



# LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

*Chris Papastrat, City Council President*  
*Leighton Rogers, City Clerk*

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## COUNCIL OF THE CITY OF BINGHAMTON

### Business Meeting Agenda

City Council Chambers, 38 Hawley Street, Binghamton, NY 13901

Wednesday July 6, 2016

- I. **CALL TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ROLL CALL**
- IV. **ACKNOWLEDGEMENTS AND RECOGNITIONS**
- V. **REPORTS FROM COMMITTEES AND APPROVAL OF MINUTES**

#### **Approval of Minutes**

Approve Minutes from June 22, 2016 Business Meeting

#### **City Council Finance Committee: Mihalko (Chair), Scaringi, MacGregor**

No items to report.

#### **City Council Planning and Community Development Committee: Scaringi (Chair), Matzo, Cronce**

No items to report.

#### **City Council Municipal and Public Affairs Committee: Matzo (Chair), Scaringi, Cronce**

No Items to report.

#### **City Council Public Works/Parks and Recreation Committee: Mihalko (Chair), Matzo, Cronce**

No items to report.

#### **City Council Employees Committee: Matzo (Chair), Mihalko, Taylor**

No items to report.

#### **City Council Rules and Procedures/Special Studies Committee: Scaringi (Chair), Mihalko, MacGregor**

No items to report.

## VI. **APPROVAL OF APPOINTMENTS**

## VII. **PUBLIC HEARING**

- 1. CDAC Annual Action Plan

## VIII. **SET PUBLIC HEARINGS**

## IX. **PUBLIC COMMENT/COMMUNICATION**

## X. **REVIEW OF MAYORAL VETO**

## XI. **SECOND READING LEGISLATION**

## XII. **FIRST READING LEGISLATION**

### **Introductory Ordinance 16-50. Considered in Finance, Chair: Mihalko**

Ordinance amending the 2016 Fire Bureau Budget to fund repairs at the Main Street Fire Station

### **Introductory Ordinance 16-51. Considered in Finance, Chair: Mihalko**

Ordinance authorizing the Mayor to submit the FY22 Annual Action Plan and Accept any and all funds allocated by HUD from the CDBG, ESG, and HOME Entitlement programs

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# LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

*Chris Papastrat, City Council President*  
*Leighton Rogers, City Clerk*

**Introductory Ordinance 16-52. Considered in Finance, Chair: Mihalko**

Amending Bond Ordinance of the City of Binghamton to authorize the Construction of Improvements to Certain Bath Houses

**Introductory Ordinance 16-53. Considered in Finance, Chair: Mihalko**

Ordinance amending the 2016 Parks Budget for Overtime, Supplies, and Park Improvements

**Introductory Ordinance 16-54. Considered in Finance, Chair: Mihalko**

Ordinance amending the 2016 Assessment Budget

**Introductory Ordinance 16-55. Considered in Finance, Chair: Mihalko**

Ordinance to amend the 2016 Budget for the Front St Gatewat Project

**Introductory Ordinance 16-56. Considered in Finance, Chair: Mihalko**

Ordinance amending the 2016 Finance Budget

**Introductory Ordinance 16-57. Considered in Finance, Chair: Mihalko**

Ordinance amending the 2016 Budget to Fund Demolitions

**Introductory Resolution 16-74. Considered in Finance, Chair: Mihalko**

Resolution authorizing the Mayor to accept \$5,000 from NYSERDA's Cleaner Greener Communities Incentive Program

**Introductory Resolution 16-75. Considered in Planning, Chair: Scaringi**

Resolution accepting the Downtown Binghamton Comprehensive Parking Study and Strategic Plan by Nelson/Nygaard as complete

**Introductory Resolution 16-76. Considered in Finance, Chair: Mihalko**

Resolution authorizing a MOU between the City of Binghamton, CHOW, and Binghamton Plaza to operate the North Side Fresh Mobile Market

**Introductory Resolution 16-77. Considered in Planning, Chair: Scaringi**

Resolution accepting the Donation of 42 Bevier Street

**Introductory Resolution 16-78. Considered in Finance, Chair: Mihalko**

Resolution authorizing the Mayor to enter into Supplemental No. 2 with NYSDOT for the Front St. Gateway Project

