



# LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Hadassah Mativetsky, City Council President

Sarah Dinhofer, City Clerk

## CITY COUNCIL WORK SESSION MINUTES

City Hall, 38 Hawley St, Binghamton

6pm Monday, May 6, 2024

Called to order at 6:05PM by President Mativetsky

Present: Porter, Middleton, Cavanaugh, Hotchkiss, Mativetsky, Kosty, Dundon

Also Present: Sarah Dinhofer (City Clerk), Sophie Bergman (Corporation Counsel)

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

*Abbreviations: CM – Council Member RL – Request for Legislation RFP – Request for Proposal RFQ – Request for Quote*

Time	Committee	Chair	RL/Topic	Pages	Presenter
6:00pm	Municipal and Public Affairs	Kinya Middleton	<p><b>RL24-91</b> A Resolution to amend City Charter Chapter 45: Binghamton Human Rights Law to include “unhoused status” as a protected class</p> <ul style="list-style-type: none"> <li>Rathmell: In 2022, DSS helped 2342 individuals and 439 families (2,781 households) access emergency shelter in County. DSS reported needing to increase hotel/motel beds from 226 → 296 in 2023. DSS contracts with 10 hotels, 5 in Binghamton. Other emergency shelters run by YWCA/YMCA/VFA. Additional 68 individuals experiencing homelessness without shelter as of January 2024. Data represents 19% increase overall since 2020 and 72% increase among families with children. Discrimination has been reported in all types of actions outlined in chapter: medical care, employment, housing, education, etc. Law would explicitly create protections in cases of limited access/forced displacement</li> <li>CM Middleton: Asks about unhoused data in Binghamton; Rathmell replies data from School</li> </ul>	1-5	Rebecca Rathmell



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District reflects 831 school-aged children experiencing homelessness

- CM Kosty: Asks if law would mean police would have no authority to make individuals leave encampments in parks; Rathmell replies no -- rights would only apply in the same manner as for any other person, not supersede any existing Parks & Rec/ Zoning/ Housing/ Property Maintenance provisions. Rathmell adds that amendment does not establish an unrestrained right for unhoused persons to sleep anywhere they choose nor does it require jurisdictions to cede all public spaces to unhoused persons, only references discrimination
- CM Hotchkiss: Asks about methods of enforcement; Rathmell replies cases would likely go to County Supreme Court
- CM Porter: Asks about potential effects on squatters; Rathmell reiterates that this would not supersede any existing tenant/landlord laws
- CM Middleton: Clarifies that encampments are illegal regardless of individual; Rathmell agrees and adds that priority is for 4<sup>th</sup> amendment right to be protected (against warrantless search and seizure)
- CM Kosty: Asks if bill would encourage other unhoused individuals to come to



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			Binghamton; Rathmell responds that currently over 90% of unhoused are from Binghamton area, driving force of housing crisis is not external		
6:05pm	Finance	Robert Cavanaugh	<p><b>RL24-87</b> An Ordinance to modify Ordinances 22-14 and 22-62</p> <ul style="list-style-type: none"> <li>• Motion to move agenda item to 6:40 time slot in agenda: Cavanaugh <ul style="list-style-type: none"> <li>○ Second: Middleton</li> <li>○ All in Favor</li> </ul> </li> </ul>	6-11	Chuck Shager
6:10pm	Public Works and Parks	Michael Dundon	<p><b>RL24-88</b> A Resolution authorizing the Mayor to enter into an agreement with NYSDOT for Route 11 Wall Replacement Project D265276*</p> <ul style="list-style-type: none"> <li>• Lake: Located at upper Court St just before Kirkwood; DOT is building wall, will supply all materials, asking City to pay for electrical cost</li> <li>• CM Cavanaugh: Asks who will be responsible if something breaks; Lake responds repairs are included in estimate by DOT</li> <li>• Motion to expedite: Dundon <ul style="list-style-type: none"> <li>○ Second: Middleton</li> <li>○ Vote: 7-0-0-0</li> </ul> </li> </ul>	12-37	Ron Lake
6:15pm	Municipal and Public Affairs	Kinya Middleton	<p><b>RL24-85</b> A Resolution to accept funding from the Office of the District Attorney's Traffic Diversion Program not to exceed \$66,000 for the installation of cameras to enhance public safety</p> <ul style="list-style-type: none"> <li>• Heiman: Funding comes from DA's office through diversion program for minor traffic infractions</li> <li>• CM Middleton: Asks which area would receive cameras; Wood</li> </ul>	38-40	Megan Heiman, Investigator Brian Wood



