



City Council Minutes March 2, 2004

The City of Cortland, New York

COUNCIL MEETING #5
March 2, 2004
Regular Business Meeting
City Hall
7:00PM

PRESENT: Mayor Thomas Gallagher
Alderman Faraoni, Terwilliger, Morey, Guido, Quail, Partigianoni, Feiszli, and Michales

Staff present: Director of Admin. & Finance Andrew Damiano. Corporation Counsel Lawrence Knickerbocker, City Clerk, John O. Reagan.

Mayor Gallagher calls the Common Council meeting to order at 7:00PM.

PLEDGE OF ALLEGIANCE TO THE FLAG

PUBLIC COMMENT

There was no one to speak.

MINUTES of the February 17, 2004 meeting.

RESOLUTION #24 of 2004 – Approve the amended minutes of February 17, 2004.

By: Alderman Morey
Seconded: Alderman Faraoni

Approved: Ayes – 8
Nays – 0

BILLS

Bills are reviewed and received.

MAYOR'S REPORT

There have been some misconceptions about the City's handling of code violations highlighted by the February 27th article in the Cortland Standard. We have full intentions of enforcing the new code, but we do, in fact, have to follow the law.

Corporation Counsel has done the research on administrative search warrants, and he's met with the code office to review what we will need to make a viable case. When the Judge issues

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a decision on our law, we want it to be a decision on the validity of the law, and not on a technical error in our case. To develop such a case will take time and patience and we appreciate your patience.

He attended the City/County/Town/Villages at the County Office Building. It was well attended. The discussion centered on the 1 ½% sales tax distribution, amnesty day and its impact.

He met with the Brockway Truck Show Committee. The event will be held on August 7th and 8th. He attended a presentation by the MDA at the BDC Office. City Clerk Reagan and the Mayor attended the Legislative Meeting in Albany on February 22 and 23rd. It was very informative and he attended a presentation by Elliot Spitzer, Sheldon Silver and Comptroller Hevasi. A great deal of conversation revolved around the pension fund and the hardship it is causing on the State. He met with Senator Seward regarding concerns in budgeting for a new fire station. He met with Thoma Development to begin the exploration of cleaning up the Noss Site and the development of this property for commercial or industrial use.

The Mayor attended a meeting with Carl Haynes and his staff at TC3 to discuss the possibility of cooperative efforts between the City and the college. Mr. Haynes will be attending a council meeting in the coming months for a presentation.

There will be a round table discussion on March 4th at 7:45am at the college to discuss the River trail Project. Barbara Lifton will be at City Hall on March 4th. March 13th is the business showcase and the Mayor urges everyone to attend.

WARD REPORTS

Ward 1 –Alderman Faraoni

Alderman Faraoni has had fewer calls since the weather is finally getting warmer. He attended the Landscape and Design meeting on Thurs. He feels we have a handle on the tree ordinance especially since it was the first draft.

Ward 2 – Alderman Terwilliger

She has received eleven emails with regard to the enforcement of the code concerning the definition of functional families. She met with Amy Bertini in the Code Office and she will be investigating any complaints she received.

Ward 3 – Alderman Morey

Alderman Morey states she has also had correspondence with the Code Office. She has received several phone calls. Amy Bertini sent a letter to all the property owners advising them of the new code. We are taking a proactive approach. Alderman Morey believes in the definition of functional family and supports what the Council did and is confident the City will stick with it. She announces her ward meeting on Wednesday March 10th at the YWCA at 7:00PM. They will be talking about Main Street and the parking issue. She has met with Chief Nichols and discussed more options for the street.

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The crows are finally migrating back to Canada. The Purina building on Otter Creek has been removed. NIMO will be removing the trees behind Glenn St. and adjacent to the parking lot on Groton Ave. She attended the City/Town meeting. There were a lot of pros and cons to the amnesty day. The con of course is the loss of revenue. The big issue was tires. The SUNY Women's Basketball team won Saturday and tomorrow they will be competing at Ithaca College. If they win, they will go to Rochester this weekend. If they win there, they will be part of the Sweet 16.

Ward 4 – Alderman Guido

He received phone calls with regard to the new code and shares the sentiments of Alderman Morey and the Mayor.

Ward 5 – Alderman Quail

His ward has been very quiet. He did attend the library open house. He believes it will be a showcase for the community.

