



City Council Minutes March 19, 2002

The City of Cortland, New York

COUNCIL MEETING #5
March 19, 2002
REGULAR BUSINESS MEETING
CITY HALL
7:30PM

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

EXCUSED: Alderman Testa

Staff present: City Clerk, William J. Wood, Deputy City Clerk, Jodi M. McLyman, Assistant Corporation Counsel, Stacy L. Whitney, Director of Administration & Finance, Andrew J. Damiano

PLEDGE OF ALLEGIANCE TO THE FLAG

PUBLIC COMMENTS

Alan Byrne of Niagara Mohawk introduced himself and informed the Council of his retirement. He introduced his successor John Beaudoin, to the new Council. He also returned his copy of the City Charter.

Mike Dexter of 10 Cedar Street expresses concern regarding the trimming of trees by Niagara Mohawk. The area is Cedar, Greenbush, Randall, William, and Church St. He hopes that if new trees are planted the City and Niagara Mohawk can get together and decide the kind of species to be planted. He is also concerned about the inconsistency of tree trimming. Mr. Dexter submitted a petition from the neighbors.

William Allen of New Woodstock talks about a letter he sent to the Mayor. He has received no response. He requests that the Mayor respond. He states Corporation Counsel's budget should be reduced to pay for hiring a different lawyer.

Al Rosato of 212 Central Ave. speaks regarding the small size bag. He is pleased the bags are available but wants the price reduced.

MINUTES

Approve Common Council amended minutes of February 19, 2002.

A transcript of William Allen's comments was presented by Alderman Guido and requested to be a part of the February 19, 2002 minutes. Alderman Guido states that he had prepared the transcript himself and attested to its accuracy.

March 19, 2002

By: Alderwoman Hennessy
Seconded: Alderman Partigianoni

Approved: Ayes -7
Nays – 0

Approve Common Council amended minutes of March 5, 2002.

By: Alderman Partigianoni
Seconded: Alderwoman Hennessy

Approved: Ayes – 7
Nay – 0

Alderwoman Morey states the minutes are not accurate. She distributed the article done in the Cortland Democrat. She asks that the article to be part of the minutes. Alderman Quail's change is also noted.

MAYOR'S REPORT

The Mayor wishes Sgt. Emmett Lang congratulations for his retirement. Sgt. Gesin also has a new baby daughter. Thursday is the retirement of Joyce Maney, the Nutrition Director for the Counties Program for the Aging. Mayor Leonard reads the Proclamation in honor of fair housing month. Congratulates Gary VanGorder for a job well done with regard to the Business Showcase. They are hoping to expand for next year as they were out of space this year. The DBA unveiled its new logo.

Senator Clinton visited Cortland last Saturday and focused on WetStone. Senator Clinton was very interested to hear what leaders of the community had to say and what help she could bring to us. Comptroller Carl McCall was also here and spoke about the need to bring businesses to our community and to help families stay here instead of having to look else where for jobs. She also met with Dr. Franco of SUNY Cortland on relations with the College. The Mayor talks about TC3 and its innovative programs. The Chamber of Commerce had an interesting program on insurance issues. Senator Seward was there and had some interesting things to say about insurance issues. Gregory Cerio also spoke about health insurance and cost increases. She reminds everyone to thank our local firefighters for the good job they do.

Ward 1 – Alderman Faraoni

He had his first ward meeting and it basically was about the 281 expansion project. He would also like Bellevue to be connected to West Main. The State would be doing the curbs and sidewalks. The sidewalk would continue all the way up the East side. This is strictly a proposal and will be attached to the public comment.

March 19, 2002

RESOLUTION #30 – We, the Common Council, request that the New York State Department of Transportation continue the proposed three-lane section of Route 281 from Exit 12 to the Madison Street intersection. In exchange we will officially close the Route 281 free access of six streets in the City section including: Rob Roy, Cowance, MacGregor, Lauder, Douglas and Glyndon.

The reasons for this request are to preserve the outstanding safety rate of our residential section and to reduce the costs to the state and city for property and business losses. The project objectives of capacity, safety, mobility, pavement, modal, drainage and geometrics can more closely be met with our proposal. Thank you for heeding our request, which is in the best interest of all who use and reside near Route 281 in the City of Cortland.

Ward 2 – Alderman Tobin

He feels the meeting of the Ethics board was not done under the open meetings law and he feels it was an illegal meeting. He feels the process is somewhat flawed and they meet again they should meet under the guidelines of the open meeting law. The Mayor explains he needs to speak to the Chairman of that committee.