**Introductory Resolution 16-79. Considered in MPA, Chair: Matzo**

Resolution Honoring the Life and Legacy of Alfred J. Libous

**XIII. COMMUNICATIONS FROM COUNCIL MEMBERS**

**XIV. ADJOURNMENT**



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

Date: July 6, 2016

Sponsored by Council Members: Mihalko, Matzo, Papastrat, Cronce, MacGregor, Taylor, Scaringi

Introduced by Committee: Finance

**ORDINANCE**

*entitled*

**AN ORDINANCE AMENDING THE 2016 FIRE  
BUREAU BUDGET TO FUND REPAIRS AT THE  
MAIN STREET FIRE STATION**

WHEREAS, the Fire Chief and Comptroller of the City of Binghamton find it proper and necessary to amend the 2016 Fire Bureau budget to transfer funds from various accounts to repair the floor at the Main Street Fire Station; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on June 15, 2016.

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

Section 1. That the Comptroller and Treasurer of the City of Binghamton are hereby authorized and directed to amend the 2016 Fire Bureau budget to transfer funds to repair the floor at the Main Street Fire Station as follows:

Transfer From:

\$ 5,000 A3410.54112 (Gas/Diesel Fuel)  
4,000 A3410.54190 (Uniforms)  
2,500 A3120.54111 (Ambul. Duty Pay)  
1,000 A3120.54112 (Gas-heat)

\$12,500

Transfer To:

\$12,500 A3410.54610 (Bld/Equip Improve/Maint)

\$12,500

Section 2. That this Ordinance shall take effect immediately.

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

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



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

Date: July 6, 2016

Sponsored by Council Members: Mihalko, Matzo, Papastrat, Cronce, MacGregor, Taylor, Scaringi

Introduced by Committee: Finance

**ORDINANCE**

*entitled*

AN ORDINANCE AUTHORIZING THE MAYOR  
TO SUBMIT THE FY42 ANNUAL ACTION  
PLAN AND ACCEPT ANY AND ALL FUNDS  
ALLOCATED BY THE U.S. DEPARTMENT OF  
HOUSING AND URBAN DEVELOPMENT  
FROM THE CDBG, ESG, AND HOME  
ENTITLEMENT PROGRAMS

WHEREAS, the City of Binghamton receives funding through the U.S. Department of Housing & Urban Development (HUD) under the Community Development Block Grant (CDBG), HOME Investment Partnership Program (HOME) and Emergency Shelter Grants (ESG) programs; and

WHEREAS, an application on behalf of the City of Binghamton to HUD for the 5-Year Consolidated Plan and Fiscal Year 42 entitlement is due to be submitted to HUD on or before July 15, 2016, covering the five year period of September 1, 2016-August 31, 2021 and the Fiscal Year 42 period of September 1, 2016-August 31, 2017; and

WHEREAS, the City of Binghamton wishes to submit the 2016-2021 Consolidated Plan and Fiscal Year 42 Annual Action Plan to HUD and to accept any and all funds that are rewarded.

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

RESOLVE, that the Council does hereby authorize the Mayor, or his designee, of the City of Binghamton to submit the 2016-2021 Consolidated Plan and Fiscal Year 42 Annual Action Plan in accordance with the budget approved by the City and to accept any and all funds that are awarded by HUD under the CDGB, HOME and ESG Programs.



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

Date: July 6, 2016

Sponsored by Council Members: Scaringi, Mihalko, Cronce, Taylor, Matzo, Papastrat, MacGregor

Introduced by Committee: Finance

**ORDINANCE**  
*Entitled*

AMENDING BOND ORDINANCE OF THE CITY OF BINGHAMTON, NEW YORK, ADOPTED JULY 7, 2016, AMENDING THE BOND ORDINANCE ADOPTED APRIL 9, 2014 AND HERETOFORE AMENDED ON AUGUST 19, 2015 TO AUTHORIZE THE CONSTRUCTION OF IMPROVEMENTS TO CERTAIN BATH HOUSES

WHEREAS, the Council of the City of Binghamton (the "City"), in the County of Broome, New York, has heretofore duly authorized the issuance of bonds in the principal amount of not to exceed \$19,495,500 to finance various capital projects in and for the City, all as specified in the bond ordinance adopted on April 9, 2014; and

