



City Council Minutes February 4, 2003

The City of Cortland, New York

COUNCIL MEETING #3
February 4, 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, Deputy Dir. Carol Sonnacchio, David Stathis, Chief Nichols, Jim Sponaugle, and DPW Superintendent Chris Bistocchi.

PLEDGE OF ALLEGIANCE TO THE FLAG

The Mayor asks for a moment of silence for the Shuttle Columbia.

PUBLIC COMMENT

Mike Shafer of Greenbush St. speaks regarding security at City Hall. He is a member of the Bar Association and he urges the Council to take a look at this as an important issue as it is not properly secured. He also mentions the next meeting of the Water Board will be held on Thursday, Feb. 20th instead of Feb. 19th. The Moose Lodge will be hosting the Loaves and Fishes dinner dance this year on the 22nd of Feb. at 6:00PM. Tickets are available at Alliance Bank on Main St. As for the last meeting regarding Council's deliberation of Local Law No. 1, he feels it is important the dialogue continues regarding fluoridation and this issue not be lost. He comments on the Health Coalition letter that went to the Cortland Standard. It was published shortly after January 15, 2003. However the newspaper chose to cut off most of the signers of that letter in support of fluoridation in Cortland County and they included Anthony Argentine, Tom Carmen CEO of Cortland Memorial Hospital, Cindy Eberhart, the Exec. Dir. of the United Way of Cortland County, Trish Hansen of TLC Ambulance Services, Jane Richards, Cortland County Legislature, Julie Boden-Schmidt, Exec. Dir. of Family Health Network, Mary Alice Bellardini, Former Mayor of Homer, Paula Currie, Exec. Dir. of Catholic Charities, Jackie Gailor, Public Health Dir. of Cortland County Health Dept., Craig Little, SUNY Cortland, Walter Priest, Exec. Dir. ECPO and Jackie Carlton, Exec. Dir Seven Valleys Health Coalition.

MINUTES of January 21, 2003

Alderman Tobin's correction of page 9 is noted and corrected. Alderman Morey wants to table the minutes because she thinks there are a lot of errors and she has not had a chance to go over the minutes.

RESOLUTION #17 of 2003 – To table the minutes until the February 18, 2003 meeting.

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By: Alderman Morey
Seconded: Alderman Guido

Approved: Ayes – 8
Nays – 0

BILLS

Alderman Morey questions the outside professional services for the Law Dept. Corp. Counsel explains the firm is for a bankruptcy matter. He cannot tell specifically what this was for but believes it is for the Water Board contract. Susan Brock is an attorney out of Ithaca who handled the Rosen Site. The bill for Mr. Watkins is because he is the hearing officer on a matter. The West Group is for law books. Bills are received.

MAYOR'S REPORT

There will be a meeting of the code review committee Wed. at 5:30 at the Access to Independence Offices on Church St. Andy, Jim, the architects and the Mayor had a lengthy meeting regarding the facilities study. They have made tremendous progress. They are not finished with their data review. They are narrowing down some of the proposals and refining the data that is out there. She offers congratulations to the Presbyterian Church in the City and also the Cobblestone Church. They have been awarded a preservation grant.

We are working on the job descriptions regarding the employees of the Water Department. Andy has been working with civil service because those descriptions have to be completed before the union negotiations can be completed. Alderman Testa asks if the Council will have an opportunity to meet with the engineers with regard to the facility study. The Mayor explains yes they will be meeting with them shortly.

Chris Bistocchi addresses the Council. He notes it has been a difficult winter but thanks the employees for the fine job they are doing. Alderman Guido praises Chris and his staff for the fine job they have been doing. Alderman Faraoni, Testa, Quail, Morey, Tobin, give their praise as well. Alderman Hennessy asks about staff. Mr. Bistocchi states he has hired the appropriate staff in January.

WARD REPORTS

Ward 1 - Alderman Faraoni

Alderman Faraoni thanks the Mayor for having a moment of silence for the Shuttle Columbia. The crows remain an issue. He asks Corp. Counsel how the Cavelli building is coming. Corp. Counsel notes the engineers report was received on the Cavelli building. That will go to the Code Office. The Code violation is active and will be pursued. The gas station on Clinton and River St. is still owned by someone that is paying the taxes and has control on the property.

Ward 2 – Alderman Tobin

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Crows are an issue. He had a call that Time Warner wants to meet with the Council. He feels it would be appropriate for the Mayor and Mr. Damiano to meet with Time Warner. The individual that called him doesn't feel the cable commission is helping and they would like the Mayor and Mr. Damiano to deal with the issue. Alderman Partigianoni states there is going to be a public hearing in April. The contract is not up for three years. Time Warner is pushing to get started on this. Alderman Tobin asks Corp. Counsel about nuisance abatement. Corp. Counsel notes he was asked to explore it and he has gotten some information from Syracuse with regard to same.

