



City Council Minutes April 15, 2003

The City of Cortland, New York

COUNCIL MEETING #7

April 15, 2003

REGULAR BUSINESS MEETING

City Hall

7:00PM

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

EXCUSED: Alderman Hennessy, Corporation Counsel

Staff present: City Clerk, William J. Wood, Director of Admin. & Finance Andrew Damiano, Chief Jim Nichols, Chief Barron, Jim Sponaugle, and Asst. Chief Glover.

PLEDGE OF ALLEGIANCE TO THE FLAG

PUBLIC COMMENT

Chris Farkas of 23 Crandall St. reads a statement which is attached hereto and made a part thereof.

Gary Isaacs of 21 Clinton Ave. speaks with regard to the Better Bottle Bill. He urges the Council to adopt the bill. The current recycling rate for carbonated beverages is 70% while curbside recycling rates are as low as 30%. This bill will take more plastic and glass off our streets and playgrounds. Since the bottle bill was implemented in 1982, New Yorkers have returned more than 70 billion containers. This will also create more jobs. This is a win/win situation.

Ruben Catinchi of 54 Elm St., Apt. 4 speaks with regard to the Bottle Bill. Currently without including non carbonated beverages, the state can take in over 130 million dollars from unclaimed deposits. New York City has suspended their recycling programs because of a lack of funds. The unclaimed deposits could be used to implement recycling programs in areas where recycling has been suspended. He urges the Council to vote yes to endorse the Bottle Bill resolution.

Ronnie Genee of 103 Main St., Apt. 1, the President of Student Government Association at SUNY Cortland speaks in favor of the Bottle Bill. He is here to represent the student body. He has approx. 300 postcards from students in favor of the Bottle Bill. He also has a sheet from students that urge the Council to vote in favor of the resolution. There are a few organizations that got together to support to this bill.

Alanna Gothard of 237 Port Watson St., Apt. 2 is the NYPIRG representative on campus. They want to expand the Bottle Bill to include non carbonated beverages, Snapple, etc. She urges the Council to vote yes on the resolution.

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MINUTES of April 1, 2003

RESOLUTION #58 of 2003 – Motion to approve the minutes of April 1, 2003 as amended.

Correction: Alderman Faraoni Ward Report

Correction: Alderman Morey wording in Bills section

Correction: Alderman Quail asks Clerk Wood about his participation in the minutes. He would like to have it stated that Clerk Wood does review the minutes. Clerk Wood states he does not. Clerk Wood states he reviews the Resolutions to make sure they are correct and the votes are correct. The Mayor states she is occasionally asked to interpret a word. Alderman Morey asks why he does not review them. Alderman Morey asks if he reads them before he signs them. Clerk Wood states he reads the resolutions and votes before he signs them. Alderman Morey states you don't read them before you sign them. Clerk Wood states he reads the resolutions and votes to make sure they are correct. That's what the auditors are concerned with. Alderman Morey states you don't read them before you sign them. Clerk Wood states he reads the resolutions according to his notes. Alderman Morey states you don't read them before you sign them. Clerk Wood states he reads the resolutions and votes. Alderman Morey wants it noted he doesn't read them.

Correction: Alderman Quail Ward Report thanks Alderman Morey for a job well done and taking the lead role in getting the traffic changed on Groton Ave. Add "oral" health to ward report.

By: Alderman Tobin

Seconded: Alderman Faraoni

Approved: Ayes -7

Nay – 0

BILLS

Alderman Morey questions the welding bill. This is a replacement. Garbage removal is questioned and asked if it is recouped. Andy Damiano states yes. We get reimbursed penny for penny on the actual cost from CHAC and we also charge an administrative fee. Alderman Morey asks about buying items in bulk. Director Damiano states certain items like copy paper are bought in bulk.

MAYOR'S REPORT

The focus group for the college community forum met. They have scheduled a second forum for May 1st at 7:00 at Brown Auditorium. It was productive and many questions were answered. The Mayor was contacted by a young man from a communication class on campus and as a project he and his class will be doing a clean up on the last day of class working with the DPW. They will be concentrating on neighborhoods not just the hill area. Festivus is the 26th. The County made a generous award for the Main St. Music Series. The Mayor had a meeting with the Director of the SPCA and he assures her things are fine and running smoothly. The DBA has concerns on how to promote the farmer's market downtown perhaps expanding it like Syracuse and Ithaca. If anyone is interested please let her or Garry VanGorder know. Grange

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Place apparently years ago had a contest about what to name the street but had never received a sign. Mike Preston was notified and they now have a sign.