WHEREAS, on August 19, 2015, the Council determined that the total cost of the rehabilitation of the South Washington Street Bridge was \$2,000,000, and it was necessary and in the public interest to increase the appropriation for such project by \$415,000 and to amend said bond ordinance to authorize the issuance of an additional \$415,000 bonds to finance said increased appropriation; and such change was authorized pursuant to a bond ordinance adopted by said Council on August, 19, 2015, as an amendment to the prior bond ordinance adopted on April 9, 2014; and

WHEREAS, on July 6, 2016, the Council determined that after further consideration it is appropriate and in the best interests of the City to further amend said original bond ordinance adopted on April 9, 2014, to authorize the construction of improvements to the Cheri Lindsey Pool and Bath House and Southside Pool and Bath House, in addition to the design plans and specifications authorized for such projects by said original bond ordinance adopted on April 9, 2014, and to combine said projects into one capital improvement line; and to further amend said bond ordinance to reflect such change;

NOW, THEREFORE, BE IT, RESOLVED BY THE COUNCIL OF THE CITY OF BINGHAMTON, IN THE COUNTY OF BROOME, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Board of Trustees) AS FOLLOWS:

Section A. The bond ordinance of said City duly adopted by the Council of the City on April 9, 2014 and heretofore amended on August 19, 2015 entitled:

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

Date: July 6, 2016

Bond Ordinance of the City of Binghamton, New York, adopted April 9, 2014 and amended on August 19, 2015, authorizing various capital improvements in and for the City, stating the estimated maximum cost thereof is \$19,910,500, appropriating said amount for such purpose and authorizing the issuance of bonds of the City in the principal amount of not to exceed \$19,910,500 to finance said appropriation.”

is hereby amended to read as follows:

BOND ORDINANCE OF THE CITY OF BINGHAMTON, NEW YORK, ADOPTED APRIL 9, 2014, AMENDED ON AUGUST 19, 2015 AND FURTHER AMENDED ON JULY 6, 2016, AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE CITY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$19,910,500, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE AND AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$19,910,500 TO FINANCE SAID APPROPRIATION

WHEREAS, the Council of the City of Binghamton recognizes the need to provide for various capital improvements in and for the City, as more specifically described herein;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BINGHAMTON, NEW YORK, DULY CONVENED (by the favorable vote of not less than two-thirds of all the members of said Council) AS FOLLOWS:

Section 1. The City of Binghamton, in the County of Broome, New York (herein called the “City”), is hereby authorized to construct, acquire or undertake the various projects as described in Column A of said Schedule I, attached hereto and made a part hereof, at the estimated maximum costs indicated in Column B of said Schedule I. The estimated total cost of such projects, including preliminary costs and costs incidental thereto and the financing thereof, is \$19,910,500 and said amount is hereby appropriated therefor, such appropriation having been authorized by the Council pursuant to Ordinance Nos.14-13, 15-48 and \_\_\_\_\_. The plan of financing includes the issuance of bonds of the City in the principal amount of not to exceed \$19,910,500 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the City in the aggregate principal amount of not to exceed \$19,910,500 are hereby authorized to be issued in the principal amounts indicated in Column C of said Schedule I for each of the respective objects or purposes indicated in Column A of said Schedule I, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Law”), to finance the appropriation referred to herein.

Section 3. The respective periods of probable usefulness of the specific objects or purposes and classes of objects or purposes for which said serial bonds are authorized to be

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

Date: July 6, 2016

issued, within the limitations of §11.00 a. of the Law as referenced in Column E of said Schedule I, are set forth in Column D of said Schedule I.

Section 4. The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the City for expenditures made after the effective date of this ordinance for the purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. Each of the bonds authorized by this ordinance, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this ordinance and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing agreements for credit enhancements, are hereby delegated to the City Comptroller, the chief fiscal officer of the City.

Section 7. The validity of the bonds authorized by this ordinance, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such ordinance, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 8. This bond ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish the foregoing ordinance, in summary, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in the "BINGHAMTON

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

Date: July 6, 2016

PRESS,” a newspaper published in Binghamton, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Section B. The amendment of the bond ordinance set forth in Section A of this ordinance, shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond ordinance, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond ordinance, as so amended.



