



City Council Minutes May 21, 2002

The City of Cortland, New York

COUNCIL MEETING #9
May 21, 2002
REGULAR BUSINESS MEETING
CITY HALL
7:30PM

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

Staff present: Deputy City Clerk, Jodi M. McLyman, Corporation Counsel, Mark Suben, and Director of Administration & Finance, Andrew J. Damiano

PLEDGE OF ALLEGIANCE TO THE FLAG

PUBLIC COMMENTS

Larry Hirschfield, President of the Cortland Sports Complex, Inc. is asking the City to help support the Sports Complex. It is a multiple-use facility. It is important to the economic development of this area and certainly to the City of Cortland. He appreciates the City's support.

Scott Steve, County Legislature speaks about the issue of the County Prosecution. The issue he is concerned about is that it might not be the right decision but it should be looked into. The biggest problem he has on the County level is they don't have the manpower. There are 362 employees that work for the County that live within that boundary. This revenue goes back into the City. All the municipalities are a part of this as well. He would like to see a relationship between the County and the City. He would like to see a series of compromises. The County does not have the money to take on additional caseloads. It is in the City's budget and it might push back the long-range plan but it is the lesser of the two evils. This has nothing to do with politics. Everyone says it should take two or three years to make the transition. He feels the City should at least wait until the end of the year. The best the City can do is to show a compromise.

Albert Rosato of 212 Central Avenue talks about the tree that is planted next to his driveway. This is on the property line. He would like something in the code so as to not allow a tree to be planted so close to a person's driveway. He would like to see this changed to 10' from the property line.

MINUTES

Approve the amended Common Council minutes of May 7, 2002.

By: Alderman Faraoni
Seconded: Alderman Quail

May 21, 2002

Approved: Ayes - 8
Nays – 0

BILLS

Alderman Morey asks about the SPCA contract. Andy explains the contract is for picking up dogs and one is for housing.

Receive the bills of June 1, 2002.

By: Alderman Testa
Seconded: Alderman Morey

Approved: Ayes – 8
Nays - 0

MAYOR'S REPORT

The Youth Bureau had a Youth of the Year Award. There were a number of City of Cortland kids that were finalist and winners of some of the awards. The awards recognized such things as personal merits and success despite difficult odds. It was a terrific event. Mayor Leonard was privileged to be at the veteran's celebration at the Country Music Park. It was to recognize veterans in our community. This is military appreciation week. The Crown Neighborhood Program is in full swing. It is on the City of Cortland web site. Some people were a little concerned because the 24th of May was the deadline but that date is flexible. There is a press conference tomorrow morning in Syracuse to kick off the Empire State Games. Kid's Day America was Saturday. Doctor Janke was doing this to bring attention to health, safety, and environmental awareness issues for children. Cecile Scott, from the Youth Bureau was recognized as someone who makes a contribution to children. We are also recognizing emergency service workers. The Dairy Parade is June 4th. There will not be a meeting that night. We have made arrangements to have the June 18th meeting at Barry School where the chorus will serenade us. The second July meeting will be in the new Pomeroy Place building. Everyone should have received a packet from Corp. Counsel Suben regarding code revision. We need any specific concerns, which are bothering you about the code. The intermunicipal group is still meeting. It is involving people from different segments of the community. Amy Bertini is recovering from surgery and we wish her a swift recovery. Mayor Leonard praises the HAZMAT team for their prompt response to the incident last week.

Ward 1 – Alderman Faraoni

He had a ward meeting at the Cortland Memorial Hospital. Tom Carmen, President of CMH, gave a presentation. He assured all of us what was going on. He answered many questions. He would like to thank Tom. He has had calls regarding dogs not being on a leash. There is a leash law in the City.

Ward 2 – Alderman Tobin

May 21, 2002

He continues to get complaints on potholes on Lincoln and Maple Ave. He had a meeting with the VFW about their intent to block off their parking lot to lend access from West Court St. They do have intent to resurface and block off their parking lot.

Ward 3 – Alderman Morey

Her ward meeting will be Tuesday, June 4 from 7:00 to 8:00 PM. She would like to address Steve Scott. She would like to put the DA discussion on the agenda. Andy Damiano states that this would need Council approval.

The D.A. discussion is added to the agenda.

By: Alderman Testa
Seconded: Alderman Faraoni

Approved: Ayes - 8
Nays – 0

Alderman Morey asks why this is? Alderman Hennessy states that's just how they do it. Alderman Morey states we are talking about the County and City relationship and the cost. We have a no-cost issue, which were our boundaries. It shouldn't be a dollar amount that brings us together to discuss this. We have a no dollar amount issue. Since January we have been trying to resolve this. It has been the Legislature's way and there are eight Legislators that represent the City.

