



LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Hadassah Mativetsky, City Council President
Sarah Dinhofer, City Clerk

COUNCIL OF THE CITY OF BINGHAMTON
Committee Meeting Minutes: Rules and Procedures/Special Studies
Work Session Room, 38 Hawley Street, Binghamton, NY 13901
2:00PM Tuesday, October 29

I. CALL TO ORDER

At 2:07 by Chair Hotchkiss

II. ROLL CALL

Present: Committee Chair Hotchkiss, Councilmember Cavanaugh

Also Present: Councilmember Mativetsky (Ex-Officio Member), Jared Kraham (Mayor), Robert Heary (Corporation Council), Samantha Costello (Deputy Clerk)

III. DISCUSSION

RL 24-214 A Local Law to establish a new chapter “Unlicensed Cannabis Activity” in the City of Binghamton Code

- Mayor Kraham: Since the passing of cannabis legislation, many retail shops are operating as illegal cannabis retailers. This poses significant risk related to: 1) tax collection (shops are not paying proper cannabis taxes and City of Binghamton is not able to collect these taxes); 2) public health (illegal chemicals, improper testing, sale of unregulated products); 3) public safety (close proximity to schools, day cares). Additional concerns regarding counterfeit products, sale to minors, and large amounts of cash associated with increased violence
 - New York State recently enacted policy to empower municipalities to adopt local provisions mirroring State Department of Health policies to crackdown on unlicensed, illegal operators
 - Additional considerations around local municipal zoning law (many shops violating existing zoning rules around cannabis retail sales)
- CM Cavanaugh: Asks why enforcement on local level is necessary—can’t State manage the issue?
- Corporation Counsel Heary: Notes that New York State Office of Cannabis Management (OCM) does not have the capacity to do significant enforcement on local level; intent of this law is to improve local enforcement. Further clarifies that this is not a criminal proceeding but a civil law issue. In the City of Binghamton, these issues significantly impact resident quality of life when allowed to continue without interference
- CM Hotchkiss: Asks about the current enforcement process/vision for future if this law is enacted
- Mayor Kraham: Notes that current process is that OCM enforces, shuts down illegal operations, but they quickly restart and State does not have capacity to follow up
- CM Mativetsky: Asks if there are different types of enforcement options possible- any examples from other counties, cities?
- CM Cavanaugh: Agrees with CM Mativetsky—would be helpful to have more information about how County might enforce this? Other municipalities in Broome County?
- Corporation Counsel Heary: Notes that different enforcement mechanisms focus on **who** is doing **what**. In other counties, Department of Health, Sherriff’s Department typically enforce. Other municipalities in Broome County would not be able to conduct own operations/enforcement (NYS Policy is only for cities/counties, not smaller municipalities. Acknowledges that some counties do intermunicipal agreements, but City of Binghamton Police Department would still be integrally involved in enforcement within the City. Reiterates that only Code Department and Police

Department would be relevant enforcement agencies in this scenario

- CM Hotchkiss: Raises concerns about vehicle provision—does this include any vehicle?
- Corporation Counsel Heary clarifies that this would only apply to vehicles that are directly involved in the illicit cannabis operation (clearly marked or known as facilitating business with the alleged operation)
- CM Hotchkiss notes a general discomfort with the wide scope of search and seizure and potential constitutionality issues. CM Cavanaugh asks about distinction/separation of businesses dealing with hemp products
- Corporation Counsel responds that any issue that would “run afoul” of NYS law would be applicable under the City of Binghamton proposal—not more or less restrictive
- Councilmember Cavanaugh asks for clarification on the mechanism for administrating this potential law
- Corporation Counsel and Mayor Kraham clarify that they will be primarily handled via written complaint to Police Department; Code Department will also assist with certain elements of handling these cases, including lockdown enforcement
- CM Mativetsky asks if the City expects to see disparate impacts on different districts, including expectations of higher in enforcement in some areas
- Mayor Kraham clarifies that this will likely include all districts, but notes significant existing activity on Broad Avenue, Glenwood Avenue, Henry Street, and the Downtown District
- Mayor Kraham further clarifies that he does not expect this to further drive cannabis sales underground/increase “black-market activity.” Notes that the BPD are not leading undercover investigations as they relate to cannabis but would like to control wider commercial activity as it relates to illegal cannabis operations. Further notes the harmful socioeconomic impacts to communities (losing 3% of every cannabis sale, not collecting taxes, harmful public image in the form of presence in communities and advertising near schools). Commercial enterprises are distinct from regular black-market activity in that they present a wider public safety issue
- CM Mativetsky asks about the path for legalization for businesses that are interested, and for clarification about licensing procedure. CM Hotchkiss notes that it would be good to work with the State to simplify process, for the City to be an actor that supports additional licensing
- Deputy Clerk notes that the Clerk’s Office has received 4 applications in 2024
- CM Cavanaugh asks for examples of other municipalities that currently have versions of this law—Corporation Counsel notes counties that have/are developing legislation, including Steuben, Chemung, and Canandaigua, as well as Syracuse and New York City, with the caveat that New York City’s law is significantly different
- Mayor Kraham reiterates that this law is to target commercial sale of illegal cannabis, will not target residential spaces, and encourages Council to reach out to local businesses selling legal cannabis (Just Breathe) and the New York State Cannabis Coalition, who have expressed concerns

IV. ADJOURNMENT

Adjourned at 2:36 PM Hotchkiss

Second: Cavanaugh

All in Favor