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

Date: July 6, 2016

Sponsored by Council Members: Mihalko, Matzo, Papastrat, Scaringi, Cronce, MacGregor, Taylor

Introduced by Committee: Finance

**ORDINANCE**

*entitled*

**AN ORDINANCE AMENDING THE 2016 PARKS  
BUDGET FOR OVERTIME, SUPPLIES, AND  
PARK IMPROVEMENTS**

WHEREAS, the Commissioner of Parks and Recreation and Comptroller of the City of Binghamton find it proper and necessary to amend the 2016 Parks budget to fund overtime, supplies, and park improvements; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on June 29, 2016.

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

Section 1. That the Comptroller and Treasurer of the City of Binghamton are hereby authorized and directed to amend the 2016 budget to fund overtime, supplies, and park improvements as follows:

Transfer From:

\$ 8,637.56 A7110.51000 (Per-Serv. Laborer)  
4,110.84 A7110.51000 (Per-Serv. Laborer)  
5,595.48 A7110.51000 (Per-Serv. Laborer)  
1,116.49 A7110.51000 (Per-Serv. Sr. Grounds)  
5,128.80 A7110.51000 (Per-Serv. Arborist)  
4,644.00 A7110.51000 (Per-Serv. Grounds)

\_\_\_\_\_  
\$29,233.17

Transfer To:

\$19,500.00 A7110.51900 (Overtime)  
2,500.00 A7110.54102 (Gen. Op. Sup.)  
2,500.00 A7110.54130 (Const. Sup.)  
2,233.17 A7110.54160 (Shrubs Flow...)  
2,500.00 A7110.54540 (Park Imp. Maint)

\_\_\_\_\_  
\$29,233.17

Section 2. That this Ordinance shall take effect immediately.

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

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



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

Date: July 6, 2016

Sponsored by Council Members: Mihalko, Matzo, Papastrat, Scaringi, Cronce, MacGregor, Taylor

Introduced by Committee: Finance

**ORDINANCE**

*entitled*

**AN ORDINANCE AMENDING THE 2016  
ASSESSMENT BUDGET TO ACCOUNT FOR A  
CHANGE IN THE TEMP CLERK POSITION  
HOURLY RATE AND HOURS PER WEEK**

WHEREAS, the Assessor and the Comptroller of the City of Binghamton find it proper and necessary to amend the 2016 Assessment budget to account for a change in the Temp Clerk position hourly rate and hours per week; and

WHEREAS, currently the position listed at \$12 per hour for 17.5 hours for 26 weeks, totaling \$5,460, and the change requested is to \$15 per hour for 14 hours for 26 weeks, totaling \$5,460.

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

Section 1. That the Comptroller and Treasurer of the City of Binghamton are hereby authorized and directed to amend the 2016 Assessment budget to account for a change in the Temp Clerk position from an hourly rate of \$12 at 17.5 hours per week to an hourly rate of \$15 at 14 hours per week, keeping the position at 26 weeks and totaling \$5,460.

Section 2. That this Ordinance shall take effect immediately.

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

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



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

Date: July 6, 2016

Sponsored by Council Members: Mihalko, Matzo, Papastrat, Scaringi, Cronce, MacGregor, Taylor

Introduced by Committee: Finance

**ORDINANCE**

*entitled*

**AN ORDINANCE TO AMEND THE 2016  
BUDGET FOR THE FRONT ST. GATEWAY  
PROJECT PIN 9753.16**

WHEREAS, the City is engaged in a project known as the Front Street Gateway Project, PIN 9753.16 (the "Project"); and

WHEREAS, the New York State Department of Transportation ("NYSDOT") has advised the City that costs for preliminary engineering/design and right-of-way incidentals has been increased by \$389,000; and

WHEREAS, the Project is eligible for funding under Title 23 U.S. Code, which calls for apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, including 15% Marchiselli funding; and

WHEREAS, the City has \$50,000 from existing bond proceeds in budget line H5112.525016.5119 (Front St. Gateway) to apply to these increased costs, leaving a balance of \$339,000 pending reimbursement; and

WHEREAS, the City wishes to advance the Project by making a commitment of 100% of the Federal and non-Federal share from appropriated fund balance to provide for funding pending reimbursement; and

WHEREAS, such budget amendment was approved by the Board of Estimate and Apportionment on July 6, 2016.

