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City Council Minutes September 3, 2002

The City of Cortland, New York

COUNCIL MEETING #15
September 3, 2002
REGULAR BUSINESS MEETING
City Hall
6:30PM

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

Staff present: City Clerk, William J. Wood, Corporation Counsel Mark Suben, Director of Admin. & Finance Andrew Damiano

PUBLIC HEARING

6:30 Public Hearing opened regarding the adoption of Local Law No. 4 and 5 of 2002 (Change in terms for elected officials.)

Dom Partigianoni wants it to stay the same. He doesn't see the logic in extending it to four years.

Elsie Ferro is against extending the term to 4 years. She feels the voters need to eliminate people that don't do their jobs in City Hall.

Fred Janke states the new members should wait and see how things are going before they try to pass this.

Mike Dexter notes the system has worked with two-year terms. His parents served on the Council and they had no problem going out to campaign. If you do a good job you get reelected. The people know what kind of job your doing.

Gene Palmer states this change is coming from the politicians, not from the people.

There was no one further to speak; therefore the Mayor closed the public hearing at 6:40 PM.

7:00 Public Hearing on Scrap Yard application for 199 ½ Pendleton Street

Alderman Quail is now present.

Mr. Barney, Esq. speaks on behalf of Mr. Contento's application. If anyone needs clarification on anything, please feel free to ask. Alderman Partigianoni reads the application for a scrap yard and junkyard. Mr. Contento states this is how it is written in the Code. Mr. Barney explains that Mr. Contento does not operate a junkyard on this site. Some people have operated a motor vehicle repair shop on this site. One of the two have left the premises but left a number of vehicles there. Mr. Contento is now left with the problem of disposing these vehicles, which he

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is in the process of doing that. Mr. Contento does not have a dismantlers license so he cannot receive cars for this purpose. Mr. Barney explains that if cars are not operable and somebody goes bankrupt on his property, Mr. Contento has to dispose of these cars. If he can't track the owner down, he has to go to DMV and DMV has a process that Mr. Contento needs to follow. Mr. Barney states all the cars should be gone within two months. Alderman Morey states some of the cars have been there for 5-7 years. Mr. Contento states that he doesn't know who the owner of the cars are. As soon as DMV gives Mr. Contento possession of the vehicles, he can take care of them. Mr. Contento has no intention of recycling automobiles. Alderman Quail states there was metal and debris on the property. Mr. Contento states that is almost gone. Alderman Partigianoni has received calls about the property and they don't want to see it turned into what it was in the past. Corp. Suben states Mr. Barney is correct. It is called what it is called because this is how the City Code refers to it. Most of Alderman Hennessy's calls have been about expansion and what type of scrap metal processing Mr. Contento is doing. How long are you storing it for, etc? Mr. Contento states he is moving the scrap metal as soon as he has enough to fill a truck. Mr. Contento states everything will be kept behind the 8' screen. He feels it will help the appearance. Alderman Guido asks about containers. Mr. Contento states after it gets sorted it will be in containers. Mr. Contento explains the process for abandoned vehicles. He takes copper, no white goods.

Robert Neville addresses the board. He passes out pictures of the property. It includes tires, gas tanks, cars, trunks, metal, etc. This site was used as a motor vehicle repair shop. He has lived in the area for quite sometime. When Champion Sheet Metal owned the property it was spotless. Everything was done inside the building. In order for a change in this property, there should be an Environmental Impact Study done. The creek runs right through this property and drains in the river. The building itself is an eyesore. This devalues all of the property up above. A lot of people in the City of Cortland wouldn't want this in their back yard. Since Mr. Contento has had this operation there, there have been trucks all over Pendleton St.

Mike Dexter has lived in the 8th ward his whole life. They have had junkyards and a dump. He is not here to speak for or against. He does not want to see another junkyard but he does feel there needs to be a recycling center. We have guidelines and it is up to the Code Office to enforce this. If a permit is issued, he hopes that everything is done according to Code. Any repair shop in Cortland has cars on the property.

Fred Janke is against any junkyard in the City of Cortland. As a member of the Rosen Committee; he was amazed at the junk that was collected by Mr. Rosen. He had all the permits needed but what happened was a huge amount of material was just junk. No one wants a junkyard in his or her ward.

