Operator	$28.28	$28.77	$29.35	$29.94
Sewage Treatment Plant Operator III	$27.01	$27.48	$28.03	$28.59
Sewage Treatment Plant Operator II	$25.19	$25.63	$26.14	$26.66
Sewage Treatment Plant Operator I (upon DEC Certification)	$23.91	$24.33	$24.82	$25.32
Sewage Treatment Plant Operator Trainee (not DEC Certified)	$23.41	$23.82	$24.30	$24.79
Sewage Treatment Plant Maintainer	$23.41	$23.82	$24.30	$24.79
Sewage Treatment Plant Lab Technician	$25.44	$25.89	$26.41	$26.94
MEO - WWTP	$23.91	$24.33	$24.82	$25.32
Sewage Treatment Plant Mechanic	$26.37	$26.83	$27.37	$27.92
Mechanic's Assistant	$23.41	$23.82	$24.30	$24.79
Building Maintenance Helper	$15.98	$16.26	$16.59	$16.92
Electrician	$26.37	$26.83	$27.37	$27.92
Instrumentation Technician	$26.37	$26.83	$27.37	$27.92
Account Clerk	$16.48	$16.77	$17.11	$17.45

The job classifications and their descriptions which are covered by this Collective Bargaining Agreement are on file in the Binghamton Civil Service Office.

8.1.2 Shift Differential: In addition to the Wage Schedule set forth above, effective January 1, 2016 all employees covered by this Collective Bargaining Agreement shall receive a shift differential of **eighty cents ($0.80)** per hour for all hours worked on shifts beginning between the hours of 3:00 p.m. and 11:00 p.m., and a shift differential of **one dollar and twenty cents ($1.20)** per hour for all hours worked on shifts between the hours of 11:00 p.m. and 7:00 a.m.

8.1.3 New Hire Rate: Newly appointed employees shall receive $4.00 less per hour than the hourly rate at point of hire. Upon completion of six months of continuous employment, the employee shall receive an additional $1.00 per hour increase. Upon completion of twelve months of continuous employment from the original date of hire, the employee shall receive an additional $1.00 per hour increase effective their anniversary date. Upon completion of twenty-four months of continuous employment from the original date of hire, the employee shall receive an additional $1.00 per hour increase effective their anniversary date. Upon completion of thirty-six months of continuous employment from the original date of hire, the employee shall receive an additional $1.00 per hour increase effective their anniversary date. *At the discretion of the Superintendent, an employee may be advanced prior to the employee's anniversary date.*

16-034

RL Number: ~~16-037~~ 15-35

Date Submitted: 12/10/15

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Binghamton-Johnson City Joint Sewage Board

Title/Department: Charlie Pearsall, Business Manager

Contact Information: cpearsall@stny.rr.com, 607-217-5429

RL Information

Proposed Title: Transfer of 2016 Budget Appropriations in Salary Adjustment line to Personal Services line for 2016 salary increases for non-hourly management and administrative positions.

Suggested Content: The Binghamton-Johnson City Joint Sewage Board requests the Owners transfer $13,624.00 from Salary Adjustment (J8130.51699) and increase Personal Services line (J8130.51000) for the 2.0% annual increase (and two responsibility adjustments) as provided for during the 2016 Budget Hearings.

Additional Information

Does this RL concern grant funding?	Yes ☐	No ☒
If 'Yes', is the required RL Grant Worksheet attached?	Yes ☐	No ☐
Is additional information related to the RL attached?	Yes ☒	No ☐
Is RL related to previously adopted legislation?	Yes ☐	No ☒

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor: _____

Comptroller: _____

Corporation Counsel: _____

Finance ☐ **Planning** ☐ **MPA** ☐ **PW/Parks** ☒ **Employees** ☐ **Rules/Special Studies** ☐

2016 Management/Admin

	2015 Adopted Budget/Actual			2016 Detail Shown			2.00%	Even by	%	Responsibility	Annual	Per Pay	Per Week
	Qty	Rate	$	Qty	Rate	$		26 Weeks		Adjustment	Salary	Period	
Superintendent	1	$83,304	$ 83,304	1	$ 83,304	$ 83,304	84,969	84,968.00	2.0%		84,968.00	3,268.00	1,634.00
Senior Operator	1	67,002	67,002	1	67,002	67,002	68,342	68,341.00	2.0%		68,341.00	2,628.50	1,314.25
Laboratory/Safety Manager	1	56,524	56,524	1	56,524	56,524	57,654	57,655.00	2.0%	1,118.00	58,773.00	2,260.50	1,130.25
Facility Engineer	1	67,106	67,106	1	67,106	67,106	68,448	68,458.00	2.0%		68,458.00	2,633.00	1,316.50
Head Mechanic	1	60,658	60,658	1	60,658	60,658	61,871	61,880.00	2.0%		61,880.00	2,380.00	1,190.00
Head Electrician	1	64,012	64,012	1	64,012	64,012	65,292	65,299.00	2.0%		65,299.00	2,511.50	1,255.75
Computer Systems Engineer	1	65,884	65,884	1	65,884	65,884	67,202	67,210.00	2.0%		67,210.00	2,585.00	1,292.50
Business Manager	1	70,590	70,590	1	70,590	70,590	72,002	72,007.00	2.0%		72,007.00	2,769.50	1,384.75
Confidential Secretary	1	36,426	36,426	1	36,426	36,426	37,155	37,154.00	2.0%	1,040.00	38,194.00	1,469.00	734.50
						571,506	582,935	582,972.00			585,130.00		
							11,429	11,466.00			13,624.00		
					AVAILABLE	13,632		2,166.00	Unused	2,158.00	8.00		
Assistant Superintendent (Vac)	0	73,710	-	0	73,710	73,710	75,184	75,192.00	2.0%		75,192.00	2,892.00	1,446.00

Stephen Andrew made a motion to approve raises of 2.0% for 2016 for salaried personnel and two responsibility increases effective with Pay Period #1 beginning 11:00pm December 26th, 2015 Seconded by Ron Davis. Motion carried 4-1-1

RL Number: 16-019

Date Submitted: 12/30/15

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

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RECEIVED
DEC 30 2015
OFFICE OF THE CITY CLERK
CITY OF BINGHAMTON

Applicant Information

Request submitted by: Binghamton-Johnson City Joint Sewage Board

Title/Department: Charlie Pearsall, Business Manager

Contact Information: cpearsall@stny.rr.com, 607-217-5429

RL Information

Proposed Title: Transfer of appropriations to pay employees opting for buy-out of the Health Insurance

Suggested Content: The Binghamton-Johnson City Joint Sewage Board requests the Owners enact legislation to transfer $5,100 from Health Insurance (J9060.58000C) to Health Insurance Buy-Out (J9060.58001C) for the 2015 Budget.

Additional Information

Does this RL concern grant funding?	Yes ☐	No ☒
If 'Yes', is the required RL Grant Worksheet attached?	Yes ☐	No ☐
Is additional information related to the RL attached?	Yes ☒	No ☐
Is RL related to previously adopted legislation?	Yes ☐	No ☒

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor: _____

Comptroller: _____

Corporation Counsel: _____

Finance: ☒ **Planning** ☐ **MPA** ☐ **PW/Parks** ☐ **Employees** ☐ **Rules/Special Studies** ☐

RL Number: 16-020

Date Submitted: 12/30/15

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

RECEIVED

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

DEC 30 2015

OFFICE OF THE CITY CLERK
CITY OF BINGHAMTON

Applicant Information

Request submitted by: Binghamton-Johnson City Joint Sewage Board

Title/Department: Charlie Pearsall, Business Manager

Contact Information: cpearsall@stny.rr.com, 607-217-5429

RL Information

Proposed Title: Transfer of FEMA and Insurance Settlement funds to Owners for 2015

Suggested Content: The Binghamton-Johnson City Joint Sewage Board requests the Owners establish two new lines within the 2015 Budget and transfer funds recovered from FEMA and a portion of the Insurance settlement for the BAF wall collapse as lead agency on the reconstruction.

See attached detail

Additional Information

Does this RL concern grant funding?	Yes ☐	No ☒
If 'Yes', is the required RL Grant Worksheet attached?	Yes ☐	No ☐
Is additional information related to the RL attached?	Yes ☒	No ☐
Is RL related to previously adopted legislation?	Yes ☐	No ☒

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor: _____

Comptroller: _____

Corporation Counsel: _____

Finance ☒ **Planning** ☐ **MPA** ☐ **PW/Parks** ☐ **Employees** ☐ **Rules/Special Studies** ☐

(*proposed legislation wording*)

Dated:

Sponsored by Councilmember(s):

Introduced by Committee(s) on:

[C/Bgm] **ORDINANCE**
entitled

AN ORDINANCE MODIFYING THE 2015 BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD BUDGET AND FLOOD CAPITAL FUND TO ACCOUNT FOR RECOVERY REIMBURSEMENTS RECEIVED WHICH ARE TO BE PAID-OVER TO THE JSTP'S OWNERS.

