



City Council Minutes January 21, 2003

The City of Cortland, New York

COUNCIL MEETING #2

January 21, 2003

REGULAR BUSINESS MEETING

City Hall

7:00PM

PRESENT: Mayor Mary E. Leonard
Alderman Faraoni, Tobin, Morey, Guido, Partigianoni, Quail, Testa, and Hennessy

Staff present: City Clerk, William J. Wood, Corporation Counsel Mark Suben, Director of Admin. & Finance Andrew Damiano

PUBLIC HEARING

7:00PM Local Law No. 1 of 2003 to create a Water Department for the City of Cortland.

Mr. Don Colongeli of Pomeroy St. feels the City should absorb the Cortland Water Department into the City as another department and treat it as such.

Mr. Howard Liebermann of 24 Helen Ave. is in favor of the take over. He does not think it is appropriate where the Water Board feels exempt to follow the New York State Public Health Law.

Bruce Tytler of 9 Stevenson St. is glad to see that the Council has finally come around to see our plan. He is troubled by what appears to be the motive. He is not sure what the Council's motives are. What he has seen the Council's motives are strictly because of two things. The Water Board did not listen to the people and they wanted to put fluoride in the water. If this is why you voted this way, please reconsider what you are doing. There are many good reasons why the Water Board should be a City department. The people that work on the Water Board are a dedicated group of individuals. They have put a lot of time and energy into that board. Mr. Tytler reads from the Blue Ribbon Commission on Health and Safety. The NYS Dept. of Health and Human services states in this County the lack of dental care of our low-income children had particular long-term ramifications. Between 1996 and 1998 citywide a number of children who accessed dental care through Medicaid despite an increase in families dependant on Medicaid in that period. As of June 2002 no local dentists are accepting new Medicaid patients for preventive dental care, cleaning teeth or filling cavities. So basically the very people that will be best served by fluoride in the water are the people that if you take it away from them will have little or no options. The children are the ones that will benefit most from that. He is speaking on behalf of the children who don't have access to dental care.

Mike Milligan of Delaware St. is a Water Board employee of 21 years. If the Common Council decides to abolish the Water Board we fully expect our current labor contract and all related benefits to be honored. The ten Water Board employees represent 145 years of service and

Jan. 21, 2003

experience to the City. The point is this crew is very experienced and professional. Water Board people have always done whatever is necessary to provide a safe and reliable supply of water to the City of Cortland residents. We have over 5000 accounts, 75 miles of water main, and 500 fire hydrants are kept in working order and are inspected every year. Over 1000 backflow devices are tested annually. We work hard at our jobs and respond to emergencies and all kinds of weather conditions day or night, weekends and holidays. We will continue to serve the City of Cortland to the best of our ability. We ask that the Council acknowledge the labor contract that we have currently so that we can continue to serve the City.

Will Streeter of Helen Ave. speaks. He states he is a labor relation's specialist for CSEA Local 1000. He is a representative for CSEA 1000 representing the Water Board employees and the DPW. He is concerned about what is not in the Local Law. He has not seen anywhere in the Law a section for the protection of the terms and conditions to the Water Board employees. He points out the labor agreement between the Local 1000 and the Cortland Water Board. We are currently in negotiations as required by the document. The labor agreement is a result of the bargaining between the employees of the Water Board and the Water Board over many, many years. That was good faith bargaining. It had to be acceptable because these documents have been signed contract after contract. All 10 employees are current members of CSEA. These documents prove all 10 employees want CSEA to represent them. These documents are required. CSEA is prepared to enforce those documents to guarantee the current positions that they have fought for all these years are carried to whatever employer takes them over. He does not believe the Council has done their research because if they had there would be a resolution going forward granting our condition under the employees labor agreement in conjunction with the take over under Local Law No. 1.

Mike Dexter of Cedar St. and a 30-year employee of the Water Board speaks. He is not here to speak for or against. He understands both points of view. He understands the Water Board trying to fluoridate the water and trying to improve the health care of the City of Cortland and those people that would benefit the most from fluoride. He understands the position of the Council who represent the residents of the City of Cortland who did not want this. ???????? He wants to recognize the Water Board members who have served on the Water Board since 1907, which is a 95-year period. Mike Dexter reads a list of members since the inception of the Water Department and a brief history of same. Mr. Dexter praises Dan Houlihan for his 49 years of service for the outstanding job and an outstanding career. None have had more responsibility or created a better organization than Danny. Cortland Water is the best, the most, and the cheapest around. Danny Houlihan did his job extremely well. His performance of duty could be the envy of anyone in public service. One of the reasons for a successful department was a consistent belief the water department be a separate entity from the City management. Water is pure and it continues to be the responsibility of a board outside of politics. This is the way it should be and Danny would tell anyone in no uncertain terms.

