



Mayor Jared M. Kraham

Office of the Mayor

Aug. 12, 2024

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

President Mativetsky,

I have vetoed *Ordinance 24-62, An Ordinance to Amend the Code of the City of Binghamton, Chapter 26.*

State law and this newly drafted version of our code require these materials be posted within 24-hours of the meeting “to the extent practicable.” The prior version of the law that was recently changed by Council required that “A digital copy of every proposed Local Law, Ordinance, or Resolution shall be available to the Mayor and City of Binghamton employees at least 24 hours prior to its inclusion as first read legislation.” I support this prior language as it places a stricter burden on City government to make sure that the public, and City Hall staff and employees, are on notice of the items up for discussion by a public body.

Prior to this veto message, I reached out to get input from Council members. Part of the input I received is that there is good faith confusion as to what “the extent practicable” means legally. This deserves further discussion, as does exploring practical barriers in the posting of materials and the timeline of legislative actions.

Keeping this local strict 24-hour requirement is a good backstop against costly litigation. If City Council fails to publish its agenda and resolutions in accordance with state Open Meetings Law, it opens the City to potential litigation which could invalidate legislation. The litigation would require in-house legal resources to defend these claims or outside counsel expenses.

In sum, I don’t yet understand Council’s intent or have yet to hear a reasonable argument that requires this change. When dealing with matters of open government, we should err on the side of greater transparency and notice unless there is a compelling argument against it.

Sincerely,

Jared M. Kraham
Mayor

SB



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

Date: August 1, 2024

Sponsored by Council Members: Hotchkiss, Porter, Dundon, Cavanaugh, Middleton

Introduced by Committee: Rules and Procedures/Special Studies

ORDINANCE

entitled

AN ORDINANCE TO AMEND THE CODE OF
THE CITY OF BINGHAMTON, CHAPTER 26

WHEREAS, City Council has recommended that the Code of the City of Binghamton, Chapter 26, *City Council, §26-6 Legislative procedure for drafting of local laws, ordinances and resolutions* be amended; and

WHEREAS, City Council wishes to amend the Code of the City of Binghamton accordingly.

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

Section 1: Chapter 26, *City Council, §26-6 Legislative procedure for drafting of local laws, ordinances and resolutions*, Subsection D, be amended as follows:

D. A digital copy of every proposed Local Law, Ordinance, or Resolution shall be available to the Mayor and City of Binghamton employees to the extent practicable and in accordance with Public Officers Law, Article 7 (Open Meetings Law) at least 24 hours prior to its inclusion as first read legislation.

Section 2. That this ordinance shall take effect immediately.

Introductory No. 024-62

Permanent No. 024-62

Sponsored by City Council Members: Hotchkiss, Porter, Dundon, Cavanaugh, Middleton

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF BINGHAMTON, CHAPTER 26

The within Ordinance was adopted by the Council of the City of Binghamton.

Date 8/11/24

City Clerk [Signature]

Date Presented to Mayor 8/21/24

Date Approved _____

Mayor [Signature]

VETO

	Ayes	Nays	Abstain	Absent
Councilmember Porter	✓			
Councilmember Middleton				✓
Councilmember Cavanaugh	✓			
Councilmember Hotchkiss	✓			
Councilmember Mativetsky		✓		
Councilmember Kosty		✓		
Councilmember Dundon	✓			
Total	4	2	0	1

Code of the City of Binghamton

Adopted Defeated

4 Ayes 2 Nays 0 Abstain 1 Absent

I hereby certify the above to be a true copy of the legislation adopted by the Council of the City of Binghamton at a meeting held on 8/11/24. Approved by the Mayor on _____.



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

Date: August 21, 2024

Sponsored by Council Members: Cavanaugh, Kosty, Hotchkiss, Dundon, Mativetsky

Introduced by Committee: Finance

ORDINANCE

entitled

**AN ORDINANCE TO AMEND THE 2024 BJCSTF
BUDGET**

WHEREAS, the City of Binghamton (the “City”) is a joint owner of the Binghamton-Johnson City Joint Sewage Treatment Facilities (the “BJCJSTF”) with the Village of Johnson City (the “Village”); and

WHEREAS, the BJCJSTF is operated and maintained by the Binghamton-Johnson City Joint Sewage Board (the “JSB”) under a series of inter-municipal agreements between the City and the Village; and

WHEREAS, the Council of the City and the Board of Trustees of the Village approve the BJCJSTF budget; and

WHEREAS, the Comptroller of the City of Binghamton finds it proper and necessary to amend the 2024 BJCSB budget for necessary emergency repairs at the BJCSTF; and

WHEREAS, the owners must approve a transfer through legislation; and

WHEREAS, the budget transfer was approved by the Board of Estimate and Apportionment on August 21, 2024.