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

WHEREAS, the JSTP is operated and maintained by the Binghamton-Johnson City Joint Sewage Board (the "Sewage Board") under a series of inter-municipal agreements between the City and the Village; and

WHEREAS, the Council and the Board of Trustees of the Village approve the Sewage Board's budget; and

WHEREAS, the Sewage Board has received litigation recoveries and reimbursements for flood recovery expenses incurred by the City and the Village which require corresponding reimbursement to the City and the Village; and

WHEREAS, the Sewage Board's operating budget does not have a dedicated budget line for revenue received in compensation for loss when such revenue is neither insurance proceeds nor flood damage reimbursements; and

WHEREAS, the Sewage Board's operating budget does not have a dedicated budget line from which to pay-out reimbursements of such revenues to the City and the Village; and

WHEREAS, resolution of four FEMA Project Worksheets compensating for June 2006 flood damage require that $140,884.34 received by the Sewage Board in a prior year be reimbursed to the City and the Village in their respective shares; and

WHEREAS, one of the litigation recoveries is subject to payment of a $15,000.00 public adjuster's fee to the Sewage Board's public adjuster; and

WHEREAS, in consultation with the Sewage Board's Fiscal Officer (City of Binghamton Comptroller), the Sewage Board has proposed revenue neutral transfers and modifications to the Sewage Board's 2015 operating budgets to account for the receipt by the Sewage Board and reimbursement to the City and the Village of the litigation recoveries and flood recovery reimbursements received,

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

Section 1. That upon approval of a majority of the combined voting strength of the Council and the Board of Trustees of the Village, the Joint Sewage Board Fiscal Officer is authorized and directed to create in the 2015 Joint Sewage Board Estimated Revenue budget the following new budget line:

J.42690 OTHER COMPENSATION FOR LOSS

Section 2. That upon approval of a majority of the combined voting strength of the Council and the Board of Trustees of the Village, the Joint Sewage Board Fiscal Officer is authorized and directed to create in the 2015 Joint Sewage Board Appropriations budget the following new budget line:

J8130.54899 REIMBURSE OWNER RECOVERY EXPENSES

Section 3. That the Council approves the following modifications to the 2015 Joint Sewage Board budget:

a. that 2015 Estimated Revenue budget line J.42690 ("Other Compensation for Loss") be increased by $525,000.00 (from $ -0-);

b. that 2015 Estimated Revenue budget line J.43960 ("State Aid, Emergency Disaster Assistance") be increased by $351,612.82 (to $501,612.82);

c. that 2015 Estimated Revenue budget line J.44960 ("Federal Aid, Emergency Disaster Assistance") be increased by $1,054,838.47 (to $1,984,838.47);

d. that appropriations in the 2015 Joint Sewage Board Flood Capital Fund budget be increased in the amount of $15,000.00 on budget line JF8130.559101 (Public Adjuster Fee); and

e. that appropriations in the 2015 Joint Sewage Board Appropriations budget be increased in the aggregate amount of $1,916,451.29, to be added to the newly created appropriations line (J8130.54899 – Reimburse Owner Recovery Expenses),

and that upon approval of these budget modifications by a majority of the Council and a majority of the Board of Trustees of the Village, the Joint Sewage Board Fiscal Officer is authorized and directed to make and journal such budget modifications.

Section 4. That the Council approves that $140,884.34 be transferred from Flood Capital Fund budget line JF8130.559001 (Flood Capital Fund – Recovery Projects) to the newly-created 2015 Appropriations budget line J8130.54899 (Reimburse Owner Recovery Expenses), and that upon approval of this budget transfer by a majority of the Council and a majority of the Board of Trustees of the Village, the Joint Sewage Board Fiscal Officer is authorized and directed to make and journal such budget transfer.

Section 5. That this ordinance shall take effect immediately, except as otherwise provided above.

RELEASE AGREEMENT

THIS RELEASE AGREEMENT is made and entered into by City of Binghamton, Village of Johnson City, and Binghamton-Johnson City Joint Sewage Board, (hereinafter "Plaintiffs"), on behalf of their lawfully governing bodies, directors, officers, employees, agents, trustees, parent company, and subsidiaries FOR AND IN CONSIDERATION OF FIVE HUNDRED THOUSAND DOLLARS ($500,000.00), Plaintiffs agree as follows:

1. Representations

a. Plaintiffs affirm that on May 16, 2011, the Binghamton-Johnson City Joint Sewage Board ("BJCJSB") sustained a loss due to damage(s) or destruction to property and structures, including, but not limited, to the BAF Complex "C" Cell tanks and monofloor nozzle decks.

b. Plaintiffs affirm that the City of Binghamton and Village of Johnson City are the sole owners of the property enumerated in 1.a. above, and that they have not sold, assigned, or hypothecated their interest in the property.

c. Plaintiffs sought recovery for the aforestated damages under which it sought coverage from American Alternative Insurance Corporation ("AAIC") under policies numbered SDISSP 9154666-0/0 and SDISSX 9251764-0/0.

d. AAIC denied BJCJSB's claim for the referenced damages and maintained that the claimed loss was excluded under the policies of insurance issued by AAIC and in effect on May 16, 0211.

e. That a justiciable dispute existed between BJCJSB and AAIC concerning the applicability of the coverage provided under the policies to the claimed loss and BJCJSB pursued civil claims against AAIC in the United States District Court for the Northern District of New York under case number 3:12-cv-553.

f. That the matter proceeded to a jury trial commencing on September 14, 2015.

g. That upon the close of plaintiff's proof, defendant AAIC moved for a judgment as a matter of law pursuant to FRCP Rule 50, seeking dismissal of the Complaint. While the motion was pending, the plaintiff and defendant agreed that in consideration of payment for losses and/or

damages sustained to the BAF Complex, C-Cell Filter monofloor nozzle decks, the parties would scttle all outstanding claims that were the subject of the litigation.

h. Plaintiffs represent, by and through the undersigned individuals(s), that said individual(s) are the representatives authorized to enter and execute this Agreement.

i. Defendant represents that it is reserving all rights of recovery against third parties through subrogation as set forth in the referenced insurance policies or otherwise provided by law.

2. Release

a. Plaintiffs, for the payment stated herein, do hereby remise, release, and forever discharge AMERICAN ALTERNATIVE INSURANCE CORPORATION (hereinafter "Defendant") and all past, present and future officers, directors, stockholders, attorneys, agents, servants, representatives, employees, subsidiaries, parent corporations, affiliates, partners, sureties, insurers, independent contractors, predecessors in interest, successors in interest, reinsurers, assigns, and all other persons, , firms, or corporations associated therewith from any and all manner of claims, demands, payments, rights, obligations, loss, judgments, awards, attorneys' fees, costs, fees, interest, damages, liabilities or causes of action of whatever kind or character that it has asserted or might have asserted, that are known or unknown, accrued or not, from the beginning of time to the present, and that arise or could have arisen directly or indirectly out of or in any way relating to damage(s) or destruction to property and structures, or otherwise rendered unusable on May 16, 2011, whatever the cause and extent of such damage(s).

b. Plaintiffs acknowledge that all necessary consents and authority have been obtained and all necessary resolutions have been enacted to authorize execution of this Release, and that any and all liens for damage to the subject property and structures, known or unknown, will be satisfied out of the settlement proceeds and that will defend, indemnify, and hold harmless AMERICAN ALTERNATIVE INSURANCE CORPORATION (hereinafter "Defendant") for any and all such liens.

3. Payment and Consideration

a. Defendant agrees to pay FIVE HUNDRED THOUSAND DOLLARS ($500,000.00) to Plaintiffs for the losses and/or damages sustained to the

BAF Complex, C-Cell Filter monofloor nozzle decks, in exchange for the release of all claims that arise or could have arisen directly or indirectly out of or in any way relating to damage(s) or destruction to property and structures, lost or otherwise rendered unusable on May 16, 2011, whatever the cause and extent of such damage(s).

4. Governing Law

a. This Release Agreement shall be construed and interpreted in accordance with the laws of the State of New York.

In Witness Whereof, the undersigned have hereunto set their hand and seal on the dates stated herein.

CITY OF BINGHAMTON

BY: _____

Signature and Title

STATE OF NEW YORK

:SS.:

COUNTY OF BROOME

On this 10 day of ~~November~~ June, 2015, before me, the undersigned, a Notary Public in and for said State of New York, personally appeared Richard C. Shea, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity as Mayor of the CITY OF BINGHAMTON, and that by his/her signature on the instrument, the individual, or the entity upon behalf of which the individual acted, executed the instrument.