Steven Broyles of Helen Ave. speaks in opposition of the take over. He states he is a parent, a veteran, and a voter. He is also a member of the Water Board. He thanks Council members and the Mayor for their support of his appointment to the City of Cortland Water Board. Although this has been an emotionally draining experience, the overall experience has been very rewarding. He has witnessed the dedication of the fellow commissioners and Water Board employees, especially Mike Milligan and Mike Dexter whose guiding principal has been to serve all residents of the community. In addition to providing a reliable source of water, the Water Board and employees have hosted the annual water fair, provided seasonal decorations,

Jan. 21, 2003

initiated the well head protection program, and reinstated water laterals. Unlike Council members who see a paycheck and other benefits for their service, the Commissioners only compensation is the satisfaction of having carried out their duties in a professional and responsible manner. He also points out to Mr. Tobin that he as a representative for the people have approved every current commissioner and that this Council which has shown no compunction in regards to the welfare of the community. The appointments of both myself, a trained scientist and Mr. Shafer whose opinion on fluoride was well known when he was appointed.

The lack of interest shown by Common Council over issues of oral health and the protection of Cortland's sole source aquifer is deplorable. The Common Council missed an outstanding opportunity to lead by investigating methods of providing oral health care for the City. The Seven Valley Health Coalition, a community assessment group, identifies poor oral health as one of the major health problems not just in the City but all of Cortland County. Among the recommendations, both groups noted a lack of community water fluoridation programs. The Cortland County Board of Health has recommended similar actions many times in recent years and despite the severity of the oral health problem, these requests and reports have fallen on deaf ears of our City Government. This past year the Cortland City Water Board began to investigate a community fluoridation program. The safety of this practice has been widely accepted by the established medical community for more than five decades. It has been accepted by the American Water Works association, Center for Disease Control, the World Health Organization, the American Medical Association, and the American Pediatrics Association among other numerous professional organizations. Water fluoridation benefits everyone who drinks water. Not just a small fraction of the community. The scientific literature shows that all segments of the population, children, adults, teenagers, and elderly adults benefit from a community fluoridation program. Recently a British review reported that water fluoridation offers happy prevention above and beyond fluoridated toothpaste and mouthwash. Community fluoridation is the first and only proactive oral health proposal that has been considered in our community. I applaud the efforts of my fellow commissioners and thank the countless numbers of chemists, scientists, oral health experts, physicians, water engineers, health coalition, and government officials who provided information to the Water Board for fluoridation. I have heard their voice, have you? The more serious issue is why hasn't our Common Council shown leadership in the oral health issue? Instead of investigating other avenues for improving oral health in our community you have dropped the ball and ran from the issue. One Council Member even composed a City Council vote against fluoride. When will Council wake up and respond to the needs of our community.

Council has used fluoride as a means for taking over the successful operation of the Water Board. I was surprised by the fact that Council Members never recorded the number of calls that were called in for or against fluoride. This was never reported at Council meetings. If anyone should be interested in an accurate count, I would expect the members of the Council to be. Why didn't I receive calls against fluoride? One Council Member approached me last summer before my appointment with literature on why the water board should be incorporated into City Government. The citizens of Cortland should know that the takeover isn't about fluoride, its about power and politics. One republican Council Member confided in me that the takeover was nothing more than politics. Could it be that Council Members fear retribution for failing to carry out campaign promises?

Jan. 21, 2003

The highest form of arrogance is when an elected body withholds effective healthcare from our citizens for their own political gain. My greatest fear in the pending take over is to lose the control over water quality issues. Otter Creek, Dry Creek aquifer is the sole source aquifer for the City of Cortland. The aquifer collects water from the valley surrounding the 281 corridors south of the City. The purity and quality of our water supply depends on the control and activity around that corridor. It also depends on the maintenance of high quality vegetation, which has the ability to control floodwaters. At our November 2002 meeting, Alderman Quail, Alderman Partigianoni, Alderman Testa, and Alderman Faraoni attended the meeting to listen to the discussion on fluoride. After the discussion and vote on fluoride, the Water Board was approached by the DOT on a proposal to construct containment ponds along the 281 portion of the corridor along the Water Works property. These ponds are designed to trap and concentrate hazardous material such as heavy metals, polyaromatic hydrocarbon, and petroleum products. The DOT was planning to concentrate hazardous materials directly on top of our aquifer. This is a serious issue. But instead of participating in this discussion, the Alderman left 5 minutes after it began. Apparently the City Council is not concerned of the safety of our water supply. Residents of Cortland look to City Government for leadership and not as a source of continuing conflict. As leaders I urge you to take a proactive stance towards the interest of Cortland citizens by first removing your resolution to take over the Water Board. Second, I urge you to initiate immediate discussion with community health organizations on how the City Government can improve the quality of life for our citizens. Leave the responsibility of management and protecting our water supply in the hands of the Cortland City Water Board. A group that is dedicated to service and cares about the quality and safety of our water. As I have affirmed to many of you numerous times, I would much rather work with you than against you. You have my word to work with you.

