



# 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 August 17,**  
**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 August 3, 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**

**VIII. SET PUBLIC HEARINGS**

**IX. PUBLIC COMMENT/COMMUNICATION**

1. BJCJSTP Budget Meeting

**X. REVIEW OF MAYORAL VETO**

**XI. SECOND READING LEGISLATION**

**Introductory Resolution 16-81. Considered in Finance, Chair: Mihalko**

**Supplemental Agreement No. 2 with Jacobs Management Company for BAF Restoration and Rehabilitation**

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## LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

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

### **XII. FIRST READING LEGISLATION**

**Introductory Ordinance 16-63. Considered in Finance, Chair: Mihalko**  
Amend Various CDBG Budget Years to separate funds as recommended by HUD

**Introductory Ordinance 16-64. Considered in Planning, Chair: Scaringi**  
Accepting donation of 96 Liberty Street from M&T Bank

**Introductory Ordinance 16-65. Considered in Finance, Chair: Mihalko**  
Amend the FY42 HOME Budget to increase the total budget and apply the increase to the FY42 HOME CHDO Budget Line

**Introductory Ordinance 16-66. Considered in Finance, Chair: Mihalko**  
Amend the FY41 ESG Budget to increase the total budget and apply the increase to the Sunset Budget Line

**Introductory Resolution 16-84. Considered in Finance, Chair: Mihalko**  
Change Order No. 4 with LeChase Construction for the BAF Facility Demolition

**Introductory Resolution 16-85. Considered in Finance, Chair: Mihalko**  
Supplemental Agreement No. 3 with Shumaker Engineering on the Front St Reconstruction at Clinton St

**Introductory Resolution 16-86. Considered in Public Works/Parks, Chair: Mihalko**  
Agreement with GHD Consulting Services, Inc. for Design of a Sludge Extraction System at the Binghamton Water Treatment Plant

### **XIII. COMMUNICATIONS FROM COUNCIL MEMBERS**

### **XIV. ADJOURNMENT**



THE COUNCIL OF THE CITY OF BINGHAMTON  
STATE OF NEW YORK

Date: August 3, 2016

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

Introduced by Committee: Finance

RESOLUTION

*entitled*

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

WHEREAS, pursuant to Permanent Resolution 15-51, dated May 20, 2015, the City of Binghamton entered into a Supplemental Agreement No. 1 with Jacobs Management Company for additional Construction Management Services for the BAF Restoration and Rehabilitation at the Binghamton-Johnson City Joint Sewage Treatment Facility (BJCJSTF); and

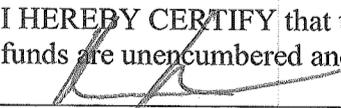
WHEREAS, the Project Manager has recommended Supplemental Agreement No. 2 with Jacobs Management Company for additional construction management services in an amount not to exceed \$2,669,000; and

WHEREAS, the funding for this purpose is available from budget lines HX8150.500200.J11NN (Non-Flood) and HX8150.500200.J11FF (Flood); and

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 Jacobs Management Company for additional Construction Management Services for the BAF Restoration and Rehabilitation at the BJCJSTP and that funding shall be deducted \$1,950,000 from budget line HX8150.500200.J11NN (Non-Flood) and \$719,000 from budget line HX8150.500200.J11FF (Flood).

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: August 17, 2016

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

Introduced by Committee: Finance

**ORDINANCE**

*entitled*

**AN ORDINANCE TO AMEND VARIOUS CDBG  
BUDGET YEARS TO SEPARATE FUNDS AS  
RECOMMENDED BY HUD**

WHEREAS, the City of Binghamton receives Community Development Block Grant (“CDBG”) funds from the United States Department of Housing and Urban Renewal (“HUD”); and

WHEREAS, HUD has performed an audit of City’s CDBG funds and has recommended creating different budget lines for accounting purposes.

