



City Council Minutes The City of Cortland

September 6, 2005

Council Meeting #16
September 6, 2005
Regular Business Meeting
City Hall
7:00 PM

Present: Alderman Faraoni, Terwilliger, Morey, Guido, Quail,
Feiszli, Partigianoni and Michales

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

Mayor Gallagher calls the sixteenth Common Council meeting of the year to order at 7:05 PM.

PLEDGE OF ALLEGIANCE TO THE FLAG

PUBLIC COMMENT - Judy Chamberlain of 84 Maple Avenue was present to address the Council. She wanted those present to remember the April flood here in our own City. The Hurricane Katrina disaster is a reminder that preventative work should be going on in our area. She hasn't noticed any work being done to clean out the creeksbeds. There was an article in the local paper regarding ownership of the creekbeds. She feels that this is a community issue and she feels that the City Council should address this regardless of private ownership. She doesn't want to see a repeat of the April flood. The Mayor indicated that this has a lot to do with the DEC and the City is meeting with them on September 7 to talk about some of these issues. Otter and Dry Creek are designated trout streams, but she can't believe that the debris currently in the creekbeds is a suitable habitat for trout.

MINUTES of August 16, 2005

RESOLUTION #94 OF 2005 - Approve the minutes of August 16, 2005 as amended.

By: Alderman Partigianoni
Alderman Guido

Approved: Ayes - 8
Nays - 0

Bills were reviewed and received.

MAYOR'S REPORT

He met with Greek Peak Associates to discuss Hope Lake Initiative and noted that there will be a press conference in the near future. He also met with Rob Brooks, Governor's Office of Small Cities and Thoma Development to discuss the progress of the Downtown Revitalization Program and review of previous block grants. He was happy with how things were going and Mr. Brooks was pretty impressed with Thoma. He was interviewed by News 10 Now promoting programs at the Eastside Community Center.

He attended SUNY Cortland's opening of its new dorm, "The Glass Towers" and he attended the very successful Celtic Fest. He participated in a tour of the City with Linda Hartsock at BDC to reconsider properties for the Empire Zone. He interviewed with Casey Stevens, WHCU, focusing on rehab of areas of the City that need improvement. He will be doing this again on September 26. Mr. Stevens wants to find out more about what's going on in the Cortland community.

He also appeared on WXHC and WKRT with Bonnie Heath from the Red Cross, encouraging people to donate to Hurricane Katrina victims. He encouraged people to donate to the Salvation Army, the United Way or the Red Cross.

There are also some economic indicators included in everyone's packet from the BDC/IDA to help Council members answer questions and provide backup information.

Ward 1 - Alderman Faraoni

He reminded everyone that school starts on September 7 and that everyone should be careful and observe the speed limits, watch out for busses, don't pass stopped busses and watch out for the little ones going to school.

Ward 2 - Alderman Terwilliger

She has quite a few issues in her Ward. She has been walking around and the general concerns have been about the creek and making sure that something is done, so they don't have anymore flooding. There are concerns about loud students, their parties and their cars. It is a recurring fall issue, but the complaints are beginning to die down. She has visited some student housing and the kids seem pretty willing to listen to their neighbors and their concerns. She had a question from a constituent up on the hill about 59 Clayton and 15 Pleasant Street properties regarding permits for paving large portions of driveway and also, was wondering about the Zoning Board's ruling last winter about a Stevenson Street property where the whole backyard was turned into a parking lot and that was overruled by the Zoning Board and it's still the same way after the owner was supposed to return it to it's original state. She wanted to know where that was at.

Corporation Counsel Larry Knickerbocker gave an update. He has met with the landlord and Code Officer Amy Bertini and the landlord's attorney. The issue is in City Court right now. The City proposal is that the whole backyard will not be parking. The City measured what was once lot coverage at that property and tried to figure out that square footage in a different configuration, such that there would be some parking at an angle, but the rest of it would be greenspace (grass planted) and delineated by railroad ties or wooden barriers to define the greenspace area. That was the last proposal the City put to the property owner and his attorney. The attorney thought that might be acceptable to his client, but he had not spoken to him in regards to this and it is supposed to be back in court September 12. Corporation Counsel was not aware of the Clayton and Pleasant Street address issues, but made note of these and he will contact the Code Department to learn more.