KENNETH J. FRANK
Notary Public – State of New York
No. 02FR6307031
Qualified in Broome County
Commission Expires April 30, 20__

180

VILLAGE OF JOHNSON CITY

BY: Gregory Deemie Mayor

Signature and Title

STATE OF NEW YORK

: SS.:

COUNTY OF BROOME

On this 18 day of November, 2015, before me, the undersigned, a Notary Public in and for said State of New York, personally appeared Gregory Deemie, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity as Mayor of the VILLAGE OF JOHNSON CITY, and that by his/her signature on the instrument, the individual, or the entity upon behalf of which the individual acted, executed the instrument.

Mary Beth Carboni

NOTARY PUBLIC-STATE OF NEW YORK

MARY BETH CARBONI
Notary Public, State of New York
No. 01CA5040785
Qualified in Broome County
Commission Expires 3/20/2019

SEWAGE

BINGHAMTON-JOHNSON CITY JOINT BOARD

BY: George Kolba Jr Chair

Signature and Title

STATE OF NEW YORK

: SS.:

COUNTY OF BROOME

On this 10th day of November, 2015, before me, the undersigned, a Notary Public in and for said State of New York, personally appeared George Kolba, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity as Chair of the BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD, and that by his/her signature on the instrument, the individual, or the entity upon behalf of which the individual acted, executed the instrument.

John L. Perticone

NOTARY PUBLIC-STATE OF NEW YORK
JOHN L. PERTICONE
Notary Public, State of New York
No. 4838062
Residing in Broome County
My Commission Expires October 31, 20 17

55303687 069966/0161469

The Cincinnati Insurance Company
The Cincinnati Indemnity Company
The Cincinnati Casualty Company
PO Box 145496, Cincinnati OH 45250-5496

DATE: 07/20/2015
Void if older than 365 days
CLAIM #: 1797803
73-27/421 Fifth Third Bank (513) 870-0012
CHECK #: 212989331

AMOUNT: **Twenty-Five Thousand 00/100 Dollars**

$**25,000.00**

PAY TO:
CITY OF BINGHAMTON

FOR:

Michael J. Sewell
MICHAEL J. SEWELL

⑈212989331⑈ ⑆042100272⑆ 7480494827⑈

103

State of New York

A

REMITTANCE ADVICE for CHECK NO. 03977959

NOTICE: To access remittance information on any one of your NYS payments, visit https://vendor.sfs.ny.gov

Agency Code and Description	Tele Inquiry No	Voucher No	Payee Reference/Invoice No	Ref/Inv Date	Payment Amount
DHS01 Division of Homeland Secur	518/486-6011	27368JF	1650DRNYPW3861V2,4667V3,3952V2	08/24/15	410,896.14

RECEIVED
SEP 29 2015
BY: .....

GOV'T ENTITIES, VENDORS, NOT-FOR-PROFITS:
Go to http://www.osc.state.ny.us/epay/index.htm for Electronic Payments Information

Non Negotiable | Check Total | $410,896.14

DETACH HERE BEFORE CASHING ⬇ **PLEASE CASH WITHIN 180 DAYS**

THIS DOCUMENT HAS MULTIPLE SECURITY FEATURES INCLUDING HEAT SENSITIVE COLOR CHANGING INK ON THE BACK OF THE DOCUMENT

07237560

$410,896.14

GENERAL CHECKING ACCOUNT

State of New York

DEPARTMENT OF TAXATION AND FINANCE
DIVISION OF THE TREASURY

SEPTEMBER 24, 2015 DHS01

Check No. 03977959

29-55
213

A

KNOW YOUR ENDORSER

Pay to the Order of: BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD

$410,896.14

Thomas P. DiNapoli
State Comptroller

KeyBank N.A.

Jerry Boone
Commissioner, Dept. of Taxation and Finance

⑈03977959⑈ ⑆021300556⑆ 320993202789⑈

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Legislative Branch

RL Number: 16-001

Date Submitted: _____

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Chuck Shager

Title/Department: Comptroller

Contact Information: 772-7011

RL Information

Proposed Title: A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A GRANT FOR UP TO $5,000,000 FROM THE ENVIRONMENTAL FACILITIES CORPORATION FOR UPGRADES TO THE BINGHAMTON-JOHNSON CITY SEWAGE TREATMENT FACILITY

Suggested Content: TBD By Corp. Counsel

See attached award letter.

Additional Information

Does this RL concern grant funding?	Yes ☒	No ☐
If 'Yes', is the required RL Grant Worksheet attached?	Yes ☐	No ☒
Is additional information related to the RL attached?	Yes ☐	No ☒
Is RL related to previously adopted legislation?	Yes ☐	No ☒

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor: _____

Comptroller: _____

Corporation Counsel: _____

Finance ☒ **Planning** ☐ **MPA** ☐ **PW/Parks** ☐ **Employees** ☐ **Rules/Special Studies** ☐

NEW YORK STATE OF OPPORTUNITY.
Environmental Facilities Corporation

ANDREW M. CUOMO
Governor
SABRINA M. TY
President and CEO

December 17, 2015

RECEIVED 12/23/15

Honorable Richard David
Mayor
City of Binghamton
City Hall, Governmental Plaza
Binghamton, NY 13901

Re: CWSRF Project No. C7-6201-03-04
Sewage Treatment Plant Upgrades
City of Binghamton
Broome County

Dear Mayor David:

On behalf of Governor Andrew M. Cuomo, I am pleased to inform you that your community has been awarded a grant for the above referenced project.

Your grant has been awarded in the amount of $5,000,000, based on information provided in your application, including total estimated eligible project costs. The Environmental Facilities Corporation (EFC) will determine the actual amount of your grant when the project is complete and final project costs are calculated. Your grant may be reduced if total projects costs are less than anticipated or if your project receives financial assistance from another source. You can obtain additional information about grant eligibility in EFC's 2016 Intended Use Plan, available on our website at www.efc.ny.gov.

Please confirm your intent to proceed with this project and execute a project finance agreement with EFC by completing and signing the enclosed form and e-mailing it to nyswatergrants@efc.ny.gov by **January 15, 2016**. Without your confirmation, we may bypass your project and award these grant funds to another community.

Members of our EFC team will contact you shortly to guide you through the program requirements and financing process and to answer any of your questions.

Thank you again for your interest in the CWSRF. We look forward to working with you on your water quality improvement project.

Sincerely,

Sabrina M. Ty
President and CEO

Enclosure

cc.: GHD Engineering – Mr. John Lagorga
Village of Johnson City – Mayor Greg Deemie

cc: Ken Frank 12/31/15

ACKNOWLEDGEMENT AND ACCEPTANCE OF GRANT AWARD

Please confirm your community's acceptance of the grant and intent to proceed with CWSRF Project No. C7-6201-03-04 by acknowledging the award letter and providing the milestone information below. Please e-mail the completed form to nyswatergrants@efc.ny.gov before **January 15, 2016**.

ACKNOWLEDGED:
City of Binghamton
CWSRF Project No. C7-6201-03-04

The City intends to proceed with this project, based on the schedule below. We understand that proceeding on schedule is an important condition to receiving the grant described in our award letter.

_____ (Signature of Authorized Representative)

_____ (Print Name)

_____ (Title) _____ (Date)

Other Project Milestones	Enter Date	Circle One A= Actual (Submitted) T= Tentative
Submit Project Plans & Specifications for Review & Approval		A / T
Advertisement		A / T
Construction Start		A / T
Construction Completion		A / T

Legislative Branch

RL Number: 16-032

Date Submitted: 12/31/15

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Patricia Keppler | Chuck Shagar | Gary Holmes

Title/Department: Director of Personnel and Safety

Contact Information: 772-7067

RL Information

Proposed Title: To enter into an agreement with Stafkings Personnel Systems for the position of Project Assistant

A Resolution to Authorize the Mayor to

Suggested Content:

Funds are available from Budget Line G 81 5054410 - $45,000 (not to exceed)

Additional Information

Does this RL concern grant funding?	Yes ☐	No ☒
If 'Yes', is the required RL Grant Worksheet attached?	Yes ☐	No ☒
Is additional information related to the RL attached?	Yes ☐	No ☒
Is RL related to previously adopted legislation?	Yes ☐	No ☒

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance ☒ **Planning** ☐ **MPA** ☐ **PW/Parks** ☐ **Employees** ☐ **Rules/Special Studies** ☐

STAFKINGS
PERSONNEL SYSTEMS

TERMS & CONDITIONS

66 Hawley Street
Binghamton, NY 13901
PHONE: (607) 772-8080 FAX: (607) 772-6515
E-MAIL: robin.eccleston@stafkings.com

We would like to thank you for your interest in working with Stafkings Personnel Systems. We are looking forward to working with you and your company. Stafkings has a vested interest in our clients and our employees, it is for that reason we ask an ***AUTHORIZED REPRESENTATIVE*** *of your company to acknowledge and sign this Agreement.*

Stafkings will work to assign contract employees to City of Binghamton with the following payroll markup percentage :

All clerical staff: **35% recruited (400 hours requirement before transfer)**
25% payrolled (No hours requirement before transfer)

OUR GUARANTEE

Our guarantee is that if you are not satisfied with our employee at the end of the first day of employment we will not charge you for that day. We ask that you contact us by the end of that first day, allowing us the time needed to remove our employee from the assignment. We also ask that you give us an opportunity to send a replacement.