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			<p>responds [robably West side and north side, based on GIS reports</p> <ul style="list-style-type: none"> <li>• CM Mativetsky: Asks how many are currently in use; Wood responds about 20</li> <li>• CM Mativetsky: Asks how cameras are used in crime prevention; Wood responds as a deterrent for crime and to provide view of motor vehicle accidents/shootings</li> <li>• CM Hotchkiss: Asks how many cameras City would be able to purchase; Wood responds unsure until quote comes in</li> <li>• CM Dundon: Requests estimate of camera quantity; Heiman agrees</li> <li>• CM Mativetsky: Asks if grant in future would allow for other types of uses for funding; Heiman replies yes, but DA's office has chosen this particular use this year. Grant opportunities through program happen annually</li> </ul>		
6:20pm	Municipal and Public Affairs	Kinya Middleton	<p><b>RL24-92</b> CDAC Presentation to City Council and Mayor's Office FY50 approved and voted on CDAC budget</p> <ul style="list-style-type: none"> <li>• MacGregor: States that CDAC is made up of community members from each Council District; spent last 9 months communicating between stakeholders to determine budget. Carson and MacGregor explain breakdown of each piece of CDAC proposed budget to Council and accompanying HUD guidelines. MacGregor further states that all requests were accommodated as much as possible</li> </ul>	41-48	Stephen Carson Justin MacGregor



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			<ul style="list-style-type: none"><li>• CM Middleton: Asks what happens if a grant goes fully or partially unused; Carson replies funds may still be used on human services</li><li>• CM Cavanaugh: Asks if there are any big changes in funding from previous years; MacGregor answers Catholic Charity teen program received less due to new definition of emergency services. Adds that Triple City Maker's Space received award for first time and some police lines no longer funded at Mayor's request</li><li>• CM Cavanaugh: Asks about large AVRE façade allocation; MacGregor answers part of outside area/wall collapsing over area designated for vision training for blind individuals</li><li>• CM Dundon: Asks about unallocated CHDO funds; Carson replies hoping to bundle leftover funds for ultra-low income scatter-site project</li><li>• CM Middleton: Asks if Southern Door Land Trust would be able to apply for project during RFP; Carson says yes if properly qualified</li><li>• MacGregor: Rathmell as a new Committee member has been very helpful – datasets and suggestions have been highly informative</li><li>• Hotchkiss: Asks about process to determine which streets are being re-paved; MacGregor answers that narrow requirements in combination with allocation total</li></ul>		
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			are used; Carson adds DPW has an annual list of streets for repaving		
6:25pm	Planning	Nate Hotchkiss	<p><b>RL24-89</b> An ordinance to rescind a portion of Permanent Ordinance O6-46*</p> <ul style="list-style-type: none"> <li>• Bergman: States request was received from attorney representing property owner of 154 Murray St. in order to enable sale due to deed restriction placed on dwelling by City</li> <li>• Motion to expedite: Dundon               <ul style="list-style-type: none"> <li>○ Second: Cavanaugh</li> <li>○ Vote: 7-0-0-0</li> </ul> </li> </ul>	49-55	Sophie Bergman
6:30pm	Planning	Nate Hotchkiss	<p><b>RL 24-90</b> An ordinance to rescind a portion of Permanent Ordinance O23-155*</p> <ul style="list-style-type: none"> <li>• Bergman: Looking to rescind portion of previous ordinance which requires merger of parcels on Charles St for clarity and ease</li> <li>• Motion to expedite: Dundon               <ul style="list-style-type: none"> <li>○ Second: Cavanaugh</li> <li>○ Vote: 7-0-0-0</li> </ul> </li> </ul>	56-59	Sophie Bergman
6:35pm	Rules and Procedures/ Special Studies	Nate Hotchkiss	<p><b>RL24-93</b> An Ordinance to amend Charter Chapter 307-35 for vending hours</p> <ul style="list-style-type: none"> <li>• CM Hotchkiss: States issue was brought to his attention as a pushcart vendor submitted application to Clerk's office, but found that legally allowable hours of operation (9AM-9PM) stopped business from becoming viable. Vendor had been counting on late night business in order to reach profitability. CM Hotchkiss adds that City does not have food card scene due to restrictiveness of permits and push back from brick-and-mortar restaurants, wants to</li> </ul>	60-61	Nate Hotchkiss



