



City Council Minutes May 4, 2004

The City of Cortland, New York

COUNCIL MEETING #9

May 4, 2004

Regular Business Meeting

City Hall

7:00PM

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

Excused: Alderman Quail

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

PLEDGE OF ALLEGIANCE TO THE FLAG

PUBLIC COMMENT

Ken Tobin of Arthur Ave. raises the question about the Wastewater Treatment Plant. He has not seen a whole lot about the Plant. He raises the question about the proposal saving the city \$300,000. this year. Could we have saved money previously? Is this just a new proposal for this year? Mr. Damiano needs to explain to the current Council the wisdom of a no bid contract extension with Ogden Yorkshire. I would also like to know what happened to the promised \$50,000. contribution towards a Senior Service Center or any other worthwhile purpose that was promised by Covanta at the time. We never received that money. Will the Council be receiving the expanded budget before taking any further action on this so they can review the actual cost of the Wastewater Treatment Plant? How many 4A operators does Covanta currently employ? Is the Chief Operator still an employee in good standings with Covanta? Has the City received a letter from the DEC stating permit violations. Has the Council seen a copy of this letter. It should be noted as of March 10, 2004 Covanta was acquired by Danielson Holding Company, allowing Covanta to emerge from bankruptcy. What affects does this have on the Cities actions. Is the City going to review the employment records of the employees it intends to hire. I ask this for liability reasons. Is the City doing this to save money or are there other reasons involved. It is my opinion this Council should not give out any more personal service contracts to any Administrative employees until a certain amount of accountability is built in.

Andrea Rankin talks about the weekend events. They planted 3 gardens and soon to be a fourth garden. The Youth Bureau will be planting a garden as well. She will also be getting the results of the FOCUS group from the neighborhood. She believes it will be an eye opening experience for all of the Council.

MINUTES of the April 20, 2004 meeting

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RESOLUTION #54 of 2004 – Approve the amended minutes of April 20, 2004.

By: Alderman Morey
Seconded: Alderman Partigianoni

Approved: Ayes – 7
Nays – 0

BILLS

Bills are received.

MAYOR'S REPORT

- Attended BDC/IDA board meeting
- Met with the Cortland Business Network at TC3 for an overview of the proposed sports facility
- Spoke at a press conference at SUNY Cortland to give credit to the Student Government Association for their efforts in off-campus housing evaluations
- Attended the J.M. Murray Center Humanitarian of the Year Awards Ceremony. Congratulations to Sandy Price as this year's recipient
- Attended the Social Justice Cluster of Area Churches to listen to their concerns on the Greyhound Bus Station and also the possibility of Cortland Transit Authority stopping at several of the stores in Cortland and Cortlandville
- Met with Ken Morey, who manages the Greyhound Bus Service, to discuss his objectives and concerns relating to accommodations for the customers
- Hosted the Core Council meeting at City Hall to discuss the possibility of arming police officers at SUNY Cortland and also to discuss the possibility of establishing an office of off-campus services
- Spoke to students and staff at SUNY Cortland about the importance of students working in the community and to pass on accolades to those students recognized by their peers for their work efforts in the community and at SUNY Cortland
- Attended the 1890 House fundraiser at the Gibson House
- Participated in a tree-planting in memory of 9/11 at Courthouse Park
- Attended the 13th annual physicians recognition dinner, and our congratulations go out to Dr. Patrick Hayes as this year's recipient
- A community clean-up throughout the City is scheduled for May 6th by the SUNY Student Government Association
- Drafted a letter to participants in the Empire State Senior Games for their brochure
- Attended Cortland Regional Sports Council for presentation on the organization's formation, structure and goals. This is a collaborative effort between SUNY Cortland and the community. The CRSC will aggressively market Cortland County's collective sports and recreational facilities and community capabilities as it strives to make our area a premiere destination for major events, tournaments, championships and other competitions

WARD REPORTS

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Ward 1 –Alderman Faraoni

He congratulates Shannon for her new arrival. He has passed out an ordinance from Wisconsin which was given to him by a constituent. He has had a few problems with cats. He thanks Chris Bistocchi and all of the DPW crew who have worked very hard this winter. He asks the Mayor if possibly we should bond for some of the roads that need to be paved. This was a really bad winter and the roads are really torn up. The Mayor states five roads are scheduled and we are looking into a piece of equipment from the County. The streets that are scheduled are Maple, Lincoln, Brown, Dunsmore and Scammell.