OUR REQUIREMENT

We understand that assignments vary in length and you may not have the need to hire our employee on a permanent basis; however, should you experience a permanent need, it is our requirement that our employee remain on our payroll at your company for 400 regular hours. Once our employee has reached the 400 regular hours, you may then transition them to your payroll without any additional fees. In the case of an applicant that was referred to us by you, there would not be the 400 hours requirement needed to complete and you may take the applicant and put them on your payroll at any time.

RECORDING OF HOURS

TIMECARDS:

It is the responsibility of our employees to complete a Stafkings timeslip and turn it in to our office by 12 noon each Monday. The timeslip must be signed by an authorized representative of your company. A company authorized timekeeping system may be used in place of timeslips per client request.

PAYMENT:

Our clients are billed on a weekly basis. All invoices are due net 30 days upon receipt.

CONDITIONS

Stafkings is not responsible for any loss incurred for positions that include cash handling. Strict monitoring of cash handling procedures must be adhered to during these assignments. Stafkings employees are instructed to perform the skills outlined in the original job order. If there should be a change in the position or requested skills, Stafkings asks that you call our office.

_____ _____
City of Binghamton Date
Authorized Client Signature/Title

_____ _____
Stafkings Representative Date
Authorized Client Signature/Title

RL Number: 16-628

Date Submitted: 1/16

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Gary R. Holmes, P.E.

Title/Department: Acting City Engineer, Engineering Dept.

Contact Information: grholmes@cityofbinghamton,com

RL Information

Proposed Title: A Resolution Authorizing the Mayor to Enter Into Supplemental Agreement No.2 With Jacobs Management Company for Additional Construction Management Services for the BAF Restoration and Rehabilitation at the BJCJSTP

Suggested Content: A Resolution authorizing Supplemental Agreement No. 2 with Jacobs Mgmt Company for additional Construction Management Services for the BAF Restoration and Rehabilitation at the BJCJSTP. The amount of Supplemental Agreement No 2 is $2,600,000.00. The amount of $1,950,000.00 is in budget line HX8150.500200.J11NN and $650,000.00 in line HX8150.500200.J11FF

Additional Information

Does this RL concern grant funding?	Yes ☐	No ☒
If 'Yes', is the required RL Grant Worksheet attached?	Yes ☐	No ☒
Is additional information related to the RL attached?	Yes ☒	No ☐
Is RL related to previously adopted legislation?	Yes ☐	No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance X **Planning** X **MPA** ☐ **PW/Parks** ☐ **Employees** ☐ **Rules/Special Studies** ☐

JACOBS

Jacobs Project Management Co.
Two Penn Plaza, Suite 603
New York, NY 10121
212.944.2000 / 212.302.4645 *fax*

October 5, 2015

Gary R. Holmes, P.E.
City of Binghamton
City Hall
38 Hawley Street
Binghamton, New York 13901

Subject: **Construction Management/Administration Services**
Restoration and Rehabilitation of the
Binghamton-Johnson City Joint Sewage Treatment Plant

Dear Mr. Holmes:

Jacobs Project Management Company provided our first proposal on April 2, 2015 for the provision of construction management/administration services for the projects involved with the restoration and rehabilitation of the Binghamton-Johnson City Joint Sewage Treatment Plant. The anticipated scope of work at that time was based on the preliminary engineering report dated December 2014. Final design, performed by others, had not yet begun. Today the final design is nearing completion and there have been many changes in the program in comparison with the preliminary engineering report. These changes have an effect the cost of our services.

The major differences are as follows:

1. The total construction cost of the contracts in the program has increased significantly. Costs for construction management and inspection services are directly correlated to construction costs and construction time.

Project	Preliminary Construction Cost Estimate	Current Construction Cost Estimate
Compost Facility Demolition	$1,000,000	$1,673,000
Flood Repair Project	$500,000	$709,000
Floodwall Project	$16,000,000	$12,000,000
Emergency MCC and Feeder Replacement	Not included	$1,119,000
Backup Generator	$3,000,000	Included in BAF
BAF Facility Demolition	Included in BAF estimate	$3,284,000
BAF and Ancillary Facilities Restoration and Rehabilitation - Note a	$102,100,000	$150,000,000 estimate
Chlorine Bypass	TBD	Included in BAF
Solid Handling / Anaerobic Digester Work – Note b	$3,000,000	$20,000,000
Total Estimated Construction Cost	**$125,600,000 + Chlorine Bypass**	**$188,785,000**

   a. A final engineer's estimate for the BAF project is not available at this time. $150,000,000 is the number quoted to the contracting community and is anticipated to be at the low end of the range of probable cost.

b. The final scope for the solids handling and anaerobic digester complex is uncertain at this time. This proposal assumes the final scope of work to equal about $20,000,000 in improvements.

2. Our April 2, 2015 cost proposal assumed that the Work will be constructed within the milestones established by the NYSDEC consent order, plus coverage during a one year warranty period. Those dates were:
   a. BAF Phase 1 – Initial Flows through a partially completed facility – by 4/1/2017
   b. BAF - Remaining Work – by 12/29/2017
   c. End of BAF warranty period – 12/29/2018

   The currently anticipated milestone dates, yet to be approved by the DEC are as follows:
   a. BAF Phase 1 – Initial flows through a partially completed facility – by 3/30/2018
   b. BAF – Remaining Work
      - Substantial completion by 3/31/2019
      - Final completion by 4/30/2019
   c. End of BAF warranty period – 3/31/2020

   Costs for construction management and inspection services are directly correlated to the period of time that the services are provided. The anticipated construction duration has increased by 16 months.

3. Tasks have also been assigned to Jacobs that were not within the scope of work in our April 2, 2015 cost estimate. The following is a listing and explanation of these tasks:
   a. E001 – Explore the possible use of an Owner Controlled Insurance Program.
   b. E002 – Explore and implement a Project Labor Agreement for the BAF project
   c. E003 – Review and propose site security measures necessary during construction
   d. E004 – Perform a detailed cost estimate of the floodwall
   e. E005 – Perform a detailed cost estimate of the BAF project
   f. E006 – Provide a third-party review of the existing digester coating and structure
   g. E007 – Provide CM/CA and Inspection services for the Emergency MCC and Feeder Replacement project
   h. E008 – Administrative work performed at the direction of the City of Binghamton's Program Director and Project Manager

Jacobs Project Management Company respectfully requests a contract amendment totaling $2,600,000 to align our services with the currently anticipated scope of the program.

Should you have any questions, please contact Doug Most at (804) 254-9623 or at doug.most@jacobs.com. It is an honor to provide services to the City of Binghamton on this critical program.

Very truly yours,

Douglas J Most, PE
Northeast Water Operations Manager

SUMMARY

POSITION	NAME	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Hours Total	Billing Rate	Total
Jacobs Project Management Co.																
Project Manager	Doug Most	0	0	0	0	0	116	80	40	50	32	32	32	382	$ 241.78	$ 92,360
Senior Construction Manager	Jerry Nystrom	0	0	0	0	0	232	160	152	192	152	160	200	1248	$ 199.14	$ 248,523
Construction Manager (Demolition & Solids Contracts)	Johnnie Overton	0	0	0	0	0	232	160	152	192	152	160	200	1248	$ 182.12	$ 227,290
Construction Manager (Flood Wall & Other Projects)	Donal Barron	0	0	0	0	0	232	160	152	192	152	160	200	1248	$ 182.12	$ 227,290
Construction Manager (BAF)	TBD	0	0	0	0	0	0	0	152	192	152	160	200	856	$ 182.12	$ 155,895
Lead Mechanical Engineer	TBD	0	0	0	0	0	0	0	0	0	0	0	0	0	$ 144.12	$ -
Lead Electrical, I&C and Commissioning	Dan Ryan	0	0	0	0	0	40	80	152	192	152	160	200	976	$ 170.60	$ 166,502
Mid-Level Project Engineer	TBD	0	0	0	0	0	0	0	152	192	152	160	200	856	$ 110.79	$ 94,841
Mid-Level Administrative Assistant	Linda Rockwood	0	0	0	0	0	232	160	152	192	152	160	200	1248	$ 85.45	$ 106,647
Junior Administrative Assistant	Kathleen Drahos	0	0	0	0	0	40	160	152	192	152	160	200	1056	$ 59.03	$ 62,336
Junior Inspector (Civil/Structural)	Frank Zmitrowitz	0	0	0	0	0	232	160	152	192	152	160	200	1248	$ 89.21	$ 111,333
Scheduler	Fred Grigni	0	0	0	0	0	40	80	40	40	40	40	40	320	$ 163.86	$ 52,435
Winstead Management Group																
Junior Inspector (Mechanical)	TBD	0	0	0	0	0	0	0	0	0	0	0	0	0	$ 84.00	$ -
Junior Inspector (Civil/Structural)	TBD	0	0	0	0	0	0	0	152	192	152	160	200	856	$ 84.00	$ 71,904
Junior Inspector (Electrical)	TBD	0	0	0	0	0	0	0	0	0	0	0	0	0	$ 84.00	$ -