Elsie Ferro is concerned about this. She worked on the Rosen Site for 13 years. Mrs. Ferro reads Sec. 10-53 Legislative intent of the Cortland Code. She states Mr. Contento says he has operated for 12 years but his lawyer says 1-½ years. She has not found anything listed under Mr. Contento in the telephone directory or at the County Clerk's Office regarding him operating for the past 12 years. She found an IDA agreement which she reads "(f) At the Development Rights Closing, the Owner shall execute and deliver an agreement to the Agency to the effect that the Owner covenants not to operate (directly or indirectly through any business in which the Owner shall have any ownership interest) as a junk dealer or dismantler in the County of Cortland for a period of 5 years following the Development Rights Closing. She is confident the

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Council will turn down this request for the junkyard in the best interest of the City and the County so as we will not be on the superfund lists.

7:20 Alderman Tobin arrives.

David Compagni as a businessman and a taxpayer in the City of Cortland he is deeply concerned about the possible loss of another 14 jobs in this community. Cortland County has one of the highest unemployment rates in the state. There has been negative comments regarding the Contento scrap and container business on Pendleton St. we don't wish to run them out of business, we just don't want them in the City. It is not an eyesore. He doesn't see any scrap piles. It is not in the wrong area. It is in a GI zone. It is on the way to the High School. He suggests that every student take a trip to this facility to see how it is run. This is a necessary function of the community. This is how ordinary people make a living out of our waste. The Contento's feel recycling will not harm our soil or water. This is as necessary as our DPW, the County, the landfill, and the County recycling center. He believes the Contento's have operated in some fashion for 10 plus years at this site. There are no cars being crushed. He would suggest the following to this Council. If they need a permit issued or a license granted, stop spending our tax dollars attempting to push this established operation out of the City. The other option is the City purchases this property, take the land off the tax role and the jobs created by this operation. The Contento's can then move their business; hire new employees in another community while our local government takes on this task of this needed facility. No one suggests this operation be run illegally.

Paul Slowey Chairman of the IDA/BDC agrees with Mr. Compagni. He supports the Contento application. His primary concern is this is an existing business that has been operational there in a satisfactory manner for a number of years. Because of a technicality in City Law, it has come to light. Minor technicality has brought this up and has wasted much too much of your time. It is an approved business in an approved zone. Because you don't want it here that is not a valid complaint. Alderman Morey asks if he is here representing the IDA/BDC. Mr. Slowey states yes. As the Chairman, he can speak on behalf of the IDA/BDC. The IDA/BDC has had Counsel look at the stipulations of the IDA/BDC contract and the restrictions placed on it. We agree Mr. Contento is not in violation of the contract. Alderman Partigianoni asks if there is anyway to change the wording? Mr. Slowey states there may be housekeeping issues in granting the permit, such as cleanliness, upkeep, or restrictions but they feel he is not in violation.

Barry Batzing states Mr. Contento was in violation in April. Mr. Slowey states Mr. Contento brought this to his attention. He pointed this out. He took immediate remedies to remove the scrap and put it into containers. He is not in violation now.

Barry Batzing thanks the Council for letting him address them. He wishes to express his concerns regarding the issuance of a permit of the scrap yard. He resents anyone stating they are against this. Where were these people when the Rosen cleanup took place? We need to be proactive in containing pollution of hazardous material. We need to know if the Contento site poses any environmental risk. We expect assurances from the operator of this site that the potential hazardous pollution sources will be eliminated or moderated so as to not to exceed the federal regulations of levels of hazardous materials. We need an environmental impact stating same. This should be on a yearly review. The City of Cortland should be concerned of the immediate population in this area.

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Bruce Crandall lives on Madison St knows the Contento's. He knows what is going on at this site. The Polson's were in a partnership with Rosen. At the time there were kids playing over there. City put out for a bid and Marine Midland was the note holder. At that point they turned everything over to the Code Office and the boarding up of the property. At that point, Mr. Contento started negotiated with Marine Midland bank. Kids got into the paper bailer and started fires. At one point they had one fire that weakened the structure internally. Mr. Contento, Gerry's father purchased the property and cleaned it up. It was a mess cleaning it up. They put a fence up and they are still cleaning up the property. The property looks 100% better than it did 20 years ago. They have really gone out of their way to clean up this property. He feels the permit should be granted and they will provide a needed service.

Mike Ferro supports the permit. He feels in this society we need this service and this is not an eyesore. He feels Mr. Contento will stand by his word and do whatever the Code Office asks him to do.

Mr. Polland is a small contractor. Mr. Contento hauls a lot of things to the dump and cleans up after a lot of messes. People with business need someone like him. There are a lot of contractors that rely on Mr. Contento.

