



City Council Minutes The City of Cortland

September 20, 2005

Council Meeting #17
September 20, 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 seventeenth Common Council meeting of the year to order at 7:00 PM.

PLEDGE OF ALLEGIANCE TO THE FLAG.

MINUTES of September 6, 2005.

RESOLUTION #100 OF 2005 - Approve the minutes of September 6, 2005 as amended.

By: Alderman Partigianoni
Alderman Morey

Approved: Ayes - 8
Nays - 0

Bills were reviewed and received.

MAYOR'S REPORT

Mayor Gallagher announced that the U.S. Army Reserve Training Corps, Dept. of the Army is going to be in town conducting maneuvered land navigation in the City of Cortland on Nov. 6 from 9:00 a.m. to 3:00 p.m. That is a Sunday. The plan is to send two to three convoys of humvees out into the City and Town of Cortland using alternate routes, much as they would in the combat theater. They intend to have soldiers locate major landmarks, schools, fire departments, police stations, some businesses that interface with people in those facilities. Over the next two (2) months Major Brown will be coordinating with each of the respected agencies and business who have volunteered to support this training. No weapons will be

used during this training. Major Brown expects that their presence in the community will generate phone calls of concern. He feels their impact on the community will be minimal. The impact of the City's support will be tremendous and they appreciate the City's support of their efforts against the global war on terrorism. Mayor Gallagher told the Council that the military will be contacting all of the media in regard to the maneuvers. Schools have also been notified, even though the event will be on a Sunday.

The Mayor thanked everyone who helped while he was gone.

Ward 1 - Alderman Faraoni

He had a few calls asking if the City was going to be appropriating money this year or next for skunks. He had also received calls regarding the gas situation. People have told him that in the Watertown area gas is \$2.56 per gallon and why is Cortland so slow to lower their prices.

The Mayor asked that individuals contact the Attorney General's Office with their concerns regarding gas prices. He noted that people are furious.

It was asked if Alderman Partigianoni had drafted his letter regarding gas prices. He has been checking it out and he noted that the gas companies have not broken any rules and there's not a lot that can be done. It was noted that residents should lobby Congress to break up these large oil companies because they have no competition which then allows them to set pricing. Alderman Partigianoni noted that Barbara Lifton was at the Community Center and that was the main topic.

The Mayor noted that the Assembly is working on a tax cap right now. He doesn't know whether that will work or not. Alderman Partigianoni noted that Hurricane Katrina has been used as an excuse.

Ward 2 - Alderman Terwilliger

She has had a call about the blinking light on Groton Avenue. She has also heard it from a couple other people on Groton that it has increased speeding during the nighttime. It switches to a blinking light by Homer Avenue. She would like Public Safety to look into this. She noted a skunk in her neighborhood near her house, but it was that time of year.

Ward 3 - Alderman Morey

Things are good in her Ward. She has an issue on James Street and is meeting with Public Safety regarding this. She will be doing a walk through this week or the beginning of next week. She has had some code issues which she has forwarded onto the Code Office. Things have been quiet in her Ward. The paving on Broadway is wonderful, but there has been an increase in speeding issues there. She cautioned the public that there are a lot of students crossing in the area and the public should watch their speed.

Ward 4 - Alderman Guido

He thanked Amy Bertini and Chief Glover for looking into the numerous code issues on Sands and Tompkins Streets. They spoke with the neighbors and things are moving along and he believes they will see some progress there. Other than that, things are quiet in the Ward.

Ward 5 - Alderman Quail

He held a Neighborhood Awareness Day and a number of organizations donated time and materials. They were able to give a lot of information to the attendees. The main mission was to promote unity and the Neighborhood Watch Group. Special thanks to many organizations, including the City Police. They were there helping to set up and clean up afterwards and fingerprinted all of the children who attended. The kids put their handprints on a poster and it was shown. He also noted the YWCA did that. The 5th Ward picnic was held this last Saturday. Approximately thirty (30) people attended and braved the inclement weather. He attended the WCNY Red Cross Telethon in the Mayor's absence last Thursday and asked individuals to contribute to the Hurricane Katrina Relief Fund. It was quite an event and Welch Allyn presented a check for \$80,000 and they also donated \$2,000 worth of medical supplies to the various doctors in that community. He extended a warm welcome to the new Salvation Army Captains, Scott and Danielle Dorechak. He noted that there had been a number of safety issues on South Main Street. He thanked Don Chambers for addressing that. It is a fifteen (15) mile per hour speed zone down through there and he noted that people are going thirty (30). There have been incidents where people have walked within a foot of a manhole. Don has addressed the issues and has done a nice job on that and Alderman Quail thanked him.