Ward 6 – Alderman Feiszli

It has been quiet in the 6th ward. She attended the library open house. Kay Zaharis has made a lot of positive changes. She attended the Loaves and Fishes dinner. The COPC held a reception at SUNY Cortland last week and followed up with another meeting yesterday. She had a ward meeting and will try to send out postcards to make more people aware of those meetings.

Ward 7 – Alderman Partigianoni

He attended the Loaves and Fishes dinner dance. It was a lot of fun. Mrs. Partigianoni received the second dedication award for her dedicated service. He also attended the Landscape and Design commission meeting. This is a hard working commission. It was very productive. He also attended the COPC meeting at the college. He thanks Andy Damiano and Corporation Counsel Knickerbocker for their assistance as there as finally been some action with regard to 42 Crandall St. He has received information from the David Briggs, Assessor, with regard to the aged exemptions. He attended the library open house. The Board of Directors gave a tour. Their goal was to inform the public as to all the new services. Kay Zaharis has come up with a lot of new ideas. Maggie Brown finished second along with his grandson.

Ward 8 - Alderman Michales

He attended a free concert at SUNY Cortland last Friday night. They have a website which is www.cortland.edu if you click on campus activities you will be able to see what's happening at SUNY Cortland. He also attended the library open house last Sunday. The library is moving into the future with many new on-line resources. These will be available soon. He attended the New Direction meeting and that is off to a good start.

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GUEST SPEAKER

Linda Hartsock, Executive Director BDC/IDA, gives a presentation and an update of the projects they have been working on.

She explains there is a wonderful sense of cooperation and collaboration between the City, IDA, various agencies and the Chamber. The Cortland County BDC provides technical and financial assistance to companies starting up or expanding in Cortland County and markets the County to attract new businesses. The IDA coordinates financial incentives for larger scale projects that produce significant investment and job creation. There is an Agricultural Local Development Corporation, a Local Development Corporation, and a redevelopment Local Development Corporation. The Empire Zone is also administered by the BDC.

The BDC focuses on public-private partnerships between local, county, state and federal government. Cortland was named Top 50 US Small Towns the March 2003 and March 2002 issues of Site Selection Magazine. It shows this community is on the right track. In the last four years our office has seen 120 million dollars in new private sector investment come into the community. We have seen SUNY Cortland complete 53 million dollars in building projects. The Cortland Memorial Hospital completed 12 million in capital expansion projects.

She elaborates on the success stories of local businesses in the community. The potential if we all come together in this partnership and focus on opportunities, reinvestment, job creation, and small business development will be very exciting.

Buckbee Mears did end production this week. By the end of June they will be transitioning completely out of the building. The PILOT agreement has been terminated. There have been a number of prospects in to look at the building. She thinks we will be seeing some activity soon.

The River trail project is now in the SEQR phase. Monday the board will be adopting the environmental impact study. The design report will be done over the summer. They will also be developing a portion of Yaman Park for a canoe launch.

A brief discussion ensues regarding Monarch Machine Tool Co. and the seventh ward.

AGENDA

RESOLUTION #25 of 2004 – Authorize the Mayor to enter into an agreement with Timothy C. Buhl, P.E., for engineering services relating to the Groton Avenue Parking lot restoration project.

By: Alderman Faraoni
Seconded: Alderman Quail

Director Damiano notes we are hoping to have construction occur this summer and fall. This is all community development funding.

Approved: Ayes – 7
Nays – 0
Abstain – 1 (Feiszli)

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RESOLUTION #26 of 2004 – Authorize the appointment of nine employees of the Sheriff’s Department as Commissioners of Deeds. (See attached list)

By: Alderman Partigianoni
Seconded: Alderman Morey

Approved: Ayes – 8
Nays – 0

RESOLUTION #27 of 2004 – Authorize the reappointment/appointment of six individuals to the Cable Commission.

Bill Beveridge
Chris Poole
John Nagelschmidt
Chris Perrine
Dick Menapace
Jim Forshee

By: Alderman Faraoni
Seconded: Alderman Quail

Approved: Ayes – 8
Nays – 0

RESOLUTION #28 of 2004 – Approve the following recommendations submitted by the Public Safety Commission:

- A) Placement of a 3-way “STOP” sign on Pearl Street and Warren Street.
- B) Placement of a “STOP” sign on Grace Street at Maple Avenue.
- C) Placement of “No Parking Anytime” signs on the east side of Washington Street, from Clinton Avenue to Grant St.