Jane Richards of Reynolds Ave. states there is a particular reason the Council wants to take over the Water Board. As former Mayor Bruce Tytler reminded the board, this has been tried before and it was not successful. She is wondering if the Council has heard from anyone regarding fluoride that wasn't opposed. We both know that we tend to hear from the opposition. There are children in Cortland County that do not receive dental care. There are many, many people who do not receive dental care. They would benefit from fluoride in the water. You and I might not need it. She asked that we be mindful of the needs of the people especially the children.

Ron Walsh of Madison St. is concerned about three aspects. He is concerned about the members of the Water Board and how they have been treated. He is not certain that the Council is really listening to the public and that this is all because you cannot resolve the differences you have with the Water Board. He had the honor of appointing a good number of Water Board members that were mentioned by Mike Dexter. These people are volunteers and they spend countless hours researching a number of issues concerning water. Some of you have suggested that they are not listening to the public. He finds that particularly ironic considering that last time a survey was taken, about a year and a half ago, there were 719 responses in which 700 wanted to keep the Water Board independent. He feels the Council is ignoring the public given that statistic. There is a mechanism in place that was arrived at through a significant amount of negotiation. This provides for members to speak when issues arise that cannot be resolved. We haven't even gone that route. It seems that if this were about fluoride then this would make sense. The Cortland Standard a few years ago called this a Power Trip.

Jan. 21, 2003

James Kendall of Helen Ave. notes he is a member of the Water Board. What was the reason 90 years ago these people sat down and decided to create a separate Water Board. In looking at this it seems they were trying to maintain the independence of the Water Board out of the political trappings that an organization could conceivably change its face every two years. The safety and protection of that aquifer can't be trapped in a simple election. You need to maintain some consistency here. I would like the Council to explain to the people what is your plan. He appreciates the Council support for his appointment two years ago. Unfortunately this battle has been fought in the editorial pages of the Cortland Standard. It seems that by choosing to fluoridate the water we have forced you into this decision. He truly believes that is the reason. Some of you ran on the platform of not to take over the Water Board. Someone had mentioned the things we do for the community. Has anyone taken their children or grandchildren to the water works to look at the deer, lights, flowers, cross-country skiing. Most of those things were done by the gratitude of Mike Dexter.

We have been working with Cortlandville and put together a wellhead protection plan. We have worked with DOT and the retention ponds on the water works property. We had conflicting opinions on laterals. We had raised the rates this year. We raised them last year but in that rate increase we didn't increase the minimum rate. So if you don't use much water, your bill remained the same. He is concerned at the haste at which the Council is doing this. We looked at one issue for nine months, fluoridation. You may not have liked the way it came out but we put a lot of time in it. Last Sunday he had the opportunity to go to Mike Dexter's retirement party. It was a great event. He found it most interesting that if you can define a person's life or what they did you would define Mike Dexter by his service to the Water Board. And yet, Council Member Quail, the architect of the demise and destruction of the Water Board was present.

Tony Stevens of VanHoesen St. feels there are other motives here. What are you going to do to make it better or make it cheaper or better serve the public? Without a plan, this is just going to be the same just under new leadership. You need to leave this alone and let the Water Board do what they have been doing for a long time. They are doing just fine. You need to take a deep breath before you do this and see what the alternatives are. If this is about fluoridation, I feel we should be fluoridating the water. All the other major cities in New York do. A lot of cities across the country do. They do it for the reasons that were expressed earlier.

Vicki McLyman of Lincoln Ave. is a member of the Water Board. She is also the third member of her family to serve as a water commissioner. Her grandfather and her great great uncle who was Brian Winchell, was an original water commissioner and instrumental in convincing City fathers and residents of the community that the Water Board structure that we enjoy today was a beneficial arrangement for all concerned. I too don't believe this proposed take over has anything to do with fluoride. Twenty years ago the Cortland Water Board proposed fluoridation of the water supply and following a public hearing of overwhelming opposition, the board felt to reverse their decision. A few years ago we decided to bring the issue up again. Shortly thereafter we had new commissioners and it was not brought to the table again until last March. In November, the current board voted to fluoridate the water supply based on the letters we received, letter to the Editor, public comment, the Water Board informational meetings, phone calls, and petitions. I would have to say that at the time this local law was proposed, those people who chose to express an opinion were pretty evenly divided. To some this proposed take over is personal with overtones of us versus them. With all the other issues that face this Council, will you even have the time to vote on critical issues?

