



## City Council Minutes April 20, 2004

The City of Cortland, New York

### **COUNCIL MEETING #8**

**April 20, 2004**

**Regular Business Meeting**

**City Hall**

**7:00PM**

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

**Excused:** Alderman Terwilliger

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

### **PUBLIC HEARING 7:00PM**

Local Law No. 1 of 2004 – Senior Citizens Tax Exemption

There was no one to speak; therefore the public hearing was closed.

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

### **PLEDGE OF ALLEGIANCE TO THE FLAG**

### **PUBLIC COMMENT**

MINUTES of the April 6, 2004 meeting

**RESOLUTION #46** of 2004 – Approve the amended minutes of April 6, 2004.

**By:** Alderman Morey  
**Seconded:** Alderman Faraoni

**Approved:** Ayes – 7  
Nays – 0

### **BILLS**

Alderman Feiszli questions Superior Disposal. Director Damiano explains the process and notes the increase in bag cost is covering the cost of the program. Alderman Quail would like a recap of that. Andy also explains the SPCA contract. One is for patrol and the other is for housing of the animals. Alderman Quail asks about funding for skunk control. Alderman Quail

April 20, 2004

wants the public to be able to use the \$500.00 which was once allocated for crows on skunk removal at a first come first serve basis. It will be added as an agenda item.

Bills are received.

### MAYOR'S REPORT

He announces Alderman Terwilliger is in the early stages of labor.

He had a great trip to Ireland. Mr. Yaman gave the City a check for \$20,000.00 to do reconstruction work at Yaman Park. He also suggested that the Mayor contact another individual which he did. The other individual sent us a check for \$10,000.00. He would publicly like to thank Homer Gutches for that donation.

There was some vandalism at Beaudry Park. The people involved in it were arrested. They will be made to pay the restitution. The total cost was about \$2,700.00. The Mayor notes the Fraternity House on Tompkins St. is coming down slowly but surely.

### WARD REPORTS

Ward 1 –Alderman Faraoni

He attended the landscape and design commission meeting. They want to make the community look better. They are asking Corp. Counsel to look over the tree ordinance. He will be having a ward meeting on Monday, April 26<sup>th</sup> at 7:00PM in the assembly room at the Cortland Memorial Hospital Nursing Facility. Leg. Paul DiGiovanni and he will be hosting the meeting.

Ward 2 – Alderman Terwilliger

Excused.

Ward 3 – Alderman Morey

There is still work being done on Glenn St. She thanks Mr. Yaman and Homer Gutches for their donations. She thanks everyone that has been helping her on code issues in her ward. She reminds everyone it is Youth Bureau registration time.

Ward 4 – Alderman Guido

Alderman Guido reminds everyone this weekend is Festivus. It is a great time so bring your kids down for the festivities. The college kids do a great job.

Ward 5 – Alderman Quail

He had some complaints about noisy students and trash on Denti Way. He acknowledges the passing of Elwood Miller. He is a 5<sup>th</sup> ward constituent and Deputy Fire Chief. He will be missed.

Ward 6 – Alderman Feiszli

April 20, 2004

Two dead trees will be removed from North Greenbush St. There is a vacant house on North Greenbush St. She thanks Amy Bertini and the owner because he is now putting in replacement windows and a new front door. The "No Parking" signs are in place on Washington Street. There are concerns on North Main St. with regard to debris and appliances on front porches. She would like to explore the cost of getting a dumpster for a weekend and park it in a central location for residents to use for spring cleaning. In the work session the Council decided to go ahead with a more detailed cost estimate for the Fire Station and is putting it out to bid. She would like to have her next ward meeting at the Fire Station on Thursday, April 29<sup>th</sup> at 7:00PM.

Ward 7 – Alderman Partigianoni

They have been parking illegally on the Greenbush side of the County Office Building. Public Safety put up three signs. He had a code office complaint but it is being taken care of. He has had pothole complaints. The DPW has informed him the hot packing hasn't been opened yet but it will be the end of this week or the first of next week. The dry patch is not very effective. Marietta has relieved the small parking problem they had on Court St. He attended the planning commission meeting today. A new business has moved into the vacant property on Elm St. The neighbors are happy.

Ward 8 - Alderman Michales

On April 9<sup>th</sup> he toured the fire station. The floor is in sad shape. He also points out May 1<sup>st</sup> is the tree, shrub, and bulb planting day. It will take place at the Youth Bureau at 9:00am. He recently had a motorcycle come down the street at a high rate of speed. He is going to get with Chief Nichols and Alderman Quail to discuss this. Alderman Quail states if you can identify the individual and give the police the license plate number it would be helpful. He is concerned with some of the trees along Randall Field. They are not in good shape. He feels at some point they are going to have to come down. Mike Dexter addresses the Council and states the two trees need to come down. NiMo is going to take them down and haul them away. Alderman Michales asks Mike Dexter if the trees will be replaced. Mike comments the Youth Bureau have possibly six trees that will be going down to Dexter Park and they are looking at getting trees possibly at Randall Field. If they meet NiMo specifications, then the City will receive \$30.00 for each tree NiMo recommends.

## AGENDA

**RESOLUTION #47** of 2004 – Authorize the adoption of Local Law No. 1 of 2004 in order to amend the Senior Citizens Tax Exemption.