Vince Patriarco thanks the Council for allowing him to speak. Mr. Patriarco was the person who originally contacted Mr. Contento Sr. about purchasing the property from Marine Midland Bank. Mr. Contento spent a considerable amount of time and effort to clean up that property. We stopped sending materials to that property because of the condition of the property. Mr. Compagni brought up a very good point. Mr. Patriarco visited the property recently. People came and went and with small amounts of material, scrap metal. Where would those materials be if this service weren't here?

Mike Stoll of 29 Tompkins St. he heard what Mr. Compagni said about it not being an environmental issue; nobody mentioned tonight about the waste that was taken from the Homer site to his Cold Brook Road site which sits on top of the water shed for the City of Syracuse and Skaneateles. Anytime a businessman knows the difference between right and wrong who should say we should issue him a permit to do something else.

Gene Palmer asks Alderman Hennessy if her husband's law firm has had any dealings with Mr. Contento or his business in the past. Alderman Hennessy replies she doesn't think so. Alderman Hennessy states if there is a conflict, she would have to recuse herself from the vote. Mary Contento is here and she voted against the four-year term.

The Mayor explains they are still waiting on information from County Planning as to whether a long form environmental review is necessary. The public hearing will be extended until September 17 at 7:00 PM.

PLEDGE OF ALLEGIANCE TO THE FLAG

PUBLIC COMMENTS

Mike Dexter speaks regarding the trees. He thought there was going to be someone at the meeting from Niagara Mohawk. Alderman Hennessy explains he will not be here until the next

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meeting. Mike feels people are concerned about the trees. He feels the two trees on Port Watson and Cedar should not have had to be cut down. He thinks it was a crime what they did. He thinks they could have done a better job. They were cut down and the trunks were removed. He has lived on the street for 55 years and he never noticed them until they were gone. He was very upset about this. The trees were planted in the 50's.

Steve Muka explains at the August Common Council meetings it was brought up that he was not going to be taping the meetings. He feels it is very valuable. There was some discussion about having someone else tape. He was wondering where we were at with these discussions and feels it should be a City function. The camera is free from Channel 2. They could train City employees to do this. He will be taping the next Common Council meeting but that will be the last. He thinks a City Department could take this on.

MINUTES

Approve the amended Common Council minutes of August 20, 2002.

By: Alderman Quail
Seconded: Alderman Partigianoni

Approved: Ayes - 7
Nays - 0

BILLS

Mayor welcomes Andy back. Alderman Partigianoni asks if he could get something showing how we stand. Andy Damiano states there is a quarterly report that comes out. He will be getting this. Alderman Guido asks how the DECAL program is going. City Clerk Wood states not good. The system has been down since its inception. We knew there were going to be bugs in the system and there are. Most people have been very patient, as they know everyone has the same problem.

MAYOR'S REPORT

Tomorrow afternoon at Yaman Park there will be the ceremony from the Secretary of State to present the ceremonial check to the City. This will be used with matching funds from the IDA/BDC for further study and hopefully moving forward on the River Trail. Celtic Fest is September 14. Cecelia at the Youth Bureau has been working hard on it. It sounds like there is going to be a great line up of entertainment. The SUNY Cortland Stadium Ceremony is September 13 and 14. If you can participate in any of these events it would be nice to show the town and gown relations between the City and SUNY. Regarding September 11, the City will recognize the occasion by bells being rung throughout the day. There will be an observance around 12:00 at the Fire Station. In the evening there will be an interfaith service at the County Office Building Gymnasium that will include various people from the community. The Code revision project is moving along. Robert Rhodes sent a letter with regard to the memorial for Lt. James W. Wilson who sacrificed his life for the citizens of Cortland Sept. 6, 1952 by not abandoning his plan and crashing into a residential area.

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WARD REPORTS

Ward 1 – Alderman Faraoni

Excused.

Ward 2 – Alderman Tobin

He promised he would make mention of a property known as 91 Maple Ave because it has been a continuing problem as far as teenage use of alcohol for younger adults that live there. It is not a college house and it is also alleged there are a number of drug problems. They were called Friday night and the Cortland Police department did respond promptly. They broke up the party but didn't make any arrest. I think we need to make a change as far as making sure somebody gets more than a pat on the butt.

