



# LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

*Hadassah Mativetsky, City Council President*

*Sarah Dinhofer, City Clerk*

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## COUNCIL OF THE CITY OF BINGHAMTON

### Business Meeting Agenda

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

6:00 PM Thursday, August 1, 2024

#### I. CALL TO ORDER

At 6:02PM by President Mativetsky

#### II. PLEDGE OF ALLEGIANCE

Led by President Mativetsky

#### III. ROLL CALL

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

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

#### IV. ACKNOWLEDGEMENTS AND RECOGNITIONS

#### V. REPORTS FROM COMMITTEES AND APPROVAL OF MINUTES

1. Approval of Business Meeting Minutes from 7/24/2024
  - a. Motion to approve: Dundon
  - b. Second: Porter
  - c. All in Favor

#### VI. APPROVAL OF APPOINTMENTS

#### VII. PUBLIC HEARING

#### VIII. SET PUBLIC HEARINGS

#### IX. PUBLIC COMMENT

Residents wishing to submit public comment may do so electronically by emailing their comments prior to 1:00PM on the day of the meeting to [clerk@cityofbinghamton.gov](mailto:clerk@cityofbinghamton.gov) or in-person during the meeting.

- Teri Renna, Binghamton Resident: Here to discuss proposed referendum for Human Rights Commission. Sat on Council that originally passed Human Rights Commission. Original Commission's intent was to advise on legislation and as resource for residents, believes that a disagreement around legislation led to demise of Commission. Points out that City has many boards/commissions (i.e. Traffic, Conservation, CDAC, etc.) which serve in advisory roles because Councilmembers cannot attend every meeting considering many other responsibilities. Hopes to see referendum on ballot in November, particularly considering stated priority of City to seek resident input.



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- Aviva Friedman, Binghamton Resident: Used to represent City Council in District 4, tried to reinstate HRC. Notes that HRC has been on books, but held empty for many years – making clear that appointment process is broken. Spoke to NYS Division of Human Rights Commissioner previously, was told that local commissions are helpful for that state process. Enforcement comes from state level, but when complaints can be addressed locally, load is taken off of state system -- NYS is happy to help form them for that reason. Believes Mayor's opposition to HRC to be vindictive, as law is common sense.

*\*Comments submitted via email are appended at end of minutes.*

## X. REVIEW OF MAYORAL VETO

### **Local Law LL24-02. Municipal and Public Affairs: Middleton**

A Local Law to amend City of Binghamton Charter Chapter 45A, Binghamton Human Rights Commission

Motion to override veto: Dundon

Second: Porter

Discussion: CM Hotchkiss comments it is critical protect human rights; states support of legislation. CM Porter states support of legislation, believes it is needed – notes it is only “inefficient and ineffective” as stated by Mayor because administration made it that way. CM Dundon comments that Council was elected by City's residents and the City's residents have a right to decide whether it is needed. CM Cavanaugh states belief that commission would help to facilitate complaints and act as resource. Notes that local government has a role to play in larger process. CM Mativetsky notes that City does not currently have a process to bring complaints and comments by residents. Retells story of resident who alleged discrimination at work related to disability. Considers the previous change to appointment process “underhanded” and “political cowardice” rather than removal of commission as a whole. Encourages Mayor to pass along any ideas to improve HRC through legislation following passage.

Vote: 5-1-0-1

Nay: Kosty

Absent: Middleton

## XI. SECOND READING LEGISLATION

### **Introductory Ordinance O24-59. Rules and Procedures: Hotchkiss**

An Ordinance to amend the Code of Binghamton, Chapter 307

Motion: Hotchkiss

Second: Dundon

Discussion: CM Hotchkiss explains that legislation will create renewal period during first two weeks of year for previous permit holders, followed by rolling deadline for remainder of year. Legislation would allow existing businesses to maintain customers while allowing for year-long application process to be open

Vote: 6-0-0-1

Absent: Middleton

## XII. FIRST READING LEGISLATION – PREFERRED AGENDA



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### **XIII. OTHER FIRST READING LEGISLATION**

#### **Introductory Ordinance O24-62. Rules and Procedures: Hotchkiss**

An Ordinance to amend the City Code Section 26(6) to align with Open Meetings Law

Motion: Hotchkiss

Second: Porter

Discussion: CM Hotchkiss explains that intent of legislation is to accommodate potential technical errors and other extraneous situations. CM Cavanaugh comments general support of 24-hour deadline, however often small updates need to be made after that deadline – believes the most transparent solution is to state reasoning to public throughout process. CM Hotchkiss points out hypocrisy in process when compared with previous Council, which often disseminated packets to certain Councilmembers within an hour of meetings

Motion to amend language to reference Public Officer's Law Article 7: Hotchkiss

Second: Dundon

Vote: 6-0-0-1

Absent: Middleton

Vote: 4-2-0-1

Nay: Kosty, Mativetsky

Absent: Middleton

### **XIV. COMMUNICATIONS FROM COUNCIL MEMBERS**

CM Hotchkiss: Thanks everyone for supporting HRC legislation; will be positive for City

CM Kosty: N/A

CM Dundon: Congratulates Council for 2<sup>nd</sup> time overriding mayoral veto, thanks colleagues for standing together to represent residents

CM Porter: Hopeful following meeting, thanks colleagues

CM Cavanaugh: Congratulates new class of firefighters, thanks them for their service

CM Mativetsky: Attended firefighter graduation; speaks about emotional experience watching bagpipers.