Ward 6 - Alderman Feiszli

She wrote a letter to the residents on Kennedy Parkway/Yaman Park area and sent copies to Mr. Damiano and will give one to the Mayor. The letter was an update on what has been done and an emergency plan in the event that there is another flood like the one last April. She noted that this plan has not been approved by the Council or the Mayor and was only provided to the residents for their consideration and discussion. She asked that if they had any suggestions or alternatives that they could talk about it. One of the items was the reverse 911 program to the residents of the area regarding an impending flood. The second would be to set up a phone tree for all the residents of Yaman Park which will include important phone numbers for the Police Department and officials and also have block captains similar to what they have inside the Ward, who will note who might need assistance right away. There is a proposed emergency egress from Hickory and Morningside Drive to keep residents from being trapped while waiting for Kennedy Parkway to be cleared. This egress area would be clearly marked on a temporary basis and used only in the event of an emergency. She has a resident on Morningside Drive who has agreed to allow the use of his property for an emergency egress in the event of a major flood and still need the consent of the adjoining owner on Hickory Park Road for the use of his property. With the Council's approval, they would also be using a trash pump similar to the one used last April to clear out the road.

The second item she had involved the discussion at the last meeting regarding the proposed bus shelter. There were a number of concerns about location and liability. Last week she

met with a representative from the railroad, who owns sixty-five feet from the rail line over to Grant Street Construction. The railroad supported the idea of the shelter and they are willing to give a portion of the property to the City for the cost of one (1) dollar. She also contacted the City's insurance provider regarding the liability issue. Jim Place informed her and the City that the proposed shelter would not be any additional liability if the cost of the structure was less than \$5,000. This evening there are representatives for the shelter to answer any additional concerns. Some Aldermen indicated that they had not received a copy of the letter from Mr. Place, but some had.

Ward 7 - Alderman Partigianoni

This has been a very hectic two (2) weeks. He joined with friends and relatives of Corporal Robert M. Henry at the Forest Hill Cemetery in Blodgett Mills on Saturday for the military memorial service conducted by the Local Veterans of Foreign Wars Post 2354. He noted that it is always depressing to him when he heard the ultimate sacrifices that Corporal Henry and others like him have made in the line of duty. He noted that an article was in the Cortland Standard about this.

He was at the monthly DPW Commission meeting last Tuesday. There were two (2) things on the financial report that were brought up. The cave-in on Central Avenue is going to be much more expensive to repair than anticipated. The other one is the energy prices are going up considerably. Six (6) percent was what was thought. Chris Bistocchi thought that we were right in line, at the moment, depending on Hurricane Rita. Chris Bistocchi also issued a warning to Cortland residents in regard to leaving brush at the curbside. He showed a big piece of iron that was left out with the brush. The crew comes with the backhoe, pick up the brush and put it in the shredder and the piece of iron was thrown like a missile. There was almost a very serious accident. Residents, be careful what you put out with the brush.

Sunday he was a guest at the Lime Hollow Nature Center's Appreciation Picnic. They took a tour of the trail and viewed the new log cabin Nature Center that is under construction. It's quite impressive. Prof. Yapple from SUNY Cortland outlined their ambitious plans for this facility. Alderman Partigianoni was impressed. He also put on the Alderman's desk a flyer on the Asian long horned beetle. They are a serious threat to all of the hardwood trees in the United States and there were numbers to call. He also attended with others, the Salvation Army reception to help welcome Scott and Danielle Dorechak.