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 establish budget line ES8130.52022 (BAF FIBER OPTIC) in the 2024 BJCSB budget.

Section 2. That the Comptroller and Treasurer of the City of Binghamton are hereby authorized and directed to amend the 2024 BJCSB budget as follows:

<u>Transfer from:</u>	<u>Transfer to:</u>
\$90,000 ES8130.54150 (CHEMICALS)	\$90,000 ES8130.52022 (BAF FIBER OPTIC)
\$90,000	\$90,000

Section 2. That this ordinance shall take effect immediately.

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

Charles Robinson, Comptroller

Introductory No. O24-67

Permanent No. _____

Sponsored by City Council Members: Cavanaugh,
Kosty, Hotchkiss, Dundon, Mativetsky

AN ORDINANCE TO AMEND THE 2024
BJCSTF BUDGET

The within Ordinance was adopted by the Council of
the City of Binghamton.

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Councilmember Porter				
Councilmember Middleton				
Councilmember Cavanaugh				
Councilmember Hotchkiss				
Councilmember Mativetsky				
Councilmember Kosty				
Councilmember Dundon				
Total				

Code of the City of Binghamton

Adopted Defeated

____ Ayes ____ Nays ____ Abstain ____ Absent

I hereby certify the above to be a true
copy of the legislation adopted by the
Council of the City of Binghamton at a
meeting held on _____. Approved
by the Mayor on _____.



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

Date: August 21, 2024

Sponsored by Council Members: Cavanaugh, Kosty, Dundon, Hotchkiss, Mativetsky

Introduced by Committee: Employees

ORDINANCE
entitled

**AN ORDINANCE AUTHORIZING A TITLE
CHANGE IN THE 2024 WATER AND SEWER
DEPARTMENT BUDGET**

WHEREAS, the Superintendent of the Water/Sewer Department finds it proper and necessary to change the title of one Water Plant Operator to one Water Plant Operator Trainee; and

WHEREAS, this adjustment is consistent with the existing 2024 Water/Sewer Department budget and will come out of line FX8330.51000; and

WHEREAS, this budget amendment was approved by the Board of Estimate and Apportionment on August 21, 2024.

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

Section 1. That the Comptroller and the City Treasurer of the City of Binghamton are hereby authorized and directed to amend the 2024 Water/Sewer Department budget to change the title of one Water Plant Operator to one Water Plant Operator Trainee.

Section 2. That this Ordinance shall take effect immediately.

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

Charles Robinson



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

Date: August 21, 2024

Sponsored by Council Members: Dundon, Mativetsky, Hotchkiss, Middleton

Introduced by Committee: Employees

RESOLUTION

entitled

**A RESOLUTION ADOPTING THE RECORD OF
ACTIVITIES (ROA) FOR ELECTED AND
APPOINTED OFFICIALS**

WHEREAS, the Office of the New York State Comptroller requires that the governing body establish the Standard Work Day for reporting days worked to the New York State and Local Employee's Retirement System based on the time keeping system of the record of activities ("ROA") maintained and submitted by these members not working a standard work day to the Clerk of this body; and

WHEREAS, the New York State and Local Employee's Retirement System Regulation for Reporting Time for Elected or Appointed Officials, Section 315.4, Record of Activities, (b)(5) Completion of the Standard Work Day and Reporting Resolutions, prescribes as a Standard Day for Elected or Appointed Officials equal to no fewer than six hours nor more than eight hours for each such Elected or Appointed Office or position for the purpose of calculating days worked for those who are enrolled in the New York State and Local Employee's Retirement System; and

WHEREAS, officials who begin a new or subsequent term of office are required to complete a three-month ROA and submit it to the secretary or clerk of the governing board within 30 days of completion; and

WHEREAS, a summary of the three-month ROA submitted by the City of Binghamton officials has been summarized on New York State and Local Retirement System (NYSLRS) Standard Work Day and Report Resolution Form RS 2417-A/B.

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 hereby approves the ROA as presented on Form RS 2417-A/B and authorizes the Clerk to post form RS 2417-A/B for at least 30 days on the City of Binghamton website, the bulletin board at the entrance of City Hall at 38 Hawley Street, Binghamton, NY, and at the entrance of the City Clerk's Office in accordance with the requirements of public notice established by the New York State and Local Retirement System.