Went to training center on South Side following graduation; watched firetruck get christened. Day prior was Southside Neighborhood Assembly picnic at Ross Park; thanks everyone who cooked. 8/11 will be last of Southside Sundays concert serious as Southside Commons: Bass & Brown and Wildcard feat. Alyssa Crosby will be performing 2-5PM. 8/2 will be First Friday art show and free admission night at Discovery Center 4-7PM

### **XV. ADJOURNMENT**

Adjourned at 6:46: Dundon

Second: Hotchkiss

All in Favor



Mayor Jared M. Kraham

## Office of the Mayor

July 25, 2024

President Hadassah Mativetsky  
Binghamton City Council  
38 Hawley St.  
Binghamton, NY 13901

President Mativetsky,

I have vetoed Local Law 24-02.

Since its inception, Binghamton's human rights law and commission have been deeply flawed in both legal reasoning and practical operation. For these reasons, and in order to manage risk to the City of Binghamton, the commission has been unfilled and inactive for years under multiple administrations. Again, this has been for the protection of city taxpayers.

Local Law 24-02 proposes to change the appointment authority of the commission but does not fix the underlying issues with the law.

Matters of human rights and complaints of discrimination should be dealt with at the state level. The New York State Division of Human Rights (NYSDHR) has experienced attorneys, staff and administrative judges to handle these complaints effectively and independently. NYSDHR is a well-funded part of state government. A local commission complicates the complaint process and opens the city up to liability, especially if a complainant is filing separate state and federal civil rights actions and limited to one filing as outlined below.

According to the New York State Division of Human Rights:

*"The laws enforced by these local commissions may be different than the State Human Rights Law and vary on a case by case basis. There may be different deadlines for filing a complaint, different standards for determining whether you are protected by these laws, and different types of relief available to victims of discrimination. Often, an individual can only file a claim of discrimination once and can be precluded from proceeding with more than one agency."*

Discrimination complaints require an independent and robust process to adjudicate claims and deliver justice. Complainants deserve that. Members of the city's collective bargaining units deserve that.

As for the commission's charge to condemn discrimination, foster understanding, alleviate tensions and promote educational programs in human rights, these issues are more effectively handled by elected officials, including City Council, collaborating with local nonprofit organizations — many of which have specific human rights missions and decades-long track records working on these matters. I regularly rely on these agencies in seeking expert guidance on challenging topics.



Mayor Jared M. Kraham

## Office of the Mayor

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The City of Binghamton should not seek to replicate all services of county, state and federal government in our own image. I have vetoed this legislation because the local human rights law and commission exceeds our scope of municipal operations. Instead of promoting human rights, the commission would end up hurting the cause by being inefficient and ineffective.

Council and I share a belief in free and fair elections, but we don't have a city-run Board of Elections. We believe in public transparency, but don't have a local Committee on Open Government. We support public transit, but do not manage a bus system. In all these cases, residents receive a higher standard of service from the level of government most suited to provide it.

Sincerely,



Jared M. Kraham  
Mayor

Dear City Council,

I am following up on an email I sent to Councilman Hotchkiss and President Mativetsky, which I forwarded to each of you this morning, to provide our input on RL 24-143: An Ordinance to amend the City Code § 26(6) D.

This legislation looks to change a critical and long-standing bipartisan practice that ensures the Mayor, critical department heads and all residents have access to legislation and the opportunity to provide input on it prior to a vote by City Council. This includes access for local journalists, who rely on the posting of agendas and legislation to the City website at least 24 hours in advance of meetings to guide and inform their reporting.

While we might be unclear on the intent of the legislation, we have serious concerns that the proposed change clashes with transparency requirements and best practices for good government, and will interfere with the public's right to know.

From a practical standpoint, there should never be a scenario in which it isn't "practicable" to have legislation available to the public 24 hours prior to a vote. We should all be working to make sure situations like the one Councilman Hotchkiss referenced at last month's work session are rare occurrences. When they do happen, it's best practice for City Council to do what's needed to ensure the public has 24 hours' notice ahead of a vote, as done last time in calling for a special meeting. Other City Councils going back years have done the same.

Members of this City Council have talked a great deal about the importance of transparency in government, and this seems like a significant step away from that, regardless of intention.

As I've said previously, I am happy to meet on this and/or attend a committee meeting if you wish to discuss further. Otherwise, I urge you not to pass this legislation.

Thank you,  
Megan Heiman  
Deputy Mayor