Jan. 21, 2003

I have a number of questions. The aquifer is squarely in an Empire Zone. Can a political body truly strike an impartial balance between development and aquifer protection? I have heard discussion of a separate water fund but I wonder if water funds will be used to pay water and employees who do City work. Will there be an increase in Water Board payments to the City? I noticed Mr. Damiano has noted an increase in our payments and we have routinely rejected his arguments but I anticipate that a raise will be forth coming. We are fortunate to have Mr. Damiano; someone of his caliber serving this community. Will his contract need to be renegotiated based on the additional responsibilities of overseeing this operation? The lateral replacement policy has been amended several times based on opinions of separate Corporation Counsels. I don't believe a City Water Department will be able to replace water laterals on private property for the same reason the DPW cant plow or blacktop my driveway. With the exception of Mr. Tobin, I don't think any of us will hold our current positions forever. Will future Council find the Water Department too burdensome to find the time and be involved with the workings of the Water Department? What will happen to the Water Works property? We refer to ourselves as the crown city. That property is one of the jewels in our crown. The ornamental fence, water fair, the animals, the flowers, the holiday display, none of those things are essential to any water department but they are for pleasure to the members of this community. I feel that politics need to be kept out of the water.

Mike Shafer of Greenbush St. is a member of the Water Board. He notes he has had the pleasure of shooting his mouth off for fourteen years about fluoride in the community and the Mayor suggested that I put my money where my mouth was and consider an appointment to the Water Board. He was concerned as to whether he would get approved by this Council. He made himself available to answer questions. He has made his view known to the public about the water policy in the City. He has been active in his private practice on behalf of certain people in the Empire Zone in Cortlandville. He was unanimously approved by this board. He echoes Vicki's comments because he feels a little foolish about this because without being aware of this he was setting the Water Board up for some problems that it really didn't deserve to have. He said to Marty Mack years ago, why don't we have fluoride in the water? We are a laughing stock to communities that surround us that we are so backwards because we do not provide the safest and most effective method of dental health that is available. I have talked to every single Mayor about this. Over the past year the Water Board has done extensive investigation and research on the public health benefits of fluoridation of the public water supply. We have looked at the cost, the public health benefit, we looked at the methods of implementing fluoridation, the physical mechanisms of doing that, we have visited fluoridated water supplies in other communities and we looked at what claimed to be potential adverse health impacts of fluoridated water.

As a result of that research the analysis of input we received, the Water Board came to a recent determination that fluoridating the public water supply in Cortland was both safe, cost effective, good public policy and the right thing to do. 170 million people in the United States drink fluoridated water in public water supplies every single day. Fifty-five years and 37,000 scientific studies concerning fluoridation. If there was a health hazard involved in fluoride you would know about it. There is not a single public health entity in the U.S. that does not support fluoridation of public water supply. Not a single one. There is not a single public health agency in the Town of Cortland that has not spoken out vocally and strongly in support of public fluoridation of the water. There are two of the largest cities in the U.S. that have naturally occurring levels of fluoride at the therapeutic level that we are talking about. Jacksonville Florida and San Antonio Texas. A million and a half people drink naturally occurring fluoride.

Jan. 21, 2003

The same amount that would go in our water supply in Cortland. There are no smoking guns of people hiding adverse impacts from this. There is not a single person on this Council except for the 8th Ward Alderman who has had to put up with him on this issue who has anywhere near the working knowledge about the public fluoridation of water, its effects, possible adverse health effects than the people that serve on the City Water Board. The Water Board has been accused by a few vocal members of the community that we have been arrogant and have not listened to the public. I consider arrogance when you take a person who serves on a public facility and he presents to the public information that is completely bogus. This is the scientific information that we should rely upon when making our decisions. The professional organization that this individual belongs to the National Assoc. of Water Superintendents strongly supports fluoridating the water. It is arrogant when you look at the accepted scientific evidence and because you don't like the results of that information you say we shouldn't do it. We should ignore it. Stick our heads in the sand and ignore the positive health benefits because we don't like it.

