



City Council Minutes August 20, 2002

The City of Cortland, New York

COUNCIL MEETING #14

August 20, 2002

REGULAR BUSINESS MEETING

First Unitarian Universalist Church of Cortland, 3 Church St.

7:20PM

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

Staff present: City Clerk, William J. Wood, Corporation Counsel Mark Suben, Deputy Director of Admin. & Finance Carol Sonnacchio, Assessor David Briggs, Superintendent of Public Works, Robert Spada

PUBLIC HEARING

7:20 Public Hearing opened regarding the adoption of Local Law No. 3 of 2002 (NYS Retirement Incentives for City Employees)

There was no one to speak; therefore the Mayor closed the public hearing at 7:22 PM.

PLEDGE OF ALLEGIANCE TO THE FLAG

PUBLIC COMMENTS

Christyann Maxfield of 5 Ellwood Ave. speaks with regard to the walk lights. She states the walk light on the corner of Main St. and Court St. does not coincide with the way traffic flows. She thinks she has to wait longer to cross even though there is no danger.

Doug VanEtten of 226 Central Ave. speaks with regard to the term lengths from two years to four years. He was wondering why it was coming up as an issue at this point. He feels it is nice to be in this building and nice to connect the Mayor and Council around to different neighborhoods; extending the terms to four years seems to be moving away from that and taking the process of connecting to the community away. Two-year terms allow the Council Members and Mayor to go around and meet with the constituents. He is not sure this item should be taking up the time of our City at this point.

MINUTES

Approve the amended Common Council minutes of August 6, 2002.

By: Alderman Faraoni
Seconded: Alderman Quail

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Approved: Ayes - 8
Nays – 0

BILLS

Alderman Morey asks if we have been using Staples in the past. Deputy Director Carol Sonnacchio states yes, they are one of our vendors.

MAYOR'S REPORT

Thanks the representatives from the Unitarian Universalist Church for having the Council here and giving us the tour. The Mayor also thanks Alderman Partigianoni for helping organize this.

Suzanne Parson who is a member of the church speaks to the Council. Ms. Parson presents Mayor Leonard and the City of Cortland with a photo for the effort given to the restoration work this summer. This is one of the oldest buildings in Cortland County. It was built by the church and the City of Cortland. It served as the main meeting area for town business until the late 19th century. She thanks Alderman Partigianoni, Robert Spada, and Doug Withey for their help with the storm sewer problem. They had to remove some trees that were creating some of the water problem and she thanks public safety and Niagara Mohawk for their help with this. The sidewalks themselves will be replaced thanks to sidewalk monies available. They have received a grant thanks in part to Mayor Leonard, Kathy Burger, and Linda Hartsock.

Mayor Leonard welcomes Lt. Col. Forney, Battalion Commander of the 1st Battalion, 108th Infantry, of the 27th Brigade.

Lt. Col. Forney speaks regarding homeland defense and post 9-11 defense. The National Guard's primary mission is to be a combat-ready organization to deploy anywhere in the world. Their secondary mission is to work for the Governor. They are his reaction force for any natural disasters or problems he has with security. They are not part of the army reserve. The army reserve is part of the United States Army. Their job is to train soldiers. They have 50,000 citizen soldiers that have been deployed since September 11, 2001. Homeland defense is a national scale that consists of a security presence. They have been protecting places such as the major bridges like the George Washington Bridge, San Francisco bridge, airports, Lincoln Tunnel, South Street Seaport, tourist attractions like ports, Grand Central Station, etc.

Alderman Hennessy asks Lt. Col. Forney what happens when a person is deployed; do they have trouble getting back into their jobs? Lt. Col. explains there is an organization called ESGR in support of the National Guard. His employer has to let him/her come back to work. They are entitled to the position they had when they left. There is a transitional period and it is an initial shock for families.