Last Thursday, they held their third (3rd) annual Hallstead and David Harum Bean Pickers Reunion at the Red Dragon. Ninety-two former bean pickers were there. There was a luncheon and a roundtable discussion of their experiences. Everyone had a fun time reminiscing

He received two (2) calls regarding dead trees. One (1) of them should be resolved this afternoon. Chief Glover talked with a woman on Central Avenue and there was a question on the release form and he believes it is resolved. He is awaiting a reply from Ann Tompkins who is on vacation. It's a dead tree on Elm Street and the question is whether the City will replace it or not. He will check on that.

At the Community Center they held an Advisory Committee meeting last night. There were ten (10) items on the agenda. A couple of announcements: Monday, September 26 at 6:30 pm, Anita Wright from the Cortland County Historical Society will hold a family genealogy night class at the Center and free starter kits will be passed out. On October 14, from 4 to 10 p.m., it has been declared a Fun Day at the Center. They will have board and card games and other events to be held there. There are some that would like to get a bocce game going.

Ward 8 - Alderman Michales

He also attended the Open House at the Salvation Army to welcome the new captains, Scott and Danielle Dorechak. He received a call regarding the pick up of rubbish by Superior. He believes this issue has been resolved. He also received information regarding a parked car in front of a location on two (2) different occasions and this was reported to the Police Department and a possible drug relation to this. He will be talking with the Police Chief and getting more information before he can say more.

He has a meeting scheduled this week with the Randall School Principal to discuss some of the congested parking along Randall Street as well as some related issues. He has been in contact with the State Department of Transportation Regional Director in regards to the speed limit posted on Greenbush Street, prior to entering and leaving the school zone on Randall Street. We are looking a posting Greenbush Street as a school zone. Speaking with the Regional Director today, he has referred this back to Mike Preston and Alderman Michales is going to approach the school board about this. There have been numerous concerns of children crossing that intersection. There is an unusual circumstance where there is a street perpendicular with the school, usually you school street are more parallel with the school. There is also the concern of Greenbush Street as well.

He also announced a new business located at 114 River Street. It's Northeast Martial Arts on the edge of his Ward and is in Alderman Partigianoni's Ward. They offer children's lessons.

The 8th Ward Neighborhood Watch Program is co-sponsoring a fund raiser to be held this Saturday at the Happy Auto Detailing and joining with Catholic Charities from 9:00 a.m. to 3:00 p.m. in a car wash and chicken barbeque and can and bottle drive. All proceeds will go to the American Red Cross to help with the relief efforts for the Katrina Victims. He is proud of his Neighborhood Watch group, because they show community spirit plus get involved with national concerns. He asks that everyone bring their auto, appetite and cans and bottles.

Alderman Quail noted that the Police have been doing their rounds in the fifth (5th) Ward and their presence has had a significant impact. He doesn't know what the number of arrests or incidents have been or what the trend is, but he knows that the community has enjoyed speaking with the officers as they do their rounds.

Alderman Partigianoni has check and noted that this program has been successful. The police have made several arrests and there has been good response and the police have been happy about that.

RESOLUTION #101 OF 2005 - Approve a resolution authorizing the amendment of Section 11-63(a) of the Code of Ordinances by creating a "No Parking Anytime" area on the south

side of Stephens Street; from Bartlett Ave. to Hyatt Street. (Recommendation of the Public Safety Commission).

By: Alderman Michales
Seconded: Alderman Faraoni

Approved: Ayes - 8
Nays - 0

RESOLUTION #102 OF 2005 - Approve a resolution authorizing the amendment of Section 11-41 of the Code of Ordinances by deleting the Yield Sign on Otter Creek at Broadway, and adding a Stop Sign. (Recommendation of the Public Safety Commission).

By: Alderman Morey
Seconded: Alderman Guido

Approved: Ayes - 8
Nays - 0

RESOLUTION #103 OF 2005 - Approve a resolution on the recommendation from Assistant Fire Chief Glover to waive the permit fee for the installation of alternative heating devices until December 31, 2005 to encourage the safe installation of such devices. (A free permit will still be required, if the fee waiver is approved.)