Ward 3 – Alderman Morey

With regard to the crows, she notes her ward set the noisemakers off and they have not been back. She asks why we are not doing this throughout the City. She says we can keep them from roosting near homes, parks, parking lots where people are annoyed by these birds. This issue has come up at the last 4 meetings. She feels this method was very successful in her ward. Alderman Hennessy feels these crows are more than just a nuisance. There are health issues involved. The noisemakers were \$50.00 each time. Alderman Faraoni notes the crows were so bad on Hamlin St. on Sunday that three people went out with pots, pans, and a hammer and actually chased them away. Alderman Hennessy notes you can chase them away with loud noises, laser pointers, crow distress calls etc. She agrees with Alderman Morey being the noisemakers were very successful in the past. Alderman Faraoni notes the people in the first ward would like to have it done.

RESOLUTION #18 of 2003 – to appropriate with a transfer from the contingency fund to the Police Department contractual line, \$1,000.00 for crow noisemakers for the first and second ward.

By: Alderman Faraoni
Seconded: Alderman Tobin

Approved: Ayes – 8
Nays – 0

Motion is amended to read;

RESOLUTION #18 of 2003 – to appropriate a \$1,000.00 transfer from account A1990.400 (contingency fund) to account A3120.41502 (Police Department Contractual), for crow noisemakers throughout the City.

Alderman Morey notes potholes on Groton Ave. are bad. Mr. Bistocchi explains the process and they will continue to patch this summer.

Ward 4 – Alderman Guido

Very quiet in the 4th ward. He encourages people when they put their garbage out to put it in a garbage can. The crows tear the blue bags open.

Ward 5 – Alderman Quail

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He asks people to take care of their garbage and not just leave the bags in the snow piles. Please put them into a container. He wants to add an item to the agenda. It is the referendum discussion from the last meeting.

Ward 6 – Alderman Testa

Crows are also an issue in his ward. He held a ward meeting. Code issues were discussed. There was an issue with an abandoned car in the P& C parking lot. The car is now gone. He is concerned about the flood insurance on the Northeast side of the City. He recalls hearing something about this a couple of years ago and he thought FEMA had some suggestions. He asks that the Mayor look into this because it could mean up to approx. \$600.00 per home in the flood area. This is a big burden on home buyers. The Mayor believes Amy Bertini was looking into this and she will contact her.

Ward 7 – Alderman Partigianoni

He notes that some of the streets do not have sidewalks. He had a call from a lady that was quite concerned about small children walking in the street. He is looking into that. Please be careful when the school buses let the children off the bus.

Ward 8 – Alderman Hennessy

She attended the Agency on Aging advisory council meeting this morning. They met a number of new employees there. With the retirement package for the County, a lot of people have retired. They discussed next year's proposed state budget. She thinks we all have to be concerned about what's going to happen as far as local governments and loosing some funding for a myriad of different programs. She attended the communities that care meeting this afternoon. She thinks it is a good program. It is a group of people from different agencies and school systems across the County who are looking at improving the quality of life in Cortland County. If anyone is interested, the Executive Board has people that come around and talk about what the goals are of this group, and how they assess risk factors in the community, etc. It is a short presentation if the Council is interested. Alderman Hennessy will invite them to a Common Council meeting. The Mayor notes Garry VanGorder and David Yaman will be attending a Council meeting in March.

AGENDA

Item No. 1 – Discussion with the Office of Court Administration regarding a City Court/City Hall security system.

City Court Judge Thomas Meldrim speaks regarding the security in the Courtroom and City Hall in general. Russell Oeschle, Executive Assistant to the Administrative Judge for the 6th judicial district and Katherine Maloney, Chief Clerk, Chief James Nichols and James Sponaugle are also present. Judge Meldrim states it was almost a year ago that he first wrote a letter to the Mayor. There is a need to protect the Court system and the people in this building. The State has set aside funds to make this happen. He notes it is a very busy courtroom. There are a variety of people that enter this courtroom that would warrant a security system. Judge Meldrim is certain people come into this courtroom and this building bearing weapons. They looked into

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putting a magnetometer in the courtroom area only but the configuration is such that it wasn't feasible.

Russell Oeschle states they have been working on this for a number of years. The only court facility in the district that does not have partial or full magnetometer is Cortland City Court. The primary reason is that you have the worse building in terms of access, design, lobby space, etc. of any building in the district. We don't have x-ray machines in every facility but we do have magnetometers. When the court did its renovations, it did make provisions for electrical plugs in the hallway for the magnetometer. Mr. Oeschle briefly explains the contract and the procedures to be followed to move forward.

