



LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Hadassah Mativetsky, City Council President

Sarah Dinhofer, City Clerk

COUNCIL OF THE CITY OF BINGHAMTON

Special Business Meeting Minutes

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

4:00 PM Thursday, August 29, 2024

I. CALL TO ORDER

At 4:02PM by President Mativetsky

II. PLEDGE OF ALLEGIANCE

Led by President Mativetsky

III. ROLL CALL

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

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

IV. PUBLIC COMMENT

V. REVIEW OF MAYORAL VETO

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 to override veto: Dundon

Second: Porter

Discussion: CM Hotchkiss reiterates that update to Code will more closely reflect NYS law and allow for extenuating circumstances

Vote: 5-2-0-0

Nay: Kosty, Mativetsky

**Veto letter appended at end of minutes.*

VI. SECOND READING LEGISLATION

Introductory Resolution R24-64. Employees: Porter. A Resolution to adopt ROA for elected officials

Motion: Porter

Second: Middleton

Discussion: CM Cavanaugh asks that Council submit paperwork reflecting 6-hour workday instead of 7-hour as in past due to reality that Councilmembers often work scattered shorter workdays

Motion to amend to 6-hour workday: Cavanaugh

Second: Dundon

Vote: 7-0-0-0

Vote: 7-0-0-0



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FIRST READING LEGISLATION

Introductory Ordinance O24-67. Finance: Cavanaugh. An Ordinance to amend 2024 BJCSTF budget to increase BAF Fiber Optic Repair

Motion: Cavanaugh

Second: Dundon

Discussion: CM Cavanaugh notes that emergency repairs are necessary due to hazardous conditions, urges passage

Vote: 7-0-0-0

Introductory Ordinance O24-68. Employees: Porter. An Ordinance to change title from Water Plant Operator to Water Plant Operator Trainee

Motion: Porter

Second: Kosty

Vote: 7-0-0-0

Introductory Ordinance O24-69. Finance: Cavanaugh. An Ordinance to amend the 2024 General Fund budget and Insurance Fund budget to adjust for additional legal fees and expenses

Motion: Cavanaugh

Second: Kosty

Motion to hold over: Porter

Second: Hotchkiss

Discussion: CM Porter asks for more time to have questions answered. CM Dundon adds that executive session may be more appropriate to discuss details; Counsel responds that one-on-one meeting would be most appropriate

Vote: 5-2-0-0

Nay: Cavanaugh, Kosty

Introductory Ordinance O24-70. Finance: Cavanaugh. An Ordinance to amend the 2024 General Fund budget for City Clerk's Office Salary Adjustment for Senior Licensing Clerk

Motion: Cavanaugh

Second: Hotchkiss

Discussion: CM Cavanaugh notes that Senior Licensing Clerk is an exemplary employee working double duty. Adds that adjustment is well-deserved and necessary due to risk of losing employee to another opportunity; urges passage. CM Middleton agrees, thanks Sherry for her service and notes that Clerk's office is responsible for serving Council, public, and City Hall

Vote: 7-0-0-0

Introductory Resolution R24-65. Municipal and Public Affairs: Middleton. Resolution to extend agreement for School Resource Officers 2024-2025

Motion: Middleton

Second: Dundon

Discussion: CM Middleton notes that this is an extension of existing contract. Plans to vote in support, but hopes to see greater collaboration between BCSD and City in future. CM Hotchkiss notes that survey reflects 25% of students having negative experiences with SROs, would like to see regular assessments required going forward. CM Mativetsky adds that survey of staff would also be helpful

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Vote: 5-2-0-0

Nay: Porter, Hotchkiss

Introductory Resolution R24-66. Public Works and Parks: Dundon. A Resolution to accept \$5000 grant for Broome County Naturalist Club

Motion: Dundon

Second: Kosty

Vote: 7-0-0-0

Introductory Resolution 24-67. Employees: Cavanaugh. A Resolution authorizing City Clerk and Deputy City Clerk salary increase

Motion: Cavanaugh

Second: Dundon

Discussion: CM Porter notes that Clerk and Deputy Clerk are lowest paid department/deputy department heads in City Hall. Cites understaffing, high workload, and variety of responsibilities as reasoning for increase. CM Cavanaugh notes that process to pass resolution differed from protocol due recently changed deadlines, but reiterates that this process will be neater than negotiations during budget season

Vote: 7-0-0-0

Introductory Resolution 24-68. Finance: Cavanaugh. A Resolution authorizing an agreement with First Ward Action Council, Inc. for use of HOME-CHDO funding

Motion: Cavanaugh

Second: Kosty

Discussion: CM Cavanaugh explains that Council supported previously supported FWAC with \$500K for scatter-site project to finance rehab of 17 properties and new building for low-income and senior housing, but NYS has indicated that higher dollar amount in local support would show enough commitment to qualify for state funding. All organizations applying must be CHDO-certified. CM Cavanaugh adds that 24-69 development goal is to build Stadium District Lofts. Clarifies that money will not be given to organizations if NYS match is not obtained, will be reallocated at that point. CM Hotchkiss expresses hope that future development opportunities will have more diverse applicant pool, such as Southern Door Community Land Trust

Vote: 6-1-0-0

Nay: Porter

Introductory Resolution 24-69. Finance: Cavanaugh. A Resolution authorizing an agreement with Kearney Realty & Development Group for use of HOME-CHDO Funding

Motion: Cavanaugh

Second: Kosty

Discussion: CM Porter echoes CM Hotchkiss's earlier comments regarding pool of developers. CM Cavanaugh notes slight concern at submitting two competing requests; expresses preference towards FWAC, as they are low-income and locally based – would like to see Southern Door Community Land Trust receive assistance from City to achieve certification



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Vote: 5-2-0-0

Nay: Porter, Hotchkiss

VII. ADJOURNMENT

At 4:49PM: Porter

Second: Dundon

All in Favor



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