Is this a conspiracy? Every dentist in Cortland County has spoken in favor of fluoridation of the water. Why would a dentist who makes a living filling cavities voice off to the public if they thought it was going to kill their patients or make their teeth better so they don't have to go to the dentist so frequently. It is the most twisted knowledge. The Water Board has been told we should put this issue up to a public referendum and was advised that we did not have the authority to hold a public referendum. Not within our Charter. You however are proposing to make a radical alteration of the City Charter to eliminate an independent City board and incorporate into the City. You do have the authority to submit this to a permissive referendum. Let the people have a vote. Make it subject to a permissive referendum. Let us take it out to the public and put it to a vote.

The Memorandum of Understanding does not have anything to do with fluoride. I did however acknowledge to Mr. Faraoni the other week we should have approached this in a different manner. If we had a better dialogue with the Council we may not be here today. I am as responsible for that as much as anyone on the Water Board. I do want to add one personal note at this point and it concerns Alderman Tobin. He ran a single item platform that he wanted to leave the Water Board independent. What he really meant is he wanted to keep the Water Board independent so long as it didn't disagree with his world. That is not public policy. That is personal gain for Mr. Tobin. I think the voters in the 7th ward will remember that come the first Tuesday in November. Dr. Lieberman mentioned the Water Board is not following public health law. The process that we undertook at the November meeting was that we would submit a proposal to the New York State Health Department for approval for public fluoridation of the City water supply. We would have to abide by all the rules and regulations of the NYSHD. If they determined we didn't have the authority to fluoridate the water system then they wouldn't allow us to do it.

Finally we have been told as Water Board members by people in the community and the newspaper that we should set fluoride aside and look at other avenues to improve public health. I agree with getting a dental hygienist in the schools. We have been told to have more dental access to low-income individuals in the community. We have been told to reduce the kinds of foods that are sold in school and that is a policy I agree with. This Council does not have any control over those things. Those things cost a lot more money than the things we are talking about. Public fluoridation of the water supply is the least expensive, most effective method of providing dental health. Do the things that are cheap and effective first. Then you can get the

Jan. 21, 2003

political wherewithal to raise the money to put a dental hygienist in the high school. I agree with Vicki. This is not about fluoridation. I don't believe there is anyone on this board that believes fluoridation would not be good for the people of Cortland. Ten years from now we would all be better off and have better dental health. This is being done because this board believes that you need to take control of this organization that has some income flow for the City, some policy setting opportunity for the City. You really ought to do a better job with the plate you just got before you start taking something that has run effectively for 95 years and tell us that we cannot do the job you appointed us to do.

Linda Smith, President of Mid-State Labor Council who currently represents over 8,000 union members in Tompkins and Cortland County. Earlier this evening our labor council passed a unanimous resolution in support of CSEA members who currently work for the Water Board and the situation they are facing. The resolution directed me to speak at this public hearing urging this City of Cortland to continue recognition of the contract with CSEA in regard to Water Board employees and to recognize CSEA as its sole bargaining agent for those employees. You have your reasons for contemplating the abolishment of the Water Board. We would hope that none of those reasons has anything to do with undermining or weakening the union and its position. To that end, we urge you to do the right thing by formally proclaiming your recognition of CSEA union recognition of the current Water Board employees.

Tom Gallagher of Floral Ave. former Chairman of the Water Board and 22 year member of the Water Board. I can't believe this issue even came up in front of the Common Council after all the work that was put into the past administration to come up with the Memorandum of Understanding. Which, by the way, was to take care of any controversy between the Common Council and the Water Board. So it can't be about the fluoridation, it is about a power play. The other thing is everything I was going to say was covered by everyone else. I can't believe that in 18 months all your constituents are in favor of the Water Board being taken over by the City.

There was no one further to speak; therefore the public hearing was closed at 8:15PM.

PLEDGE OF ALLEGIANCE TO THE FLAG

PUBLIC COMMENT

Jackie Carlton of the Seven Valley Health Coalition speaks as a representative for the Cortland Counts Committee. The CAT reports that 62% of the nation is served by fluoridated public water supplies; in Cortland County it is only 9.7% of the public water supply is fluoridated. The Healthy People 2010 is an initiative of the Secretary of Health & Human Services, Tommy Thomson, has set a goal to have 75% of the US population served by optimally fluoridated water. Cortland Counts further reports that Cortland County is Federally Designated as a Dental Health Professional Shortage Area for the low-income population. There are currently no dentists in this county that accept Medicaid for preventative services such as cleaning and fillings. The 2001 Cortland Counts Assessments states, "The lack of access to health and dental care of our low-income children has particular long term ramifications". Healthy People 2010 reports that only 20% of children and adolescents at or below 200% of the Federal poverty level received any preventative dental services in the 1996, while the average for the entire population is 44%.