By: Alderman Guido
Seconded: Alderman Terwilliger

Approved: Ayes – 8
Nays - 0

RESOLUTION #29 of 2004 – Authorize year-end 2003 budget transfer and encumbrances.

By: Alderman Partigianoni
Seconded: Alderman Quail

Alderman Quail was disappointed in one of the accounts. He remarks the proper controls weren’t in place but it has been remediated so it won’t happen again in the future.

Alderman Morey comments that it seems we are \$66,000.00 over. How do we keep better track of that. Director Damiano explains we are not over. We finished the year about \$200,000.00 to \$250,000.00 in the black. Alderman Morey feels that if we didn’t have the additional sales tax

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revenue we would be \$66,000.00 over. Director Damiano explains there are costs incurred that we had no way of controlling. He believes the important thing is for the year in total we did operate in the black.

Approved: Ayes – 8
Nays – 0

RESOLUTION #30 of 2004 – Accept D & L Landscaping (lowest bidder) as the City’s contractor to perform tree planting.

By: Alderman Partigianoni
Seconded: Alderman Faraoni

Approved: Ayes – 8
Nays – 0

Discussion regarding the County’s request to amend the Sales Tax Agreement.

By: Alderman Morey
Seconded: Alderman Quail

Alderman Partigianoni asks if this is going to change anything from the City’s point of view. Director Damiano remarks that it does not alter our share of the take. Alderman Morey comments that we got to this 1.5% in highways because the County and City decided that was going to benefit both of us. If we say okay, whatever the towns want to do with this 1.5% they can, we the City took a less amount of money and negotiated this benefit because better roads in the County benefits the City. What is the benefit to the City if we say okay we will break the contract and you can disperse the money the way you want?

Scott Steve, Chairman of the Legislature, addresses the Council. When this 1.5% sales tax was negotiated he was not in the room therefore does not know what the intent was. The intent doesn’t affect the City other than to designate what’s 90% of the rural budgets are for the roads. He doesn’t think it would be fair for the County to say to the City where they should spend their money. This was an issue with the Towns. It bothers them that they are being delegated to do that. If they don’t use all of the 1.5%, the tax law states we can only use that it for the designated purpose.

Alderman Morey is not opposed to that but the City took less money. We have a lot of non-taxable properties in the City. She hopes that the County when negotiating their next agreement will remember that 52% of City properties are exempt.

Scott Steve notes that he does represent the City too. A brief discussion ensues regarding County mandates, City services, and timelines to make a decision, preemption, and growth in Cortlandville. Mr. Steve comments that if Mr. Schrader could keep the County budget as tight as the City he would be very happy. The County is looking at a \$500,000.00 deficit.

On the motion of Alderman Morey, seconded by Alderman Terwilliger, voted and carried,

RESOLVED TO GO INTO EXECUTIVE SESSION.

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On the motion of Alderman Morey, seconded by Alderman Faraoni, voted and carried,

RESOLVED TO COME OUT OF EXECUTIVE SESSION AND INTO THE REGULAR SCHEDULED MEETING.

RESOLUTION #31 of 2004 - Resolved the Mayor of the City of Cortland is hereby authorized to enter into an agreement between the City of Cortland and the County of Cortland to amend and modify the existing sales tax agreement between the County of Cortland City of Cortland dated August 29, 2003 such that the portion for County purposes would simply be 56% and that for the Town and Village purposes would be 26.5% and the 1.5% allocated to the Town and Village highway maintenance and repair fund would be deleted.

By: Alderman Morey
Seconded: Alderman Faraoni

Approved: Ayes – 8
Nays – 0

Adjournment.

By: Alderman Morey
Seconded: Alderman Faraoni

Approved: Ayes – 8
Nays – 0

I, JOHN O. REAGAN, CITY CLERK OF THE CITY OF CORTLAND, NEW YORK DO HEREBY CERTIFY THAT SAID RESOLUTIONS WERE ADOPTED AT A REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF CORTLAND, HELD ON THE 2nd DAY OF MARCH, 2004. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN – CITY CLERK

MAYOR THOMAS GALLAGHER