Alderman Tobin asks who will pay for the monitoring of the equipment. Mr. Oeschle notes the Court would provide 100% for the Court facility on the third floor. The hours of operation would be approx. 15 minutes prior to the opening of the building to perform a sweep of the building. We will provide a draft of the security procedures to the Chief of Police and the officers assigned to that duty would have that responsibility to follow those procedures. Alderman Faraoni asks how long it will take to implement this. Mr. Oeschle explains they have been working on it for almost a year and a lot of the equipment is currently in storage, approximately a 4-month period would seem appropriate. Alderman Morey asks if there will be any interruptions for regular business at City Hall. Mr. Oeschle notes there will be minimum construction to the front lobby. Alderman Hennessy asks about handicapped accessibility. Mr. Oeschle explains the rear entrance will be monitored by a camera and have a call box. One officer will have to leave his post and assist the individual.

Chief Nichols briefly recites some statistics regarding the increase in crime he has seen over the past 20 years. Times have changed and we need to deal with them. The security staff will have a schedule of night meetings and they will take the appropriate actions. Mr. Oeschle states the staffing is only for the normal operating hours of the building. People will still be allowed into the lobby of the people at all times. If the City wanted to have the screening 24 ours a day, the City could certainly do that. We would make available all the equipment to the City. Questions arise as to cost. Andrew Damiano notes if this is a reimbursement project, we will fund the entire project, seek reimbursement and we will end up paying about 20%. Mr. Oeschle reviews the weapons confiscated sheet and also the projected cost estimate worksheet. Jim Sponougle explains the training issues for employees, and the front entrance design. The problem of citizens waiting out in the cold is an issue. The State will contribute 25% to the building vestibule.

Alderman Testa feels we should do the responsible thing and go for the whole building security. We have to protect everyone that is here. Alderman Morey points out this does not include the solarium or vestibule type addition.

RESOLUTION #19 of 2003 – Authorizing City personnel to proceed with the installation and acquisition of equipment needed to implement a whole building security system. Budget transfers to be made at a later date when prices are finalized.

By: Alderman Testa
Seconded: Alderman Faraoni

Approved: Ayes – 8

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Nays – 0

RESOLUTION #20 of 2003 – Authorize the Mayor to enter into an agreement with Advantage Energy, Inc. (low bidder) to provide electricity to the City's municipal facilities.

By: Alderman Partigianoni
Seconded: Alderman Hennessy

Approved: Aye – 7
Nay – 0 (Testa absent)

RESOLUTION #21 – Authorize John McNerney to attend the Central NY Recreation and Park Society's Annual Conference.

By: Alderman Faraoni
Seconded: Alderman Tobin

Approved: Ayes – 7
Nays – 0 (Testa absent)

RESOLUTION #22 of 2003 – Authorize the following travel and training requests for the Code Enforcement Department:

- A. Two employees to attend a seminar on tenant/landlord rights and responsibilities
- B. Four employees to attend conferences in order to complete their twenty-four hour in-service educational credit requirements for code certification.

By: Alderman Tobin
Seconded: Alderman Faraoni

Alderman Partigianoni asks if this is the one that cost \$10.00. He asks if we really have to be bothered for \$10.00. Alderman Faraoni agrees. Alderman Guido states he has to bring it to the principal in his line of work.

Approved: Aye – 7
Nay – 0 (Testa absent)

RESOLUTION #23 of 2003 – Authorize a transfer of \$954.00 from Account A1990.400 (Contingencies) to accounts A1410.202 (\$739.00) and A3621.202 (\$215.00).

By: Alderman Hennessy
Seconded: Alderman Quail

Approved: Ayes – 8
Nays – 0

Alderman Quail questions if this is for operating supplies. Andy states during the budget review process this line was cut and the department needs more money for the line. Alderman Quail is concerned if we are going to see other expenses come back to us and ask for more money to

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come out of contingencies. He knows we will be having more expenses coming out for zoning. He is concerned other departments will be asking for more money. Andy notes the cuts were made by the Council and there could be more departments coming to the Council for money. David Stathis notes the reason the supplies were included is because they are related to the recording device. Alderman Quail understands but says it should be funded from the budget and when you found yourself over budget you would transfer money from within your department and as a last resort come back to the Council for contingencies. Alderman Morey states basically we are taking money from the contingencies when the department still has money in their budget. Andy states the reason we are doing this is because you wanted to know where the money was being spent just like with travel. Alderman Quail understands and doesn't want to get in a long discussion but wants it to be known these are normal operating supplies that should come out of their budget. Andy notes we could just let the line run in the red until the end of the year.