Alderman Michales inquired what the cost of the permit was currently and was told it was \$25. The Mayor indicated that alternative heating devices included wood stoves, kerosene heaters with exterior tanks, pellet stoves and gas fireplaces.

By: Alderman Quail
Seconded: Alderman Partigianoni

Approved: Ayes - 8
Nays - 0

RESOLUTION #104 OF 2005 - Approve a request from the Pumpkinfest Committee for the use of the northeast corner of Court House Park for a microbrew sampling on October 1, 2005 from 1:00 p.m. to 5:00 p.m.

There was an inquiry regarding insurance and it was noted that the Pumpkinfest carries it. Alderman Michales noted that the tent that they have for this activity is a little on the small side. He asked that it be relayed to the Pumpkinfest Committee. An inquiry was made regarding if there was a wine tasting.

By: Alderman Terwilliger
Seconded: Alderman Faraoni

Approved: Ayes - 8
Nays - 0

RESOLUTION #105 OF 2005 - Approve a resolution to re-appoint Mary Lou Pai as a Commissioner of Deeds for the District Attorney's Office.

By: Alderman Quail
Seconded: Alderman Partigianoni

Approved: Ayes - 8
Nays - 0

Item #5 - Discussion regarding a proposal to install a bus shelter on City property in the vicinity of the Greyhound Bus Station on Grant Street.

Misters Bob Orrange and Gary VanGorder were present to speak to this. Mr. Orrange is representing the community group that has identified the need for a bus shelter as a project. Mr. VanGorder noted that a free standing bus shelter in that area would better serve the traveling public. He noted that Mr. Orrange came to him a few months ago with some ideas as to how the shelter might look. It was thought that maybe it would be a plexiglass one, but because of some considerations, mainly cost, they have downgraded their expectations. They received a grant from the Cortland Savings Foundation in the amount of \$2,000 which will allow Kennedy Hardwood to construct a woodframe shelter with some plexiglass inserts. As a result of some of the concerns expressed at the last Council session he and Mr. Orrange have met with Alderman Feiszli in regards to an alternate site which is the New York and Susquehanna site. They have indicated that they are willing to lease that space for one (1) dollar and the IDA/BDC is also involved and they are agreeable to also providing an easement. What they are asking is that the City indemnifies both the railroad and the BDC/IDA and accepts the shelter as constructed by Kennedy Hardwood so that it can be installed on the site.

Mr. Orrange has been with the Interfaith Social Justice Committee and they have been receiving inquires from people as far back at eighteen (18) months ago about the fact that if they return to the City on the bus, they have no safe place to wait. The Committee was thinking of the Grant Street location, but now that the railroad site has come up, it's noted that it is more visible to the police and people in the neighborhood. There also was no place to wait in bad weather. The railroad location is pretty ideal, but the busses come in on one side and go around and come out and the shelter would be right opposite the bus on the side that people enter and leave the bus. It would be really convenient for them. It also would look nice. Compagni's have planted trees and they plan to put a lawn in at that area and maybe they will put in some shrubs. The Mayor inquired if the Committee was looking for some money from the City. The Committee thinks that they have everything covered, but would like to have one of those nice trash receptacles like those on Main Street put next too it. It was indicated that those were handmade and quite expensive. Alderman Partigianoni isn't against this. He noted that the Committee received a grant of \$2,000 and wanted to know if the Council might match that sum. Some Aldermen had concerns regarding liability and insurance and the cost to the City. The City would be leasing the property for one (1) dollar, but they would be responsible for it. It was noted that there was a risk in the area after dark and that perhaps a light was in order. It would cost the City an additional \$80 or \$90 a year for that. Alderman Quail noted that the cost of liability was still a concern for him. There was

a claim placed a few years ago and the \$1,200,000 settlement was huge for the City. He noted that the placement of a shelter there was not a City function. He noted that they would be providing assistance to private enterprise. He thought that the private industry should stand on its own two feet. He has spoken with passengers getting off the bus and they would like a different site. Past Councils have forced them to move from site to site and move it to an industrial/commercial site. He feels that a person could get off the bus late at night and get robbed there or something could go wrong there and the City would be liable. It's not well lit there and it's quite a ways back from the street and there are not a lot of people right around there.