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

Section 1. That the Comptroller and Treasurer of the City of Binghamton are hereby authorized and directed to amend the Capital budget for the Front Street Gateway Project, PIN 9753.16, as follows:

<u>Transfer From:</u>	<u>Add/Transfer To:</u>
\$339,000 A599 (Appropriated Fund Balance)	\$339,000 A.1440.54410.DOT01 (Front St. Gateway)

Section 2. That funding from budget line A599 (Appropriated Fund Balance) will be reimbursed upon receipt of payment from the Federal share, budget revenue line A.44597.DOT01 (Fed Aid-Front St. Gateway) and from Marchiselli funding, budget revenue line A43598.DOT01

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

Date: July 6, 2016

(State Aid-Front St Gateway).

Section 3. That this Ordinance shall take effect immediately.

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

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Chuck Shager, Comptroller



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

Date: July 6, 2016

Sponsored by Council Members: Mihalko, Matzo, Papastrat, Scaringi, Cronce, MacGregor, Taylor

Introduced by Committee: Finance

**ORDINANCE**

*entitled*

**AN ORDINANCE AMENDING THE 2016  
FINANCE BUDGET TO ELIMINATE THE DATA  
ENTRY CLERK POSITION AND CREATE  
ACCOUNTS PAYABLE CLERK POSITION**

WHEREAS, the Comptroller finds it proper and necessary to amend the 2016 Finance budget to defund the Data Entry Clerk position and to add an Accounts Payable Clerk position at an annual salary of \$33, 653 effective July 18, 2016; and

WHEREAS, the Accounts Payable Clerk position was approved by the Civil Service Commission on June 29, 2016; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on July 6, 2016.

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

Section 1. That the Comptroller and Treasurer of the City of Binghamton are hereby authorized and directed to amend the 2016 Finance Department budget to amend budget line A1310.51000 (Personal Services) to defund the Data Entry Clerk position and to add an Accounts Payable Clerk position at an annual salary of \$33,653, as follows:

<u>Transfer From:</u>	<u>Transfer To:</u>
\$12,762.96 A1310.51000 (Per-Serv. Entry Clerk)	\$15,532.20 A1310.51000 (Per-Serv. Acct. Payable Clerk)
2,769.24 A1310.51000 (Per-Serv. Fin. Payroll Specialist)	
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\$15,532.20	\$15,532.20

Section 2. That this Ordinance shall take effect On July 18, 2016.

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

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



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

Date: July 6, 2016

Sponsored by Council Members: Mihalko, Matzo, Papastrat, Scaringi, Cronce, MacGregor, Taylor

Introduced by Committee: Finance

**ORDINANCE**

*entitled*

**AN ORDINANCE AMENDING THE 2016  
BUDGET TO FUND DEMOLITIONS**

WHEREAS, the Mayor and Comptroller of the City of Binghamton find it proper and necessary to amend the 2016 budget to fund various demolitions; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on July 6, 2016.

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

Section 1. That the Comptroller and Treasurer of the City of Binghamton are hereby authorized and directed to amend the 2016 budget to fund demolitions as follows:

<u>Transfer From:</u>	<u>Transfer To:</u>
\$ 9,300 A1210.51000 (Youth Success Init Dir)	\$220,100 A1364.54470 (Demolition)
5,800 A1420.51000 (Asst Attorney)	
8,000 A1440.51000 (Sr. Engineer)	
5,000 A1660.51000 (Storeskeeper)	
2,250 A8664.51000 (Code Inspector)	
2,250 A8664.51000 (Code Inspector)	
7,000 A6889.51000 (Ec Dev Admin Asst)	
3,000 A8684.51000 (Historic Pres Planner)	
100,000 A9060.58000C (Health Insurance)	
52,500 A1640.54112 (DPW-Fuel)	
10,000 A5110.54520 (Equip Lease/Rental)	
15,000 A5182.54444 (Street Lighting Repairs)	
<hr/>	<hr/>
\$220,100	\$220,100

Section 2. That this Ordinance shall take effect immediately.