Introductory No. R24-64

Permanent No. _____

Sponsored by City Council Members: Dundon,
Mativetsky, Hotchkiss, Middleton

A RESOLUTION ADOPTING THE RECORD OF
ACTIVITIES (ROA) FOR ELECTED AND
APPOINTED OFFICIALS

The within Resolution was adopted by the Council of
the City of Binghamton.

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Councilmember Porter				
Councilmember Middleton				
Councilmember Cavanaugh				
Councilmember Hotchkiss				
Councilmember Mativetsky				
Councilmember Kosty				
Councilmember Dundon				
Total				

Code of the City of Binghamton

Adopted Defeated

____ Ayes ____ Nays ____ Abstain ____ Absent

I hereby certify the above to be a true
copy of the legislation adopted by the
Council of the City of Binghamton at a
meeting held on _____. Approved
by the Mayor on _____.

Please type or print clearly
 in blue or black ink

Employer Location Code

Received Date

Standard Work Day and Reporting Resolution for Elected and Appointed Officials

RS 2417-A

(Rev. 12/23)

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

BE IT RESOLVED, that the CITY OF BINGHAMTON / 20006 hereby established the following standard work days for these titles and will report the officials to the New York State and Local Retirement based on their record of activities:

(Name of Employer) (Location Code)

Name	Social Security Number	NYSLRS ID	Title	Current Term Begin & End Dates	Standard Work Day	Record of Activities Result	Not Submitted	Pay Frequency	Tier 1
Elected Officials:									
Nathan Hotchkiss	8201	R13333221	Council member	01/01/2024-12/31/2027	7	6.18	<input type="checkbox"/>	Bimonthly	<input type="checkbox"/>
Robert Cavanaugh	4228	R13333224	Council member	01/01/2024-12/31/2027	7	5.29	<input type="checkbox"/>	Bimonthly	<input type="checkbox"/>
Hadassah Mativetsky	8814	R13333215	Council Member	01/01/2024-12/31/2027	7	6.34	<input type="checkbox"/>	Bimonthly	<input type="checkbox"/>
Appointed Officials:									
							<input type="checkbox"/>		<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>

I, Sarah Dinhofer, secretary/clerk of the governing board of the City of Binghamton, of the State of New York,

(Name of Secretary or Clerk) (Circle one) (Name of Employer)

do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 21 day of August, 2024 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Binghamton on this 21 day of August, 2024,

(Name of Employer)

(Signature of Secretary or Clerk)

Affidavit of Posting: I, Sarah Dinhofer being duly sworn, deposes and says that the posting of the Resolution began on

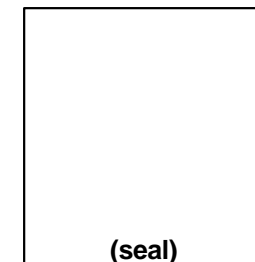
08/21/2024 and continued for at least 30 days. That the Resolution was available to the public on the:

(Date)

Employer's website at: _____

Official sign board at: _____

Main entrance Secretary or Clerk's office at: _____



(seal)

Please type or print clearly
 in blue or black ink

Employer Location Code

Received Date

Standard Work Day and Reporting Resolution for Elected and Appointed Officials

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

RS 2417-A

(Rev. 12/23)

BE IT RESOLVED, that the CITY OF BINGHAMTON / 20006 hereby established the following standard work days for these titles and will
(Name of Employer) (Location Code)

report the officials to the New York State and Local Retirement based on their record of activities:

Name	Social Security Number	NYSLRS ID	Title	Current Term Begin & End Dates	Standard Work Day	Record of Activities Result	Not Submitted	Pay Frequency	Tier 1
Elected Officials:									
Nathan Hotchkiss	8201	R13333221	Council member	01/01/2024-12/31/2027	6	6.18	<input type="checkbox"/>	Bimonthly	<input type="checkbox"/>
Robert Cavanaugh	4228	R13333224	Council member	01/01/2024-12/31/2027	6	5.29	<input type="checkbox"/>	Bimonthly	<input type="checkbox"/>
Hadassah Mativetsky	8814	R13333215	Council Member	01/01/2024-12/31/2027	6	6.34	<input type="checkbox"/>	Bimonthly	<input type="checkbox"/>
Appointed Officials:									
							<input type="checkbox"/>		<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>

I, Sarah Dinhofer, secretary/clerk of the governing board of the City of Binghamton, of the State of New York,
(Name of Secretary or Clerk) (Circle one) (Name of Employer)

do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 21 day of August, 2024 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Binghamton on this 21 day of August, 2024,
(Name of Employer)