MINUTES of January 7, 2003

Jan. 21, 2003

By: Alderman Hennessy
Seconded: Alderman Quail

Approved: Ayes – 8
Nays – 0

BILLS

Alderman Quail questions the Law Dept. bills. Corp. Counsel explains the firms are for bankruptcy and labor questions. Bills are received.

MAYOR'S REPORT

The Mayor welcomes the students back for the semester. She received notice that the committee is recommending to the County Legislature that the sales tax agreement with the City be terminated effective January 1, 2004. Ron VanDee has advised her that they wanted to do this to give ample notice that we will be entering into negotiations. Right now the expectation and the hope is these will be cordial and productive.

The Code revision group has its third session tomorrow. The Alderman are welcome to attend. A representative from the State will be at the County Office building to discuss planning. One of the issues is signage. The Code revision committee will be attending that meeting in lieu of its discussion group. The Mayor swore in the new State Assemblywoman on Friday. She will be having regular meetings at City Hall and also may use the Access to Independence site. The Mayor congratulates Ted Sudol on his retirement from the City Police Department. It was brought to the Mayor's attention that the volunteer fire personnel are having trouble with people paying attention when they use the blue lights. The Mayor reminds everyone how important volunteers are to the City and our Community. Members of all our boards and commissions are volunteers. The Mayor acknowledges them and thanks all the members who have served past and present on the Water Board. They have devoted an enormous amount of time to this historical institution in our community.

WARD REPORTS

Ward 1 - Alderman Faraoni

There are crows again in the first ward. The crows are here from Canada and will be here until March. There is a hunting season on crows. It runs from December 1, to March 31, Friday through Monday. The bad news is a firearm cannot be discharged in the City.

Ward 2 – Alderman Tobin

He met with neighbors on West Court St. last Wednesday on student related issues. One of the issues they felt would be helpful was if the penalty for noise violations could be increased to a minimum of \$100 to \$150.00 dollars. He doesn't feel there is any intention from anyone on this Council to recognize the CSEA union as the Water employees union. He feels the Water Department is going to exist as it did yesterday and today and in the future.

Jan. 21, 2003

Ward 3 – Alderman Morey

She wishes Ted Sudol and Mike Dexter good luck in their retirement. She is concerned there has been no information on the facilities study. It is really insulting. It has been almost a year. This community has done a lot of studies over the past 20 years that have not amounted to anything. This trend is going to have to end. We were promised this information. She asks Director Damiano when this information will be coming. Andy explains they are not violating their contract. She exclaims we have no information. He notes this doesn't happen over night. Alderman Morey states goals without dates are dreams. Andy states whether or not things happen will depend on what you decide. Andy also notes preliminary information should be here sometime in February.

She thanks the Water Board members for their hard work. She met with the Fire Department. She attended their annual dinner. She plans on meeting with the various departments individually in the near future. There are issues like a new fire station that need to be addressed. The Code Office has been bombarded with calls regarding shoveling. If you know of an elderly person who cannot shovel, perhaps you could help them.

Ward 4 – Alderman Guido

Extend his congratulations to Ted Sudol and Mike Dexter. He reminds people to keep their walk shoveled especially around the elementary schools.

Ward 5 – Alderman Quail

He held a ward meeting last Sat. He introduced the new Superintendent of Public Works, Chris Bistocchi. He discussed many issues such as snow removal, budget, fluoridation of City water and the take over of the Water Board. He discussed the SUNY student that was hurt at Beaudry Park sledding. He also discussed the visibility issue at the Northcliffe intersection. He also attended the volunteer Fire Department dinner. He recognizes their volunteer efforts. He congratulates Mike Dexter and attended his public reception.

Ward 6 – Alderman Testa

He also has a problem with crows. He knows that there is a hunting season on crows and suggests hiring someone to hunt them. The snow crew in the City has done a terrific job. He would like to ask the new Superintendent to come and say hello to formerly welcome him. He will be having a ward meeting on January 29th at the Grange Hall at 7:00PM. He has been attending the zoning review committee. They are looking at maximizing the use of our land in the City. He attended the volunteer Fireman's dinner.

Ward 7 – Alderman Partigianoni

He went to the Zoning Board Monday evening. He attended the Fireman's dinner. The speaker was very enjoyable. On River St., in the vicinity of the new hotel, the sidewalk has never been plowed. He also received a call from the State engineer. When it is a thaw or very wet, the senior citizens cannot cross the corner by the senior citizens building. He promised when there is a thaw he will take a look. He felt there is no reason the State cant fix it. He is for fluoride. He has respect for the members of the Water Board. Fluoride is not the issue here. We do not

Jan. 21, 2003

want the workers to feel victimized. The whole department does a good job. He feels there are benefits of that being a City Department. He is going to suggest that the Council wait two weeks to discuss some of the concerns of the employees.

