



LEGISLATIVE BRANCH ■ CITY OF BINGHAMTON

Tom Scanlon, City Council President
Leighton Rogers, City Clerk

COUNCIL OF THE CITY OF BINGHAMTON

Business Meeting Minutes

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

Wednesday, January 23, 2019

I. CALL TO ORDER

The meeting was called to order by President Scanlon at 6:30pm

II. PLEDGE OF ALLEGIANCE

Led by President Scanlon

III. ROLL CALL

Present: Scaringi, Livingston, Cronce, Taylor, Papastrat, Scanlon, Matzo

Also Present: Leighton Rogers (City Clerk), Sharon Sorkin (Assist. Corporation Counsel)

IV. ACKNOWLEDGEMENTS AND RECOGNITIONS

V. REPORTS FROM COMMITTEES AND APPROVAL OF MINUTES

Approval of Minutes

Approve Minutes from January 9, 2019 Business Meeting and January 10, 2019 Special Business Meeting

Motion to Approve Minutes: Scaringi

Second: Matzo

Voice Vote: 7, 0

City Council Finance Committee: Papastrat (Chair), Scaringi, Cronce

No items to report.

City Council Planning and Community Development Committee: Matzo (Chair), Papastrat, Taylor

No items to report.

City Council Municipal and Public Affairs Committee: Scaringi (Chair), Papastrat, Taylor

No items to report.

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

No items to report.

City Council Employees Committee: Papastrat (Chair), Matzo, Livingston

No items to report.

City Council Rules and Procedures/Special Studies Committee: Matzo (Chair), Papastrat, Livingston

No items to report.

VI. APPROVAL OF APPOINTMENTS

VII. PUBLIC HEARING

VIII. SET PUBLIC HEARINGS

The Binghamton City Council and the Mayor of the City of Binghamton will hold a Public Hearing regarding the 2019 Bond Ordinance on February 6, 2019 at the regularly scheduled Business Meeting

Announcement read by Clerk Rogers



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IX. PUBLIC COMMENT/COMMUNICATION

1. Michael Vasquez (Included an attached statement into the record)

X. REVIEW OF MAYORAL VETO

XI. SECOND READING LEGISLATION

XII. FIRST READING LEGISLATION

A. PREFERRED AGENDA

Introductory Resolution 19-03. Considered in MPA: Scaringi

A Resolution Authorizing the Mayor to Enter into a Contract with Hawkins Delafield & Wood for Arbitrage Rebate and Yield Restriction Compliance Services

Motion to approve Preferred Agenda: Scaringi

Second: Matzo

Roll Call Vote: 6, 0, 1, 0

Ayes: Scaringi, Cronce, Taylor, Papastrat, Matzo, Scanlon

Abstain: Livingston

Point of Order: Scaringi consults with Corporation Counsel regarding abstentions

B. NON-PREFERRED AGENDA

Introductory Ordinance 19-12. Considered in Finance: Papastrat

An Ordinance to Amend the 2018 Police Department Budget to Increase Shift Differential Funding

Motion to approve: Papastrat

Second: Taylor

Vote: 7, 0

Introductory Ordinance 19-13. Considered in Finance: Papastrat

An Ordinance Amending the 2019 Finance Budget to Provide a Responsibility Adjustment to Compensate for Training the City Treasurer

Motion to approve: Papastrat

Second: Taylor

Vote: 7, 0

Introductory Ordinance 19-14. Considered in Finance: Papastrat

An Ordinance to Amend the 2018 Refuse Disposal Budget to Increase the Retirement Fund

Motion to approve: Papastrat

Second: Taylor

Vote: 7, 0

Introductory Resolution 19-04. Considered in Finance: Papastrat

A Resolution Authorizing the Mayor to Enter into an Agreement with Bonadio CPA for Auditing Services



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Motion to approve: Papastrat

Second: Taylor

Vote: 7, 0

Discussion: Taylor, Scaringi

XIII. COMMUNICATIONS FROM COUNCIL MEMBERS

Livingston, Cronce, Taylor, Papastrat, Matzo, Scaringi, Scanlon

XIV. ADJOURNMENT

Motion to Adjourn: Matzo

Second: Scaringi

Voice Vote: 7, 0

Time: 7:08pm

Good evening, I am Michael Vasquez, a homeowner and business owner in Binghamton.