Mayor Leonard continues with her report by stating the City was awarded a \$395,000. grant. This was a citywide application for senior citizens. How quickly this will be implemented will take a little time to be determined but we are hoping it will allow senior citizens to stay in their own homes and increase the value of the housing in the City. The Mayor's Office has also received word there is a waterfront development grant that we are going to be getting and a representative from the Governor's Office will be coming in a couple of weeks to give us the symbolic check.

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WARD REPORTS

Ward 1 – Alderman Faraoni

Thanks everyone from the church for hosting the meeting. Thanks John McNerney and his staff for all the work they have done in Sugget Park. First ward is in fine shape.

Ward 2 – Alderman Tobin

He is still receiving calls on woodchucks and skunks. He would like to see a discussion on tonight's agenda. He would like to see woodchucks put in the contract because they are a nuisance animal. He would like to address Corporation Counsel, Mr. Suben, on his letter he sent the Council on his attempt to nullify the resolution of August 6, 2002 regarding departmental travel. Under whose authority did Mr. Suben issue this? Corp. Counsel replies it is under his authority. Alderman Tobin states the only one who has the ability to rescind a council resolution is the council itself. He questions the powers and duties of the Corporation Counsel. For you, Mr. Suben, to make any type of an opinion on any issue where he, yourself may be a beneficiary might in fact be a violation of code of professional conduct with the State Bar Association. Mr. Tobin thinks the letter belongs in the wastebasket and has no use and the council resolution stands.

Ward 3– Alderman Morey

Alderman Morey thanks the church and was happy to be invited. She thought the Goldwing night was a nice event. The bridge on Helen and Madison needs to be cleaned out. Bob Spada is aware of the problem. If anyone knows anything about the hit and run boating accident on Cayuga Lake please contact the Sheriff's department.

Ward 4 – Alderman Guido

Thanks the church for inviting him. Things are quiet in the 4th ward.

Ward 5 – Alderman Quail

Thanks the church for inviting him. Attended the grand opening ceremony for the Cortland Conference Center on South Main St. It is nice to see some development coming into the community. Thanks the developer David Yaman. He attended the fluoridation information night. He urges the community to get involved. If you are going to be drinking the water, please let your water board know how you feel. He wants to set up guidelines for the trapping. He would like to propose the individual pays for the first visit, then the City will cover 50 percent after that up to \$150.00 per household. The individual contacts the trapper. The City will reimburse the household resident. His next ward meeting and picnic is scheduled for Saturday September 14 at 1:00PM at Beaudry Park. Please let him know if you are planning on attending.

Ward 6 – Alderman Testa

He would like to recognize Sarah Carr, the daughter of Jack and Julie Carr, for winning the 2002 Miss America Organization State Service Award. He also attended the fluoride meeting.

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Ward 7 – Alderman Partigianoni

Alderman Partigianoni reminds the Council that they are sitting in the same place that voters voted for Abraham Lincoln. He thinks we should all do what we can do to preserve this jewel of Cortland's historic district. He has had calls regarding the Small Cities Community Development program. The Mayor explains all the information isn't in yet but when all the details are firmed up she will be in a better position to tell us how they are going to administer it. He has received a complaint regarding the River Street shopping center. They want some lights. The police have been notified. He has had complaints with regard to the speeding on Elm St.

Ward 8 – Alderman Hennessy

Thanks the church for their hospitality. NiMo is planning to trim the trees along Church St. between Port Watson and Central Ave. She would really like the people to take a look at the trees involved. The trees have really grown through the power lines. They do need aggressive trimming. NIMO is sending their arborist to come and talk to us at the next Common Council meeting. Anyone who has an interest, please attend that meeting. The Scrap yard application is discussed. The public hearing will be held at the next Common Council meeting, September 3, at 7:00 PM. Her ward meeting will be September 9, at 7:00 PM in the Council Chambers at City Hall.

AGENDA

Consideration of an application by James Jackson of 12 Madison Avenue for a permit to house an iguana at his residence.