SUMMARY

POSITION	NAME	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Hours Total	Billing Rate	Total
Jacobs Project Management Co.																
Project Manager	Doug Most	32	32	32	32	32	32	32	32	32	32	32	32	384	$ 249.03	$ 95,629
Senior Construction Manager	Jerry Nystrom	160	152	200	152	160	192	160	152	192	152	160	200	2032	$ 205.11	$ 416,787
Construction Manager (Demolition & Solids Contracts)	Johnnie Overton	160	152	0	0	0	0	160	152	192	152	160	200	1328	$ 187.59	$ 249,116
Construction Manager (Flood Wall & Other Projects)	Donal Barron	160	152	200	152	160	192	160	152	192	152	160	200	2032	$ 187.59	$ 381,177
Construction Manager (BAF)	TBD	160	152	200	152	160	192	160	152	192	152	160	200	2032	$ 187.58	$ 381,170
Lead Mechanical Engineer	TBD	160	152	200	152	160	192	160	152	192	152	160	200	2032	$ 148.45	$ 301,648
Lead Electrical, I&C and Commissioning	Dan Ryan	160	152	200	152	160	192	160	152	192	152	160	200	2032	$ 175.71	$ 357,051
Mid-Level Project Engineer	TBD	160	152	200	152	160	192	160	152	192	152	160	200	2032	$ 114.12	$ 231,889
Mid-Level Administrative Assistant	Linda Rockwood	160	152	200	152	160	192	160	152	192	152	160	200	2032	$ 88.02	$ 178,853
Junior Administrative Assistant	Kathleen Drahos	160	152	200	152	160	192	160	152	192	152	160	200	2032	$ 60.80	$ 123,547
Junior Inspector (Civil/Structural)	Frank Zmitrowitz	160	152	200	152	160	192	160	152	192	152	160	200	2032	$ 91.89	$ 186,710
Scheduler	Fred Grigni	40	40	40	40	40	40	40	40	40	40	40	40	480	$ 168.77	$ 81,011
Winstead Management Group																
Junior Inspector (Mechanical)	TBD	0	152	200	152	160	192	160	152	192	152	160	200	1872	$ 86.52	$ 161,965
Junior Inspector (Civil/Structural)	TBD	160	152	200	152	160	192	160	152	192	152	160	200	2032	$ 86.52	$ 175,809
Junior Inspector (Electrical)	TBD	0	0	0	0	0	192	160	152	192	152	160	200	1208	$ 86.52	$ 104,516

h21

SUMMARY

POSITION	NAME	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Hours Total	Billing Rate	Total
Jacobs Project Management Co.																
Project Manager	Doug Most	32	32	32	32	32	32	32	32	32	32	32	32	384	$ 256.50	$ 98,498
Senior Construction Manager	Jerry Nystrom	160	152	200	152	160	192	160	152	192	152	160	200	2032	$ 211.26	$ 429,290
Construction Manager (Demolition & Solids Contracts)	Johnnie Overton	160	152	200	152	160	192	160	152	192	152	160	200	2032	$ 193.21	$ 392,612
Construction Manager (Flood Wall & Other Projects)	Donal Barron	160	152	80	0	0	0	0	0	0	0	0	0	392	$ 193.21	$ 75,740
Construction Manager (BAF)	TBD	160	152	200	152	160	192	160	152	192	152	160	200	2032	$ 193.21	$ 392,605
Lead Mechanical Engineer	TBD	160	152	200	152	160	192	160	152	192	152	160	200	2032	$ 152.90	$ 310,697
Lead Electrical, I&C and Commissioning	Dan Ryan	160	152	200	152	160	192	160	152	192	152	160	200	2032	$ 180.99	$ 367,763
Mid-Level Project Engineer	TBD	160	152	200	152	160	192	160	152	192	152	160	200	2032	$ 117.54	$ 238,846
Mid-Level Administrative Assistant	Linda Rockwood	160	152	200	152	160	192	160	152	192	152	160	200	2032	$ 90.66	$ 184,219
Junior Administrative Assistant	Kathleen Drahos	160	152	200	152	160	192	160	152	192	152	160	200	2032	$ 62.62	$ 127,254
Junior Inspector (Civil/Structural)	Frank Zmitrowitz	160	152	200	152	160	192	160	152	192	152	160	200	2032	$ 94.64	$ 192,312
Scheduler	Fred Grigni	40	40	40	40	40	40	40	40	40	40	40	40	480	$ 173.84	$ 83,442
Winstead Management Group																
Junior Inspector (Mechanical)	TBD	160	152	200	152	160	192	160	152	192	152	160	200	2032	$ 89.12	$ 181,083
Junior Inspector (Civil/Structural)	TBD	160	152	200	152	160	192	160	152	192	152	160	200	2032	$ 89.12	$ 181,083
Junior Inspector (Electrical)	TBD	160	152	200	152	160	192	160	152	192	152	160	200	2032	$ 89.12	$ 181,083

SUMMARY

POSITION	NAME	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Hours Total	Billing Rate	Total
Jacobs Project Management Co.																
Project Manager	Doug Most	32	32	32	32	8	10	8	8	10	8	8	10	198	$ 264.20	$ 52,312
Senior Construction Manager	Jerry Nystrom	160	152	200	152	160	192	160	152	192	152	160	200	2032	$ 217.60	$ 442,169
Construction Manager (Demolition & Solids Contracts)	Johnnie Overton	160	152	200	152	160	192	0	0	0	0	0	0	1016	$ 199.01	$ 202,195
Construction Manager (Flood Wall & Other Projects)	Donal Barron	0	0	0	0	0	0	0	0	0	0	0	0	0	$ 199.01	$ -
Construction Manager (BAF)	TBD	160	152	200	152	160	192	160	152	0	0	0	0	1328	$ 199.01	$ 264,282
Lead Mechanical Engineer	TBD	160	152	200	152	160	192	160	152	0	0	0	0	1328	$ 157.49	$ 209,146
Lead Electrical, I&C and Commissioning	Dan Ryan	160	152	200	152	160	192	160	152	192	152	160	200	2032	$ 186.42	$ 378,796
Mid-Level Project Engineer	TBD	160	152	200	152	160	192	160	152	192	152	160	200	2032	$ 121.07	$ 246,012
Mid-Level Administrative Assistant	Linda Rockwood	160	152	200	152	160	192	160	152	192	152	160	200	2032	$ 93.38	$ 189,745
Junior Administrative Assistant	Kathleen Drahos	160	152	200	152	160	192	160	152	0	0	0	0	1328	$ 64.50	$ 85,661
Junior Inspector (Civil/Structural)	Frank Zmitrowitz	160	152	200	152	160	192	160	152	192	152	160	200	2032	$ 97.48	$ 198,081
Scheduler	Fred Grigni	40	40	40	40	40	40	40	40	0	0	0	0	320	$ 179.05	$ 57,297
Winstead Management Group																
Junior Inspector (Mechanical)	TBD	160	152	200	152	160	192	160	152	0	0	0	0	1328	$ 91.79	$ 121,896
Junior Inspector (Civil/Structural)	TBD	160	152	200	152	160	192	160	152	0	0	0	0	1328	$ 91.79	$ 121,896
Junior Inspector (Electrical)	TBD	160	152	200	152	160	192	160	152	0	0	0	0	1328	$ 91.79	$ 121,896