In Dan's absence, we have a little problem with the handicapped and the magnetometer. He said they had to be walked back to the magnetometer, then walked back to the elevator. Dir. Damiano explains we had a T.V. screen installed that the two officers can see. If someone needs to get into the elevator, they go around the back of the building with the wand and then release the elevator. Alderman Faraoni remarks there may have been some miscommunication but he will convey this information.

Ward 2 – Alderman Terwilliger

She has a new son born on April 23rd. His name is Asa. She has had a few phone calls regarding Maple Ave. and the time frame. They started doing it today. She had calls regarding debris in yards. She asks everyone to try and pick up their yard. She met with some people in her neighborhood regarding a neighborhood watch for Lincoln and Maple Ave. She will be scheduling a ward meeting in June.

Ward 3 – Alderman Morey

She congratulates Shannon. They have not walked it and moved the "no parking" signs. They will probably do it next week. The residents have not been notified but they will. Carol Tytler and she had a ward meeting last Wednesday night on Alliance Bank on Groton Ave. to discuss Glenn St. It was well attended. Other than the five streets mentioned, Atkins still isn't finished, half of Glenn St. isn't finished. The street is two different levels. Otter Creek is very bad.

Ward 4 – Alderman Guido

He congratulates Shannon. He thanks the DPW for a great job on yard pickup. He has had a couple of calls regarding the Code issue on Tompkins St. This coming Monday there is a zoning board meeting at City Hall at 5:00PM. He reminds everyone fireworks are illegal in the City of Cortland. He is going to be in contact with Tom Hartnett the County Legislature in his ward and they will also be setting up a ward meeting. He wants to add a discussion item on the agenda regarding the Clerk's salary. Alderman Morey will also be attending the ZBA meeting.

Ward 5 – Alderman Quail

Excused.

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Ward 6 – Alderman Feiszli

She was asked by the Mayor to be the Common Council representative for the Cortland City Improvement Corporation and she attended her first meeting on April 21st at 8:00AM. There is nothing to report at this time. She met with a constituent with regard to a lack of privacy and noise because her house is directly behind a parking lot. She explained there really is nothing they can do in the wintertime with snow removal but looking at her house and income she might be eligible for a grant through Thoma. She attended a dedication at Suggett Park for the fallen workers. Linda Smith who is the representative of the labor council board did a great job and she thanks her for her efforts. Her last meeting was at the fire station. Chief Barron took them through it and showed us the basement and living quarters. The history of the fire station is very interesting. The next tour will be for the Armory and that will be announced at a later date.

Ward 7 – Alderman Partigianoni

He attended the College Community Council in the Council Chambers regarding arming the officers. They used to be peace officers, now they are officers. They are trained exactly like the City Police and the State Troopers. The Hill Association had a lot of questions. The focus group planted a garden on Elm St. Three dangerous trees have been taken down. He attended the cable commission meeting last night. That committee is progressing well. They are a hard working group. He attended the Cortland High School third wall of fame induction ceremony. There were 12 prominent citizens from all walks of life that were honored. They are also on the home page of the cities website. There is quite a list. One of the honorees is Dr. Stephen B. Oliver who happens to be his son-in-law who is married to his daughter Cathy. Dr. Oliver is the Editor and Chief of Food Born Pathogens and Disease, an international publication. He has authored and co-authored over 160 published papers. He was the 2002 Land O Lakes Scientist of the year and also for Agway. He reminds everyone the month of May is Older Americans month.

Ward 8 - Alderman Michales

He congratulates Shannon on the birth of her son. They missed her at the fair this past weekend as she put a lot of time and effort into it. He had a call regarding an unregistered vehicle on property. He had a call about the use of the Armory and City/County sponsored events which will use the parking lot as well as the building. These cases will be reviewed on a case to case basis. If anyone has any intentions to use this building you might want to give the City the heads up so that arrangements can be made. We will try to accommodate the requests. The other issue is truck traffic on East Court. He has turned it over to the proper department. He had a call from a constituent who wanted to be placed on the trapping list. The traps are there but there is nothing in them. He was one of the five individuals who helped foster the event at the County gym May 1. The project was to help promote volunteerism throughout Cortland County. Shelia Abby, Tammy Goddard, and Bill Baxton were involved in the first annual fair to help promote volunteerism for non-for-profit agencies. He was also a guest on Rotary Day. He has a ward meeting coming up. He held a poll and polled about 10% of his constituents to get a good idea of what is a good time to meet. The next meeting will be held on May 20th at 7:15PM and the location will be determined. We will be discussing City issues, Wastewater Treatment, temporary relocation of the Fire Department and neighborhood concerns. He was thinking about a contest to rename the Armory if anyone would like to entertain the idea, please let him know.