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

Section 1. That the Grants Administrator and Comptroller of the City of Binghamton are hereby authorized and directed to amend various CDBG budget years as follows:

<u>Transfer From:</u>	<u>Transfer To:</u>
\$ 712.83 CD6142.533550.CDY32 (ESG Program Funds)	\$ 70,934.24 CG6142.533999.CGY41
5,275.05 CD6142.533551.CDY32 (ESG Admin Funds)	(ESG-Sunset Y41)
4,032.61 CD6142.533551.CDY35 (ESG Admin Funds)	
1,720.00 CD6142.51000.CDY37 (Personal Services)	
9,151.38 CD6142.533550.CDY37 (ESG Program Funds)	
28,393.84 CD6142.533550.CDY38 (ESG Program Funds)	
8,447.90 CD6142.51000.CDY39 (Personal Services)	
7,682.26 CD6142.533550.CDY39 (ESG Program Funds)	
5,518.37 CD6142.533550.CDY40 (ESG Program Funds)	
5,543.50 CD6142.533528.CDY41 (Admin Services)	5,543.50 CG6142.533528.CGY41
	(Admin Services)
105,003.23 CD6142.533550.CDY41	105,003.23 CG6142.533550.CGY41
(ESG Program Funds)	(ESG Program Funds)
<hr/>	<hr/>
\$181,480.97	\$181,480.97

<u>Transfer From:</u>	<u>Transfer To:</u>
\$181,480.97 CD.44910	\$181,480.97 CG.44910
(Fed Aid-Comm Dev Act)	(Fed Aid-Comm Dev Act)
<hr/>	<hr/>
\$181,480.97	\$181,480.97





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

Date: August 17, 2016

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

Introduced by Committee: Planning

**ORDINANCE**

*entitled*

**AN ORDINANCE ACCEPTING THE DONATION  
OF 96 LIBERTY STREET FROM M&T BANK**

WHEREAS, M&T Bank, the owner of 96 Liberty 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 August 17, 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 96 Liberty 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: August 17, 2016

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

Introduced by Committee: Finance

**ORDINANCE**

*entitled*

AN ORDINANCE TO AMEND THE FY42 HOME BUDGET TO INCREASE THE TOTAL BUDGET BY \$2,057 TO A NEW TOTAL OF \$376,113 AND TO APPLY THIS INCREASE TO THE FY42 HOME CHDO LINE FOR A NEW AMOUNT OF \$214,052

WHEREAS, the City of Binghamton receives Community Development Block Grant (“CDBG”) funds from the United States Department of Housing and Urban Renewal (“HUD”); and

WHEREAS, pursuant to notice from HUD, the Grants Administrator and Comptroller of the City of Binghamton find it proper and necessary to increase the FY42 CDBG funds in the amount of \$2,057, increasing the total to \$376,113; and

WHEREAS, the increase will be appropriated to the FY42 HOME CHDO budget line CE8689.533802.CEY42, increasing the total to \$214,052; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on August 17, 2016.

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

Section 1. That the Grants Administrator and Comptroller of the City of Binghamton are hereby authorized and directed to amend the FY42 CDBG budget as follows:

Increase Revenue

\$2,057 CE.44989.CEY42  
(Fed Aid – Other HOME & Comm Srvs)

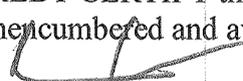
Increase Expense

\$2,057 CE8689.533802.CEY42 (HOME CHDO)

Section 2. That the Mayor of the City of Binghamton, or his designee, is hereby authorized to submit the 2016-2021 Consolidated Plan and Fiscal Year 42 Annual Action Plan, as amended herein, and to accept any and all funds that are awarded by HUD under the CDGB, HOME and ESG Programs.

Section 3. 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: August 17, 2016

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

Introduced by Committee: Finance

**ORDINANCE**

*entitled*

**AN ORDINANCE TO AMEND THE FY41 ESG  
BUDGET TO INCREASE THE TOTAL BUDGET  
BY \$76,130.13 AND TO APPLY THIS INCREASE  
TO THE SUNSET BUDGET LINE AND  
INCREASE THE FEDERAL AID ESG REVENUE  
BUDGET LINE**

WHEREAS, the City of Binghamton receives Community Development Block Grant (“CDBG”) funds, including Emergency Solutions Grant (“ESG”) funds, from the United States Department of Housing and Urban Renewal (“HUD”); and

WHEREAS, after reconciliation of numerous years of ESG funds, the Grants Administrator and Comptroller determined that there is \$76,130.13 available; and

WHEREAS, the Grants Administrator and Comptroller find it proper and necessary to increase the “sunset” funds in the FY41 ESG budget to account for such funds; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on August 17, 2016.

