



LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Hadassah Mativetsky, City Council President

Sarah Dinhofer, City Clerk

COUNCIL OF THE CITY OF BINGHAMTON

Business Meeting Minutes

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

6:00 PM Wednesday, July 10, 2024

I. CALL TO ORDER

At 6:02PM by President Mativetsky

II. PLEDGE OF ALLEGIANCE

Led by President Mativetsky

III. ROLL CALL

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

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

Absent: Porter

IV. REPORTS FROM COMMITTEES AND APPROVAL OF MINUTES

1. Approval of Business Meeting Minutes from 6/26/2024
 - a. Motion Dundon
 - b. Second: Middleton
 - c. All in Favor
2. Approval of Special Business Meeting Minutes from 6/27/2024
 - a. Motion: Dundon
 - b. Second: Middleton
 - c. All in Favor
3. Reports from Committees and Commissions
 - a. Municipal and Public Affairs Committee: Meeting to be set for next week
 - b. Traffic Board: Tomorrow's meeting cancelled
 - c. Commission for Conservation of the Environment: Meeting tomorrow at 2:30PM

V. APPOINTMENTS

VI. SET PUBLIC HEARINGS

VII. PUBLIC HEARING

VIII. 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 or in-person during the meeting.



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- Frank Steno, Binghamton resident: Lifelong resident and Building Trades Council member -- here to speak regarding Responsible Bidder legislation, thanks Council for their hard work and due diligence working on legislation over past several months. Emphasizes the importance of best value and thorough evaluation processes to ensure taxpayers get a proper return on their investment. Notes that NYS has protections at state level in place, but local law will allow municipalities to ensure compliance
- Brandon Montane: Senior analyst at NY Foundation for Fair Contracting -- organization strongly supports and believes Responsible Bidder to be “common-sense legislation” from budgeting and ethical standpoint. Discusses the importance of common sense legislation to prevent cost overruns, worker injuries, and fatalities. Emphasizes the need for a skilled, diligent workforce and ethical considerations in public works construction. Thanks Councilmembers for sponsorship

Councilmember Porter enters at 6:08PM.

- Tarik Abdelazim, Binghamton resident: Congratulates CM Dundon on Responsible Bidder legislation to support both taxpayers and local businesses/workers, unlike with previous administration under which small group of wealthiest individuals controlled policy. Points out that accounting within legislation regarding vacancies is incomplete, as it does not take into consideration large amount of funds saved on various associated benefits. Encourages Council to seek solutions to housing crisis through support of Southern Door Community Land Trust, as other local stakeholders have done
- Josias Bartram: Director of Broome County Public Library, came to introduce himself. State that City is 2nd largest funder of library. Distributes 2023 annual report, discusses the peer support program for individuals struggling with housing, addiction and mental health, and talks about library’s produce cooler, period pantry, and diaper pantry initiatives. Invites council members to visit the library and emphasizes the library's role in providing services to the community. Clarifies that nobody is ever banned from library based on their housing status and staff are directly providing programs targeted at that group of patrons
- Marianne Kretz, Binghamton resident: Crossing guard at the corner of S Washington and Vestal Ave -- Very busy intersection, typically sees 200-300 cars in a little over an hour with pedestrians having only 8 seconds to cross. States that she nearly gets hit by a car 1x/week and saw an individual get hit by a car last week. Shares concern for children and emphasizes need for better signage or traffic light changes to prevent accidents

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

IX. SECOND READING LEGISLATION

Local Law LL24-03. Public Works and Parks: Dundon

A Local Law establishing Responsible Bidder Requirements

Motion: Dundon

Second: Hotchkiss



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Discussion: CM Dundon agrees with speakers that this is common-sense legislation. Emphasizes the importance of local taxpayers, workers, and the local economy benefiting from this legislation. Points out previous cost overruns due to misclassification and at Sewage Treatment Plant. CM Hotchkiss acknowledges work of CM Dundon and praises benefit to City. CM Middleton thanks CM Dundon for dedication to passage of bill, hopes to prevent future cost overruns, such as with tennis courts at Rec Park

Vote: 7-0-0-0

Introductory Ordinance O24-35. Planning: Hotchkiss

An Ordinance authorizing sale of 41 Clinton to Trout Brook Housing Development Fund Corporation

Motion: Hotchkiss

Second: Dundon

Motion to amend language to state Trout Brook: Dundon

Second: Porter

Vote: 7-0-0-0

Vote: 7-0-0-0

Introductory Ordinance O24-47. Finance: Cavanaugh

An Ordinance to amend the 2024 General Fund budget to account for vacancies

Motion: Cavanaugh

Second: Kosty

Discussion: CM Dundon agrees with speaker that full accounting of benefits associated with vacancies should be supplied