The Mayor asks about the Armory. The County has asked if the City is not interested they would like to be on the list. The Mayor does not want to give up the spot if the Council is interested in taking advantage of that. Cortlandville has commissioned a feasibility study on the park project. They will be asking questions of other municipalities or concerned individuals. If anyone has any concerns, please contact the Mayor.

WARD REPORTS

Ward 1 - Alderman Faraoni

Thanks the DPW for cleaning brush in the first ward. Thanks Andy for the negotiations he has done. The Mayor thanks Alderman Faraoni for working on the difficult part.

Ward 2 - Alderman Tobin

He has met with the Hill Association and discussed Code issues. The Mayor notes the core group that is dealing with the college community forum has asked that a representative for the Hill Association participate in that as well.

Ward 3 - Alderman Morey

She thanks the students for appearing on the Bottle Bill. She got a call about the dust on Otter Creek. It is covering the houses. Call on a pothole. She has received calls on truck citing on Groton Ave. Do we know when the repaving will be done? They believe May 5th. The speed on James St. is an issue. She would like a speed sign or a curve sign. She adds the water board appt. to the agenda.

Ward 4 - Alderman Guido

There will be a ward meeting April 30 at 7:00PM at Barry School. County Legislature Jane Richards will be there. He talks about the vandalism at Beaudry Park. He will let the Youth Bureau know.

Ward 5 - Alderman Quail

Festivus is coming up. He worked at the Maple Festival and attended the ceremony for the train station. They have done a tremendous job with the renovation of the train station. Thanks the Landscape Commission for bringing the Council there findings. He has a ward meeting next Tuesday April 22, at 6:30 in the Council Chambers. He has had a number of complaints about trash being left on the side of the street. Reminds the students to not destroy the trash by the curb. He asked if Scammell St. is on the agenda for road work this year.

Ward 6 - Alderman Testa

He has a ward meeting scheduled for April 30 at 7:00 at the Grange Hall. Legislature Patrick Omara will be there. Thanks the college students that appeared for the Bottle Bill. Ray Franco,

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the Vice President of SUNY Cortland has been very helpful at the Code meetings. He asks what is happening with the sales tax committee. The Mayor notes she and Andy have called. They will call her with a date. He has received a lengthy letter from a landlord that feels they are being singled out by the Code Department.

Ward 7 - Alderman Partigianoni

The residences on Franklin Street wrote a request about parking by Dexter Park.

Ward 8 - Alderman Hennessy

Excused.

AGENDA

RESOLUTION #59 of 2003 – Approve a request submitted by the United Presbyterian Church of Cortland to use Courthouse Park on June 1, 2003 for a community event.

By: Alderman Tobin
Seconded: Alderman Faraoni

Approved: Ayes -7
Nays – 0

RESOLUTION #60 of 2003 – Authorize the release of the funds donated by the estate of Laura M. Burch to the River Trail Project contingent upon notification being made to the City as to what the money will be used for.

The Mayor adds that everyone has probably seen the packet from Tom Gallagher. Her concern is that the money goes for something. Some concrete item as opposed to just going into the coffers. Mr. Gallagher assured her this would happen either for a commemoration of Laura Burch or something that would be appropriate. She asks that this be incorporated. Alderman Tobin notes this would be a proper use of these funds. Alderman Morey asks if we should wait to see what the money was going to be used for.

By: Alderman Faraoni
Seconded: Alderman Guido

Approved: Ayes – 7
Nays – 0

Item No. 3 – Discussion regarding the budget reform proposal submitted by the Director of Administration and Finance.

The Mayor notes the first one is on the Community Sports Facility. One of the difficulties now is that application has been made for grant funding and it has not been approved. She believes Cortlandville is going to pursue this. Director Damiano expressed concerns that is a lot of money just sitting there. This is a very popular project. Cortlandville is seeing that this is a viable project and is going forward on it. Alderman Tobin feels this should be put on hold due to

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the fact the State does not have a budget in place. Director Damiano notes you could reassess your commitment to the project when funding was in place. Alderman Partigianoni states the fields have to be topped. They are three years overdue. The Youth Bureau does not have the money. The Laura Burch building roof is leaking. Director Damiano states if they put a funding package together, there would be time to make a decision as to where the City's \$75,000. came from. A brief discussion ensues regarding this issue and if there is a better use for this funding. Alderman Morey states this does not diminish the Council's interest in this project. They are committed to this project until there is a proposal.