SUMMARY

POSITION	NAME	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Hours Total	Billing Rate	Total
Jacobs Project Management Co.																
Project Manager	Doug Most	8	0	0	4	0	0	4	0	0	4	0	8	28	$ 272.13	$ 7,620
Senior Construction Manager	Jerry Nystrom	160	0	0	16	0	0	16	0	0	16	0	32	240	$ 224.13	$ 53,791
Construction Manager (Demolition & Solids Contracts)	Johnnie Overton	0	0	0	0	0	0	0	0	0	0	0	0	0	$ 204.98	$ -
Construction Manager (Flood Wall & Other Projects)	Donal Barron	0	0	0	0	0	0	0	0	0	0	0	0	0	$ 204.98	$ -
Construction Manager (BAF)	TBD	0	0	0	0	0	0	0	0	0	0	0	0	0	$ 204.98	$ -
Lead Mechanical Engineer	TBD	0	0	0	0	0	0	0	0	0	0	0	0	0	$ 162.21	$ -
Lead Electrical, I&C and Commissioning	Dan Ryan	160	0	0	8	0	0	8	0	0	8	0	16	200	$ 192.01	$ 38,402
Mid-Level Project Engineer	TBD	160	0	0	0	0	0	0	0	0	0	0	0	160	$ 124.70	$ 19,952
Mid-Level Administrative Assistant	Linda Rockwood	160	0	0	8	0	0	8	0	0	8	0	8	192	$ 96.18	$ 18,467
Junior Administrative Assistant	Kathleen Drahos	0	0	0	0	0	0	0	0	0	0	0	0	0	$ 66.44	$ -
Junior Inspector (Civil/Structural)	Frank Zmitrowitz	160	0	0	0	0	0	0	0	0	0	0	0	160	$ 100.41	$ 16,065
Scheduler	Fred Grigni	0	0	0	0	0	0	0	0	0	0	0	0	0	$ 184.42	$ -
Winstead Management Group																
Junior Inspector (Mechanical)	TBD	0	0	0	0	0	0	0	0	0	0	0	0	0	$ 94.54	$ -
Junior Inspector (Civil/Structural)	TBD	0	0	0	0	0	0	0	0	0	0	0	0	0	$ 94.54	$ -
Junior Inspector (Electrical)	TBD	0	0	0	0	0	0	0	0	0	0	0	0	0	$ 94.54	$ -

SUMMARY

POSITION	NAME	Grand Totals Hours		Revenue
Jacobs Project Management Co.				
Project Manager	Doug Most	1,376	$	346,418
Senior Construction Manager	Jerry Nystrom	7,584	$	1,590,561
Construction Manager (Demolition & Solids Contracts)	Johnnie Overton	5,624	$	1,071,214
Construction Manager (Flood Wall & Other Projects)	Donal Barron	3,672	$	684,207
Construction Manager (BAF)	TBD	6,248	$	1,193,951
Lead Mechanical Engineer	TBD	5,392	$	821,491
Lead Electrical, I&C and Commissioning	Dan Ryan	7,272	$	1,308,514
Mid-Level Project Engineer	TBD	7,112	$	831,540
Mid-Level Administrative Assistant	Linda Rockwood	7,536	$	677,931
Junior Administrative Assistant	Kathleen Drahos	6,448	$	398,798
Junior Inspector (Civil/Structural)	Frank Zmitrowitz	7,504	$	704,500
Scheduler	Fred Grigni	1,600	$	274,185
Winstead Management Group				
Junior Inspector (Mechanical)	TBD	5,232	$	464,944
Junior Inspector (Civil/Structural)	TBD	6,248	$	550,691
Junior Inspector (Electrical)	TBD	4,568	$	407,495

Jacobs - Estimate To Complete	$	9,903,309
WMG - Estimate To Complete	$	1,423,131
Nautilus - Estimate To Complete	$	35,000
Estimate To Complete	$	11,361,440
Jacobs - Billed To Date	$	439,615
WMG - Billed To Date	$	-
Nautilus - Billed To Date	$	-
Billed To Date	$	439,615
Jacobs - Estimate At Completion	$	10,342,924
WMG - Estimate At Completion	$	1,423,131
Nautilus - Estimate At Completion	$	35,000
Labor - Total Estimate At Completion	$	11,801,055
Billable Other Direct Costs	$	-
Materials Testing	$	1,500,000
Grand Total	$	13,301,055
Previous Contract Amount	$	10,700,544
Requested Increase	**$**	**2,600,511**
Rounded	**$**	**2,600,000**

8/11

RL Number: 16-052

Date Submitted:

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Jared M. Kraham

Title/Department: Office of the Mayor

Contact Information: x7001

RL Information

Proposed Title: A Resolution authorizing the Mayor to renew the City of Binghamton's contract with Wladis Law Firm for grant consulting services in an amount not to exceed $65,000.

Suggested Content: Renewal expiring Dec. 31, 2016 with an option for a 1-year extension, expiring Dec. 31, 2017.

Additional Information

Does this RL concern grant funding?	Yes ☐	No ☒
If 'Yes', is the required RL Grant Worksheet attached?	Yes ☐	No ☒
Is additional information related to the RL attached?	Yes ☒	No ☐
Is RL related to previously adopted legislation?	Yes ☒	No ☐

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): R15-011

OFFICE USE ONLY

Mayor:

Comptroller:

Corporation Counsel:

Finance ☒ **Planning** ☐ **MPA** ☐ **PW/Parks** ☐ **Employees** ☐ **Rules/Special Studies** ☐

WLADIS LAW FIRM
THE NEW STANDARD IN CLIENT SERVICE

February 19, 2015

Mayor Richard David
City of Binghamton
Binghamton City Hall
38 Hawley Street
Binghamton, NY 13901

Re: Letter of Engagement

Dear Mayor David:

I am pleased to welcome the City of Binghamton (the "City") as a client of the Wladis Law Firm, P.C. (the "Firm"). Our goal is to provide you with the highest quality services in a responsive and efficient manner.

It is our intent in providing this letter to set forth a clear understanding of our obligations to each other, the fees to be charged, the type of expenses that might be incurred, and our billing practices. If you or others have any questions or desire any clarification concerning any of the matters discussed in this letter agreement, please do not hesitate to telephone me directly.

This letter of engagement confirms that the Wladis Law Firm, P.C. will undertake to provide services to the City with respect to strategic planning, economic development, grant writing, and funding objectives. Should the nature of our engagement change or expand over time, that too will be governed by this letter of engagement.

The Wladis Law Firm will receive a monthly retainer of Five Thousand ($5,000.00) Dollars, commencing on March 1, 2015 through and including December 31, 2015, plus the necessary expenses and disbursements (which expenses and disbursements shall not exceed $5,000.00 without prior written approval by the city), including but not limited to photocopying charges, postal charges, express mail delivery fees, facsimile charges, telephone charges, and mileage and travel expenses according to our standard rates.

Standard Billing and Payment Procedures. We normally bill on a monthly basis, providing you with a monthly statement for services rendered and for disbursements incurred for your account.

All of our statements are due and payable within thirty (30) days of receipt. If the City's payments are delayed beyond this date, we will charge interest on the unpaid amounts until paid. The present interest rate is twelve percent (12%) per annum. If circumstances warrant, we reserve the right to change the rate upon notice to the City. We will not charge an interest rate in excess of the maximum amount allowable by law.

In the unlikely event of a fee dispute, the City may have the right to resolve the dispute via arbitration, as provided for by the New York State Fee Dispute Resolution Program. 22 NYCRR Part 137. If that occasion should arise and the City is eligible to request that the dispute be resolved via arbitration, we will, as required by law, provide the City with the Standard Instructions to Clients for the Resolution of Fee Disputes Pursuant to Part 137 of the Rules of the Chief Administrator of the Courts. If that circumstance exists, we may not commence an action in court to collect any disputed fees until such notice has been provided.

Please sign a copy of this letter and return it to us by electronic mail.

Should you have any questions about this letter or any other matters, please do not hesitate to contact me.

Respectfully,

THE WLADIS LAW FIRM, P.C.

Mark N. Wladis

ACCEPTED:

By: _____

Dated: _____

WLADIS LAW FIRM
THE NEW STANDARD IN CLIENT SERVICE

December 17, 2015

Mayor Richard David
City of Binghamton
Binghamton City Hall
38 Hawley Street
Binghamton, NY 13901

Re: Retainer Agreement Extension

Dear Mayor David:

This letter will amend our current agreement with a termination date of December 31, 2015 between Wladis Law Firm, P.C. and City of Binghamton. It is agreed the termination date will be extended to and include December 31, 2016. It is the understanding of both parties that on December 31, 2016, if both parties agree, City of Binghamton may exercise an option to extend this agreement for an additional one year term through December 31, 2017. All other terms of the contract remain in force and effect.

Please sign this letter where indicated on the bottom and return to me via electronic mail.

Respectfully,

WLADIS LAW FIRM, P.C.

Mark N. Wladis
MNW/al

CITY OF BINGHAMTON

By: _____
Richard David, Mayor

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Legislative Branch

RL Number: 16-033

Date Submitted: _____

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Richard David

Title/Department: Mayor

Contact Information: 772-7001

RL Information

Proposed Title: AN ORDINANCE AMENDING THE CODE OF THE CITY OF BINGHAMTON

§ 391-2. Shade Tree Commission-created.

Suggested Content: TBD by Corp. Counsel

See attached.