One more concern she has, that many have contacted her about, is the issue of single family houses to only be inhabited by three (3) unrelated individuals. Quite a few neighbors are concerned that this rule is being violated. She understands that those neighbors need to call City Hall and file a formal complaint with the Code Office. Some neighbors are doing that.

Corporation Counsel Lawrence Knickerbocker reminded everyone that neighbors need to do more than just call. They will need to sign an affidavit stating this is who I saw, this is when I saw it and what I saw. That would give the City the ability to prosecute a case like that. It is important that the neighbors make notes of what they observe and the dates and times of the observations, complete a formal affidavit and that will support an action in court.

Ward 3 - Alderman Morey

She noted that Broadway looks very nice all paved. She has gotten some neighboring complaints regarding parking on both sides of the house on the corner of Tompkins and Sands. On the Public Safety agenda the issue of the crosswalk on Broadway and Otter Creek and the stop sign was not on there, but she will contact Mike Preston to see that that is brought up. She had a complaint that there is household furniture and garbage behind the Bad Beagle on Graham St. and Code has been notified. She would like to find out what action has been taken. The Mayor said that would be checked on. She found most of this out this weekend and she will be following up on it herself. She will be getting with Mr. Preston this week regarding the signs on James Street and have that issue taken care of. Other than that, things are good in her Ward.

Ward 4 - Alderman Guido

He also received some phone calls regarding the house on the corner of Tompkins and Sands Streets over the weekend and he will be contacting the Code and Health Departments. He attended the Celtic Festival two (2) weeks ago and had a fantastic time. It was quite well attended. He stopped in several times during the day and attended the concerts in the evening and they were fantastic. He would like to welcome back all of the SUNY Cortland students. He would like to remind people that school is in session tomorrow. Especially be careful around the elementary and high schools.

Ward 5 - Alderman Quail

People need to be reminded not to be parking on crosswalks. It's a safety issue, forcing children to walk in the streets to get around the parked cars. He has had some concerns regarding South Main Street construction and students walking there. He noted that the sidewalks were not marked very well there and he was concerned with the amount of students going up and down there. He also attended the Celtic Festival. He also would like to speak with someone regarding the light at the end of Argyle Street. He would like to have that street light looked at. He has had a follow up call regarding handicapped individuals being able to allow their dogs loose. He inquired if Alderman Faraoni and the Animal Committee had followed up. Alderman Faraoni indicated that he didn't as of yet. He would also like the Council look at possibly changing the code as far as having aggressive dogs being leashed in the front yards and having them moved. He has noticed several aggressive dogs being leashed in front yards. The Neighborhood Watch is going well. They have had a couple of meetings and they have a Neighborhood Awareness Day coming up Saturday, September 10 from 1:00 pm to 3:00 pm on Fredericks Street and everyone is invited. There are about nineteen (19) community resource people/organizations coming. He has his Ward picnic on September 17 from 1:00 pm to 3:00 pm at Beaudry Park. He will bring the hamburgers and hotdogs, if attendees will please bring a dish to pass.

Ward 6 - Alderman Feiszli

She noted that a sensor light was to be installed on Front Street underneath the bridge to shine there because of the parties going on there. It has not been installed as of yet. She was told it would be three (3) or four (4) weeks and it's been three (3) or four (4) months now. She wondered if this was something she should speak with Mike Preston about, but was informed that Jim Sponaughle should be contacted. She received calls regarding single family homes in residential neighborhoods being turned into multi-family housing. She noted that if it is zoned for that, it was difficult to do anything about. She would like to see how other municipalities address the code issue regarding multi-family housing. On Kennedy Parkway, she would like to thank DPW for going down there after last week's heavy rains. They were pumping the water out of the road and she wanted her constituents there to know that this procedure would be continued as needed. The engineer's report Eshbaugh is in her office and is available for those that would like to see that. She has also asked for a second report from Eshbaugh regarding surface water and is awaiting that. She is making some headway on the emergency egress at Yaman Park. She needs to find two (2) homes that would go back to back that would agree to allow the City to use their property for an egress there. She received a concern about a potential drug house in the Ward and she has spoken with Chief Nichols and he is aware of the house. She and the Chief reminded everyone that the City only has one drug officer. Individuals who feel uncomfortable about reporting such activity to the police should contact their Alderperson.