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

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



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

Date: July 6, 2016

Sponsored by Council Members: Mihalko, Matzo, Papastrat, Scaringi, Cronce, MacGregor, Taylor

Introduced by Committee: Finance

**RESOLUTION**

*entitled*

**A RESOLUTION AUTHORIZING THE MAYOR  
TO ACCEPT \$5,000 FROM NYSERDA'S  
CLEANER GREENER COMMUNITIES  
INCENTIVE PROGRAM FOR ADOPTING  
STREAMLINED PERMITTING AND ZONING  
ORDINANCES FOR ELECTRIC VEHICLE  
CHARGING STATIONS**

WHEREAS, the Council of the City of Binghamton adopted Permanent Ordinance 16-11, dated February 3, 2016, titled "An Ordinance Amending Chapter 410, Zoning, of the Code of the City of Binghamton, to Incorporate Definitions and Regulations for Electric Vehicle Charging Stations"; and

WHEREAS, the City of Binghamton is eligible to receive the New York State Energy Research and Development Authority (NYSERDA) Cleaner Greener Communities incentive for \$5,000 for adopting a streamlined permitting and zoning ordinance for electric vehicle charging stations; and

WHEREAS, the City wishes to accept said incentive.

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

RESOLVE that the Council of the City of Binghamton does hereby accept the NYSERDA Cleaner Greener Communities incentive for \$5,000 for adopting a streamlined permitting and zoning ordinance for electric vehicle charging stations; and be it further

RESOLVED that the Mayor, or his designee, is hereby authorized to enter into and execute an agreement, approved as to form and content by the Office of Corporation Counsel, with the NYSERDA to accept such incentive.



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

Date: July 6, 2016

Sponsored by Council Members: Mihalko, Matzo, Papastrat, Cronce, MacGregor, Taylor

Introduced by Committee: Planning

**RESOLUTION**

*entitled*

**A RESOLUTION ACCEPTING THE  
DOWNTOWN BINGHAMTON  
COMPREHENSIVE PARKING STUDY AND  
STRATEGIC PLAN BY NELSON/NYGAARD AS  
COMPLETE**

WHEREAS, pursuant to Permanent Resolution R14-65, dated October 8, 2014, the City and Broome County, through the Binghamton Metropolitan Transportation Study ("BMTS"), entered into an intermunicipal agreement for a comprehensive parking study and strategic plan; and

WHEREAS, the Downtown Binghamton Comprehensive Parking Study and Strategic Plan-Final Report was issued by Nelson/Nygaard in June 2016, and

WHEREAS, the BMTS has accepted the Downtown Binghamton Comprehensive Parking Study and Strategic Plan- Final Report as complete.

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

RESOLVE that the City of Binghamton accepts the Downtown Binghamton Comprehensive Parking Study and Strategic Plan-Final Report as complete.



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

Date: July 6, 2016

Sponsored by Council Members: Mihalko, Matzo, Papastrat, Cronce, MacGregor, Taylor, Scaringi

Introduced by Committee: Finance

**RESOLUTION**

*entitled*

A RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BINGHAMTON, COMMUNITY HUNGER OUTREACH WAREHOUSE, AND BINGHAMTON PLAZA, INC. TO OPERATE THE NORTH SIDE FRESH MOBILE MARKET AT 33 W. STATE ST.

WHEREAS, the north side of Binghamton is a recognized food desert with limited access to affordable, good quality fresh food; and

WHEREAS, the Community Hunger Outreach Warehouse (“CHOW”) is a not-for-profit corporation with a network of food pantries, soup kitchens, and community meal programs in Broome County; and

WHEREAS, Binghamton Plaza, Inc., is the owner of 33 W. State Street, a shopping plaza on the north side of Binghamton; and

WHEREAS, the City wishes to enter into a Memorandum of Agreement with CHOW and Binghamton Plaza, Inc. for a fourteen week pilot program for CHOW to operate a North Side Fresh Mobile Market at 33 W. State Street to provide fresh fruits and vegetables to the north side of Binghamton; and

WHEREAS, the City’s financial contribution to this pilot program is \$4,950 to be paid to CHOW and that funds are available for this purpose.