RESOLUTION #61 of 2003 – to transfer \$75,000 from the Capital Fund to the General Fund to be used to pay debt service in 2003. In the event the proposed project receives the required grant and/or other funding in the future, the City will find an alternate funding source to meet its obligation and commitment to support the completion of the project.

By: Alderman Faraoni
Seconded: Alderman Morey

Approved: Ayes – 7
Nays – 0

The Code Enforcement Non-Residential property inspection fee is discussed.

RESOLUTION #62 of 2003 – Approve the fee schedule for non-residential inspections:

Structures up to 999 square feet in size:	\$20.00
Structures from 1000 to 1999 square feet in size:	\$40.00
Structures from 2000 to 9999 square feet in size:	\$50.00
Structures 10,000 or more square feet in size:	The greater of \$100.00 or \$25.00 per hour inspection time.

By: Alderman Quail
Seconded: Alderman Guido

Approved: Ayes – 7
Nays – 0

RESOLUTION #63 of 2003 – Approval to delay the opening of Yaman Beach until June 14, 2003.

Director Damiano explains we have to hire the life guards and do the chlorination. We have had many springs where we have opened on the early May date and not used the facility for weeks after that yet we still have to maintain the help. Last year was a wet cold spring. All the proposals did come from Youth Bureau staff. A brief discussion ensues.

By: Alderman Testa
Seconded: Alderman Faraoni

Approved: Ayes – 7
Nays – 0

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Director Damiano has done some research on what the Open Government Law states the minutes have to contain. It basically has to be a record of the issue and the vote. The minutes we keep with the detailed narrative and comments far outweigh the legal requirements according to the New York State Open Government Law. He is proposing we meet the requirement and in addition to the minimal record keep as part of the permanent record the audio and video tape so that if you need a record you would have a copy of the video, audio and meet the requirement of the Open Meeting Law. This will free up approximately 20 hours from the person who does the minutes. Alderman Morey states the Deputy Clerk is responsible for preparing minutes. We have established the Deputy Clerk check the minutes. The Mayor notes the audio tape is prepared through the computer system.

Alderman Morey states the minutes are being sent to the library. This will provide the Council with a copy of the audio tape (compact disc). Clerk Wood notes this is an exact reimbursement of cost. In the event the public request copies of the minutes, the cost for paper is 25 cents per page. Alderman Morey is not opposed to the idea but thinks we do not have enough information to make this decision when it's only a \$5,000. savings. How much will it cost the public and what is the availability? The other issue is the City Clerk signs the minutes. The Clerk states he does not certify the minutes only the resolutions. Clerk Wood reads the Resolution Certification; "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 day of April 2003. I further certify the foregoing resolutions were presented to the Mayor in the time required".

The law states there has to be a record of the action or resolution and the vote. Alderman Morey asks for a sample on how this is going to be presented to the Council. Clerk Wood notes the public has not requested a copy of the minutes in the last year. Alderman Quail states he has. Clerk Wood states other than Council or press.

RESOLUTION #64 of 2003 – Motion to table.

By: Alderman Faraoni
Seconded: Alderman Guido

Approved: Ayes – 7
Nays – 0

RESOLUTION #65 of 2003 – Approve the travel request submitted by the Code Office for two persons to attend a seminar on accessibility (total cost of \$50.00).

Alderman Quail wants them to come back and talk to the Council.

By: Alderman Partigianoni
Seconded: Alderman Faraoni

Approved: Ayes – 7
Nays – 0

Item No. 5 – Report by the Landscape and Design Commission.

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Mike Dexter briefly addresses the board. The report of the Landscape and Design Commission is submitted as part of the record. Alderman Morey thanks the commission. She knows that NIMO, DPW and the Water Department will all be working on Groton Ave. at the same time. There has been no communication with these agencies. This will be too cumbersome for the public. She wants a plan with NIMO. The utility company should submit a plan. They discuss trimming on a two year cycle, can the City hire someone to trim to their specs, trimming schedule, cost, etc. Alderman Morey states every street is different depending on where you're standing, i.e. under the tree, to the side of the tree, etc. NIMO has not given us the number of outages we have had due to the trees. The other thing is if NIMO is going to take down a tree that is a tree they will never have to trim which is a savings to them. If they are going to remove a tree, to give us back something. We can plant the new trees somewhere where there are no wires. Mike Dexter asked do other Cities get different treatment. Does Ithaca get the same treatment?