Ward 7 - Alderman Partigianoni

He received two (2) call regarding code violations and the Code Office is working on them. He attended the Community that Cares Working Breakfast Meeting at Cortland Memorial Hospital. Joann Wickman is a Chairman. He was away on vacation and he did receive two (2) messages on his machine regarding speeders on Elm Street. He spoke with the police and the speed monitor was brought down there for a couple of days and that does help. He assured the callers that the issue will be given as much attention as possible.

Two (2) air conditioners have been donated to the Community Center and they have been installed along with two (2) ceiling fans. On behalf of the Community Center Advisory Committee, he would like to thank all those who contributed to this needed improvement. The Memories of Migration presentation was attended by one hundred fifty (150) people. They ran out of chairs. The presentation was excellent and many people commented about it and there were several displays featuring East End Italians. In case you missed that and the broadcasts, there is another showing tonight and again on Thursday morning at 9:00 a.m. During Dianne's presentation, she noted that she is releasing a book at the end of November featuring the Italian migration in Wisconsin and Endicott Johnson in Binghamton. She also has been and is still interviewing local residents and is coming out with another book featuring the Cortland immigrants from the 5th and 7th Wards. He would like to schedule her for a return visit at a later date.

One of the most successful programs that the City can be proud of is the Small Fry Football Program. It entered its fifty-fifth (55) consecutive season. It is played at Gary Wood Field at Dexter Park and the season starts September 23. The next three (3) days are registration days at the new Sports Complex.

He also noted that while in Michigan the price of gas rose about sixty to seventy-five cents on speculation of Hurricane Katrina hitting the coast. The governors of Michigan and Georgia were going to investigate the companies for price gouging. Low and behold, two (2) hours later, he went out to the library and they were changing the signs and the price had come down from \$3.39 to \$3.45 to \$2.92. Now if that wasn't proof that they were gouging us, he would like to know what it is. He asked what could be done and it was noted that he should contact the State Attorney General. Alderman Partigianoni contacted his Congressman last time and received a lot of information. He would like to write a letter to all Cortland's government representatives, State and Federal, expressing the Council's displeasure of the gas prices here in Cortland, New York. Other Alderpersons indicated that they would like to review such a letter and Alderman Partigianoni asked if Corporation Counsel Knickerbocker would assist him. He noted that the price of gasoline increased immediately on stock that already was in gas stations in Cortland and that on another occasion when foreign countries increased production, prices just didn't seem to go back down.

Ward 8 - Alderman Michales

He attended the Open House at "The Glass Tower", as well. There was a nice reception. He received a call from a resident on Port Watson Street regarding recycling pick ups not being collected. He felt that this issue had been resolved after he contacted Andy Damiano. He asked if this was just an oversight. Director of Admin. &

Finance Andrew Damiano indicated that there was a new driver. He received a call from a resident on Pendleton Street in regard to the digging up of new pavement due to changing waterlines and this was discussed. This was due to a break that needed to be attended to. There was also a storm drain on Greenbush Street and that has been cleaned up and resolved. He also received a call in regard to a police matter. He will be looking into that more and will report more on that later. There was also a walk light button issue on the corner of Church and Port Watson and that has been resolved. He also reminded folks that school is starting up this week and that driver's should be careful of walkers going to and from school.

Alderman Terwilliger also noted that there was an abandoned house 106 Maple that all of the neighbors are concerned about. She brought this up before and wants to have it checked into. The Mayor assured her that it would be checked into.

RESOLUTION #95 OF 2005 - Approve a resolution to re-appoint Penny D. Hawks as a Commissioner of Deeds.

