



City Council Minutes
The City of Cortland
January 15, 2013

Council Meeting #1
January 15, 2013
Regular Session
City Hall
7:00 PM

Present: Mayor Brian Tobin, Aldermen Ken Dye, Julie Bird, Kathryn Silliman, John Bennett, Dan Quail, Carlos Ferrer, Linda Ferguson and Thomas Michales.

Staff Present: Corporation Counsel Kelly Colasurdo, Director of Administration & Finance Mack Cook, and Donna Coye from the City Clerk's Office

Public Hearing – Cable Commission

Mayor Tobin called the Public Hearing to order at 6:30 and Richard Menapace was given the floor to explain what the hearing was about, introducing the Cable Commissioners present:

- Sharon Stevans operating the camera
- James Forshee
- Kevin Williams from Homer
- Lisa Kahle from SUNY Cortland
- Vince Minnella
- Aaron Hubbard from Cortlandville
- Herb Aikman from the Tompkins County Cable Commission

Also in attendance was David Whalen, Director of Government Relations in the Northeastern Region and Central New York divisions of Time Warner.

In 2005 our ten-year franchise agreement with Time Warner Cable expired. Under the terms of that Contract, its provisions would continue until such time as a new Contract was agreed upon. After years of updating, improving its provisions, especially public access and then entering into negotiations with Time Warner only to be told that our new contract was not acceptable and in return being offered their standard contract. We decided to stay with the old contract and devote our time to having Time Warner adhere to the provisions of the old contract, which they have not been doing. Holding annual Public Comment Hearings is a provision of our contract. I would now like to turn the hearing back over to the Mayor.

Mayor Tobin thanked Mr. Menapace and the entire Commission for the work they are doing, and thanked Mr. Whalen and all the people who turned out for this Hearing. Each speaker will be limited to 2 minutes in order to give everyone a chance to voice their comments. Any additional comments will be heard after the end of the Common Council, by stopping by my office, or contacting my office via phone.

First to speak was Alice Smith concerned with losing the Senior discount on the Time Warner service. She wondered if seniors could forego applying for the discount through the Office of the Aging.

Next to speak was Aaron Hamid, Cable Commissioner for Cortlandville, noting that this Public Hearing was a first step in reviewing options that could be considered and outreach to other services. He wanted to mention that Cortlandville had two complaints. One complaint is from Mr. Testa who attempted to contact Time Warner, was put on hold for 3 hours due to not having access to a local live sporting event that was televised and by the time he got someone on the line, the event was over. The other complaint was from Mr. Slack in regards to changes in channel lineups and regarding the new digital cable boxes. One provision in our contract is that the consumers and Commissioners get notified of cable channel updates and changes.

Robert Bates questioned the channel lineups not being listed together, and trying to get a problem resolved such as the commercial volume spiking, Time Warner's answer was that they had no control over that. By contacting Time Warner investment line on their website, one of two people will solve any problem.

Tom Goble sought clarification from Time Warner in regards to Time Warner being a monopoly in the Cortland area.

Maria DiSanta expressed concern is that there is no consideration for special needs families, disabled veterans, Social Security Disabled people and senior citizens with a very limited income. An affordable plan should be offered for just two services, cable and internet. A reasonable level of plans should be available where a customer could get some additional channels for a fair price, instead of a long list of channels that most people would never watch. The length of time Time Warner puts a customer on hold and the level of customer service when a customer goes in to the office is unacceptable.

Connie Sorrells spoke about the additional \$5.00 modem charge and the article on channel 5 news regarding the law suit against Time Warner's practice, hoping people of Cortland will jump on the bandwagon. Without the modem they cannot provide us the service we are already paying for. I would like to see more choices of programming instead of paying for about 40 channels of sports which will never be watched. People have to pay the expenses incurred with doing business and Time Warner should do so as well.

Tony Pace stated that his issue was with internet connection and the length of time it takes upload a video is ridiculous. Time Warner checked some things on my modem to make things were working properly, and then they pitch the service to turbo. Mr. Pace hears a lot of complaints from senior citizens in his district can't afford the added expense of the

digital cable service and the City's significant Catholic population no longer have access to that channel.

Ruth Grunberg echoed the sentiments of most of the previous speakers. In dealing with Time Warner and being put on hold for such a length of time, the suggestion was to go in to the local office, but I am disabled and have no transportation to do so. Over the years there have been periods when it has been impossible to get a representative on the phone, but the arrogance, indifference and poor service has been worse for several months. Even the Public Service Commission had a difficult time getting someone on the phone.