(Signature of Secretary or Clerk)

Affidavit of Posting: I, Sarah Dinhofer being duly sworn, deposes and says that the posting of the Resolution began on

08/21/2024 and continued for at least 30 days. That the Resolution was available to the public on the:
(Date)

Employer's website at: _____

Official sign board at: _____

Main entrance Secretary or Clerk's office at: _____

(seal)



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

Date: August 21, 2024

Sponsored by Council Members: Kosty, Dundon, Cavanaugh

Introduced by Committee: Municipal and Public Affairs

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE MAYOR
TO ENTER INTO AN EXTENSION
AGREEMENT WITH BINGHAMTON CITY
SCHOOL DISTRICT FOR THREE SCHOOL
RESOURCE OFFICERS FOR THE 2024-2025
SCHOOL YEAR

WHEREAS, the City of Binghamton wishes to renew its agreements with the Binghamton City School District for three (3) School Resource Officers at the High School and Middle Schools, whereby the City agrees to provide these police officers as designated by the Chief of Police, and that the Binghamton City School District will pay the City for providing such police officers as provided in said agreement.

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

RESOLVE that the Mayor, or his designee, is hereby authorized and directed to renew an agreement, approved as to form and content by the Office of Corporation Counsel, with the Binghamton City School District for three (3) School Resource Officers for the High School and Middle Schools for school year 2024-2025.

Introductory No. R24-65

Permanent No. _____

Sponsored by City Council Members: Kosty,
Dundon, Cavanaugh

A RESOLUTION AUTHORIZING EXTENSION OF
AGREEMENT WITH BINGHAMTON CITY
SCHOOL DISTRICT FOR THREE SCHOOL
RESOURCE OFFICERS FOR THE 2024-2025
SCHOOL YEAR

The within Resolution was adopted by the Council of
the City of Binghamton.

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Councilmember Porter				
Councilmember Middleton				
Councilmember Cavanaugh				
Councilmember Hotchkiss				
Councilmember Mativetsky				
Councilmember Kosty				
Councilmember Dundon				
Total				

Code of the City of Binghamton

Adopted Defeated

____ Ayes ____ Nays ____ Abstain ____ Absent

I hereby certify the above to be a true copy of the legislation adopted by the Council of the City of Binghamton at a meeting held on _____. Approved by the Mayor on _____.



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

Date: August 21, 2024

Sponsored by Council Members: Dundon, Kosty, Cavanaugh, Mativetsky, Hotchkiss

Introduced by Committee: Public Works and Parks

RESOLUTION

entitled

**A RESOLUTION AUTHORIZING THE MAYOR
TO ACCEPT THE DONATION OF A TOWER
VIEWER FROM THE BROOME COUNTY
NATURALIST CLUB**

WHEREAS, the Broome County Naturalist Club applied for and received a grant in the amount of \$5,000 from the Klee Foundation to purchase a tower view to be installed on the 434 Greenway; and

WHEREAS, the grant from the Klee Foundation requires the approval of City Council to accept such grant; and

WHEREAS, there is no required City funding; and

WHEREAS, the Council of the City of Binghamton wishes to approve of said grant as proposed.

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

RESOLVE that City Council supports and approves of the Broome County Naturalist Club receiving said grant in the amount of \$5,000 from the Klee Foundation; and does further

RESOLVE that the Mayor, or his designee, is hereby authorized to accept the donation of a tower viewer valued at \$5,000 from the Broome County Naturalist Club.

Introductory No. R24-66

Permanent No. _____

Sponsored by City Council Members: Dundon, Kosty,
Cavanaugh, Mativetsky, Hotchkiss

A RESOLUTION AUTHORIZING THE MAYOR
TO ACCEPT THE DONATION OF A TOWER
VIEW FROM THE BROOME COUNTY
NATURALIST CLUB

The within Resolution was adopted by the Council of
the City of Binghamton.

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Councilmember Porter				
Councilmember Middleton				
Councilmember Cavanaugh				
Councilmember Hotchkiss				
Councilmember Mativetsky				
Councilmember Kosty				
Councilmember Dundon				
Total				

Code of the City of Binghamton

Adopted Defeated

____ Ayes ____ Nays ____ Abstain ____ Absent

I hereby certify the above to be a true
copy of the legislation adopted by the
Council of the City of Binghamton at a
meeting held on _____. Approved
by the Mayor on _____.