



City Council Minutes The City of Cortland

May 2, 2006

Council Meeting #9
May 2, 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 and
Corporation Counsel Lawrence Knickerbocker

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

PLEDGE OF ALLEGIANCE TO THE FLAG

Public Comment

Steve Terwilliger, representing River Street Holding Corp., was present to request a zone change from R-4 to General Business for property located at 32 River Street. The property is adjacent to the Hampton Inn which is zoned General Business. He wrote a letter to the Common Council making that request. The property consists of 3.23 acres of vacant land. Mayor Gallagher noted that this item was on tonight's Council agenda for discussion.

Jill Hearn was present. She wanted to make a case for the City to adopt a Comprehensive City Plan. She feels that it would bring industry to the City. There is a lot of community support for a City Plan. Thoma has already written a grant for it and is waiting to hear if they have received funding for it. People are crazy for it and want to see it happen. She spoke with the Cultural Council, the DBA, the Rotary, Sen. Seward and Barbara Lifton, they all supported it.

She noted that Cortland's greatest asset was the charm of its Victorian downtown. One mistake that municipalities across the nation often make is to think that what corporations are looking for when searching to relocate is subsidies. These are only a drop in the bucket for them. They use them to pit one municipality against another. What they do care about is a thriving cultural life for their bright young executives, a skilled labor force and a great location. Cortland is already on the way to everything;

Buffalo, New York, all points west, everywhere. Two (2) studies were recently done by the Brookings Institute for the Metropolitan Development Association in Syracuse which used Richard Florida as a consultant. They did studies on twelve (12) counties in Central New York, one of which was Cortland County. What these studies determined within the last forty (40) years New York State is producing graduates in the knowledge based industry in droves and when these kids are looking for a place to live they are looking for a place to live based on quality of life first, then they look for a job. If we want to keep them here, we have to have a cultural, thriving place downtown. It already is growing naturally with the Center for the Arts, live jazz happy hours, various entertainment at the Blue Frog and great ethnic restaurants, Lime Hollow, the Tioughnioga River Trail and the J. M. McDonald Sports Complex. Twenty (20) years ago, there was a very functional downtown here, which served the community then, but things have changed. If you want to bring industry here now, you have to have something different. These positive things are all over the place and a Comprehensive City Plan can bring them all together in one over-arching vision that can guide us in all of these things. This would solve the Fire Department headaches.

She is bringing this up now, because of the razing of the Clock Tower. She sees that there was once a beautiful hotel on the corner of Groton Ave. and Main St. and now there is a blue roof building in its place. Down goes the Wickwire factory, a beautiful Victorian brick factory building and up goes low income housing in its place. If we make a mistake like that again, it will be the kiss of death for us. She thinks that if we can get on this quickly and have a plan, when developers come in and want to put up something like the blue roof building, we can say this is what we want to look like, this is we want to be and this is where we are going for our future.

Minutes of April 18, 2006

RESOLUTION #47 OF 2006 - Approve the minutes of April 18, 2006 as amended.

By: Alderman Partigianoni
Seconded: Alderman Michales

Approved: Ayes - 8
Nays - 0

Alderman Partigianoni inquired of Andrew Damiano, where the City stood on the 2005 Fiscal Year. Mr. Damiano noted that the Council had just approved the 2005 year end encumbrances and transfers at the last meeting and the Finance Department is just in the process of closing the books. Mr. Damiano did note that the City operated in the black overall even though a number of operating accounts were in the red mainly because of escalating insurance and fuel costs, but there were also some increased revenues.

Bills were reviewed and received.

Mayor's Report

Attended SUNY Cortland's Scholars Day and the Chamber of Commerce Business After Hours at Key Bank in Homer. He attended the Metropolitan Development Association annual meeting at the ON Center in Syracuse.

He introduced Senator Chuck Schumer at the Cortland County Office Building. He also attended the annual Fireman's dinner. Congratulations to Chuck Sherman for receiving Firefighter of the Year Award. He attended the Job Fair at the Cortland Sports Complex, the Cortland Downtown Partnership Meeting, the J. M. Murray Center's Annual Meeting, the East Side Community Center's Irish Heritage presentation by Mary Anne Kane and was the Guest Speaker at the SUNY Employee Recognition Luncheon.