It was noted that the Place Insurance letter indicated that there might be a problem with the prior notice law.. The City would be liable and must grant indemnity to the railroad. There was also a concern that if the City has put time, money and effort into this shelter, what about all the people who ride the Cortland Transit buses daily who have no shelters. Alderman Morey asked why hasn't there been a transportation plan brought up and why are we looking to invest in property the City doesn't own, and why we aren't investing in those riders instead. It was noted that those riders only had two (2) shelters, one on Central Avenue and one on River Street. What is the plan for those areas? Alderman Partigianoni noted that there were three (3) more shelters used by Cortland Transit riders and he gave their locations. It was wondered if the Council could plan for a new place for the bus station. Alderman Quail indicated that the bus station has been moved several times over the last ten (10) years. It was noted that this is a private business and the City can't just go in and move it. It was noted that the issues weren't Council issues, but Zoning issues that caused some relocations. Alderman Partigianoni thought that the Committee people were trying to say that passengers arrive from out of town and they look at that area and think badly of our City. It was thought that ridership might increase with the current price of gas being what it is. Alderman Morey also is concerned about the upkeep and trash removal costs that the City will incur to maintain this shelter. She noted that there is a receptacle at the bus station for passengers, but the receptacle placed at the shelter might be used by others and that it would be a bigger expense. It might attract furniture dumping, etc.

Alderman Quail noted that Mr. Place's letter indicated "that it is very important that for any new activity, that the City goes through a rigorous risk management and safety review". Alderman Feiszli noted that plexiglass would be installed on three sides of the shelter. There was further discussion of safety issues at the shelter. It was also noted that snow removal would also be an issue.

It was noted that there was no place for people to get out of the wind and weather at that location and the Mayor noted that the shelter did not have to be a permanent installation. Alderman Morey asked how much the Mayor was willing to spend on this and he indicated that he didn't want to spend anything. He indicated that the maintenance part of it was going to be trial and error. It would probably fall to DPW. Alderman Terwilliger noted that skunk and woodchuck removal calls were coming in from residents and the City was no longer willing to allocate money for those items for the residents, but is willing to allocate unknown monetary costs to a bus shelter used by a small number of people. She urged residents with skunk and woodchuck problems to contact the City.

It was then asked of Corporation Counsel to speak regarding his input on the \$250,000 liability issue for the City. He is concerned about the liability. Conceptually, he thinks the shelter is a great idea. He agrees that the City wants to present a good image to the people who are coming into the community. His concerns regarding the safety are with the lighting, the visibility, the area maintenance and what the railroad is going to be looking for in relationship to an indemnification agreement. If they want to be fully indemnified, the City may be taking on more than what we even anticipate relative to that small area. He would love to see private industry take this. If the Committee would allow the owner of the bus station property to have the shelter on their property, maybe the City could provide some type of a lighting system there and the design is modified so people can see in and out, he didn't see why a private property owner wouldn't find this shelter a welcome addition to increase the value of his property and an increase in ridership.

Alderman Michales indicated that the location is ideal. He's more in favor of the private property owner. The Committee was asked if they had gone to the private property owner and offered them the shelter. It was indicated that the bus company leased the property and the property owner had no interest in the shelter. It was wondered if the bus company which leased the property wouldn't be interested in the shelter and if the business owner had been contacted in regards to the shelter. Mr. Orrange indicated that he had spoken with the property owner. Alderman Feiszli felt that the lighting issue could be resolved, but there was a concern about having it on leased railroad property and the ensuing liability. She inquired of Mr. Knickerbocker if there would be more liability than if it were some other place. He indicated that his concern was what they would require in the indemnification agreement. He gave some examples. Alderman Morey asked that this item be placed on the October 4, 2005 agenda and in the meantime, she would go speak with the owners of the property and the business owner and see if they couldn't rectify some of this without using City money.

Adjournment

By: Alderman Faraoni
Seconded: Alderman Michales

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 20TH 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