Ward 3– Alderman Morey

She welcomes Andy back. She has had calls on fluoride and the Contento issue. She wants to add the video taping to the next agenda. She wants to know where we are with the neighborhood competition. The Mayor explains there are still a few things that need to be done. Ann Hotchkins was updating them on what was left for monies.

Ward 4 – Alderman Guido

He has had calls on fluoride. Be aware school starts tomorrow. There will be an upcoming ward meeting with Jane Richards.

Ward 5 – Alderman Quail

School starts tomorrow. Please be careful. The barbecue will be Sept. 14, 2002. He was recently in Watertown and there are a number of trees in Watertown that are not planted under the power lines. Alderman Hennessy states the program we have requires us to plant trees in the City right-of-way which is under the power lines.

Ward 6 – Alderman Testa

The traffic have stopped on Miller St. They are thanking the Dept. Heads and the Council for their efforts. His next ward meeting will be Sept. 25, 2002.

Ward 7 – Alderman Partigianoni

Fluoride is a big issue in his ward. He has had several calls on the Contento property. They are negative. In tonight's paper someone wrote a letter in the paper regarding the accountability of the water board. Corp. Counsel Suben states he thinks he has a conflict with respect to that issue. He is not sure what his position should be with regard to this issue. Alderman Hennessy understands it as we have terminated the process of taking over the water board before it would take effect. That's when the compromise took affect. Alderman Tobin states we still could take them over by Home Rule. Mayor Leonard states there needs to be two opinions. The water board has always got legal services under the contract with the City. They have resources to

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hire their own Counsel. They will have to answer their own legal questions. Alderman Hennessy states the water board is still independent. This is a question as to whether this is a policy change or whether this is using the Home Rule bill. The Mayor is still is the president of the water board. The water board can operate fine by electing a Chairman, which is what they have done. He has had calls on animal control and speeders.

Ward 8 – Alderman Hennessy

The next ward meeting is Sept. 9 at 7:00 at City Hall. Marilyn Brown will be here. The Agency on Aging has been selling the small trash bags since June. They have sold about 300. It is working out very well. The memory walk is Sept. 22. The advisory council also puts out an Enrichment Day for seniors, which will be October 7.

AGENDA

Consideration of Local Law number 4 of 2002, which extends the terms of Alderman from 2 years to 4 years.

By: Alderman Testa
Seconded: Alderman Hennessy

Alderman Hennessy doesn't agree with the increase but she doesn't want to take it away from the voting public. Alderman Tobin states just because the County is putting it on the ballot doesn't mean we have to. The only people who will benefit are the people choosing to put it on the ballot. Alderman Morey agrees with this. Who is bringing this to referendum? She has not had any public cry for this.

RESOLUTION #89 of 2002 - Local Law No. 4 of 2002 extending the terms of Alderman from 2 years to 4 years be denied.

Roll Call vote

Alderman Faraoni	Absent	Alderman Quail	Nay
Alderman Tobin	Nay	Alderman Testa	Aye
Alderman Morey	Nay	Alderman Partigianoni	Nay
Alderman Guido	Nay	Alderman Hennessy	Nay

Ayes –1
Nays 6

Motion is defeated.

Item No 2 Consideration of Local Law number 5 of 2002 which would extend the terms of Mayor.

RESOLUTION #90 of 2002 – Local Law No. 5 of 2002 extending terms of the Mayor be denied.

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Roll call vote.

Alderman Faraoni	Absent	Alderman Quail	Nay
Alderman Tobin	Nay	Alderman Testa	Aye
Alderman Morey	Nay	Alderman Partigianoni	Nay
Alderman Guido	Nay	Alderman Hennessy	Nay

Ayes- 1
Nays 6

Motion is defeated.

RESOLUTION #91 of 2002 – Authorizing the following actions in conjunction with the Great Cortland Pumpkinsfest which will be held on October 5 and 6, 2002:

- a. The use of Court House Park for festivities; including a Microbrew Tasting event;
- b. The use of City streets for hayrides and a parade;
- c. The closure of a portion of Court Street from Main Street to Church Street from 7:00am Saturday October 5, 2002 until 7:00am Monday October 7, 2002; and
- d. Permission to put up promotional signs at the entrances to the City.

By: Alderman Morey
Seconded: Alderman Hennessy

Approved: Ayes 7
Nays-0

Adjournment

By: Alderman Morey
Seconded: Alderman Quail

Approved: Ayes – 7
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 3rd DAY OF SEPTEMBER 2002. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

WILLIAM J. WOOD – CITY CLERK
