



City Council Minutes The City of Cortland

March 21, 2006

Council Meeting #6
March 21, 2006
Regular Business Session
City Hall
7:00 PM

Present: Alderman VanGorder, Terwilliger, Cobb, DeCarlo,
Quail, Feiszli, Partigianoni and Michales

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

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

PLEDGE OF ALLEGIANCE TO THE FLAG.

Public Comment

Ann Doyle was present and reported that she had just come from the Planning Commission meeting earlier that evening and she wanted to note that there has been a change of property at 88-90 Groton Avenue and she requested a public hearing on those changes which she felt were bad for the neighborhood and Ward 2. There's going to be more density than there is now and that is a big issue in that Ward. There are some environmental issues and some fire code issues. There are issues with Carpenter's Lane.

It was noted by Corporation Counsel that since the Planning Commission approved the changes presented to them that it was out of the Council's purview. This falls under the Planning Commission's duties and authorities when reviewing a site plan review. It was asked of Ms. Doyle what would be the purpose of holding a public hearing on Carpenter's Lane when she requested that. Ms. Doyle noted that the people who owned it before tried to give it to the City and the Council said no. There are college kids and townspeople that go up through there and it is not maintained by anyone. What would happen if someone fell there? There is also a problem with water runoff that goes onto Lincoln Ave. Mr. DeVecchio stated that the water was coming off of Graham Avenue and she doesn't agree with that.

Mr. Knickerbocker felt that the issue of Carpenter's Lane was something that the Council could deal with and if they wanted to have public comments on it, they could. He asked if she would like the issue of Carpenter's Lane placed on the Council agenda in the future. Ms. Doyle noted that what she wants is for the people who are the City elected officials to give the voters of the City some consideration as to what is right and what isn't right. She has a problem with landlords who don't maintain student housing property and the Council lets them get away with that. She gave examples of 75 and 61 Lincoln Avenue, where kids are living on a third floor with no fire escape and that's been going on for two (2) years and no one is doing anything about that. If there is a fire there and someone gets killed, she doesn't want to hear the Council members say that they were unaware of that situation. She asked that the elected officials of Cortland do their jobs.

The Mayor inquired if there has been a code issue with that house and if the Code Office had been contacted. Ms. Doyle stated that the Code Office had been there and she was aware that there had been a letter from Mrs. Shannon indicating that no one lived on the third floor. Ms. Doyle went there to check and there were lights on there.

Arnold Talentino was present to give some history on the Master Plan Vision 2000 and he read excerpts of it. He spoke of the City's plan for prosperity by 2001 and the high priority to protect its sole source aquifer from contamination. He wanted to hear what the City was going to do or not do to protect the water supply.

Robert Rhodes, an active member of CAPE, was present. He read the organization's mission statement. He indicated that he had served on the City's Water Board for seventeen (17) years, seven (7) as Chair. Their goal was to provide the best water possible for City residents. This was why he gravitated to CAPE. He also was the Chair of CAPA, Cortland's Aquifer Protection Alliance. As an involved citizen he wonders how any resident or elected official can intimate that whatever Cortlandville decides on pending decisions on the draft environmental impact statement and Wal-Mart, is none of their business. It's true, you won't get the vote on these issues, but you can influence their outcome by publicly voicing your concerns, if you have any, that this may not be the best for Cortland. There is no way that the Council or those they represent will remain unaffected. Because constituents will be affected, you have a duty and a right to say something about where you stand. You don't have to agree with CAPE, but don't stand aloof and mute. He spoke about the Smith Corona spill PCB's back in 1986 and the effects of that still being with the City. This was a very real concern that the plume would eventually reach the water supply. Accidents do happen. He asked what the Council would do if contamination threatened the City's water again. Pollution can happen at anytime. He asked that they find out more about the Wal-Mart Super Center and he read comments from other local agencies regarding their plans for water management.

Andrea Rankin from CAPE and a former Councilperson was present to speak about flooding in the City being caused by the failure of the ground to absorb excess water. When she worked at the County Health Department, it was during the time that Smith Corona polluted the water. It was a very stressful time for that department. It was noted that if they had realized then what the flow of the aquifer was at that time, they never would have allowed that concentrated development in Cortlandville.