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

RESOLVE that the Mayor, or his designee, is hereby authorized to enter into a Memorandum of Agreement, approved as to form and content by the Office of Corporation Counsel, with CHOW and Binghamton Plaza, Inc., as annexed hereto, to operate a North Side Fresh Mobile Market at 33 W. State Street and that funding of \$4,950 shall be deducted from budget line A1210.54733 (Community Outreach) to be paid to CHOW for this purpose.

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

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

**Memorandum of Understanding by and between**

**CHOW, BINGHAMTON PLAZA, INC. and  
the CITY OF BINGHAMTON, NEW YORK**

This Memorandum of Understanding made this \_\_\_\_ day of June, 2016, by and between the City of Binghamton, 38 Hawley Street, Binghamton NY 13901 (the "City"), CHOW, Inc. ("CHOW") and Binghamton Plaza, Inc., 30 Galesi Drive, Wayne, New Jersey 13902 ("BPI"), sets forth the joint understanding of the City's, CHOW's and the BPI's mutual goals.

Whereas the Northside of the City of Binghamton has faced a food desert since Great American- the last supermarket on the Northside vacated 435 State Street in 1998;

Whereas numerous attempts have been made to establish a full scale supermarket on the Northside so Northside residents can purchase fresh vegetables and fruits:

Whereas the City and CHOW have agreed to work together to provide fresh vegetables and fruits to the Northside to address this aspect of the food desert and to offer a healthy food choices to the areas adults and children;

Whereas to further such goal the City and CHOW agreed to work together to establish a farmers' market at the northerly entrance of Binghamton Plaza at 33 West State Street and a fresh vegetable and fruit delivery truck that will service the Northside residents;

Whereas CHOW in its capacity as a not-for-profit corporation with a food warehouse in Binghamton, New York, specially equipped delivery trucks and a network which supplies low cost and free food as well as use customer friendly payment programs including SNAP and EBT is uniquely suited to provide these services;

Whereas the City and CHOW have agreed that the preferred location for the Binghamton-CHOW Farmers' Market is the northerly entrance of Binghamton Plaza located at 33 W. State Street, Binghamton, New York;

**THEREFORE, IT IS AGREED:**

1. The City shall pay for a pilot program to test the viability of a Northside Farmers' Market in an amount not to exceed \$4,950.00 for a 14-week test period. Two weeks prior to the end of the test period, the City and CHOW will review the test program to determine what, if any, improvements and/or changes need be made for the balance of the year;
2. BPI shall clear a portion of its parking lot by the Northerly Entrance to Binghamton Plaza so CHOW and the City may set up the City of Binghamton/CHOW-Northside Farmers' Market as marked on Schedule A attached hereto.

3. CHOW agrees to provide a general liability insurance policy naming "Binghamton Plaza, Inc." and the "City of Binghamton" as additional insureds in an amount not less than \$2,000,000.00 and in a form acceptable to Binghamton Plaza, Inc's and the City's respective legal counsels.
4. CHOW will provide at least one food truck stocked with sufficient fresh fruits and vegetables as are available to CHOW, but which will include:
  1. Fresh leafy greens including spinach, lettuce, kale;
  2. Broccoli;
  3. Zucchini
  4. Squash;
  5. Cabbage;
  6. Carrots;
  7. Onions; and,
  8. Beets.

Fresh fruits should regularly include seasons and supplies allow:

1. Apples;
  2. Oranges;
  3. Melons;
  4. Watermelons;
  5. Pears;
  6. Peaches;
  7. Grapes; and
  8. Cherries.
5. CHOW and the CITY will inquire with residents what if any other vegetables and fruits would be desirable and, if available, will supply them to the market;
  6. CHOW shall provide the equipment and staffing necessary operate said COB/CHOW Northside Farmers' Market;
  7. In order to best determine the demand and the timing of demand for such fresh produce CHOW agrees to staff and operate said Farmers Market from 1pm to 3pm on Monday, Wednesday and Friday of each of the 14-weeks;
  8. CHOW will also provide a mobile food sales program using CHOW specially equipped delivery trucks to deliver the abovedescribed produce to customers on the Northside who will be identified by CHOW, the City, United Way and the Healthy Eating Partnership;
  9. The City and CHOW anticipate that additional vendors will wish to participate in the Northside Farmers' market and they will cooperate to encourage additional vendors- the City will be responsible for permitting any such additional vendors;