Ward 8 – Alderman Hennessy

She has also attended a lot of meetings over the last two weeks. The Mayor states Garry VanGorder will be attending the Common Council meeting February 4, 2003. The reception for Mike Dexter was very nice. She had people approach her with various opinions on fluoride but felt it was a shame for the City to take over the Water Board. Because of that, she would like to make a motion in the regular part of the meeting to amend Local Law No. 1 of 2003 to include a permissive referendum. The basis for doing that would be the fact this a change in the City Charter and that item would constitute a referendum. She feels there is a lot of sentiment in the Community to keep the Water Board independent. She thinks the Water Board would be agreeable to defer any action on fluoride until after the referendum.

AGENDA

RESOLUTION #10 of 2003 – To approve the adoption of Local Law No. 1 of 2003 abolishing the Water Board presently constituted under Chapter 698 of the laws of 1907, amending the Charter of the City of Cortland as enacted by Chapter 160 of the laws of 1900, to establish and maintain a Water Department in and for the City of Cortland

By: Alderman Tobin
Seconded: Alderman Quail

Alderman Hennessy asks to amend the motion before there is a vote on the motion, amendment to Local Law No. One of 2003 to include a permissive referendum. Alderman Tobin refers to Corporation Counsel Suben and states he (Mr. Tobin) looked at Chapter 24 of the Home Rule Law of the State of New York last night and there was nothing in there that would give us the provision or permission for public referendum. Corporation Counsel Suben states, unlike Mr. Tobin he was taught to practice law in a different way and will have to reserve his opinion until he researches it further.

By: Alderman Hennessy
Seconded: Alderman Partigianoni

Alderman Hennessy states the referendum would be on the basis of the Water Board being taken over by the City of Cortland. Alderman Quail asked Corporation Counsel if the fluoridation of water could go to a referendum. Alderman Hennessy states the referendum is not about fluoridation but simply on the basis of should the Water Board be taken over by the City of Cortland. Alderman Hennessy notes until people vote, we don't know what they would do. Corporation Counsel notes this is a different issue. A discussion ensues regarding what exactly is subject to referendum. Alderman Morey does not understand the basis for this. Alderman Hennessy explains people should be allowed to say what they think. The validity of the survey on the water bills is questioned.

RESOLUTION #11 of 2003 – To end the debate on the amendment.

Jan. 21, 2003

By: Alderman Quail
Seconded: Alderman Testa

Approved: Aye – 6
Nay – 2 (Hennessy, Partigianoni)

On the motion to amend the Local Law to add a provision for a permissive referendum,

By: Alderman Hennessy
Seconded: Alderman Partigianoni

Denied: Aye – 2
Nay – 6 (Faraoni, Tobin, Morey, Guido, Quail, & Testa)

MOTION IS DEFEATED

On the motion to table,

By: Alderman Partigianoni
Seconded: Alderman Hennessy

Denied: Aye – 2
Nay - (Faraoni, Tobin, Morey, Guido, Quail, & Testa)

MOTION IS DEFEATED

On the original question.

Alderman Tobin interjects and reads a statement. The issue of making the Water Department a department through the City framework as opposed to the current autonomous stature, which he did support two years ago. This is not created by the issue of fluoridation or by the issue of politics but by the issue of accountability. There is no fear of fluoridation. We can all attest to the benefits of fluoride. Most of us get up and the first thing we do in the morning is brush our teeth with fluoride toothpaste. There is no fear of fluoride. The issue tonight is on accountability, the people we represent. The people that are calling us, the people that are talking to us. The people the Water Board is suppose to be representing also. Tonight is my resolve that we create a Water Department that can be given back to its rightful owners, the people of Cortland, not the Water Board who are making independent decisions in and of themselves and not necessarily for all the people in the City of Cortland. It would be a useful idea if we could talk about how the issue of oral hygiene through the school system. Why haven't you (the Water Board) approached the school system on getting a dental hygienist? Take a bigger measure of education. We are not a Social Service Department in the City of Cortland.

Alderman Morey looks through the list of people that spoke against the Local Law. Out of eight people four of them were Water Board members. She was in the same room when they voted on this a year and a half ago and it was standing room only. Back then 700 people opposed the take over of the Water Board. They are not here now. The phones have not been ringing off the hook on not to do this. Out of eight people, four of them are current Water Board members.