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AGENDA

RESOLUTION #55 of 2004 – Approve the request by the Central New York Fire Convention Committee for \$1,000.00 in funding for their July events to be used for Marketing and Advertising. A1990.400 (Contingencies) to account A7550.405 (Celebrations).

By: Alderman Faraoni
Seconded: Alderman Morey

Director Damiano notes he submitted a request to the volunteer committee for financial information to justify their need for the cash. The City funds them to the tune of \$42,000. annually to be used for their administrative expenses. Also, they are the recipient of what is known as foreign fire insurance money which is a significant amount of cash they get every year from various fire insurance companies. As a public body, the volunteer companies are recipients of public dollars and therefore must disclose their financial records when requested. He thinks it would be ill advised for the Council to extend them additional dollars in light of the fact they are not being cooperative in disclosing information which must be disclosed publicly. The convention is in July. He feels we should take a firmer position on this and request the information.

Alderman Faraoni notes this is for their convention. Dir. Damiano notes these types of social events are to be funded with that money. That is the appropriate use of those dollars. It is for Administrative expenses. Alderman Morey states this \$1,000. is for this one event. We could make an amendment to earmark this money to go for advertising. The City needs to be a part of this. This will then have a specific purpose. She feels we should also get the information Andy is speaking of. Dir. Damiano has heard they have funds on deposit and Certificates of Deposit, perhaps substantial amounts of funds, that aren't being used to buy equipment. We don't control the money but we have asked for the information. Alderman Michales comments we can discuss this at budget time. Dir. Damiano does not want this to be construed as not supporting the volunteers because we do and we support them financially and administratively. We appreciate what they do and they are a great asset but this money issue needs to be cleared up. Alderman Partigianoni believes we can still give them the money but pursue the issue. Alderman Feiszli remarks the City already funded them \$42, 460. and why are we giving them more.

Motion to amend with the added verbiage.

By: Alderman Morey
Seconded: Alderman Guido

Approved: Ayes – 7
Nays – 0

Item No. 2 – Consideration of a resolution of support and concurrence for a revision application to be submitted for the Cortland County Empire Zone.

By: Alderman Morey
Seconded: Alderman Partigianoni

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Mayor Gallagher explains there are 319 acres in the current zone. They are not adding any acreage to the zone. They are shifting where they are putting the zone. We will not be taking away anything from anybody. The Mayor has a map in his office. They are moving part of it to Central Ave.

RESOLUTION #56 of 2004 – To table until they have time to look at the map.

By: Alderman Faraoni
Seconded: Alderman Terwilliger

Approved: Aye – 7
Nay – 0

RESOLUTION #57 of 2004 – Authorizing the creation of the following new titles for the Wastewater Department:

- A. Assistant Plant Operator (1)
- B. Senior Account Clerk/Typist (1)
- C. Wastewater Treatment Plant Operator II (2)

By: Alderman Morey
Seconded: Alderman Partigianoni

Alderman Morey doesn't feel there is a lot of information here. There is no salaries, ranges, etc. Dir. Damiano notes creating titles do not include salaries. That is a budgetary issue. Civil Service offers no opinion on salaries. He gave Civil Service descriptions of what they do and the Commission told him those were the titles that need to be created. We have some of the titles on the roster for 6 of the people. The rest have been on the roster since 1993. They are on the roster but listed as vacant. Alderman Morey notes Ken Tobin brought up some good points. Dir. Damiano explains the one question Ken brought up about the \$50,000, we made sure we received that before the contract was terminated and we do have it. Andy explains it was sort of a signing bonus when we extended the contract. Alderman Guido asks when they come over are they going to be CSEA. Andy states it will be up to them. There are two separate CSEA units. They will not have to take civil service examinations and are not subject to competitive exam. Dir. Damiano briefly explains this process.