By: Alderman Morey
Seconded: Alderman Quail

Approved: Ayes - 8
Nays - 0

RESOLUTION #96 OF 2005 - Approve a resolution to confirm the Mayor's appointment of Thomas Haskell to the Zoning Board of Appeals.

By: Alderman Feiszli
Seconded: Alderman Michales

Approved: Ayes - 8
Nays - 0

RESOLUTION #97 OF 2005 - Approve a resolution to confirm the Mayor's appointment of Margaret Fisk to the Cortland Housing Authority Board to complete the unexpired term of Russell Bentley.

By: Alderman Guido
Seconded: Alderman Terwilliger

Approved: Ayes - 8
Nays - 0

RESOLUTION #98 OF 2005 - Approve the following requests from the Pumpkinfest Committee:

- A. Use of the City's portion of Courthouse Park to stage the event on October 1st and 2nd of 2005.
- B. Placement of promotional signs near the City entrance signs from

September 19, 2005 to October 3, 2005.

Alderman Terwilliger asked if in the past if the Micro Brew was approved separately. It was noted that it was and that the request for that had not been received by the City. Alderman Michales inquired if private property was going to continue to be fenced off to assure that no damage was incurred.

By: Alderman Faraoni
Seconded: Alderman Terwilliger

Approved: Ayes - 8
Nays - 0

RESOLUTION #99 OF 2005 - Approve a resolution to amend the 2005 General Fund Budget recognizing a State Department of Education Grant in the amount of \$9,780 in Account No. A3062 and appropriating \$8,000 of said funds to Account No. A1410.100-01 (City Clerk Personnel) and \$1,780 of said funds to Account No. A1410.403-02 (Supplies).

Alderman Morey inquired about the position, if it was a part-time data entry position. Director of Admin. & Finance Andrew Damiano stated that it was a temporary position and that when the grant funds were gone, the individual would no longer be employed. Alderman Feiszli inquired whether these funds would be used for the passport program and was told that the City is not doing a passport program. There was an inquiry made to the City Clerk regarding a records management report, whether it was for birth records or all records. City Clerk Reagan indicated that this was for birth records. Alderman Quail inquired who the records management person was currently and Andy Damiano stated that Carol Sonnacchio is the records management officer and Lori Crompton will take over that title. City Clerk John Reagan explained that the money was not going to an existing City employee, but would be used to hire a temporary data entry person to enter birth records onto the computer. When the \$8,000 was gone, the position would be done. He further expressed that a second grant application would be submitted to go back further than the initial grant.

By: Alderman Partigianoni
Seconded: Alderman Michales

Approved: Ayes - 8
Nays - 0

Item #6 - Discussion regarding the regulation of the permanent use of dumpsters and other large waste containers in residential areas.

Alderman Terwilliger noted that the dumpster that had been located next to Mr. & Mrs. Agate's house had been moved. It is still an issue, even at its new location. Mr. Agate is still concerned about the maintenance and upkeep of dumpsters located throughout the City. Alderman Terwilliger noted that some are well maintained, but others are not. She hope that something official can be placed on the books so people will be more apt

to take care of these containers and Code Enforcement will have some teeth in order to fine people if they do not follow the rules. There were some questions about local laws and associated fees for dumpster permits. Corporation Counsel Lawrence Knickerbocker noted that because of the issue brought before them, he looked through the code and feels that it is a much larger problem that should be addressed citywide as to what should be done with dumpster regulations, i.e., size, location, security, permits, uses, coverage, etc. Whatever is done by the Council, the Code Office will be better able to deal with the issue. Counsel Knickerbocker provided the Council with some ideas of other codes to give them something to start with and they could add items or come up with more ideas. Alderman Quail thinks that the City needs something with a little bit more teeth in it. Some are well maintained and sheltered and in other instances they are not. One of his first concerns is permanent versus temporary permitting. It was noted that the dumpster provider currently carried the temporary permits for brief clean-out use of a dumpster. Counsel Knickerbocker stated that the documents given to the Council was nothing that is law now, but just some ideas that could be used to draft a proposal taken from other municipalities.