Joe Covington expressed a different concern. Time Warner changed everyone's account number, which affects any auto-pay accounts. Suddenly Time Warner sent me a bill for \$362.00 because they stopped taking the monthly fee from my bank account. Time Warner is charging me for 13 months for 12 months of service, and if he chose to disconnect service they would still bill him for 3 additional weeks.

Jerry Kalk had a complaint about the customer service and the programming. He has a land line phone through Time Warner and got on the "do not call" list for unsolicited sales, which took Time Warner months to put in place.

Sheila Sanford voiced similar complaints, in particular the fact that customers need to now purchase a modem for each television in the home; Time Warner is now offering a package for \$99.99 and asked why everyone couldn't get the same package for that price.

Sharon Bilideau, Barb Just, Theresa Foster and Edward King also voiced their complaints.

Alderman Dye suggested filing any complaints with the Public Service Commission, which governs Time Warner Cable and gets results quickly.

The Public Hearing was closed but any further concerns can be addressed by phone or email to the Mayor's office. The Mayor thanked the Cable Commission for volunteering to serve.

Regular Session

Mayor Tobin called the first Common Council meeting of the year to order at 7:20 P.M.

PLEDGE OF ALLEGIANCE

Public Comments

To speak was Tony Pace in regards to a problem at Marietta on East Court Street and water being pumped from the truck parking lot and being allowed to flow down the street with all the mud and debris. The dust has been a constant issue as the dirt has not been oiled down in three years now. Several meetings with Marietta have not resulted in any changes.

Also of concern, realigning the legislative districts will likely cause confusion for voters.

Tom Gobel noted he had made a statement before Common Council and wished to express his regrets in what he had said, realizing his comments were damaging to the Council and the City. He offered his sincere apology and recognizes that the Council and the City do a great job.

MINUTES

Item #1 - Minutes of the December 18th meeting, changes or corrections.

RESOLUTION #1 OF 2013 – Resolution to accept the minutes of the December 18, 2012 meeting.

Motion By: Alderman Ferrer
Seconded By: Alderman Bennett

Approved: Ayes – 8
Nays – 0

Bills were reviewed.

Ward Reports

Ward 2 – Katy Silliman

I had the pleasure of taking my son to the annual Firemens awards banquet. It was wonderful to see their camaraderie and hear stories of valor. It was an honor to attend. Last Thursday I took some personal time away from my job in order to attend the Cortland Counts forum put on by the Seven Valley's Health Coalition. They issue a report card for our community and you can find the information at their website: sevenvalleyshealthy.org While there I met a young woman who is the program coordinator for Sustainable Cortland. That group wants to start a community garden in Suggett Park. So I encourage anyone from Ward 2, or any ward actually, who wants to participate in that effort to contact me and I'll give them the contact information.

Lastly, I want to report that there was a robbery over the holiday on the hill. The people were away and they hadn't made arrangements for the snow, because we hadn't had any. Their screens were cut on the bottom floor while the thieves I looked for an open window. They gained access from a lower roof that led to an upstairs window that was closed but unlatched. The police are looking for three young men, in their twenties, who were looking for work shoveling snow in the area. They're wanted for questioning about what they may have seen. I've been asked to encourage people to call the

police, if going out of town for an extended time, so that they can drive by from time to time. Also, make sure you plow your driveway and have someone pick up your mail if you're going to be away so that you're house doesn't look so empty.

Ward 4 – John Bennett

I held a 4th ward meeting last Wednesday Jan. 9th and had a decent turn out. I like to thank Chief Catalno and Mack Cook for coming. After discussion on a number of things we talked about the main focus of the night and that is setting up a neighborhood watch program in the 4th ward. Amanda Funk who is the main force in getting a watch program up and running in the 5th ward was very gracious in coming and explaining a bit of what they have done in the 5th and how it has help. She has offered to work hand in hand with us in trying to get one up and running.

Mayor's Report

Mayor Tobin had nothing to report.