Alderman Faraoni asks why in 1993 this was privatized. Dir. Damiano explains at the time the City had a consent order from the DEC due to failure of the ammonia removal system. There was a fish kill in the Tioughnioga and the City was facing severe penalties. There was a consent decree issued basically stating we had to renovate the plant. At the time we converted from a physical chemical operation to a biological plant. The employees had various levels of certification for running the physical chemical operation but didn't have the appropriate certification to run a biological system and many had never worked in a biological plant. The consent decree was amended to require us to retain the services of contract operators to oversee the transitions to a biological system. We entered into contract originally with a firm called S.T. Environmental Services. They were sold to Cunningham Environmental, they were sold to Ogden Yorkshire Water, and they were sold to Covanta. Through that entire change of companies all the people who are currently working at the plant were working at the plant with the exception of one employee. Basically, we spent 13.5 million dollars on the renovation and

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didn't have the appropriate staff to run the plant. We were ordered to spend the money. We immediately reduced the operating budget by \$800,000. Some of it can be attributed to the new technology and some to streamlining staff. Andy feels over the last 10 years we have saved millions of dollars in the operation. A brief explanation regarding the bankruptcy of Covanta is discussed. Alderman Morey comments on the article in the paper mentioning the water board. Without the Cities knowledge we were left without (2) 4-A Wastewater Treatment Operators and also left without an operator at the Water Board when that change occurred which was no doing of the City. Andy explains the next step is for him to get authorization from Covanta's corporate people allowing him to talk to the 10 employees and offer employment. At that point he can finalize proposed salaries. The Wastewater Treatment department is still in the charter. It would be nice to have the employee issues resolved to make for a more orderly transition. Dir. Damiano does not foresee a problem.

On the question.

Approved: Ayes – 7
 Nays – 0

RESOLUTION #58 of 2004 – Authorize the scheduling of a public hearing on May 18, 2004 at 7:00PM to accept comments relating to proposed Local Law Number Two of 2004 (Real Property Tax Exemption for Persons with Disabilities).

By: Alderman Faraoni
Seconded: Alderman Partigianoni

Approved: Aye – 7
 Nay – 0

RESOLUTION #59 of 2004 – Reaffirmation of the adoption of Local Law Number One of 2004

By: Alderman Partigianoni
Seconded: Alderman Morey

Roll Call Vote.

Alderman Faraoni	Aye	Alderman Quail	Absent
Alderman Terwilliger	Aye	Alderman Feiszli	Aye
Alderman Morey	Aye	Alderman Partigianoni	Aye
Alderman Guido	Aye	Alderman Michales	Aye

Item No. 6 – Discussion of Deputy Clerk's salary.

By: Alderman Guido
Seconded: Alderman Partigianoni

Alderman Morey notes she wants to table the discussion indefinitely and she would like to revisit it at budget time. There are other departments and other employees that want to discuss their salary increases and with everything going on in the City we need to wait on this item.

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By: Alderman Morey
Seconded: Alderman Faraoni

Alderman Feiszli asks why. Alderman Faraoni notes motion to table, discussion is over. Corporation Counsel Knickerbocker notes once the motion to table is on the floor there can be no more discussion. Alderman Feiszli states this is unfair. Alderman Faraoni comments the discussion is over.

RESOLUTION #60 of 2004 – Table the discussion indefinitely.

Approved: Ayes – 4 (Michales, Morey, Faraoni, Guido)
Nays – 3 (Terwilliger, Partigianoni, Feiszli)

A brief discussion ensues regarding the Open Meetings Law. Corp. Counsel Knickerbocker notes he has prepared information for all the members that defines what the Open Meetings Law is, what a public body is, what an executive session is and also what the statutory exceptions are to the law. Alderman Partigianoni would like to clarify this to the public. Corp. Counsel states if we are talking about the Wastewater Treatment Plant there was ample reason to go into Executive Session. For instance, what we can and cannot do, what our strategy would be in litigation, asking for the advice of Counsel, removal of persons or corporations. Alderman Morey thanks Corp. Counsel. Alderman Michales shares her sentiments.

Corp. Counsel believes Mr. Tobin asked a number of legitimate questions and they all have been answered by Dir. Damiano to various Council Members even before they were brought up here tonight. To try and make this sound like it was not thought out and that it was entered into in some rash ill conceived manner is totally inaccurate. Alderman Partigianoni asks about the information. He asks specifically about financials. Corp. Counsel clarifies that this can deal with salaries of a person or a corporation.

Adjournment.

By: Alderman Faraoni
Seconded: Alderman Michales

Approved: Ayes – 7
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 4th DAY OF MAY, 2004. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN – CITY CLERK

MAYOR THOMAS GALLAGHER