Members of the City Council, and to the public watching on video, thank you for hearing me today.

I want to speak about something that I heard when I attended the Jan. 9th City Council meeting. It was in that meeting that I heard the goal of transparency being used in ways that are both not transparent and ethically challenged.

First, I am aware of the efforts of most of City Council to expand the transparency of government and access to the public for some time now. I understand that to accomplish this goal properly, in a non-partisan manner, to the benefit of the public requires planning and oversight. For this I commend City Council.

But that was not the case on Jan. 9th. It was revealed that at least one meeting was secretly recorded. Obviously an ethical dilemma and subverting the goal of transparency. It also eroded any trust the public can have about efforts of transparency being claimed by some.

Case in point, we cannot allow a single individual to have sole access to recordings - containing unknown video - to be edited and disseminated to the public at the discretion of only one individual. How can we know exactly what is being recorded? How do we know who has access to any raw video? How can the public be assured that any raw video or audio won't be used in a partisan manner, and at the detriment of the public?

Where is the oversight? Unless I am mistaken, and I am no lawyer, the video that was released under dubious circumstances of the Jan. 7th meeting contains material that could be considered private - which means there is a legal liability. Does that fall on a lone City Councilman? Could the City of Binghamton be sued? Who approved of this? To my knowledge no one.

Let me ask, as the process continues at this very moment, who has control of the camera? How do I know the public will hear what is being said - every time and at every meeting? When will the recordings be made public? At the discretion, desire, and free time of a lone Councilman?

Again I ask, who has access to the raw video? Who has access and control of the YouTube channel that thus far has distributed video to the public. A channel that denies transparency as it does not name who owns it, nor who has control. A channel that by its title is focused on City Council, but in its actions has displayed a tendency for both partisanship and promotion of a lone City Council member. Which is a disservice to all the members and the hard work they do.

Let me ask, who is responsible for distributing copies of public meetings to the public - if say they do not have access to the internet or want a different format? Who will cover the cost of that distribution? Who has legal liability? What happens if this YouTube page, under dubious control, seeks to monetize what should be free to the public? Does anyone know if that has already been done? What safeguard guarantees it won't be done in the future?

The word of any one Councilmember is not enough. Especially if that word is questionable, as ethical challenges - created with the best of intentions no doubt - have violated NY Public Officer Law Code of Ethics 74.3 (h).

I know this must be embarrassing, but better that than a lawsuit against an individual or the City - and thus taxpayers - just to save the red face of a politician or Party. We must view this in a larger, and absolutely clear, picture that assures every member of the public of transparency. In doing that, we also promote the trust of elected officials that they are not being used or entrapped, or violated, even by accident. Thus they will be able to act in the best interest of the public without unnecessary partisan chest-beating for votes in the next election.

Let me suggest this, there needs to be a committee that is created on transparency. That committee, under advisement of the legal counsel, should take possession of all raw video immediately. Any YouTube web page, and other social media, not created by the committee needs to be expunged and replaced with authorized pages - to instill confidence in the public of bipartisanship and firm lawful control.

A structure for receiving requests for non-internet based copies of meetings must be determined - including the cost of such process. This can then be noted publicly with absolute clarity.

Individuals to upload approved information and monitor social media, on a publicly denoted timetable, must be either assigned from City Council members; or, based on the potential of such time requirements from my experience, another individual must be authorized to do this. Costs must be publicly disclosed as well.

There is far more that I could say to this, but there is not time. I also realize that almost every member of City Council is already aware and engaged in addressing these and many other concerns. I am sure that since the events of Jan. 7th, all members have taken the opportunity to speak with other members and their leadership to be brought up to speed - making my comments redundant, but still necessary.

I hope that this will be taken in the manner it is meant. That for the benefit of the public, and transparency, there must be unified action with clearly defined oversight. Without this, there will be confusion, political based turmoil, and a loss of public trust which benefits no one.

I thank you for hearing me today.

A handwritten signature in black ink, appearing to be 'Tommy' followed by a long horizontal flourish.

1/23/19