Agenda

Swearing in: (Mayor Tobin)

Volunteer Deputy Chief, William Buttino
1st Assistant Chief, Richard Allen, Sr.
2nd Assistant Chief, Scott Fairbanks.
Volunteer firemen Michael Pitaro and Michael Buttino

Item # 2 – Consideration of a Resolution to approve the new appointment and the reappointments of boards/commission members whose terms end January 31st (Mayor Tobin)

Cable Commission: –

- Richard Menapace - Reappointment
- Aaron Hamid – New appointment
-

Ethics Committee:

- Denise Bushnell

Historic Committee:

- Linda Kline - Reappointment
- Shawn Smith - Reappointment

Landscape & Design Committee:

- Paul Paradine – Reappointment
- Diane Batzing - Reappointment
- Suzanne Etherington - Reappointment
- Yaroslava Prihodova - Reappointment

Plumbing Board:

- Mark Baranello - Reappointment
- James Romer – Reappointment

Youth Bureau:

- Chrissy Gambetta - Reappointment

Zoning Board of Appeals:

- Mary Kay Hickey – Reappointment
- Christine Place - Reappointment

Motion By: Alderman Ferrer
Seconded By: Alderman Bennett

Approved: Ayes – 8
Nays - 0

RESOLUTION #2 OF 2013 – Resolution to approve the aforementioned appointment and reappointments of the City Boards and Commissions.

Item #3– Consideration of a Resolution to close the Marketplace Mall Parking lot for a Paint the Town Purple event April 29-May 5

To speak was Michelle Baker, Kelly Skinner and Charles Small. The event is scheduled for May 4th from 6:00 AM to 7:00 PM, including the setting up and taking down. The event itself will be take place from Noon to 5:00 PM.

Police Chief Catalano noted that should not be a problem.

A purple ribbon will be painted on the sidewalk with chalk and perhaps the City would light the Courthouse Park fountain with purple lights.

Mayor Tobin expressed support of this event, previously held at Yaman Park, as a great way to raise awareness of the fight against cancer leading up to the Relay for Life on June 7th and 8th at the County Fairgrounds.

Motion By: Alderman Ferrer
Seconded By: Alderman Bird

Approved: Ayes – 8
Nays – 0

RESOLUTION #3 OF 2013 – Resolution to close the Marketplace Mall Parking lot for a Paint the Town Purple event May 4th.

Item #4 – Consideration of a Resolution to accept the FEMA grant for FAST (Firefighter Assistance and Search Team) equipment. (Chief Glover)

Motion By: Alderman Ferrer
Seconded By: Alderman Bird

Approved: Ayes – 8
Nays - 0

RESOLUTION #4 OF 2013 – Resolution to accept the FEMA grant for FAST (Firefighter Assistance and Search Team) equipment. (Chief Glover)

Item #5 – Consideration of a Resolution to appropriate funds in the amount of \$1,000 as the initial payment of the \$2,000 LGRMIF award to account A3621-415 (Professional Services) – Chief Glover

Motion By: Alderman Michales
Seconded By: Alderman Ferrer

Approved: Ayes – 8
Nays – 0

RESOLUTION #5 OF 2013 – Resolution to appropriate funds in the amount of \$1,000 as the initial payment of the \$2,000 LGRMIF award to account A3621-415 (Professional Services) – Chief Glover

Item #6 –Consideration of a Resolution to accept and recognize the following donations in the amount of \$1,140.00 from local businesses and individuals to the Wickwire Pool Trust Fund. (John McNerney)

Motion By: Alderman Silliman
Seconded By: Alderman Bennett

Approved: Ayes – 8
Nays - 0

RESOLUTION #6 OF 2013 - Resolution to accept and recognize the following donations in the amount of \$1,140.00 from local businesses and individuals to the Wickwire Pool Trust Fund. (John McNerney)

Geoffrey Wickwire, M.D. -	\$ 500.00
Thomas Steele -	\$ 100.00

Donald & Diane Chu	-	\$ 100.00
Kings Daughters -		\$ 250.00
Calendar Sales	-	\$ 190.00

Item #7 – Consideration of a Resolution to allow the Mayor to appropriate \$3,500 out of CDBG Program Income to pay for a study of the route 11 corridor in conjunction with the Town of Cortlandville and the Village of Homer. (Ken Dye)

Motion By: Alderman Silliman
Seconded By: Alderman Quail

Approved: Ayes – 8
Nays – 0

The Mayor appointed Ken Dye as one of the City's representatives, the other representative is in the hospital. This involves the area north of the hospital on Homer Ave going into the Village of Homer. Some beautification work needs to be done, some areas in dire need. Cortlandville, Homer's Mayor Suits, Mrs. Sandy and myself have held two meetings so far and each municipality has been asked for \$3,500 to start a feasibility study, look for grants to help with this project. The State will attend a meeting with the committee in February or March along with Thoma Development. Mayor Tobin thanked Mr. Dye for his service on this.