Vote: 5-2-0-0

Nay: Porter, Middleton

Introductory Resolution R24-45. Rules and Procedures: Hotchkiss

A Resolution demanding the Mayor enact the Attorney General's recommendations regarding January 2023 incident

Motion: Hotchkiss

Second: Porter

Motion to refer back to committee: Kosty

Second: Dundon

Discussion: CM Kosty notes concern with potential liability on behalf of City considering ongoing court case. CM Porter disagrees with motion; believes something must be done. CM Dundon notes that Council cannot compel Mayor into action. CM Hotchkiss responds that current trial is not related to recommendations made by Attorney General.

Motion for 10-minute recess: Middleton

Second: Dundon

Vote: 7-0-0-0

Discussion: CM Hotchkiss states that legislation cannot be referred back to committee due to receiving adequate number of sign-outs and already being held over once. CM Cavanaugh states that Council does have a role in responding to recommendations, but would prefer to wait until Mayor has completed his response. CM Hotchkiss notes that Attorney General's office rarely offers recommendations on such cases; only weighed in due to community's repeated advocacy and Council should honor community's wishes

Vote: 3-4-0-0

Nay: Cavanaugh, Dundon, Kosty, Mativetsky



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Introductory Resolution R24-47. Public Works and Parks: Dundon

A Resolution authorizing agreement with WPD

Motion: Dundon

Second: Kosty

Vote: 7-0-0-0

X. FIRST READING LEGISLATION

Introductory Ordinance O24-54. Employees: Porter

An Ordinance to amend BJCSB budget to fund one Operator

Motion: Porter

Second: Middleton

Vote: 7-0-0-0

Introductory Ordinance O24-55. Finance: Cavanaugh

An Ordinance to amend BJCSB budget to accept Comp Alliance Award

Motion: Cavanaugh

Second: Dundon

Vote: 7-0-0-0

Introductory Ordinance O24-56. Rules and Procedures: Hotchkiss

An Ordinance to allow CCE Chair to appoint city residents to committees

Motion: Hotchkiss

Second: Middleton

Discussion: CM Hotchkiss notes that this change in legislation is intended to allow more members of the public to engage in City decisions. CM Cavanaugh adds that this legislation could be a positive model for other boards/commissions

Vote: 7-0-0-0

Introductory Ordinance O24-57. Employees: Porter

An Ordinance to amend 2024 Parks budget for Acting Parks Commissioner

Motion: Porter

Second: Dundon

Discussion: CM Hotchkiss comments that various positions within City are currently classified as "Acting", encourages seeking permanent replacements for these positions

Vote: 7-0-0-0

Introductory Ordinance O24-58. Employees: Porter

An Ordinance to amend 2024 Police budget for Senior Clerk

Motion: Porter

Second: Kosty

Discussion: CM Hotchkiss acknowledges that Civil Service Exam is often a barrier; would like to see preparatory work made available for employees in advance of testing

Vote: 6-1-0-0



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Nay: Porter

Introductory Resolution R24-54. Public Works and Parks: Dundon

A Resolution to authorize Supplemental Agreement No. 4 with Barton and Loguidice for DECO

Motion: Dundon

Second: Kosty

Vote: 7-0-0-0

Introductory Resolution R24-55. Public Works and Parks: Dundon

A Resolution to authorize agreement with Barton and Loguidice for Ball Avenue Outfall

Motion: Dundon

Second: Middleton

Vote: 7-0-0-0

Introductory Resolution R24-56. Public Works and Parks: Dundon

A Resolution to authorize agreement with HUNT for Tompkins Street Pump Station

Motion: Dundon

Second: Kosty

Vote: 7-0-0-0

Introductory Resolution R24-57. Public Works and Parks: Dundon

A Resolution to authorize agreement with EDR for Terminal Pumping System

Motion: Dundon

Second: Middleton

Vote: 7-0-0-0

Introductory Resolution R24-58. Municipal and Public Affairs: Middleton

A Resolution to authorize agreement with BOCES for Fire Prevention

Motion: Middleton

Second: Dundon

Vote: 7-0-0-0

Introductory Resolution R24-59. Municipal and Public Affairs: Middleton

A Resolution authorizing NYS Law Enforcement Technology grant

Motion: Middleton

Second: Kosty

Discussion: CM Dundon notes that this legislation is for new technology/equipment, hopes that new decimeter will be purchased with funds. CM Hotchkiss comments that public safety is about more than surveillance. References constituent who stated that area used to be safer 40 years ago – points out that cameras were not more prevalent, the conditions of the community and economy were more positive. Adds data from study which states that every \$1 spent on youth services is worth \$11 in policing; hopes to see City invest more in youth services. CM Kosty notes that City cannot decide parameters of NYS grant being offered. CM Porter states agreement with CM Hotchkiss's prioritization. CM Middleton notes that diverse experiences and levels of privilege impact everyone's perspective