Item No. 6 – Discussion regarding a proposal to amend Section 193-4 of the Code of Ordinances, which relates to penalties for noise violations. (Alderman Tobin)

Alderman Tobin states he has met with his constituents and thought it might be a good idea to raise the minimum fine to \$100.00 for a noise violation for a first offense and \$250.00 for each subsequent violation over the next 12 month period or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment, and each of such violation shall be punishable as a separate violation as provided herein. Alderman Hennessy asks what the point of this is. Alderman Tobin states it is to make the minimum fine greater. Alderman Hennessy asks if this is to take the discretion of the Judge away. Alderman Tobin states the Judge has to make the decision whether the person is guilty or not guilty or whether he gets an A.C.D. Alderman Testa asks if this is going to be covered in the new code. This could be. A brief discussion ensues regarding the cost of making changes to the Codebook. Clerk Wood notes we try to bundle all the changes because it costs less. There are two items here. Alderman Tobin wants this on the next agenda for vote and the rest of the Council is discussing whether this should be part of the Code revision project.

RESOLUTION #24 of 2003 - To put amending Section 193-4 of the Code of Ordinances, noise violation, on the agenda for the February 18, 2003 meeting.

By: Alderman Tobin
Seconded: Alderman Quail

Approved: Ayes – 8
Nays - 0

Item No. 7 – Discussion regarding a proposal to amend Section 100-6 of the Code of Ordinances relating to fees imposed for building permits for handicap ramps.

Alderman Tobin wants it to read: There shall be no fee required for the construction of a handicap ramp for any owner occupied dwelling. The applicant will still need a permit but the fee will be waived. It was clarified to read: There shall be no fee required for the permit of a handicap ramp for any owner occupied dwelling. Corporation Counsel states from a legal point of view you are targeting a specific owner occupied residence and excluding any number of other parties that will not get the benefit. He foresees a problem. Corporation Counsel notes

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that Mr. Tobin was at the meeting where this type of issue was addressed. There is going to be a class of people that for no particular reason will be excluded from this action. Corporation Counsel will look into this.

RESOLUTION #25 of 2003 – Approve the request submitted by Constance Feissner of 205 Groton Avenue to renew a permit to harbor animals on her property; pursuant to Section 4-2 of the code of Ordinances.

By: Alderman Tobin
Seconded: Alderman Faraoni

Approved: Ayes – 8
Nays – 0

RESOLUTION #26 of 2003 - Consideration of the Mayor's appointments to Boards and Commissions:

- Almon Pickerd, Cable Commission Re-Appointment
- Joseph Prezioso, Fire Board Re-Appointment
- John Troy, Wastewater Treatment Plant Commission Re-Appointment
- Todd Morris, Wastewater Treatment Plant Commission Re-Appointment
- William Starr, Wastewater Treatment Plant Commission Re-Appointment
- William Kline, Planning Commission Re-Appointment
- Patrick O'Mara, Public Safety Commission Re-Appointment
- Gary Howe, Plumbing Board Re-Appointment
- Mary B. Snyder, Police Commission Re-Appointment
- Robert SanJule, Youth Bureau Re-Appointment
- Cynthia Eberhart, Youth Bureau Re-Appointment
- Jerry Hartnett, Youth Bureau Re-Appointment
- Eric Prior, Youth Bureau Re-Appointment
- Joseph Peters, Youth Bureau Re-Appointment

By: Alderman Hennessy
Seconded: Alderman Faraoni

Approved: Ayes – 8
Nays – 0

Item No. 10 – Discussion on Referendum

Alderman Quail asks Alderman Hennessy if she was able to look into this. Alderman Hennessy states her understanding is that a mandatory referendum doesn't apply and since the vote was 6-2 against the referendum, she didn't look any further into this. Alderman Quail doesn't think that's the answer. He thinks the answer is back in the Home Rule where it authorizes the City of Cortland Common Council to amend the City Charter to incorporate a Water Department. Alderman Quail notes the question arose as to whether the Water Board issue should be put to referendum. Alderman Quail states if you go through the definitions (he reads them) it is not subject to the mandatory or permissive referendum. This is in section 23 and 24. He asks if Corp. Counsel had a chance to look at this. Alderman Quails question was, can the Council

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institute a referendum on that issue. Corporation Counsel Suben states his conclusion was the same as the one Alderman Quail reached. Corp Counsel Suben looked at the application and it was basically an advisory opinion that you would be asking people for. Corp. Counsel states it would only be an advisory opinion. You cannot ask the public to approve this. Alderman Morey states, the motion to add the amendment to the referendum couldn't have happened. The Mayor notes the motion could have happened. Alderman Hennessy explains the motion did happen and also Alderman Partigianoni had asked to table it for two weeks to check into things further. The Mayor explains it would have been an amendment to the proposed local law so it would have had to lay on the table. It is really an academic discussion right now.

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 4th DAY OF FEBRUARY 2003. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

WILLIAM J. WOOD – CITY CLERK

Revised 05/02/04