Mr. Jackson states he has asked people in his area, and there was only one person who was in opposition. He notes the worst thing the iguana can do is hit you with his tail and leave a mark. The iguana came from his 19-year old cousin. Mr. Jackson puts the iguana in a crate otherwise he walks around the house. He doesn't run very fast. A discussion ensues regarding where the iguana can and cannot go. Corp. Counsel Suben notes Article 1 of the Code section 74 says the application shall state the name and address of the applicant and the description of the premises to be used. It seems to him it would be appropriate to attach a condition to the permit. Alderman Morey is concerned about it being in the public parks. Alderman Tobin is concerned about diseases this animal may carry.

RESOLUTION #82 of 2002 – The permit be granted to Mr. Jackson of 12 Madison Street to house an iguana with the following stipulations:

1. Mr. Jackson notifies the City if he relocates.
2. The iguana must be on a leash.
3. The iguana is tested for salmonella on a yearly basis.
4. The permit is good until December 31, 2002.

By: Alderman Morey
Seconded: Alderman Partigianoni

Denied: Ayes – 3

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Nays – 5 (Quail, Testa, Tobin, Faraoni, Hennessy)

RESOLUION #83 of 2002 – The application be referred to the animal committee for further investigation.

By: Alderman Quail
Seconded: Alderman Faraoni

Approved: Ayes – 8
Nays - 0

RESOLUTION #84 of 2002 – **A LOCAL LAW** electing a retirement incentive program as authorized by Chapter 69, Laws of 2002 for the eligible employees of the City of Cortland.

BE IT ENACTED by the Common Council of the City of Cortland, as follows:

- §1. The City of Cortland hereby elects to provide all of its eligible employees with a retirement incentive program authorized by Chapter 69, Laws of 2002.
- §2. The commencement date of the retirement incentive program shall be October 4, 2002.
- §3. The open period, during which eligible employees may retire and receive the additional retirement benefit, shall be eighty-nine (89) days in length.
- §4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the City of Cortland for each employee who receives the retirement benefits payable under this local law.

§5. This act shall take effect August 20, 2002

By: Alderman Faraoni
Seconded: Alderman Tobin

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|------------------|-----|-----------------------|-----|
| Alderman Faraoni | Yes | Alderman Quail | Yes |
| Alderman Tobin | Yes | Alderman Testa | Yes |
| Alderman Morey | Yes | Alderman Partigianoni | Yes |
| Alderman Guido | Yes | Alderman Hennessy | Yes |

Approved: Ayes – 8
Nays – 0

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Item No. 3 – Discussion regarding the increase of income limits for senior citizen tax exemption.

Alderman Partigianoni thanks David Briggs for the information he put together. If the income limit is raised by \$2,500.00 it will mean about .05 cents per thousand to the average taxpayer. This will add about 50 people that fell through the cracks. Mr. Briggs explains how this works and with the slight increase in social security there has been between 10 and 20 people a year that are just outside the maximum of \$16,200.00. With what Mr. Partigianoni has proposed the City will pick up less than 50 people that will have not qualified in the past. With regard to other municipalities, the County is at the City's current level for County tax purposes. Most of the County is at the \$10,200.00 sliding scale as is the City. Preble is a lot higher. The County has had discussions to raise it.

RESOLUTION # 85 of 2002 – To increase the ceiling on the aged exemption for the City of Cortland by \$2,500.00.

By: Alderman Partigianoni
Seconded: Alderman Faraoni

Approved: Ayes – 8
Nays - 0

Item No. 4 – Discussion of a proposal submitted by Cortland Electronic Supply for a sound system installed in the Common Council Chambers/Court room.

Jim Sponauble introduces Dave Mucci from Cortland Electronics to explain the proposal. He designed a system to give a microphone to the Aldermen, Mayor, Finance Director, and for public comments. There will be a speaker in the back of the Chambers so the people in the back can hear the Council. There is an on/off button so you can shut off the microphones. There will also be access for the press and T.V. camera. A discussion regarding a joint venture with the court ensues.