RESOLUTION #7 OF 2013 - Resolution to allow the Mayor to appropriate \$3,500 out of CDBG Program Income to pay for a study of the Route 11 corridor in conjunction with the Town of Cortlandville and the Village of Homer. (Ken Dye)

Item #8 – Consideration of a Resolution to commit City Housing Program income to supplement a recently awarded fiscal year 2012 Community Development block Grant award, which will facilitate the administration of a City wide housing rehabilitation program for low to moderate income owner - occupied properties. (Thoma Development)

Motion By: Alderman Ferrer
Seconded By: Alderman Silliman

Approved: Ayes – 8
Nays – 0

Linda Armstrong from Thoma Development is present to answer any questions. The City was never notified of a \$137,000 award, which was actually \$137,265, a strange amount and a State Representative was contacted about it. More information will be available tomorrow but her suggestion was to make plans to use the grant money in order to be a candidate for future grants. Each month payments are received and some of these funds are used as loans for emergency repairs to qualified homeowners. Grant agreements usually contain special conditions requiring the City to use a portion of funds in order to be awarded a grant.

RESOLUTION #8 OF 2013 – Resolution to commit City Housing Program income to supplement a recently awarded fiscal year 2012 Community Development block Grant award, which will facilitate the administration of a City wide housing rehabilitation program for low to moderate income owner - occupied properties. (Thoma Development)

Item # 9 – Consideration of a Resolution to authorize the Mayor to extend the Intermunicipal Wastewater contract with the Town of Cortlandville through November 3, 2044 with the provision that the agreement can be re-opened by either the City or the Town after 18 months from the date of the extension agreement and to authorize the Mayor to sign both the letter agreement and a formal Memorandum of Agreement immortalizing these terms(Mack Cook)

Motion By: Alderman Quail
Seconded By: Alderman Bird

Approved: Ayes – 8
Nays – 0

Alderman Michales noted the previous contract was for 30 years back in the 80's and proposed that the City reopen the agreement every 5 years. Mack Cook explained that the Bonds on infrastructure for sewer and water plants are generally for 30 year increments, our revenue is set for 30 years and Cortlandville needs to know their wastewater will be treated for 30 years. Corporation Counsel Kelly Colasurdo and attorney John Folmer (Town of Cortlandville) explained that the entire contract as a whole could be reopened after 18 months, one time during the contract, however fee portions may be reopened every other year, for such reasons as mandated upgrades to the plant. Mr. Folmer thanked Mack Cook and the Council for excellent assistance to him and the Town of Cortlandville.

RESOLUTION #9 OF 2013 – Resolution to authorize the Mayor to extend the Intermunicipal Wastewater contract with the Town of Cortlandville through November 3, 2044 with the provision that the agreement can be re-opened by either the City or the Town after 18 months from the date of the extension agreement and to authorize the Mayor to sign both the letter agreement and a formal memorandum of Agreement immortalizing these terms (Mack Cook)

Item # 10 – Discussion of the contract with Cortland Community SPCA for 2013 Animal Control. (Mack Cook)

Mack Cook noted that the City has budgeted \$75,000 for dog control, the same amount as was budgeted in 2011, 2012, 2013 to cover a function the City is responsible for and is not performed by the police department. The SPCA is contracted only for dog control and does not include cats. The contract will soon come before Common Council to be approved in a resolution.

Item #11 – Discussion of NYS Retirement System deferred payment option. (Mack Cook)

Mack Cook explained that in 2010 New York allowed Cities to defer payment, by formula, which amounts to about one third of the annual pension contributions for ten years. You can pay off about one third of your annual pension contributions in annual installments for ten years at 3% interest. Contributions will likely be up 12 to 14% in 2014.

Executive Session

Motion to go into Executive Session to obtain legal advice on personnel compensation and contract negotiations.

Motion By: Alderman Bennett
Seconded By: Alderman Ferguson

Approved: Ayes – 8
Nays – 0

Motion to come out of Executive Session

By: Alderman Bennett
Seconded By: Alderman Ferguson

I, JUDITH CHAMBERLIN, CITY CLERK OF THE CITY OF CORTLAND, NEW YORK DO HEREBY CERTIFY THAT SAID RESOLUTIONS WERE ADOPTED BY THE COMMON COUNCIL AT A REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF CORTLAND, HELD ON THE 15 th DAY OF JANUARY, 2013. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED FOR HIS CONCURRENCE IN ADOPTION OR REJECTION BY VETO POWER.

JUDITH CHAMBERLIN, CITY CLERK

MAYOR TOBIN