Chris Farkas states there are a couple of issues here. We need to make a decision on Church Street. After all the outages up North it was apparent NIMO wants an answer. We could have been hit with that ice storm. The business on Maple Ave. is an issue. We may have to tell them to do their thing on Church St. but help us out on Maple Ave. A discussion ensues on coordinating services. Chair Farkas would like option #4 passed but give the Landscape and Design Commission the authority to address the other concerns. Pendelton St. is a perfect example. All the trees are under the power lines. They will also be a problem. Alderman Quail agrees with the issues.

RESOLUTION #66 of 2003 – Set up a replacement rotation schedule by which selected trees would be removed and replaced over a five year period. Not every tree would be replaced. Trees identified for removal would be trimmed relatively lightly in the years prior to their removal in an attempt to lessen the aesthetic assault on the street scape. NIMO would remove the trees and stumps and plant replacements, which they would provide. NIMO would work with the Commission to identify appropriate tree species for planting. This more gradual approach would result in varied tree species on the street.

Alderman Tobin wants a contractual agreement on Option #4.

By: Alderman Quail
Seconded: Alderman Partigianoni

Approved: Ayes – 7
Nays – 0

Item No. 6 - Discussion regarding the Mayor's veto of Resolution #45 of 2003.

The Mayor reiterates to the Council that we know how much the compensation is going to be. She feels it is a mistake to pay the person not the position. She is hoping the Council will give it some thought. Alderman Quail agrees but he wants everyone to understand he doesn't feel the veto process is valid. The Mayor explains that if she doesn't specifically veto something its deemed vetoed anyway. Not having specifically vetoing something before, that is the procedure we followed. The Mayor states if she doesn't approve it, it is vetoed. Alderman Morey believes this was given out after the meeting was adjourned. City Clerk Wood explains he noticed this

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was not in his packet and got up in the middle of the meeting to get the packet. A brief discussion ensues.

Alderman Quail makes a motion to reduce the Commissioner of Water Departments salary by \$5,000.00. Director Damiano explains the title needs to be correct. The position is titled Chief Water Systems Operator.

RESOLUTION #67 of 2003 - Reduce the Chief Water Systems Operator's salary by \$5,000.00 effective the first full pay period after the April 15, 2003 Common Council meeting.

By: Alderman Quail
Seconded: Alderman Tobin

Approved: Ayes – 6
Nays – 1 (Partigianoni)

RESOLUTION #68 of 2003 – To recommend the State enacts the “Better Bottle Bill” Law.

Alderman Tobin thinks these people should be commended for bringing this to our attention. The Mayor notes that is the most enthusiasm she has seen for any request.

By: Alderman Tobin
Seconded: Alderman Morey

Approved: Ayes – 7
Nays – 0

RESOLUTION #69 of 2003 – Approve the request submitted by the National Day of Prayer Committee of Cortland to use Courthouse Park on May 1, 2003 for a community event.

By: Alderman Testa
Seconded: Alderman Quail

Approved: Ayes – 7
Nays – 0

Item No. 9 – Appointment of Steven Broyles and Betsy Boyden to the Water Board. (Morey)

Alderman Morey wants to make a motion to vote on them both together. She notes they all voted at the last meeting unanimously to vote for this group when there was a quorum. We didn't know that the appt. had been filed with the City Clerk's Office. If 45 days elapse then they are automatically put in those positions. Alderman Morey amends her motion.

RESOLUTION #70 of 2003 – to vote on the appointments to the Water Board separately.

By: Alderman Morey
Seconded: Alderman Partigianoni

Approved: Ayes – 7

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Nays – 0

Alderman Guido asks when more people will be appointed? The Mayor has a number of people but was waiting to get the whole board together. Alderman Morey states she is going to vote both of these people down only because at the last meeting we agreed to vote only when there was a quorum. Alderman Quail states the way he reads the Charter if we don't take action then its is considered an affirmative. Alderman Quail notes we have had a lot of issues with this board in the past and he feels it is important we understand the body of the board.

Motion to approve the appointment of Steven Broyles to the Water Board.

By: Alderman Partigianoni
Seconded: Alderman Quail

Denied: Ayes – 2 (Guido, Partigianoni)
Nays – 5 (Quail, Faraoni, Tobin, Morey, & Testa)

Motion denied.

Motion to approve the appointment of Betsy Boyden to the Water Board.

By: Alderman Faraoni
Seconded: Alderman Partigianoni

Denied: Ayes – (Guido, Tobin, Partigianoni)
Nays – (Testa, Morey, Quail, & Faraoni)

Motion denied.

Adjournment.

By: Alderman Quail
Seconded: Alderman

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 15th DAY OF APRIL 2003. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

WILLIAM J. WOOD – CITY CLERK