Vote: 5-2-0-0

Nay: Porter, Hotchkiss



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Introductory Resolution R24-60. Municipal and Public Affairs: Middleton

A Resolution authorizing NYS GIVE grant

Motion: Middleton

Second: Kosty

Discussion: CM Hotchkiss reiterates that prevention should be highest priority, refers to following bill investing in youth services. CM Mativetsky expresses gratitude to NYS representatives for fighting for funding to Binghamton

Vote: 6-1-0-0

Nay: Hotchkiss

Introductory Resolution R24-61. Public Works and Parks: Dundon

A Resolution authorizing contract to purchase St. Mary's Recreation Center

Motion: Dundon

Second: Middleton

Discussion: CM Dundon notes that tour was taken by himself and CM Mativetsky, CM Hotchkiss -- was impressed by quality of building, believes it to be well worth the price. CM Hotchkiss adds that youth center is well worth investment, looks forward to seeing services develop there. Adds hope that Youth Bureau can be reestablished in conjunction with Center. CM Cavanaugh agrees with positive remarks regarding investment. CM Mativetsky adds that St. Mary's Bazaar will continue under new contract

XI. COMMUNICATIONS FROM COUNCIL

CM Dundon: Thanks everyone for supporting himself and CM Middleton on Responsible Bidder legislation. Thanks CM Middleton for being co-sponsor and diligent work; notes that unanimous vote was very meaningful to him

CM Kosty: Expresses happiness at youth center purchase as creation of safe environment for youth to socialize and grow, thanks everyone who contributed to passage. Adds that Responsible Bidder legislation is good for City considering past overspending on developers. Believes that legislation will protect tax dollars without discouraging development. Thanks CM Dundon for hard work. Wishes everyone a happy July 4th holiday

CM Hotchkiss: N/A

CM Cavanaugh: N/A

CM Middleton: 7/16 at 10AM will be a traffic walkthrough of 2nd district to assess safety issues. Thanks CM Dundon for Responsible Bidder legislation. Reminds everyone of importance of respecting diverse perspectives from different backgrounds

CM Porter: Congratulates CM Dundon on Responsible Bidder legislation, comments that legislation will help local developers. Porter comments disappointment in recent Supreme Court decisions – notes that there are 115 days until election, hopes that people will choose to do right by each other

CM Mativetsky: Thanks CM Dundon for Responsible Bidder legislation, echoes comments of speaker who was spending long periods of time away from family due to necessity to work out of town. Thanks Fire Department for response on Corbett Ave. VINES looking for volunteers on 7/13 10AM-1PM to put a new fence at Corbett Street Garden – signup available on VINES Facebook page. Ross Park Zoo is having Sunday Safari on 7/13 at 5- 8PM with last ticket sold at 7PM where nonprofits will be dishing up special animal-themed Sundays with refreshments, more details on Facebook. Zoo is also offering group fitness classes through website. Discovery Center has many events coming up on their website. Says goodbye to Me-Ma's Pizzeria on Southside. Stop & Shop Deli opening soon at old Subway location on Tompkins and Conklin. Southside Sundays coming up 7/14 in the Southside Commons; bands will be BHS Juice Blenders, Steel Drum Band, and Devin Lawton Band



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XII. ADJOURNMENT

At 8PM: Dundon

Second: Middleton

All in Favor



8 July 2024

Binghamton City Council
c/o the Clerk of the City of Binghamton
City Hall, Hawley Street
Binghamton, NY 1901

Dear Council Members,

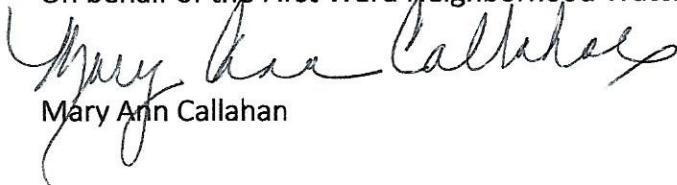
The First Ward Neighborhood Watch is a gathering of residents who meet regularly to discuss concerns and issues that affect us and the quality of life in our district. One of the recurring issues discussed at our meetings is the homeless encampment near First Ward Park as well as individual homeless sites near place of business. The members of our group are not unsympathetic to the plight of those who find themselves without permanent residences, and are concerned that all relevant services be provided for them.