By: Alderman Morey  
Seconded: Alderman Partigianoni

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #48** of 2004 – Resolution of Support for the Elimination of the Sunset Provisions of the Local Government Records Management Improvement Fund (LGRMIF) and the Cultural Education Fund (CEF). See attached.

April 20, 2004

By: Alderman Quail  
Seconded: Alderman Guido

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #49** of 2004 – **NOW THEREFORE**, The City Council of the City of Cortland requests that:

- 1) The New York State Department of Public Service undertake the regulation of rates for basic cable service and associated equipment charged by Time Warner Cable which is franchised to provide cable service therein in accordance with 47 C.F.R. Sections 76.900 in the City of Cortland.

**BE IT FURTHER RESOLVED** that the City Council hereby asks the New York State Department of Public Service to regulate rates for basic cable service at its behest.

By: Alderman Partigianoni  
Seconded: Alderman Faraoni

Approved: Ayes – 7  
Nays – 0

Chairman of the Cable Commission John Nagelschmidt addresses the Council. He notes its only rate that is negotiable by federal law and the State can do a better job than the City can. He notes that rates in other communities are lower than ours. The Mayor notes Tom Isabella from the Public Service Commission came down and spent two hours with the Cable Commission discussing same.

**RESOLUTION #50** of 2004 – To table the request by the Central New York Fire Convention Committee until the May meeting.

The Council would like more information with regard to the request.

By: Alderman Faraoni  
Seconded: Alderman Quail

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #51** of 2004 – Approval to declare a parcel of land located on Harmony Circle as surplus city property, and authorizing the conveyance of said parcel to Bill Gallow, subject to the retention of an easement for the installation and maintenance of water and sewer lines.

Alderman Morey states this did not go out for open bid and she feels any City property should go out to bid. She notes this is not how the City should conduct business. Corp. Counsel clarifies this is not a building lot. There is nothing that can be done on that lot so the only people that would have any interest are the two adjoining land owners. Alderman Morey feels it should

April 20, 2004

be sold by sealed bid. Counsel Knickerbocker explains we may get less than what is being offered now. Mayor Gallagher states Mr. Gallow needs that piece of property in order to build a house. If he can't get it then he can't build a house. Alderman Morey agrees with what has been said but doesn't feel we should be selling City property on a first come first serve basis. We are run by the people. Dir. Damiano notes we don't do this with all City owned property. This is called property of nominal value. Because we have the sewer and water lines that are going on one side of the lot, which is no interest to the neighbor, that leaves 30 feet of property to be used adjacent to Bill Gallow's property. It only has a value to Bill Gallow and he approached us. She feels it should go out for sealed bid. Alderman Quail has to recuse himself from the discussion as the individual is a relative. Alderman Morey is not opposed to this individual obtaining this property she feels it should go to bid. Counsel Knickerbocker notes that in most instances when the City has property that is of value other than the value that is nominal it should be by bid. The property at 42 Crandall St. is a good example. We went about this because Mr. Gallow is the only one that we deemed to have any interest in. He explains we are anxious to have him build a house and get it on the tax rolls as expeditiously as possible. He will be covering all the costs, i.e. survey, easements, recording costs, etc. Alderman Partigianoni feels we should continue with the sale.

On the question.

By: Alderman Michales  
Seconded: Alderman Partigianoni

Approved: Ayes – 3, Michales, Partigianoni, Feiszli  
Nays – 3, Morey, Guido, Faraoni

Abstention: Quail

Mayor Gallagher breaks the tie in favor of the conveyance.

**RESOLUTION #52** of 2004 – Approve the request to close Pomeroy Street, from Elm Street to Central Avenue, on June 13, 2004, from 6:00AM to 9:00PM for the Saint Anthony's Festival.

By: Alderman Partigianoni  
Seconded: Alderman Faraoni

Approved: Ayes – 7  
Nays – 0

Item No. 7 – Discussion regarding the introduction of a property tax exemption for persons with disabilities.

Alderman Partigianoni believes the bottom line is by helping these people out it would only raise the rate for the taxpayer's one penny per thousand. It would be \$196,000. to come off the tax rolls. At this moment there are 11 people in the County taking advantage of this; seven of those live in the City. They have applications for four more which would probably qualify. Alderman Morey is in agreement and moves to have it prepared as Local Law No. 2 of 2004.

April 20, 2004

**RESOLUTION #53** of 2004 – To proceed with the course of action in order for the partial property tax exemption for persons with disabilities to become a Local Law.

By: Alderman Partigianoni  
Seconded: Alderman Morey

Approved: Ayes – 7  
Nays – 0

**RESOLUTION #54** of 2004 – Amendment to Resolution No. 174 of 2003 for crow control and altering the use to animal trapping in the amount of \$500.00.

By: Alderman Morey  
Seconded: Alderman Quail

Approved: Ayes – 7  
Nays – 0

Executive Session

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

**RESOLVED TO GO INTO EXECUTIVE SESSION TO DISCUSS POTENTIAL LITIGATION.**

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

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

On the motion of Alderman Guido, seconded by Alderman Michales, voted and carried,

**RESOLVED TO GO INTO EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER.**

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

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

**Adjournment.**

By: Alderman Morey  
Seconded: Alderman Guido

Approved: Ayes – 7  
Nays – 0

April 20, 2004

**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 20th DAY OF APRIL, 2004. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.**

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**JOHN O. REAGAN – CITY CLERK**

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**MAYOR THOMAS GALLAGHER**