He attended the Open House at the Soil and Water Conservation Department as well as Cortland Regional Medical Center's Annual Recognition Dinner. Congratulations to Dr. Paul DiGiovani, physician of the year. He also extended congratulations to Officer Chuck Neiderhofer for his recognition from the New York State Police Chief's Association for his heroic action at the Main Street/Court Street fire.

He made the following announcements: There is an Open House May 3 at Walden Place at 2:30 PM. There will also be an open house on May 3 from 4-6 at CAPCO. This will be an opportunity to meet the new Director, Lindy Glennon. On Friday, May 5, will be the Business Showcase preview party at 5:30 PM and on Saturday, May 6, the Business Showcase. On Saturday, May 6, Cortland Community Service Club's Corn Ducky Derby will be held beginning at the Hamlin Street Bridge.

He also extended a thank you to Jim Yaman for sending a check for \$6,000 to cover the cost of the blacktop for the portion of the road at Yaman Park located on the portion of road near the bend of the river.

Ward 1 - Alderman VanGorder

She discussed the Community Clean Up Day. The weather was great and there was a great turnout. It worked out very well. She thanked her husband, Garry, from the Chamber of Commerce for assisting in coordinating everything with her and Chris Gregory who got all the high school kids involved. She did a lot of work. She also noted and thanked the sorority that did Main Street. She thanked Key Bank, the Murray Center, Deli Central, Graph Tex, and Johnny DeLorenzo; who drove around in his truck picking up all of the garbage. She spoke with Vicki DeLaney who was very appreciative of this. They were doing the boxes downtown and Johnny came by and picked up those as well. Vicki wants to coordinate with them next year, as the downtown box clean up just happened to be on the same day as the Community Clean Up Day this year. Vicki and she want to plan it for next year to make sure it will be bigger and better. She thanked everyone who participated.

She had several calls regarding the road situation. She spoke with Mike Preston at the DPW. They are in the process of grinding up the streets now and a lot of the reason people get upset, is that they don't understand what the process is; especially Wheeler Avenue with the dust and smells. It's been great because the weather has been good and they can do a lot of work, but it's been very dusty. Mr. Preston explained to her,

that they rent the machine, dig up all the roads, then they rent another machine to pave the roads. Unfortunately, they can't do each road all at once. They will be doing Union Street and then coming over to Chestnut, VanHoesen and Wheeler will be another couple of weeks. Someone had heard it will be months, but she assured those watching, that it would only be a matter of weeks.

She is going to be having a Ward meeting on June 1 at the Armory and Brian Mitteer from the Hospital will be there. She continues to receive calls regarding the smoking policy and its impact on the neighborhood. They have sent out stern e-mails to hospital employees, but there is still a problem. She also has spoken with Alderman Feiszli about scheduling a work session with the Council so that they could talk about some of the goals that the Council wants to achieve, mainly the Comprehensive Plan and some of the other things that they had talked about and it was timely that Jill Hearn was present tonight. The Mayor inquired as to how many people participated in the Community Clean Up Day and she stated they had about eighty (80). Mayor Gallagher noted that SUNY Cortland should be thanked because they did the whole side hill on Broadway and they did a nice job cleaning that area up. A thank you to everybody was expressed.

Ward 2 - Alderman Terwilliger

The Ward has been quiet in the past several weeks. In regards to the Comprehensive Plan, she asked that the Council members receive a copy of the City Plan that we already have and surveyed which Councilors have yet to receive a copy.

Ward 3 - Alderman Cobb

Her Ward has also been quiet and she extended a thank you to all that helped with the Community Clean Up Day. It did make a difference in her neighborhood, especially around the Byrne Dairy. Her son helped her and they discovered a box with mice and they almost stepped on a duck that was hatching some eggs near the road. They had a good time.

Ward 4 - Alderman DeCarlo

He enjoyed Sen. Schumer's talk. He spoke of things that hit close to home, for Alderman DeCarlo. He talked about agriculture and the immigrant workers and high fuel costs. Alderman DeCarlo thanked the high schoolers that helped him in his Ward. He had four (4) girls, who had to leave early, but they did an outstanding job on Tompkins Street and he thanked them.