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			<p>modernize and allow breakfast/late night options</p> <ul style="list-style-type: none"> <li>• CM Cavanaugh: Notes that there are only 6 current locations for carts and all are Downtown in commercial areas, adds that carts on private property have a much easier time in comparison, also believes current rules to be too restrictive</li> <li>• CM Hotchkiss: States willingness to hear feedback from brick-and-mortars for potential future adjustments. Adds that increased push carts would create more vibrancy in City as well as create opportunity for upward mobility for startups within food sector</li> <li>• CM Kosty: Thanks CM Hotchkiss for bringing bill to Council, appreciates less government regulations</li> </ul>		
6:40pm	Finance	Robert Cavanaugh	<p>Presentation of quarterly financials and ARPA funding</p> <ul style="list-style-type: none"> <li>• Shager: Provided budget sheet just before meeting, reviews sheet categories</li> <li>• CM Middleton: Comments that ARPA money seems to have been used to fix problems and holes in budget versus outlined goals for COVID relief such as affordable housing; Shager replies funding allowed paying more in premiums in exchange for 0% increase in wages for union members, helpful for whole City</li> <li>• CM Dundon: Requests breakdown of 16 “Personal Services” lines; Shager agrees</li> </ul>	N/A	Chuck Shager



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			<ul style="list-style-type: none"> <li>• Shager: States about \$301k remaining to be allocated</li> <li>• CM Hotchkiss: Asks if other unspent funds could be clawed back; Shager answers highly dependent on daily spending as purchase orders move through City</li> <li>• CM Middleton: Comments that it is scary not to have current and consistent accounting as Councilmember making budget decisions; Shager responds unspent funds are current and accurate, but reports are only snapshot</li> <li>• Shager: States General Fund has collected about 50% of revenue for year, majority received through Broome County property taxes; next 2 big items will be state aid fund and sales tax</li> </ul>		
6:45pm			<p>Discussion about Occupancy Tax</p> <ul style="list-style-type: none"> <li>• Kraham: States that cost to City about \$735k/yr to own Stadium. In past, NYS Sen. Webb has helped to secure grants. Kraham believes local taxpayers paying unfair burden; occupancy tax is commonly used in other cities for similar purposes. County's occupancy tax raised over \$600k in revenue in 2023. Hopes revenue from tourists will prevent tax raises to residents</li> <li>• CM Mativetsky: Notes that Council is not being locked into funding stadium by taking first step; allocation for revenue is still to be decided. Decision needs to be</li> </ul>	62-63	Jared Kraham





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made on percentage taxed and length of term for tax. Next opportunity to consider tax would not be until next year

- CM Middleton: Asks if other allocation sources were considered such as public transportation; Kraham replies stadium makes sense due to tourism dollars, can be used to offset current and existing cost, tax and stadium costs match closely
- CM Mativetsky: Notes that if ARPA funds hadn't been available, a large tax increase would've been necessary earlier
- CM Dundon: Asks if occupancy tax dollars exceed stadium expenses, where extra money would go; Kraham answers necessary to work with Corporation Counsel to create clear language, could go anywhere that isn't creating new expense
- CM Hotchkiss: Asks how long tax has been considered; Kraham answers met with Council President and Finance Chair 6 weeks ago, was also considered in previous years. Hotchkiss asks what County uses tax for; Kraham responds multiple allocations including small community grants and Visit Binghamton. Hotchkiss asks if other municipalities use tax for stadiums; Kraham responds wide range of uses available. CM Hotchkiss notes preference that stadium would be self-sustaining



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			<ul style="list-style-type: none"> <li>• CM Porter: Asks why tax being considered now; Kraham answers came up during conversations about ongoing stadium improvements and capital bonds</li> <li>• CM Kosty: Notes logical to use extra revenue as debt servicing vs. covering new expense</li> <li>• Motion to assign number RL24-94 requesting members of the state legislature to authorize City Council to create occupancy tax and amend agenda to reflect: Cavanaugh             <ul style="list-style-type: none"> <li>○ Second: Kosty</li> <li>○ Vote: 6-1-0-0</li> <li>○ Nay: Hotchkiss</li> </ul> </li> <li>• Motion to expedite: Cavanaugh             <ul style="list-style-type: none"> <li>○ Second: Kosty</li> <li>○ Vote: 4-3-0-0</li> </ul> </li> <li>• Nay: Porter, Middleton, Hotchkiss</li> </ul>		
6:50pm			<p>Update on lawsuits (<b>EXECUTIVE SESSION</b>)</p> <ul style="list-style-type: none"> <li>• Motion to enter executive session: Kosty             <ul style="list-style-type: none"> <li>○ Second: Hotchkiss</li> <li>○ Vote: 7-0-0-0-0</li> </ul> </li> <li>• Motion to exit executive session: Porter             <ul style="list-style-type: none"> <li>○ Second: Dundon</li> <li>○ Vote: 7-0-0-0</li> </ul> </li> </ul>	N/A	Sophie Bergman

Adjourned at 9:24PM: Cavanaugh

Second: Porter

All in Favor