Additional Information

Does this RL concern grant funding?	Yes ☐	No ☒
If 'Yes', is the required RL Grant Worksheet attached?	Yes ☐	No ☒
Is additional information related to the RL attached?	Yes ☐	No ☒
Is RL related to previously adopted legislation?	Yes ☐	No ☒

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor: _____

Comptroller: _____

Corporation Counsel: _____

Finance ☐ **Planning** ☐ **MPA** ☐ **PW/Parks** ☐ **Employees** ☐ **Rules/Special Studies** ☐

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§ 391-2. Shade Tree Commission-created.

There is hereby created a City Shade Tree Commission for the City of Binghamton, County of Broome, State of New York. Said Commission shall consist of seven (7) members, who are ~~citizens and~~ residents or work in the ~~of this~~ City, three (3) who shall be appointed by the Binghamton City Council Parks and Recreation Committee and three (3) ~~four~~ who shall be appointed by the Mayor of the City of Binghamton, and one (1) who shall be the Commissioner of Parks and Recreation or his/her designee.

RL Number: 16-036

Date Submitted: _____

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Richard David

Title/Department: Mayor

Contact Information: 772-7001

RL Information

Proposed Title: AN ORDINANCE AMENDING THE CODE OF THE CITY OF BINGHAMTON ARTICLE XVIII, PUBLIC ART ADVISORY BOARD

Suggested Content: TBD by Corp. Counsel

See attached.

Additional Information

Does this RL concern grant funding?	Yes ☐	No ☒
If 'Yes', is the required RL Grant Worksheet attached?	Yes ☐	No ☒
Is additional information related to the RL attached?	Yes ☐	No ☒
Is RL related to previously adopted legislation?	Yes ☐	No ☒

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor: _____

Comptroller: _____

Corporation Counsel: _____

Finance ☐ **Planning** ☐ **MPA** ☐ **PW/Parks** ☐ **Employees** ☐ **Rules/Special Studies** ☐

ARTICLE XVIII, Public Art Advisory Board [Adopted 3-5-2014 by Perm. L.L. 14-1]

§ 18-119. Membership.

The Advisory Board shall consist of five (5) voting members, all of whom shall be appointed by the Mayor and shall be residents or work in ~~of~~ the City of Binghamton. In selecting the members, the Mayor will attempt to recruit members from the community ~~At least three (3) of the voting members shall be professionals~~ from the field of design, visual arts, architecture, or landscape architecture. The Advisory Board shall also have three (3) non-voting ex-officio members: a representative from the Broome County Council of Arts, a representative from the Gorgeous Washington Street Association, and a representative from the Downtown Binghamton Business Association.

§ 18-123. Meetings.

B. The Advisory Board shall meet at least quarterly. ~~every other month~~.

Legislative Branch

RL Number: 16-036

Date Submitted: _____

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Richard David

Title/Department: Mayor

Contact Information: 772-7001

RL Information

Proposed Title: A Local Law ~~AN ORDINANCE~~ AMENDING THE CODE OF THE CITY OF BINGHAMTON

Chapter 45A, BINGHAMTON HUMAN RIGHTS COMMISSION

Suggested Content: TBD by Corp. Counsel

See attached.

Additional Information

Does this RL concern grant funding?	Yes ☐	No ☒
If 'Yes', is the required RL Grant Worksheet attached?	Yes ☐	No ☒
Is additional information related to the RL attached?	Yes ☐	No ☒
Is RL related to previously adopted legislation?	Yes ☐	No ☒

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor: _____

Comptroller: _____

Corporation Counsel: _____

Finance ☐ **Planning** ☐ **MPA** ☐ **PW/Parks** ☐ **Employees** ☐ **Rules/Special Studies** ☐

Chapter 45A, BINGHAMTON HUMAN RIGHTS COMMISSION [HISTORY: Adopted by the City Council of the City of Binghamton 12-7-11 by L.L. No. 11-3]

§ 45A-20. Name. Pursuant to General Municipal Law § 239-o, the City of Binghamton hereby establishes the Binghamton Human Rights Commission (the "Commission").

§ 45A-21. Purpose. The purpose of the Commission is to condemn discrimination in all its forms, to educate the public, and to pursue by all appropriate means and without delay a policy of eliminating discrimination against people based on age, race, color, creed, religion, national origin, ancestry, disability, marital status, sex, sexual orientation, gender identity or expression, weight or height, veteran status, or criminal conviction to the extent provided by Correction Law § 752.

§ 45A-22. General duties and powers. It shall be the duty of the Commission:

1. (a) To foster mutual respect and understanding among all racial, religious and nationality groups in the community.

(b) To make such studies in any field of human relationship in the community as in the judgment of the commission will aid in effectuating its general purposes and where desirable, to make the results of such studies public.

(c) To inquire into incidents of tension and conflict among or between various racial, religious and nationality groups, and to take such action as may be designed to alleviate such tensions and conflict.

(d) To conduct and recommend such educational programs as, in the judgment of the Commission, will increase goodwill among inhabitants of the community and open new opportunities into all phases of community life for all inhabitants.

2. In addition to all other powers, the City of Binghamton hereby grants these additional powers:

(a) To report complaints to the New York State Division of Human Rights alleging unlawful discriminatory practices under Article Fifteen of the Executive Law or Chapter 45 of the Binghamton Human rights law.

(b) To receive, accept and use and expend public grants and private gifts, donations or bequests and other payments, goods and services, as provided in §45A-24 below.

§ 45A-22 General obligations. The Commission shall discharge the following obligations.

(a) To receive complaints of alleged discrimination because of race, creed, color or national origin, to seek the active assistance of the division of human rights in the solution of complaints which fall within the jurisdiction of the division and to prepare its own plans in the case of other complaints with a view to reducing and eliminating such alleged discrimination through the process of conference, conciliation and persuasion.

(b) To hold conferences, and other public meetings in the interest of the constructive resolution of racial, religious and nationality group tensions and the prejudice and discrimination occasioned thereby.

(c) To issue such publications and reports of investigation as in its judgment will tend to effectuate the purposes of this Chapter.

(d) To enlist the cooperation and participation of the various racial, religious and nationality groups, community organizations, industry and labor organizations media or mass communication, fraternal and benevolent associations, and other groups in an educational campaign devoted to fostering among the diverse groups of the community mutual esteem, justice and equity and opening new opportunities into all phases of community life for all individuals.

(e) To encourage and stimulate agencies under the jurisdiction of the City of Binghamton to take such action as will fulfill the purposes of this article.

(f) To submit an annual report of the services performed by March 1 of the following year to City Council and the Mayor and to furnish a copy thereof to the New York State Division of Human Rights.

~~A. Foster mutual respect and understanding for the rights of all persons among the diverse communities that comprise the general population of the City of Binghamton and to encourage equal treatment of residents and visitors on the basis of age, race, color, creed, religion, national origin, ancestry, disability, marital status, sex, sexual orientation, gender identity or expression, weight or height, veteran status, or criminal conviction only to the extent provided by Correction Law § 752, with a view to reducing and eliminating such alleged discrimination through the process of conference, conciliation and persuasion.~~

~~B. To conduct and recommend programs and conventions to educate and increase positive and just relationships among inhabitants of the City of Binghamton. To educate the public generally regarding Federal, State and Local human rights law as well as International human rights law (e.g., Universal Declaration on Human Rights, Standard Minimum Rules for Treatment of Prisoners, International Convention on the Elimination of all forms of Racial Discrimination, Convention on the Elimination of Discrimination Against Women) and, whenever possible and practical, to include all the municipalities that comprise the "Greater Binghamton Area" in such educational opportunities.~~

~~C. To hold conferences, and other public meetings in the interest of the constructive resolution of racial, religious and other tensions, and the prejudice and discrimination occasioned thereby.~~

~~D. To inquire into incidents of tension and conflict among or between various racial, ethnic, religious groups, as well as groups based on sexual orientation or gender identity or expression, and to take such action as may be designed to alleviate such tensions and conflict consistent with this Chapter.~~

~~E. To encourage and stimulate agencies under the jurisdiction of the City of Binghamton to take such action, including legislative and other measures to modify or abolish existing laws, regulations, customs and practices which constitute discrimination, as will fulfill the purpose of this Chapter.~~

~~F. To encourage other public and private authorities and institutions, including, but not limited to: governmental authorities, educational institutions, social services, health, and employment or other organizations or enterprises, to act in conformity with International, Federal, State and Local human and civil rights laws.~~

~~G. To receive and review complaints of alleged discrimination because of age, race, color, creed, religion, national origin, ancestry, disability, marital status, sex, sexual orientation, gender identity or expression, weight or height, veteran status, or criminal conviction only to the extent provided by Correction Law § 752, to seek the active assistance of the New York State Division of Human Rights in the solution of complaints which fall within the jurisdiction of the Division and to assist those individuals who believe that they have or could have a valid claim under the City of Binghamton Human Rights Law.~~

~~H. To report complaints to the New York State Division of Human Rights alleging unlawful discriminatory practices under Article Fifteen of the New York State Executive Law.~~

~~I. To engage in periodic research or cooperate in research on emerging human rights issues, and where desirable, to make the results of such studies public in the form of issuing reports and studies.~~

~~J. To enlist the cooperation and participation of the groups representing the diversity of Binghamton, including community organizations, industry and labor organizations, media or mass communication, fraternal and benevolent associations, and other groups in an educational campaign devoted to fostering among the diverse groups of the community mutual esteem, justice, and equity and opening new opportunities into all phases of community life for all individuals.~~

~~K. To receive, accept, and use and expend public grants and private gifts, donations or bequests and other payments, goods, and services, notwithstanding any other provision of law.~~

~~L. To submit an annual report to the City Council of the City of Binghamton and to furnish a copy thereof to the New York State Division of Human Rights. Such report will include a financial report, summary of educational programs, research, investigations, and reports to New York State Division of Human Rights.~~

§ 45A-24. Officers and employees; expenses.