Jamie Dangler, a member of CAPE, gave basic information about the group mission statement, membership numbers, summary of the group's activities and their regards for the Cortlandville and Wal-Mart issues. They are concerned about the aquifer conditions, protection and the concerns for the City's drinking water. They also filed an article 78 regarding zoning changes in Cortlandville.

Brendan McGovern was present and he read the statement he read at the Cortlandville public hearing. He urged his alderperson, Susan Feiszli, and the Council to support his sentiments with active involvement in this issue and to say no to Wal-Mart.

Dr. Nagle was present to discuss her concerns regarding aquifer protection and the Wal-Mart issue.

Minutes of March 7, 2006

RESOLUTION #32 OF 2006 - Approve the minutes of March 7, 2006.

By: Alderman DeCarlo
Seconded: Alderman Terwilliger

Approved: Ayes - 8
Nays - 0

Bills were reviewed and received.

Mayor's Report

He attended Tom Michales Ward meeting. He and Andy also met with volunteers from Fire Department and talked about their use of the Armory. He traveled to Washington, DC with President Bitterbaum from SUNY Cortland. He met with the appropriations people from Senator Schumer's and Senator Clinton's offices and met with Congressman Boehlert to discuss funding for SUNY Cortland's Main Street Project.

He attended Cortland Regional Sports Council meeting as well as participated in the flag raising ceremony on St. Patrick's Day at City Hall and thanked Nick Lundberg for coming and playing the bagpipes for the ceremony. He attended the meeting with Attorney General Eliot Spitzer at Maxwell School, Syracuse.

He noted that he would be on vacation from March 22 through March 28.

Ward 1 - Alderman VanGorder

She had a meeting with Chris Gregory in regards to the Ward Beautification Committee and there is a meeting scheduled for April 29 for the Ward Clean Up day. Alice Walker contacted her regarding a wall collapse on one of the creeks. The Mayor noted that Chris Bistocchi had been to see Ms. Walker in that regard.

Ward 2 - Alderman Terwilliger

She noted that she has been inundated with calls and e-mails regarding the aquifer and the fact that the Council had put this item on the agenda. Citizens were happy to see that the Council was talking about this issue.

Ward 3 - Alderman Cobb

She also had received e-mails and calls about the aquifer and the Super Wal-Mart issue. She is still working on a code issue that was brought to her attention. There hasn't been any problem with the crows lately.

Ward 4 - Alderman DeCarlo

His Ward has been extremely quiet.

Ward 5 - Alderman Quail

He is working on setting up a Ward meeting later in April and also working on a Ward Clean Up day. They had done a curb to sidewalk clean up a few years ago and he hopes to revive that this year. He had several phone calls regarding the aquifer protection issue, all in favor of aggressively protecting the aquifer. With last weeks rain, there was a run-off issue in the Fox Hollow area and he has been trying to connect with the Cortland Housing Authority to deal with some clean-up regarding trash that went from parking lots onto private property.

Ward 6 - Alderman Feiszli

She had some code and zoning issues that she has been working with the Code Office on. One issue is now in court and hopefully will be resolved soon. During the recent heavy rains, Kennedy Parkway was hit hard. DPW was there with the pumps and after a few hours, residents were able to drive to their properties. She spoke with Chris Bistocchi and noted that when the groundwater is lower, work will be done on Kennedy Drive. The existing catch basins will be replaced with larger dry wells in the road and then to a holding tank and then pumped via a culvert to the river. She had calls from residents regarding extensive damage to already poor retaining walls on Otter and Dry Creek. On March 30 at 6:30 p.m., over at the County Office Building Auditorium, will be a Flooding Workshop and Carol Tytler will chair that. They are also looking for funding to help people fix their retaining walls.