Thanks Andy for his help with Code issues. The sign on Groton Ave. reads "5 tons". That means a tractor-trailer should not be permitted to go down Groton Ave. She would like to see these relocated. She was told this was a temporary truck route. She has had calls that there is no tree money left. Linda Armstrong from Community Development states Thoma Development has set aside tree and sidewalk monies for the Community Block Grant Program. She thanks NIMO for reseeding Groton Ave.

Ward 4 – Alderman Guido

Thanks DPW for there help with potholes. He had a lady call regarding the corner of Tompkins and Delaware. Tractor-trailers are gearing down and it is quite noisy. Also, cars pulling in convenient stores and their music are very loud. He had a call from his neighbors up the street who want a streetlight located at the dead end part of Pearl St. They have had problems with college students and locals hanging out there. Concerns over the water board adding fluoride to the water. Any policy change will have to come before the Council.

Ward 5 – Alderman Quail

He attended the Kid's Day America event. Thanks the Police, Fire, and Sheriffs Department, Lime Hollow Nature Center was also present. His ward meeting will be May 29th at 7:00 at the Beaudry Park Building. Ron VanDee will be in attendance. He also wants the D.A. discussion on the agenda. Thanks the Code Office for their work. He states the No Parking spots on Main St. are always full. He thinks we should be enforcing this. The spot in question is in front of

May 21, 2002

Pizza and More. He wants the open forum style meeting. He would like to schedule a meeting in June on this.

Ward 6 – Alderman Testa

Had a call from a lady on Miller Street that the power company took down a tree and left the stump. Mike Preston is helping her with this. Doug Withey also helped a man on Miller St. that had a water leak. Ward meeting Wednesday, May 29th at the Grange.

Ward 7 – Alderman Partigianoni

He discusses the houses, which are in shambles in his ward. He is looking forward to the grant that might be coming to help with this problem. Complaints on trash regarding recyclables. They don't pick up stackables. Bob Spada is looking into this. Trash collectors are being careless. They threw the blue bin and it hit a car. The crematorium will be reheard by the ZBA. His main concern is the procedure to be done properly. Potholes are still a problem.

Ward 8 – Alderman Hennessy

Her ward meeting went well with Marilyn Brown in attendance. The tennis courts in Randall Park are of concern. The timer is not working and the lights are staying on past 11:00PM. There is no handicapped parking at the end of the park near the ball field. There is one next to the school but it is difficult to get from the school parking lot to the field. The next ward meeting will be Monday June 10th at 7:00PM. The Crown Neighborhood Program has evoked a lot of interest. There was interest in having a neighborhood group that was not all in one ward. She said that was fine as long as the number of properties was met. This is Older Americans Month. On Thursday from 2:30 to 4:30 at the County Office Building there will be a reception by the Office of the Aging to honor the senior citizen of the year and also honor the elementary school kids who have won an essay contest about their favorite senior citizen. Communities that Care is having their orientation June 4 and 5th. It seems like a very good program. She asks Counsel Suben if he has any information on the Scrap Yard? He is not aware of anything at this time. Alderman Hennessy would like to know where we stand with this.

AGENDA

RESOLUTION #46 Of 2002 – Resolution authorizing the commitment of “up to” \$150,000 of Community Development program income in support of CAPCO's Youth Build Program.

Chris Farkas explains the program. If they can make the property look better, then it is worth it. It is nice to see public/private partnership. The kids can work with the contractors to learn specific skills. Hopefully these kids will have their GED and a building trade and possibly get hired by these contractors. He feels pretty confident this grant will go through. Chris Farkas would like to be on a beautification committee if there is one in place. Alderman Tobin asks about the contractors. Chris Farkas states there will be people that teach these courses, professional people. He explains that the selection process will depend on how difficult it will be for CAPCO to get these properties and how much work can be done on them. He feels 50 Elm St. is questionable. The number of properties rehabbed is unknown until the grant is actually awarded. We don't want to give the impression that 8 or 9 of these can be done. A lot will depend on what needs to be done and where they are with the kids. Linda Armstrong explains

May 21, 2002

that a lot will depend on how they can dispose of the property and clear title and how quickly the rehab can be done and the money rolled over. A brief discussion ensues regarding turnover, how to acquire the properties, how many youths can work on the property, tax incentives. Linda Armstrong explains the City is only going to be the lender. CAPCO will own the property.

By: Alderman Hennessy
Seconded: Alderman Partigianoni

Approved: Ayes - 8
Nays – 0

RESOLUTION #47 – City of Cortland resolution of support and concurrence with the Cortland County empire zone (formerly economic development zone) revision application.