RESOLUTION #86 of 2002 – To adopt the sound system per the submitted proposal by Cortland Electronic Supply, Inc. on July 23, 2002.

By: Alderman Faraoni
Seconded: Alderman Hennessy

Approved: Ayes – 8
Nays – 0

Item No. 5 – Discussion of extending the term lengths from two years to four for City elected officials.

Alderman Testa states the County is considering the extending the term limit from 2 years to 4 years. If we are to get in line with that and we want it to be open for a referendum, it has to happen right away. If they are going to do it and it is going to be on the ballot this year, then we

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should have it on also. This means we are going to be giving the people in this community the opportunity to say whether they want their elected officials to be elected for two years or four years. Alderman Tobin notes the constituents would be the losers in this situation. There would be a lack of accountability. They would serve three years then on the fourth year they would decide to work. He feels the voters should have a say as to how the job has been done over the past two years. Alderman Hennessy notes it is a lot easier for people to commit to two years instead for four years. She feels we may have trouble-finding people to run. Alderman Testa states he has not had one person oppose this idea. Alderman Partigianoni disagrees with the four-year term. Alderman Faraoni feels if the County is going up for referendum then we should do it. Alderman Morey states she has not heard anyone say they want to change it to four-year terms. Alderman Morey states she thinks it would be more productive to talk about term limits instead of the length of the term. What your saying is the opportunity is there and you don't want to miss the opportunity. She has not heard anyone say that is what he or she wants. She is wondering whose idea this was and how it was motivated. No one has called her on the issue either way but she has heard the discussion regarding the institution of term limits.

Alderman Hennessy states it is a lot easier for people to make a two-year commitment than it is for four years. She states it will be harder to find people to run if we extend the length of the term. If the County Legislature is going to put this out as a referendum then it is already out there.

Alderman Guido opposes the four year term but is in agreement with Alderman Testa and letting the public vote on it. Alderman Faraoni feels a three-year term would be appropriate. Alderman Tobin feels there is public outcry for the Council to act on the skunks but there is no one asking for four-year terms. The Mayor explains the Local Law process and public hearing requirements.

RESOLUTION #87 of 2002 – Consideration of a Local Law to have all elected political officials serve a four-year term.

By: Alderman Testa
Seconded: Alderman Hennessy

Approved: Ayes – 6
Nays – 2 (Partigianoni, Tobin)

RESOLUTION #88 of 2002 – To accept a special meeting to be held on Thursday, August 22, 2002 at 5:00PM.

By: Alderman Morey
Seconded: Alderman Faraoni

Approved: Ayes – 8
Nays - 0

Item No. 6 – Discussion regarding skunks and woodchucks and a procedure for handling the complaints.

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Deputy Director Sonnacchio notes in the past, the City Police Department had been handling all the calls and then notifies the trapper. Alderman Quail thought the Police Department could continue to handle the calls but as far as the disbursement of funds the people would pay for the bill up front then get reimbursed by the City. Alderman Morey doesn't think the City Police should be handling skunks and woodchuck problems. A discussion ensues regarding how to reimburse the homeowner and how are we not going to go over budget. Alderman Morey states \$2,500.00 has been allocated. Mayor Leonard states is this going to be on a first come/first serve basis? A discussion ensues regarding who should take the calls. Alderman Testa states we should contact Chief Nichols and discuss this with him.

The Council has decided to continue the same process, include woodchucks and skunks, and continue the way the complaints are made. When the money runs out it runs out. Alderman Hennessy would like to find some way to prioritize these.

The Animal Committee will meet in September.

Adjournment

By: Alderman Hennessy
Seconded: Alderman Faraoni

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 20th DAY OF AUGUST 2002. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

WILLIAM J. WOOD – CITY CLERK