Ward 7 - Alderman Partigianoni

He noted that he and the Mayor attended the Elks Club Celtic night celebration. He did receive four (4) calls that he referred to the Code Department. Three (3) of them were resolved promptly. One is still ongoing. He also attended the Irish flag raising ceremony at City Hall. He did attend the DPW Commission meeting last Tuesday. The main topic was the flooding. Last night there was an Advisory Board meeting at the Community Center. Upcoming events are the fingerprint program and the car seat check is scheduled for tomorrow night. He announced that the Community that Cares

Coalition will be hosting a forum from 7 to 8:30 p.m. on Wednesday, April 5 at the Center for the Arts on Main Street. The focus for the evening will be Underage Drinking of Alcohol and It's Related Cost to Communities both Locally and Nationally.

Ward 8 - Alderman Michales

He had his Ward meeting on March 8 and he thanked the Mayor for his presentation. The following Monday, we received substantial rainfall and he received two (2) calls concerning rising water and spot flooding in the Kellogg Road area. He has established an early warning call system in his Ward to alert citizens about potential flooding.

RESOLUTION #33 OF 2005 - Consideration of a request by the Cultural Council of Cortland County to use Courthouse Park for its second Annual Arts in the Park Festival on July 29, 2006 from 10:00 A.M. to 4:00 P.M.

By: Alderman Feiszli
Seconded: Alderman DeCarlo

Approved: Ayes - 8
Nays - 0

RESOLUTION #34 OF 2005 - Consideration of a Resolution declaring April as Fair Housing Month.

By: Alderman Quail
Seconded: Alderman Michales

Approved: Ayes - 8
Nays - 0

RESOLUTION #35 OF 2005 - Consideration of a Resolution authorizing the Mayor to enter into contract with Michael Dexter to perform various duties at the Water Works facility.

It was noted that Mr. Dexter did a wonderful job at the Water Works.

By: Alderman Terwilliger
Seconded: Alderman VanGorder

Approved: Ayes - 8
Nays - 0

Item No. 4 - Discussion regarding the proposed Wal-Mart project in Cortlandville and its potential impact on the aquifer.

Alderman Terwilliger read a prepared statement. She had asked for this item to be placed on the Council agenda to open the floor for comment on the proposed risks to the City's sole source aquifer by the proposed Super Wal-Mart in Cortlandville. She felt

that the Council should become involved in this issue. She thanked all the guests that she had invited for coming to this meeting.

Alderman Feiszli noted that she had received calls from constituents regarding this issue. She is interested in hearing from John Helgren from the County Health Department regarding the well head protection, or lack there of.

Mr. Helgren noted that what has been done in the past to protect the City water source was started with an aquifer protection district that encompasses all of the aquifer in Cortlandville and that was done in the early 1990's. He noted that this was a good tool. They did a presentation on protecting the aquifer and its source and developed a series of well head protections. He felt that the City should recognize the areas within the City that encompass these sources. He noted that the Council should revisit their watershed rules and regulations and also contact the state to help write their regulations which they are updated. Alderman Feiszli inquired about some of the things that should be of concern. He noted that they were tracking the contamination plum from Corona as well as many other things including road salt. It was noted that they were looking at some other types of de-icing products and their possible impacts. He noted that the protection of water resources should go beyond political boundaries.

Alderman Terwilliger noted that the Council should write the letter to the State Health Department and also asked that a letter be written to the Cortlandville Board strongly urging them to consider the County Planning Board's recommendations, but to consider Soil and Water Board's recommendations before going any further.

Alderman Partigianoni noted that he had received a letter from Edward Bennedy regarding the property at 12 Winter Street. The Mayor noted that the City was still waiting to hear from Habitat for Humanity. Alderman Partigianoni noted the passing of Homer Gutches. The Mayor noted that Court Street would be blocked off for the funeral from Main to Church and police officers will be on hand to monitor traffic. It was noted that he will be greatly missed by everyone.

RESOLVED TO GO INTO EXECUTIVE SESSION TO DISCUSS A POSSIBLE ACQUISITION OF REAL PROPERTY.

By: Alderman DeCarlo
Seconded: Alderman VanGorder

Approved: Ayes - 8
Nays - 0

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

By: Alderman Terwilliger
Seconded: Alderman VanGorder

Approved: Ayes - 8

Nays - 0

Adjournment

By: Alderman DeCarlo

Seconded: Alderman Cobb

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 21ST DAY OF MARCH 2006. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN - CITY CLERK

MAYOR THOMAS GALLAGHER