WHEREAS, New York State has created the Economic Development Zone program to encourage industrial and commercial development in selected municipalities across the State, and

WHEREAS, Cortland County, as an eligible municipality, received designation of an Economic Development Zone made up of sub-zones including portions of the Town and Village of Homer, Town of Cortlandville, and City of Cortland, and

WHEREAS, New York State has amended the Zones program to increase benefits and allow additional sub-zones, and

WHEREAS, Cortland County intends to revise the County Economic Development Zone boundaries (now referred to as Empire Zones) to encourage industrial and commercial development and to allow for the creation of an additional sub-zone in the City of Cortland, and

WHEREAS, the City of Cortland is committed to the development of new business within the proposed sub-zone, and

WHEREAS, the City of Cortland wishes to support and concur with the Empire Zone revision application,

NOW, THEREFORE, be it resolved that the City of Cortland Common Council, in its capacity as governing body of the City, does hereby support and concur with the Cortland County Empire Zone revision application.

Alderman Tobin asks what benefits will the YWCA get since they already are a tax-exempt property. Linda Armstrong states you can get zone credits from New York State on your income tax if you're in the Empire Zone. Alderman Morey asks why the YWCA wasn't included? Linda explained it is a complicated process and not everything was included for various reasons. There is a process to amend the zone boundaries.

By: Alderman Hennessy
Seconded: Alderman Partigianoni

Approved: Ayes – 8

May 21, 2002

Nays - 0

RESOLUTION #48 – Approval of the use of \$35,000 in Miscellaneous Revenue for the purpose of purchasing an elevator for the Cortland Sports Complex contingent on the City arriving at an appropriate return or consideration for that grant and also protection for the City in the event the building is sold.

Mayor Leonard would like to see one of the things tied to the approval would be conditions for some return to the City even if it is in use and secondly, in the event the building were sold we would have some protection for the monies we have invested.

Larry Hirschfield explains they are in the final design phases and they need to have a commitment in order for them to go to the bank and secure funds. They want to break ground sometime in June. They are trying to get these commitments so they can show the lenders. The purchase of the elevator will help them meet handicapped accessibility. The County has committed \$10,000 thus far. The Sports Complex is a not for profit status. The County needs something tangible. They cannot give us any money until it is built. Mayor Leonard states an elevator is an eligible use for the Cities money. What they don't raise they will have to borrow. They have received donations from private industry. Linda Armstrong notes this will attract outsiders who will bring new money to our town. Probably the body that will benefit the most will be the City. People will come in to the City for hotels, restaurants, and gas stations. Everyone will benefit from this complex.

Alderman Morey feels she doesn't have enough information to support this. Could miscellaneous revenue be used for sidewalks? Linda Armstrong explains you have to be careful with this money. It has to be an eligible activity like equipment, or handicapped accessibility. If you put it into construction you have to pay union wages for the entire construction project.

By: Alderman Hennessy
Second: Alderman Tobin

Approved: Ayes – 8
Nays – 0

RESOLUTION #49 of 2002 – To recommend the introduction of restrictions for the planting of trees to the Planning Commission and the Zoning Board of Appeals.

By: Alderman Tobin
Seconded: Alderman Faraoni

Approved: Ayes - 8
Nays – 0

RESOLUTION #50 of 2002 – Approval of the appropriation of \$755 in funding in order to purchase flowerpots with Community Development Miscellaneous Revenue Funds as an Economic Development effort in support of the downtown business district.

May 21, 2002

Vicky Delaney explains the pots are heavy-duty plastic that look like terra cotta. They are 24" circumference. They will be weighted down. There are 42 lampposts so she picked a number of 50. The money will come from Miscellaneous Revenue under the title of Economic Development.

By: Alderman Tobin
Seconded: Alderman Quail

Approved: Ayes – 8
Nays – 0

RESOLUTION #51 of 2002 – Approval for the request submitted by the VFW to close Main Street from Court Street to Clayton Avenue on Memorial Day from 10:45AM to noon.

This will be a Memorial Day Service on Monday, May 27, 2002.

By: Alderman Tobin
Seconded: Alderman Guido

Approved: Ayes – 8
Nays – 0

Discussion regarding the Prosecution by the District Attorney's Office.

Andy Damiano explains they met in a negotiating session with regard to extending the services through December 31, 2002. They wish to place a monetary value on those services however we are not requesting a cash payment. We are requesting future consideration in recognition of our expenditure of monetary value. We also requested Corporation Counsel be appointed to provide those services. When we say Corporation Counsel we meant the office of Corporation Counsel, which would mean Corp. Counsel and Assistant Corp. Counsel. We never agreed on a number. Mr. Steve could probably address this issue. To date, it is his understanding this has been rejected.