Ward 3 – Alderwoman Morey

She congratulates Gary VanGorder for the Chamber of Commerce Showcase. Her ward meeting will be tomorrow at the YWCA from 7:00 – 8:00. In the future this will change. It will still be at the YWCA but it will be on the second Tuesday of the month. They set off the noisemakers between James and Tompkins St. She has not had any complaints on bird thus far. She has had sidewalk complaints. Who do the steps on James St. belong to? This belongs to the property owner. She would like a quarterly actual against the budget. She also would like to add an item to the agenda. She has not been notified about the Ethics Committee meeting. The Mayor explains she needs to contact the Chairman. The Mayor asks Alderwoman Morey if she addressed Mrs. Thurlow's concerns as she received a copy of the letter written to Mrs. Morey. Alderwoman Morey states yes.

Ward 4 – Alderman Guido

He had a ward meeting Monday. His concerns were regarding garbage on Sands and Water St. Someone also contacted him regarding utility poles on Warren, York, and Pearl St. There are still substantial piles of dirt around the poles.

Ward 5 – Alderman Quail

He attended the Emergency Prep. Workshop dealing with Fire Department issues and how the Emergency Preparedness responds to various situations. He attended the insurance forum along with the Mayor. Greg was an excellent speaker. The Business Showcase was excellent. Anybody that missed it missed a good time. Received a letter from Dr. Lutz regarding the sidewalks between Sunnyfield and Fox Hollow. The area around Northcliffe is a real safety issue. It is a very limited view. There is no sidewalk. Thanks Marge Colosurdo for her opinions. When the venue for the Common Council meetings are changed, he would like to see that brought up at the prior Common Council meeting so the public can get the information in ample time. He was disappointed he missed the water board meeting. A brief discussion ensues. He is disheartened the State of the City is during the day as he will be unable to attend.

March 19, 2002

The Mayor explains it is as late in the day as possible but still would allow staff to attend. He would like to have some items added to future agendas: Tom Jewett's letter, acoustics, draft for public comment during an agenda item, and rental signs. He has a ward meeting next Tuesday. Recycling of different items including styrofoam are discussed. Thanks Mike Dexter as the trees are an issue. A copy of Mr. Quail's ward report is attached hereto and made a part thereof.

Ward 6 – Alderman Testa

Excused.

Ward 7 – Alderman Partigianoni

His constituents were not happy about the price of the blue bags. The Code Office cleaned and boarded up the property on Crandall St. He also has 50 Elm St., which is very bad. Discusses the new business on Salisbury. He is going away for 9 days. Thoma Development said the forms are not ready yet for the sidewalk grant.

Ward 8 – Alderwoman Hennessy

Alderman Hennessy is very interested in underground utilities. The attractiveness of the City is enhanced but it is costly. A lot of people are upset the way the trees have been trimmed. It seems poor timing to trim trees in March. She has gotten several calls. She thanks Mike Dexter for talking to the neighbors. She attended the library board meeting last week. The library has made some accommodations with the Finder Lakes Library System. They will continue on with the current relationship. Commends Joyce Maney for her years of service. She deserves a lot of the credit for the success of that program over the years. She has some concerns with the scrap yard. If you are going to the high school there are only two ways to get there.

AGENDA

Item No. 1 is pulled from the agenda.

RESOLUTION #30 of 2002 – Authorize the scheduling of a Public Hearing at 7:20p.m. April 2, 2002 to consider comments regarding proposed Local law No. 1 of 2002.

This is a housekeeping issue for the recodification of the Code Books.

By: Alderwoman Hennessy
Seconded: Alderman Partigianoni

Approved: Ayes - 7
Nays - 0

Item No. 3 - Discussion regarding a request submitted by Gerald Contento for a license to operate a scrap yard at this property located at 199 Pendleton Street.

Amy Bertini explains this is an allowable use in a GI district. However, Chapter 10 of the Code of Ordinance requires him to obtain a license to be annually renewed by the Common Council.

March 19, 2002

When he went into this location he was told he didn't need a license. Alderman Partigianoni stated he feels we get a dozen buses a day going to the high school and coming off the hill the scrape yard is the first thing you see.

RESOLUTION #31 OF 2002 – Authorize the scheduling of a Public Hearing at 7:00p.m. on April 2, 2002 in consideration of Gerald Contento's request for a license to operate a scrap yard at 199 Pendleton Street.

By: Alderman Faraoni
Seconded: Alderwoman Hennessy

Approved: Ayes – 7
Nay - 0

Mr. Contento will not be present at the April 2, 2002 meeting; therefore, he is called upon to answer some questions. He will be available after the meeting. Alderman Guido asks if Mr. Contento would mask the scrape yard with trees. Mr. Contento explains he has been doing the job there for the last 12 years and has worked with the City during this time. Because the City has come up with licensing shouldn't change the fact he has been doing business there for 12 years. He has not heard that many complaints during those years. Council Member Morey asks what does he mean by working with the City. Mr. Contento explains he recently disposed of some old desks for the City. He does not handle any cars, only ferrous and non-ferrous metals. The piles visible are the product of a low market. He is doing the same thing the County is doing on the opposite side of the trees. It is basically a recycling center. He feels if the City wants to plant trees he is not opposed to that. Car batteries are stored on the non-ferrous end of the building.