Alderman Partigianoni inquired what was on the books now and did it cover overflowing dumpsters. He noted an issue that had been turned over to the Code Office just prior to his leaving on vacation. He would follow up on that soon. It was also noted that most of the problems were with residential dumpsters, but commercial ones could also be looked into. This proposal addresses mostly residential uses. Alderman Michales inquired if currently placed dumpsters needed a special permit as of now or were they just placed at will. It was noted that they were just placed with no permit process. The Mayor noted that perhaps more information should be gotten as to standard sizes of dumpsters currently being rented out by a local vendor and that may be a way to start the permanent dumpster regulation process. Applicants could apply for a variance if they do not meet the code and feel that they should be granted an exemption. It was noted that the Code Office should also have input on this. A copy would be given to the Code Office, ZBA and others and the Council will await their various comments before setting us a worksession to address this issue.

Item No. 7 - Discussion regarding a proposed local law which would define the method of appointment, the terms of office, and the powers and duties of the Landscape & Design Commission members (Details of the proposed amendments to the Code of Ordinances will be discussed at a later date).

Corporation Counsel Lawrence Knickerbocker said that he put this local law together and if it was agreed upon, at the next meeting he would make notification of a public hearing and there would be the vote at the meeting thereafter. They would be looking into October. He hasn't changed anything since the last time he brought it to you. The Code of Ordinance would be changed at a later date. The idea of this document is to form this Commission with the duties under the administrative code section in our charter. His thinking was, once this happens, they will have an existing commission with defined duties and powers, one of which would be to talk to the Council about amendments to the Code of Ordinances. He thought this would be an appropriate first step.

Suzanne Etherington has looked this proposal over and feels comfortable with it. Alderman Morey asked for clarification. She noted that this local law would be to identify and define the group and the second would be to amend the Code of Ordinances.

Tonight is a discussion, but a straw pole is needed or a recommendation that he be allowed to go ahead with this is why this is on the Council agenda. The Council indicated that Mr. Knickerbocker should proceed with this.

Item No. 8 - Discussion regarding a proposal to install a bus shelter on City property in the vicinity of the Greyhound Bus Station on Grant Street.

Alderman Morey asked if there was any documentation regarding the cost to the City. It was noted that the bus shelter was to be placed on the sidewalk. The City is not proposing this and there was no one present to discuss the proposal. This proposal came to the Council through the Chamber. There are some concerns, but they are asking that someone from the group proposing this should come forward to answer questions. The Mayor indicated that both sides have concerns, users as well as the proposers. He said it would be at no initial cost to the City because the Social Justice group received grants to build this shelter. He asked that the Council list all of their concerns, so that all of their questions could be answered. Alderman Morey noted that there was a question of liability and further noted that a concrete barrier indicated in the pictures had been hit several times and there was inadequate lighting and there was no phone service at this location. Alderman Feiszli wanted more input regarding the bus station and the way it is kept and input from bus riders. All parties involved needed to be spoken with. There was even a question of trash removal, but it was noted that Mr. Orange or some other representative of their group needed to come before the Council and make a presentation and answer their questions. The Mayor indicated that he would contact the group.

Item No. 9 - Discussion of "9/11 Families".

A proposal was distributed to the Council regarding a proclamation involving the victims of 9/11, airline victims and employees, first responders, Pentagon employees, etc. The proclamation was read to the Council by Sharon Brown and it was asked that the Council endorse and sign this proclamation so that she could take this back to the 9/11 Families.

The Mayor indicated that something was needed in writing stating that Sharon Brown was the official representative for the 9/11 Families organization. She told him that he should refer to their website and she would be sending him an e-mail tonight. It was noted that the Council would not be acting on this proposal tonight. She left her e-mail address so that they could send the signed proclamation.

Adjournment

By: Alderman Faraoni
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 6TH DAY OF SEPTEMBER, 2005. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN-CITY CLERK

MAYOR THOMAS GALLAGHER