Jan. 21, 2003

She thinks now is the time. Once again, she addresses Mike Shafer because he has insulted our community by saying that we are backwards and we are a laughing stock. She notes there were no union members present. She did not get from them that they were opposed to this. The other thing that is missing is the head of the Water Works. Doug Withey spoke last time. He did not speak today.

Alderman Hennessy notes she has people all the time asking what is going on. Why do they want to take over the Water Board again?

Alderman Morey states the Mayor has shown no leadership as President of the Water Board. The Mayor notes she has told the Council before she has maintained the same position as she had during her campaign and since she has been in office. A lot of people worked very hard to try and solve the problems they saw between the Water Board and the City Council. She felt the process should have an opportunity to work. The Mayor did not see the point to use the old expression that was being used "if it ain't broke, don't try to fix it". When she asked the Council about setting up a meeting and talking to the Water Board, it was Alderman Quail that said there was no point in doing that and no one wanted to participate in it.

Alderman Quail notes he has attended the Water Board meetings since then and also Alderman Morey did apologize for the way we acted. The Water Board felt this was not a policy change. Alderman Quail firmly believes the Council has to take the Water Board back because the Memorandum of Agreement is clearly a one-sided agreement. This is clearly a policy change. The issue of fluoride should have been brought to the Common Council. Alderman Quail notes water rates have gone up considerably over the last several years, much more than the tax rate has gone up. We think the Water Board has ignored the people that he has been in contact with. The fluoride informational meeting that was held here was totally against fluoride. Out of twenty people here, it was 18 to 2. The phone calls he gets are 32 to 6 against fluoride. Alderman Quail wants to take over the Water Board but is not against fluoride.

Supt. Withey is given the opportunity to speak. He explains he is very concerned. Just because he or his wife did not speak doesn't mean he is not concerned. He is in a position where he can't speak out. In regard to water rate increases, there is a six-member board that researches this from figures that he and the Director of Admin. and Finance derived. Just because he and his wife did not speak up doesn't mean his opinion has changed.

Alderman Partigianoni does not want to see the water board workers victimized.

On the original motion, Local Law No. 1 of 2003,

Alderman Faraoni – Aye
Alderman Tobin – Aye
Alderman Morey – Aye
Alderman Guido - Aye

Alderman Quail - Aye
Alderman Testa - Aye
Alderman Partigianoni - Aye
Alderman Hennessy - Nay

RESOLUTION #12 - To grant recognition to CSEA 1000 as the bargaining unit for the Water Department.

By: Alderman Quail
Seconded: Alderman Tobin

Jan. 21, 2003

Approved: Ayes – 8
Nays – 0

RESOLUTION #13 of 2003 – Authorizing the Mayor to enter into contract with the Cortland Police Benevolent Association, Inc. for the period January 1, 2003 through December 31, 2005.

By: Alderman Faraoni
Seconded: Alderman Morey

Approved: Aye – 8
Nay – 0

RESOLUTION #14 of 2003 – Authorizing an amendment to Chapter 11, Article IX, Section 11-82 of the Code of Ordinance in order to establish vehicle towing and storage rates.

By: Alderman Tobin
Seconded: Alderman Hennessy

Approved: Ayes – 8
Nays – 0

RESOLUTION #15 of 2003 – Approval of the Mayor's appointments to the Boards and Commissions.

Diann Potter, Wastewater Treatment Board (renewal)
Jo Schaffer, Planning Commission (renewal)
Harold Hyde, Public Safety Commission (renewal)
Joseph Riley, Housing Authority (renewal)
Hugh Keegan, Zoning Board (renewal)

By: Alderman Hennessy
Seconded: Alderman Faraoni

Approved: Ayes – 8
Nays - 0

RESOLUTION #16 of 2003 – Approve the travel request submitted by the City Clerk.

By: Alderman Quail
Seconded: Alderman Faraoni

Alderman Quail would like a report to be provided. Alderman Guido would like to see a mileage cap of 100 miles. Alderman Morey does not see any benefit of this trip.

Approved: Ayes – 6
Nays – 2 (Tobin, Morey)

Jan. 21, 2003

Adjournment

By: Alderman Hennessy

Seconded: Alderman Faraoni

Approved: Ayes – 8

Nays - 0

I, WILLIAM J. WOOD CITY CLERK OF THE CITY OF CORTLAND, NEW YORK DO HEREBY CERTIFY THAT SAID RESOLUTIONS WERE ADOPTED AT A MEETING OF THE COMMON COUNCIL OF THE CITY OF CORTLAND, HELD ON THE 21st DAY OF JANUARY 2003. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

WILLIAM J. WOOD – CITY CLERK