Mr. Steve speaks as a Legislator for the City. He states it is his understanding that the City proposal was rejected. He has not been sent by anyone in the County. The cost is already incurred for this year. Andy explains that yes, we have budgeted for this position with the understanding the people in those positions would be doing different duties other than City prosecution. Mr. Steve is asking to delay the process until the end of the year to give a better transitional time. The Mayor states nobody is disagreeing with Mr. Steve except the offer was made, we had the discussion and essentially we were told no. Mr. Steve is under the understanding there is talk of \$40,000. Alderman Hennessy states it would be worth \$40,000 in consideration. A discussion ensues regarding in kind services. Andy Damiano feels there seems to be some misunderstanding. The City has agreed to continue providing the service through December 31, 2002 for no immediate cash consideration.

Alderman Morey notes we were to provide City Prosecutor services through December 31st. We had a sum of \$1.00. Mayor Leonard states that the consideration was to be determined at a later date. There is no such person as a City Prosecutor. There is the office of Corporation Counsel who can be designated to prosecute cases. We have reached an impasse since we've

May 21, 2002

been told we cannot have this person prosecute. Alderman Morey asks why would we want Mark to do it? The Mayor states he is the department head and he gets to decide what he wants to do with his office. Alderman Morey states you are contradicting the whole purpose of sending this to the County. Alderman Tobin notes prior to Local Law No. 1, Corporation Counsel's Office decided who was going to prosecute. Alderman Partigianoni agrees. If we are going to do this as a favor for the County, they should not be telling us who is going to prosecute. Alderman Tobin agrees. Scott Steve feels that there has been no transition at all. Mayor Leonard notes we have been here ready to hear from someone and didn't receive a phone call until a couple of days before the transition was to begin. Alderman Testa suggests rescinding Local Law No One of 2001. Alderman Morey asks what is wrong with Mr. Jewett telling us who should be prosecuting the cases? The Mayor feels Mr. Jewett in effect has made Stacy Whitney an Assistant DA when in fact she is an employee of the City not the County. The fact is when it's Mr. Jewett's function, then he can decide who prosecutes, but when the City is doing it then it should be the City's decision.

RESOLUTION #51- The Common Council of the City of Cortland hereby resolves to continue to operate the Office of Corporation Counsel until December 31, 2002 in the same manner the office had been operated prior to the adoption of Local Law Number 1 of 2001.

By: Alderman Tobin
Seconded: Alderman Partigianoni

A lengthy discussion ensues regarding who should do what, what the County Attorney believes, what's legal, what's enforceable, the issue between Mr. Jewett and Mr. Suben, etc. Alderman Morey feels it is in total contradiction of the whole point of freeing up Corporation Counsel for other City business. Alderman Hennessy disagrees and feels Corporation Counsel's Office would be more useful doing other things rather than prosecution. We want for the City Attorney to make the decisions of what's the best use of his time. He is a much better judge of that than Mr. Jewett is. Alderman Tobin feels the County should not have the right to muddle into the affairs of a City Department. Alderman Partigianoni agrees we are doing the County a favor.

Alderman Tobin agrees to accept an amendment to the motion for consideration of consideration.

RESOLUTION #51- The Common Council of the City of Cortland hereby resolves to continue to operate the Office of Corporation Counsel until December 31, 2002 in the same manner the office had been operated prior to the adoption of Local Law Number 1 of 2001; with consideration for the value of such services which will be provided to the County of Cortland to be determined at a later date, retroactive to March 31, 2002.

Another discussion ensues regarding what authority Mr. Jewett has over the employees of Corporation Counsel's Office. Mr. Suben's opinion is that unless Mr. Jewett agrees to properly designate the Law Department of the City of Cortland to prosecute those cases for him as his agent then it will be Mr. Suben's opinion this is a nullity and he will advise the Mayor that we cannot be a party to that. It puts Stacy Whitney in an ethical conflict. Mr. Suben feels if he wants to do 100% of the cases and let Stacy Whitney focus on the Code or other City business, as a Department Head he should be able to decide this. Alderman Morey states that might be

May 21, 2002

what you want but it may not be what we want and that's the whole point as to why this went back to the County to free up Corporation Counsel to work on City issues.

By: Alderman Hennessy
Seconded: Alderman Partigianoni

Approved Ayes – 7
Nays – 1 (Morey)

Adjournment

By: Alderman Partigianoni
Seconded: Alderman Quail

Approved: Ayes – 8
Nays – 0

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 21st DAY OF MAY 2002. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

WILLIAM J. WOOD – CITY CLERK