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

Section 1. That the Grants Administrator and Comptroller of the City of Binghamton are hereby authorized and directed to amend the FY41 ESG budget as follows:

<u>Increase Revenue</u>	<u>Increase Expense</u>
\$76,130.13 CG44910 (Fed Aid – ESG)	\$76,130.13 CG6142.533999.CGY41 (Sunset)

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: August 17, 2016

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

Introduced by Committee: Finance

**RESOLUTION**

*entitled*

A RESOLUTION AUTHORIZING THE MAYOR  
TO ENTER INTO AN AGREEMENT FOR  
CHANGE ORDER NO. 4 WITH LECHASE  
CONSTRUCTION REGARDING THE BAF  
FACILITY DEMOLITION

WHEREAS, the City of Binghamton contracted with LeChase Construction for the BAF Facility Demolition Project; and

WHEREAS, the contract amount needs to be adjusted due to additional concrete demolition of the DN Cell Concrete Topping removal, Concrete and Backfill removal within the Secant Area, Pile and Concrete Mud Mat removal; and

WHEREAS, the additional demolitions were unforeseen site conditions that were not shown on any existing as-built site plan, 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 change order no. 4, approved as to form and content by the Office of Corporation Counsel, with LeChase Construction for unforeseen concrete demolitions on the BAF Facility Demolition Project for a total adjusted amount of \$822,237, and that funding for such services shall be deducted from budget line HX8150.500200.J11NN (Construction Services-Non-Flood).

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: August 17, 2016

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

Introduced by Committee: Finance

**RESOLUTION**

*entitled*

A RESOLUTION AUTHORIZING THE MAYOR  
TO ENTER INTO SUPPLEMENTAL  
AGREEMENT NO. 3 WITH SHUMAKER  
ENGINEERING ON THE FRONT ST  
RECONSTRUCTION AT CLINTON ST  
PROJECT, PIN 9752.74 FOR ADDITIONAL  
CONSTRUCTION INSPECTION TIME

WHEREAS, the Council of the City of Binghamton adopted Permanent Resolution 14-028 on May 7, 2014, for Shumaker Engineers to provide construction inspection services for the Front Street Reconstruction at Clinton Street Project (PIN 9752.74); and

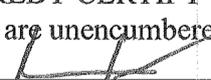
WHEREAS, the Council of the City of Binghamton adopted Permanent Resolution 14-084 on December 17, 2014, and Permanent Resolution 15-86 on August 19, 2015, for Shumaker Engineers to provide additional construction services and inspections; and

WHEREAS, the City Engineer has recommended that the City enter into Supplemental Agreement No. 3 with Shumaker Engineering for additional construction inspection time at a cost of \$12,364 and that funding is available for this purpose which is 100% reimbursable.

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 and directed to enter into Supplemental Agreement No. 3, approved as to form and content by the Office of Corporation Counsel, with Shumaker Engineers for additional construction inspection time at a cost of \$12,364 and that and that funds for this purpose shall be deducted from budget line H5120.525023.51809 (Front St. Reconstruction at Clinton Street) which is 100% reimbursable.

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

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

Legal Counsel Approval 

RL 16-161

Introductory No. R16-86

Permanent No. \_\_\_\_\_



THE COUNCIL OF THE CITY OF BINGHAMTON  
STATE OF NEW YORK

Date: August 17, 2016

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

Introduced by Committee: Public Works/Parks

RESOLUTION

*entitled*

A RESOLUTION TO ENTER INTO AN  
AGREEMENT WITH GHD CONSULTING  
SERVICES, INC., FOR THE DESIGN OF A  
SLUDGE EXTRACTION SYSTEM AT THE  
BINGHAMTON WATER TREATMENT PLANT

WHEREAS, the City of Binghamton wishes enter into an agreement with GHD Consulting Services, Inc., for design of a Sludge Extraction System at the Binghamton Water Treatment Plant for an amount not to exceed \$375,000, and that funding is 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 an agreement, approved as to form and content by the Office of Corporation Counsel, with GHD Consulting Services, Inc., for design of a Sludge Extraction System at the Binghamton Water Treatment Plant in the amount of \$375,000 and funds for this purpose will be decudted from budget line H8340.54410 (Water Capital, Professional Services).

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

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