The Commission shall have the power and authority to employ an executive director, a secretary and such attorneys, experts and other employees as may be necessary, and to otherwise expend funds within the amount made available by the City of Binghamton ~~City Council from public grants and private gifts, donations or bequests and other payments as approved~~ as part of the City's budget process. ~~. The City of Binghamton is hereby authorized and empowered to make such~~

~~appropriations for such expenses and for the compensation, if any, to be paid to the Members of the Commission.~~

§ 45A-25. Membership.

A. Number. The Commission shall consist of five ~~seven~~ (5) voting members and two (2) ex-officio, non-voting members.

B. ~~Nominations and~~ Appointments. The Mayor is hereby specified and designated as the public officer who shall appoint the voting members of the Human Rights Commission. All members shall reside or work in the City of Binghamton. Such appointment shall be subject to approval of City Council. In appointing the Members, the Mayor and City Council will attempt to recruit members from the community who represent the diversity of the community in regard to cultural diversity, ethnicity, age, race, color, creed, religion, national origin, ancestry, disability, marital status, sex, sexual orientation, gender identity or expression, veteran status, weight or height, or criminal conviction. The Mayor and City Council will each appoint one (1) ex-officio, non-voting Member. ~~non-voting Member. s: (a) One representative nominated by the City of Binghamton Mayor's Office. (b) One representative nominated by the Binghamton City Council The Mayor Candidates to be considered for membership will be submitted to the Mayor of the City of Binghamton for consideration. selected or reviewed by the Nominating Committee and recommended to the full Commission for preliminary approval. The slate of nominees approved by the full Commission will then be submitted to the City Council and Mayor to approval and appointment. At its initial meeting and at the last meeting in December each year thereafter, the Commission will select a Chairperson and such other officers as the Commission may deem necessary, by majority vote. For the initial year the Chairperson and other officers will service from the date of the initial meeting until December 31 of that year. Thereafter each Chairperson and other officers will service for one year from January 1 to December 31. A Chairperson and other officers may be re-elected for up to three (3) years.~~

~~C. Composition. Membership on the Commission is open to any private individual or agency representative that is interested in the promotion of human rights in the City of Binghamton. In selecting the Membership of the Commission, the Nominating Committee will attempt to recruit Members from the community who represent the diversity of the community in regard to cultural diversity, ethnicity, age, race, color, creed, religion, national origin, ancestry, disability, marital status, sex, sexual orientation, gender identity or expression, veteran status, weight or height, or criminal conviction. (1) Membership is to include four (4) individuals representative of the community at large. (2) Membership is also to include three (3) individuals representative from advocacy and community organization including, but not limited to, the following organizations: (a) NAACP (b) Binghamton Pride Coalition (c) City Youth Bureau (d) County Youth Bureau (e) Office for Aging (f) Prison Support Network (g) Re-entry Task Force (h) Southern Tier Independence Center (3) Candidates may be suggested by the Director or head of each above agency and submitted to the Nominating Committee. (4) The following individuals shall be ex-officio, non-voting Members: (a) One representative nominated by the City of Binghamton Mayor's Office. (b) One representative nominated by the Binghamton City Council.~~

D. Term of Membership. All appointments made prior to January 1, 2016, are null and void. Members shall be appointed for two (2) year terms, the initial term of all members will expire on December 31, 2017. Thereafter all terms will expire on December 31 of each odd numbered year. ~~first term expiring on December The initial membership After initial Membership, all Commission Members shall be appointed to a three (3) year term subject to the restrictions mentioned in this Chapter. Members may serve consecutive terms. No more than three (3) Members of the Commission shall expire in any single year.~~ Ex-officio, non-voting members will be appointed to one (1) year terms. The Commission will vote for a Chairperson for each year. Members, ex-officio non-voting members, and the Chairperson may be re-appointed without limit. ~~For the initial year the Chairperson and other officers will service from the date of the initial meeting until December 31 of that year. Thereafter each Chairperson and other officers will service for one year from January 1 to December 31. A Chairperson and other officers may be re-elected for up to three (3) years.~~

E. Vacancies. In the case of death, resignation, or removal of a Commission Member, a successor to fill the balance of the unexpired term shall be filled in the same manner as appointments. ~~may be recommended by the Nominating Committee, and approved by the Commission, City Council and the Mayor in the same manner as set forth in § 45A-24.B.~~

F. Membership responsibilities. ~~All Commission Members will be required to serve on a committee or designate a representative to serve on their behalf. In order to remain a Member in good standing of the Commission, members should attend all meetings or inform the Chairperson of his or her representative, prior to the meeting, of an intended absence. Members who on occasion must miss regularly scheduled Commission meetings are encouraged to send a personal representative except that said person may not vote on behalf of the Member.~~ All Commission members must personally attend at least seventy-five percent (75%) of the scheduled meetings per year. Members will be expected to maintain confidentiality of all cases that come before the Commission to the extent that protects the claimants against legal risk.

G. Removal. Members may be removed from the Commission by the Mayor and City Council for failing to carry out membership responsibilities. To be removed a Commission Member must receive a no confidence ~~vote of a supermajority of the Commission (majority plus 1) and such removal confirmed~~ by a majority of City Council and the Mayor.

H. Rules and procedures. The Commission may adopt such rules and procedures, including the creation of committees, as it may deem necessary and proper to fulfill the purposes of this Chapter. The Commission will meet at City Hall on the first ____ of each month at ____ __.M.

I. All correspondence to the Commission will be referred to the Chairperson.

~~I. Constituting initial panel of commissioners. The City Clerk will post notice of a request for candidates to serve on the Commission on the City's website, public such notice in the Press & Sun Bulletin, and send a copy of such notice to the organizations listed in § 45A-24.C(2) above. The notice will provide a deadline, not less than fourteen (14) days from the date of publication of the notice, for interested applicants to submit a letter of interest and a resume to the City Clerk. According to the guidelines set forth in § 45A-22 above, City Council will select seven (7) voting~~

~~Members from the pool of candidates. The list of candidates for voting Members will then be sent to the Mayor for approval. The Mayor may accept or reject any or all of the candidates. If the Mayor rejects a candidate, City Council may override this decision with the vote of a super majority of City Council (majority plus 1). At the initial meeting the terms of Commission Members will be determined by a random draw (two expiring in one year; three expiring in two years; and two expiring in three years). The City Council and Mayor will each appoint one (1) ex-officio, non-voting Member to the Commission for a one-year term.~~

~~§ 45A-25. Standing committees. The Human Rights Commission shall appoint Standing Committees comprised of not more than three (3) Members, including ex-officio, non-voting Members, of the Commission, to address regular and ongoing aspects of the Commission's work. Each committee shall elect its Chair. The Chair is responsible for setting the date and time of the committee meetings and, preparing agendas, reporting on the progress of the Committee at regular meetings of the Commission. Chair is also responsible for representing the committee to the media when necessary. The Standing Committees include:~~

~~A. Nominating/Membership Committee. This committee is responsible for recruiting and maintaining the seven (7) voting Members of the Commission. The Mayor and City Council are responsible for recruiting and maintaining their ex-officio appointments. Ex-officio Members cannot serve on the Nominating Committee.~~

~~B. Intake Committee. Responsible for conducting initial assessment of cases to determine whether case is within the purview of the Commission. Gather supplementary information to assist in this determination. Refer cases to appropriate subcommittee or outside agency for further action.~~

~~C. Education/Advocacy. Plans, conducts, and co-sponsors educational programs and events that raise awareness of human rights issues in Binghamton.~~

~~D. Conflict Resolution/Ombuds Committee. Assists with finding solutions to discrimination cases that preserve justice while avoiding legal action whenever possible. Upon request can assist in the management of conflict and the resolution of problems. Although this committee does not determine cases, it can offer referrals.~~