However, we are concerned about RL 24-91, the recent proposal to make the homeless a protected status. It is our understanding that this status would make it more difficult for law enforcement to deal effectively with such homeless encampments as the one near First Ward Park and the individual campsites found on our neighborhoods. Further, such status granted to this category of our citizenry seems to be an additional and unwarranted level of protections that now exist in current law.

Additionally, protected status does not begin to solve the problem of homelessness. Instead, it only adds one more layer of complexity to an already complex issue. We feel that a more effective and productive approach to the issue would be for Council to work with the Administration to focus how to leverage available funding to actually provide housing and other services to this population.

We would respectfully ask that instead of creating an unnecessary status for those who have no homes, we work together as a community to find real solutions that would provide those homes.

On behalf of the First Ward Neighborhood Watch,


Mary Ann Callahan

PANICCIA

The Law Office of Alfred Paniccia, Jr.

July 8, 2024

Via Email and First-Class Mail

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

Re: RL No. 24-91

Dear Members of City Council:

I am following up on comments that I made on behalf of my client, Marchuska Productions, LLC, at the June 26, 2024 public hearing regarding a resolution to amend the Binghamton Human Rights Law (City Charter Chapter 45) to include “unhoused status” as a protected class.

At the public hearing, my comments were limited to the proposed amendment to section 45-5 of the Human Rights Law, which amendment purports to identify “acts” which would be unlawful if engaged in wholly or partially for a discriminatory reason. More specifically, my comments were limited to proposed new subsection D of that amendment.

While my client does not take issue with the cause which the proposed legislation addresses, my client and I are concerned with how proposed subsection D fails to circumscribe the conduct which the amendment deems to be “unlawful”. In a nutshell, the language is eminently ambiguous, providing no guidance to those whose duty it will be to comply with the law, and who will be in legal jeopardy if they fail to so comply.

As currently written, proposed subsection D would make it unlawful for a private or government entity to “refus[e] to recognize an individual’s reasonable expectation of privacy involving their personal property and place of residence,” including but apparently not limited to unreasonable search, seizure, or displacement. Contrary to the opening phrase of the proposed amendment, subsection D does not describe an “act” or acts which may expose a person to legal jeopardy, but rather describes an outcome to be avoided, namely the impairment of an unhoused person’s reasonable expectation of privacy. Such an unlawful outcome is difficult to objectively identify because the proposed legislation neither defines nor provides guidance in identifying the scope or boundaries of an individual’s “reasonable expectation of privacy,” and because reasonable people can sincerely disagree with the scope of an individual’s reasonable expectation

THE LAW OFFICE OF ALFRED PANICCIA, JR.
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of privacy. Because proposed subsection D neither identifies specific unlawful acts, nor allows for an objective determination of the bounds of a person's reasonable expectation of privacy, the proposed legislation will expose conscientious private entities who sincerely wish to comply with the law, to unintended legal jeopardy, including judgments for attorney fees and court costs

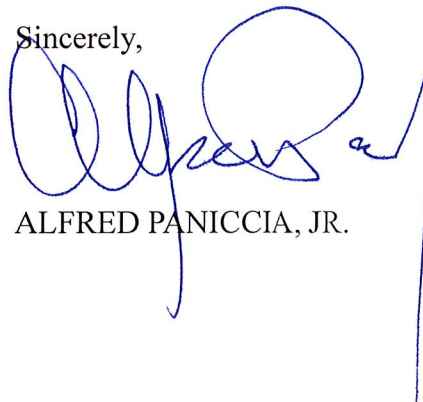
As I mentioned at the public hearing, with the law - as with sporting events - it is critical for the participants to know where "out of bounds" territory is located. The proposed language of subsection D makes it difficult, if not impossible, to know when foul territory is nearby.

Given the nebulous language used to define discriminatory conduct which the proposed amendment is intended to address, it is not surprising that people have come to disparate conclusions about the scope of the law.

I am not aware of whether the language employed in the proposed subsection D has been used in other jurisdictions, and if so, what the experience of those jurisdictions has been. That information would be illuminating. My client and I ask that the proposed language be vetted, so as to avoid unintended consequences.

In sum, my client and I are not suggesting that the proposed legislation be scrapped. Our hope is that the legislation be made better.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alfred Paniccia, Jr.", with a large circular flourish at the top and a long vertical line extending downwards from the end of the signature.

ALFRED PANICCIA, JR.

AP:sd

cc: Hon. Jared M. Kraham, Mayor
Susan Dinhofer, City Clerk
Client