Ward 5 - Alderman Quail

He noted that he and Alderman DeCarlo started to pick up the leaves and branches and it was decided they didn't have the right tools, but they did have a good day and a lot was cleaned up in his Ward. He thanked everyone who participated. He noted that the most prevalent piece of trash out there, was cigarette butts and he wished that smokers would be more respectful of that.

He attended the 1890 House Spring Gala. It's always a nice affair. He had his Ward meeting. They discussed the Community Clean Up Day, he attended the paid firemen's dinner as well as attended Sen. Schumer's meeting. He noted that it always impressed him with how the firemen were like one big family. He participated in the YMCA Canoe Classic with his son. They did have fun.

In regard to the Comprehensive Plan, he thought everyone might be making more out of the plan than it really was. He has looked at it and noted that the Council and citizens have a lot of the tools in front of them already. He felt that the Plan brought people together, but if people really wanted to get focused and organized, there are commissions that meet on a regular basis, that need the citizens' support. If citizens want to know what is going on, they should attend meetings of the various commissions, i.e., Historic Commission, Fire Commission, etc. They are regularly scheduled and are open to the public. There is a lot of information out there and available. The Seven Valley Coalition puts out a very nice statistical report that covers basically everything on the health and welfare of Cortland County. A lot of the information is already there, he believes it would be good to freshen up the Comprehensive Plan, but to be honest; it will not drive a lot home. He feels that the Code Office needs to be supported and the various Commissions. That's where the biggest follow up will be. It was noted that a Comprehensive Plan would provide a framework for all of these Commissions that are currently operating independently to refer to. Alderman Quail felt that a Comprehensive Plan would not force people to work together. The Plan is a framework.

Ward 6 - Alderman Feiszli

Her County sub-planning committee has begun the process of looking into several potential sources for repairing the retaining wall Otter and Dry Creeks. Bernie Thoma of Thoma Development was there to talk about eligibility requirements and the possibility of tapping into some Community Development funds for this project. She met with Legislator Daniels, Chris Bistocchi and business owners to discuss the project to mitigate water from the streets on Kennedy Parkway. She also participated in the Community Clean Up Day and wished to thank the Chamber of Commerce, the sponsors, Alderman VanGorder and all of the volunteers for their efforts. She hoped that next year they could allocate funds, especially for publicity, because a lot of people seemed to be unaware of the event.

There was some concern regarding a dumpster in a residential neighborhood overflowing with trash and she contacted the Code Office which is addressing this issue. She inquired of Corporation Counsel Knickbocker as to the progress he has made in regards to establishing a new dumpster ordinance. He inquired if she was referring to permanent ones or temporary ones like PODS. She noted that both were of a concern. He stated that the temporary one is being used under the same provisions the Code Office uses for all the permanent ones as far as placements. He wondered if he should circulate what he has to the Council members, local business owners and trash people for their input to consider some feedback from them. When he first drafted this ordinance, he put in a lot of specifics based on what he had seen from other

ordinances. He didn't know what was standard for a commercial dumpster or for a commercial operation such as a restaurant versus another area. If the Council wants to give him some ideas who they want this to go to so he can get some feedback or if they want to have a work session on it, he would be amenable to that. Alderman Feiszli thought that was a good idea to get the public's input on this issue.

She asked that the subject of the status of back property taxes be placed on the agenda for the next Council meeting so they could get a report on that. She has also received some calls on pot holes now that the snow is gone. She contacted Chris Bistocchi and she agrees with Alderman VanGorder, that when the public understands the reason why they are doing something, it is better. She explained the difference between cold and hot patching and why each is performed when it is.

She also would like to know what the process is to set up a work session open to the public to talk about the long and short term goals for the City. In the past few years, she has received a lot of calls providing good feedback and ideas. She doesn't feel that they need to hire engineers, but that if everyone got together as a community, they could establish steps to achieve their long term goals and then prioritize those goals and work on achieving them. The Mayor asked if she would take the lead because she had some background in that area and she accepted.

Ward 7 - Alderman Partigianoni

He said Amen to the Clean Up Day on Saturday. It went very well, he was very surprised. He signed up for seven (7) people and many more volunteers showed up. He also attended the Annual Wall of Fame ceremonies at the Cortland High School. Six (6) new Cortland High School Alumni were inducted. It was a very nice event. He also attended the Scholars' Day and he enjoyed the keynote address by Dr. Diane Vecchio in the Old Main Building. She was excellent, as usual.