RESOLUTION #32 of 2002 – Resolved to declare the City of Cortland Common Council as the lead agency for the SEQR process

By: Alderman Tobin
Seconded: Alderman Partigianoni

Approved: Ayes – 7
Nays – 0

SEQR is reviewed. (Attached).

C-1 Additional parking area and drainage issue.

RESOLUTION #32 OF 2002 - Resolved the action would not result in any significant environmental impact.

By: Alderman Tobin
Seconded: Alderman Faraoni

Approved: Ayes – 7
Nay - 0

March 19, 2002

RESOLUTION #33 OF 2002 – Authorize the scheduling of a public hearing at 7:25p.m. on April 2, 2002 to accept public comments relating to the proposed zone change.

By: Alderwoman Morey
Seconded: Alderman Faraoni

Approved: Ayes – 7
Nay – 0

Item No. 6 – Discussion per Alderwoman Morey request.

On February 19, 2002 she asked Corp. Counsel for his written opinion. She called several times and cannot get Mr. Baranello's opinion. The Mayor states that the opinion in the packet is from Mr. Gates, Esq. Alderwoman Morey notes this opinion is from February 28, 2002, after she asked. That doesn't qualify because you didn't base your opinion on January 15 on an opinion from February 28. The Mayor explains this is another reiteration of the legal basis for the determination she made. She notes you can make requests of Counsel but there is a lot of legal work that needs to be done for the City. A discussion ensues regarding Corp. Counsel's legal opinion. The Mayor states he serves at the pleasure of the Mayor and does what she directs him to do. She asks them to please review the legal opinion enclosed in the packet. Alderwoman Morey reads from the Charter on duties of Corp. Counsel. She asks Asst. Counsel what the Charter says. The Mayor states that if this something you demand Corp. Counsel to spend his time and effort on things that are of so little consequence. Alderman Quail asks if we are going to get an opinion. The Mayor notes she has not asked him to do this again. Asst. Counsel will research this issue. Alderwoman Morey feels Corp. Counsel should do that. She is not done with her comments and appreciates not being interrupted. Since the taxpayers pay for that they should be entitled to that. This is a democracy not a dictatorship. The Council has duties to the constituents that you serve and quite frankly she was pleased to hear Alderman Quail have substantive work that he wants to get started on. It is an embarrassment to the community when you persist on demanding things from Corp. Counsel. She has given everyone an opinion, please read it and form your own opinion. Alderwoman Morey feels it is embarrassing that the Mayor is skirting the issue. You can say whatever you want and have your hair standing up on end. You based your opinion on Corporation Counsel's opinion. She also wants a breakdown from Andy on the expenditures from Corp. Counsel. She is interested when we got the opinion and when we paid for it.

Item No. 7 – Discussion per Alderman Quail.

The D.A. sent a letter requesting us to review Local Law No. 1 of 2001. He feels this was never publicly discussed until the last meeting of 2001. He feels we should look at this. The Mayor's concern with Mr. Jewett's request and Mr. Wern's request is the timing of it. They have not mentioned this topic with her. Alderwoman Morey states the envelope was stamped Friday, March 14. Alderman Quail feels this topic was not discussed throughout the year. Alderwoman Hennessy does not have a problem helping them but they could offer some cooperation in other areas. She feels this is not our responsibility to handle this. We don't want the prosecution to stop but we should come up with something jointly agreeable. The Mayor feels we should discuss this with Mr. Wern. A discussion regarding the time frame ensues. Asst. Counsel Whitney there is not enough time for the local law to sit on the table or have the public hearing. The Mayor points out if we do contract with them there are some issues regarding money as

March 19, 2002

well as time taken away for various City issues. This makes us look like the bad guys by not taking on a job that really isn't our job in the first place. The Council agrees it is ultimately the responsibility of the County. Alderwoman Hennessy states we should handle it contractually and we don't have to worry about the deadline so much. Alderman Tobin states the County does not have the money.

RESOLUTION # 34 of 2002 – Resolved to authorize the Mayor to enter into an agreement with the County to provider City Prosecutor services from April 1, 2002 to April 17, 2002 for the sum of \$1.00.

By: Alderman Partigianoni
Seconded: Alderwoman Morey

Approved: Ayes – 7
Nay – 0

Motion to go into Executive Session to discuss a personnel matter at 9:20p.m.

By: Alderman Partigianoni
Seconded: Alderman Faraoni

Approved: Ayes – 7
Nay – 0

Motion to come out of Executive Session at 9:45p.m.

By: Alderman Faraoni
Seconded: Alderman Guido

Approved: Ayes – 7
Nay - 0

LOCAL LAW - None

ORDINANCE - None

Adjournment.

By: Alderman Quail
Seconded: Alderman Faraoni

Approved: Aye – 7
Nay – 0

March 19, 2002

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 19TH DAY OF MARCH 2002. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

WILLIAM J. WOOD – CITY CLERK