10. The City and CHOW will cooperate with other potential vendors such as VINES and The United Way of Broome County to supply not only food, but access to healthy eating classes and materials;

11. The City, CHOW and BPI agree that, if and when, BPI obtains a full service grocery store at BPI's site- if said full service grocery store requires the removal of said Farmers' Market, CHOW and the CITY will relocate the market to another location in the City of Binghamton addresses a similar need

12. . No City funds will be spent for projects outside City boundaries.

\* 13 \* SET BELOW  
CHOW

City of Binghamton

By: \_\_\_\_\_  
Michael Leahey

By: \_\_\_\_\_  
Richard C. David

BINGHAMTON PLAZA, INC.

By: Michael Tomasulo 6/13/16  
Michael Tomasulo - 5X8C.VP

13 - BP SHALL HAVE THE RIGHT TO TERMINATE THIS AGREEMENT, UPON 60 DAYS NOTICE, IN WRITING, TO CHOW AND THE CITY OF BINGHAMTON, FOR ANY REASON, WHATSOEVER.



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

Date: July 6, 2016

Sponsored by Council Members: Mihalko, Matzo, Papastrat, Scaringi, Cronce, MacGregor, Taylor

Introduced by Committee: Planning

**RESOLUTION**

*entitled*

**A RESOLUTION ACCEPTING THE DONATION  
OF 42 BEVIER STREET**

WHEREAS, Judelene A. Komor, the owner of 42 Bevier Street, Binghamton, New York, has offered to donate said property to the City of Binghamton; and

WHEREAS, the Board of Estimate and Apportionment approved the donation on June 22, 2016.

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

Section 1. That the Mayor of the City of Binghamton, or his designee, is hereby authorized to enter into a contract and to execute all necessary and appropriate documents, approved as to form and content by the Office of Corporation Counsel, to accept donation of 42 Bevier Street, Binghamton, New York.

Section 2. That the donation of said property is subject to the following conditions: (i) that all taxes, utility bills, liens, and any other debts are paid and (ii) the City can obtain marketable title.

Section 3. That this Ordinance shall take effect immediately.



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

Date: July 6, 2016

Sponsored by Council Members: Mihalko, Matzo, Papastrat, Scaringi, Cronce, MacGregor, Taylor

Introduced by Committee: Finance

**RESOLUTION**

*entitled*

**A RESOLUTION AUTHORIZING THE MAYOR  
TO ENTER INTO SUPPLEMENTAL NO. 2 WITH  
NYSDOT FOR THE FRONT ST. GATEWAY  
PROJECT, PIN 9753.16**

WHEREAS, pursuant to Permanent Resolution 09-115, dated October 21, 2009, and Permanent Resolution 11-11, dated February 23, 2011, the City of Binghamton entered into an Agreement and Supplemental Agreement No. 1, respectively, with the New York State Department of Transportation ("NYSDOT") for preliminary engineering/design and right-of-way incidentals for the Front Street Gateway Project, PIN 9753.16 (the "Project"); and

WHEREAS, the City Engineer has recommended Supplemental Agreement No. 2 with the NYSDOT for additional preliminary engineering/design and right-of-way incidentals at a cost not exceed \$389,000; and

WHEREAS, the Project is eligible for funding under Title 23 U.S. Code, which calls for apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, including 15% Marchiselli funding.

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

RESOLVE that the Mayor, or his designee, is hereby authorized to enter into Supplemental Agreement No. 2, approved as to form and content by the Office of Corporation Counsel, with the NYSDOT for additional preliminary engineering/design and right-of-way incidentals at a cost not exceed \$389,000 for the Front Street Gateway Project, PIN 9753.16 and that funding shall be deducted \$50,000 from budget line H5112.525016.5119 (Front St. Gateway) and \$339,000 from budget line A.1440.54410.DOT01 (Front St. Gateway).

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

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Chuck Shager, Comptroller