He noted that much has been said about the fire on South Main Street. He was not at the last meeting when much was said. He has found that he still goes down Main Street and is still surprised that the Clock Tower isn't there. He doesn't know how long it will take him to realize it. He also notices that renovations have started on the old B. T. Jones Building where Officer Neiderhofer got the award for rescuing that woman. The Mayor noted that the crew has not begun renovations, but was just pulling stuff out of the building. Alderman Partigianoni also noticed that salvage crews were working in the Wickwire area since the fire. He guessed that used bricks had a premium on them.

He noted that a nice day was had on Sunday at the East End Community Center. Mary Anne Kane came to speak about the Irish History in the area. He felt it was a very nice event and it will be televised for people who couldn't get there. It will be aired two (2) days and two (2) nights on Channel 2 and the schedule will be announced soon. They also had Trina Griffin, Nutrition Outreach & Education Program Coordinator for the Food Bank of Central New York held an informational night at the Community Center. It was noted that only fifty (50) percent of the eligible people were applying for food stamps. New York State ranked forty-one (41) out of fifty (50) states. That proves that the program is under utilized and if it was utilized more, it would lead to more state and

federal funds for New York State and the area. One of the reasons it is underutilized, many are proud and embarrassed to ask for help. Last week they hosted another personal safety workshop hosted by Officer Nelson. He gave everyone present tips on basic personal safety techniques. This Friday at the Center, Bess Koval will host a free intergenerational dance night. All are welcome. He also attended the Firemen's Dinner. He extended congratulations to Chuck Sherman on his award, which was well deserved. He also noted that May is Older Americans Month and there is a reception on May 4 from 3:00 p.m. to 4:30 p.m. at the County Office Building and the Senior Citizen of the Year will be announced at that time. Everyone is welcome.

Ward 8 - Alderman Michales

He also attended the Annual Firemen's Dinner and he understood that it was a record turnout. He extended his special thanks to Chuck Sherman. He referred two (2) issues to the Code Office and two (2) issues to Public Safety. It's that time of year when people start getting out, taking their walks and noticing things. Clean Up Day was a success and he thanked Alderman VanGorder for spearheading the event. He thanked Kevin Mooney, Barb Janos, Angie Wyatt and from Cortland High School, Colin Jacobs for their hard work and effort. He was surprised at the amount of trash that was collected. He filled his pick up truck so that he couldn't see out his rear window; there was a lot out there. It was a very successful day. The Corn Duck Derby is on Saturday at 11:00 a.m. and tickets can still be gotten. His grandson will be there to watch his duck.

He noted that Greenbush St. is going through the reconstruction process. A binding layer will be put down to cut the dust and that will be in place until the Water Board does their work and later in the summer, that section will be paved between Randall and Port Watson Streets. It will be dusty for a couple weeks, anyways.

He has a tentative Ward meeting scheduled for the first week in June; he will provide more details at the next Council meeting. He is trying to get together with Dan Quail's group to have a combined meeting.

RESOLUTION #48 OF 2006 - Consideration of a Resolution of support for the submission of a Preserve America Historic Preservation Grant to fund an oral history project at the East End Community Center.

Cecile Scott was present to explain why they were able to apply for the grant and what they planned to do with this program. They plan to videotape and archive oral history as told by older residents of the community. This will be at no cost to the City and Tom Gath and others will be donating their time to use the equipment to record the oral histories.

By: Alderman DeCarlo
Seconded: Alderman Feiszli

Approved: Ayes - 8
Nays - 0

RESOLUTION #49 OF 2006 - Consideration of the confirmation of the Mayor's appointment of an Acting Mayor.

Mayor Gallagher noted that as an oversight, he had not appointed an acting Mayor from the current Common Council with confirmation of the Common Council at the first meeting in January.

Alderman Quail gave a history of the appointments of various acting Mayors. It was noted that some past appointments were made without Council vote approval and the "no vote" issue was backed by former Corporation Counsel Baranello at those times. Alderman Partigianoni noted that the City of Cortland has a City Charter that states that the Mayor will bring his nominee from the Council before the Council to be confirmed.

Alderman Feiszli inquired what information there was that indicated an acting Mayor had been appointed for this term. Alderman Quail noted that there had been a newspaper article and he also read an excerpt from the January 20, 2004 Council minutes where in her Ward report, he had been congratulated by Alderman Feiszli on his appointment. Alderman Terwilliger inquired why the Council should follow a past Corporation Counsel's interpretation of this. Alderman Quail noted that the process has been inconsistent, but Corporate Counsel's interpretation has been consistent. Alderman Terwilliger asked if it was thought that the appointment of Alderman Quail as Acting Mayor had been on the record. Alderman Quail felt that it had.

Alderman Partigianoni noted that there had been some questions regarding past Mayors and Corporation Counsels and carryover appointments. Just because it had been done in the past with some administrations, didn't make it right. There was further discussion and Alderman Partigianoni noted that there had been no Acting Mayor confirmed at the Common Council meeting in January 2004. They continued to discuss minutes of the Common Council from that month. Alderman Feiszli noted that they now had the opportunity to do this appointment correctly.

The Mayor stated that his appointment for Acting Mayor is Alderman James Partigianoni.

By: Alderman Feiszli
Seconded: Alderman Terwilliger

A Roll Call Vote Was Taken

Approved: Alderman VanGorder - Aye
Alderman Terwilliger - Aye
Alderman Cobb - Aye
Alderman DeCarlo - Aye
Alderman Quail - Aye
Alderman Feiszli - Aye
Alderman Partigianoni - Aye
Alderman Michales - Aye

Alderman Partigianoni thanked the Council for having the confidence in him and he hoped that he was up to the job. He also noted that previous mayors had appointed multiple Acting Mayors, which was very well received. He felt that this would be well received and suggested that the City Charter be amended to reflect "person or persons", so that the Mayor could appoint multiple acting Mayors perhaps from both parties. Alderman Terwilliger did like what Mayor Gallagher had been doing to see that various Council persons represented the City at various events, but she did feel that the official Acting Mayor was the one person to be responsible during a catastrophe. It would be less confusing. Corporate Counsel Knickerbocker, when asked, noted that this was true.

Alderman Partigianoni noted that during an emergency, the City Manager could be the one to direct the City.

Item No. 3 - Discussion regarding a zoning change request for the property located at 32 River Street, from R-4 to General Business

Alderman Feiszli noted that without a Comprehensive Plan, not knowing what would happen in that area and agree to a change, she would rather know what the plan was for this property. Alderman Michales also wanted to know the intended commercial use of the property before voting on this resolution. It was noted that R-4 was rental property, but a definition of what is allowed in General Business was asked for.

Amy Bertini, Zoning Officer, was present. Alderman Partigianoni read a definition of General Business which said, "General Business districts provide areas for commercial activities and allowed uses by right." He, too, wanted to know exactly what was being planned for the property in question. It was noted that from the Hampton Inn down to that property it was zoned General Business on both sides, but then there were two (2) residential areas on the other side. Amy Bertini noted that after the residential area, it then went into industrial. The whole area was cut up. Aldermen Feiszli and Terwilliger noted that this would be sent to City and County Planning and they would make decisions and recommendations to the Council.

RESOLUTION #50 OF 2006 - Consideration of a Resolution to send a zoning change request for the property located at 32 River Street, from R-4 to General Business, to both the City and Cortland County Planning Commissions for their recommendations.

By: Alderman DeCarlo
Seconded: Alderman VanGorder

Approved: Ayes - 8
Nays - 0

RESOLUTION #51 OF 2006 - Consideration of a Resolution authorizing the closure of Main Street, from Court Street to Tompkins Street, on August 20, 2006 to stage the Cortland Memorial Foundation's Fourth Annual Nightingale Run with a noon to 6:00 p.m. closure.

By: Alderman Quail
Seconded: Alderman VanGorder

Approved: Ayes - 8
Nays - 0

RESOLVED TO GO INTO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION.

By: Alderman Terwilliger
Seconded: Alderman DeCarlo

Approved: Ayes - 8
Nays - 0

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

By: Alderman DeCarlo
Seconded: Alderman Quail

Approved: Ayes - 8
Nays - 0

Adjournment

By: Alderman Feiszli
Seconded: Alderman Quail

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 MAY 2006. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN, CITY CLERK

MAYOR THOMAS GALLAGHER