

October 2, 2001

A meeting of the Common Council was held on October 2, 2001 at 7:30PM in the Common Council Chambers at City Hall, 25 Court Street, Cortland, New York.

PRESENT: Mayor Bruce Tytler
Council Members Smith, Tobin, Abdulla, Lissberger, Strangeway, Hansen, Hyde and Hennessy
City Clerk, William J. Wood
Deputy City Clerk, Jodi M. McLyman
Corporation Counsel, James J. Baranello
Director of Admin. & Finance, Andrew J. Damiano

PUBLIC COMMENTS

The Mayor pulls Item No. 4 because Special Council is unable to make tonight's meeting.

Sharon Brown, of 21 Washington St. wants to have a parade in recognition for the people that lost their life in the Sept. 11, 2001 tragedy. Deputy Chief Whitsett told her she needed Common Council approval before he will investigate the matter. The parade will be scheduled for October 20, 2001. The route has not been designated and insurance has not been worked out. This will go on the Agenda in place of Item No. 4.

Richard Menapace was present to speak but considering the fact Item No. 4 was pulled from the agenda he will defer until the next meeting.

E. Ashley Ellefson is also deferring until the next meeting.

MINUTES

On the motion of Council Member Hyde, seconded by Council Member Hansen, voted and carried,

RESOLVED THE MINUTES OF SEPTEMBER 18, 2001 BE APPROVED FOR FILING.

BILLS

Council Member Hennessy moves to consider the first item on the abstract separately from the rest of the bills. The consulting services will be considered separately.

On the motion of Council Member Hennessy, seconded by Council Member Lissberger, voted and carried,

RESOLVED THE BILLS BE APPROVED EXCEPT FOR THE CONSULTING SERVICES OF MARC S. GERSTMAN, ESQ.

Council Member Hansen asks what custodial services mean under the elections column. City Clerk Bill Wood explains it is for moving and setting up the voting machines.

Mayor Tyler explains that he asked for a legal opinion with regard to the City Charter, which he could not ask Corporation Counsel because Corporation Counsel would have had a conflict of

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interest. NYCOM suggested a law firm for the Mayor. Council Member Lissberger asks what the conflict was. Corporation Counsel states that there are certain officers within the City that serve at the pleasure of the Mayor and certain officers that don't. The Mayor wanted an opinion as to which officers serve at his pleasure and which do not. Corporation Counsel could not advise because his office was one of the offices in question.

The Mayor felt this would have been a conflict of interest. Council Member Hansen asks Corp. Counsel Baranello if he felt this was a conflict of interest. Counsel Baranello replies if he was eliminated then he is eliminated. Council Member Hansen wants a copy of this opinion. Council Member Hennessy feels that \$600.00 was a lot of money. The Mayor wanted to know why some people serve at the pleasure of the Mayor and some officers require a vote of the Council. He asked for legal opinion. He transferred money from his travel and education line to his consulting line, which is not uncommon. This is well within his boundaries. Neither NYCOM nor the Attorney General's Office will render an opinion of Local Charters. Council Member Abdulla is a little confused and asks the Mayor for clarification. The Mayor feels that he wanted to take a look at when the Chief Executive Officer asks Department Heads or someone that's appointed by the Mayor to take certain actions and if they don't want to, what recourse of action the Chief Executive Officer has.

Council Member Hennessy feels that the \$600.00 could have gone to something not so frivolous. The Mayor doesn't feel this is frivolous and feels his budget will be in the black this year. The Mayor's Office as a whole is spending money on only necessities. Council Member Hansen feels that this was not done up front. The Mayor feels that the transferring of funds is not abnormal. Director Andrew Damiano states that any Department Head has the right to request a transfer from one line within his or her budget to another line from within his or her budget subject to Andy's approval. Andy explains the Mayor requested \$600.00 for his consulting line so he approved the transfer from the travel line. This happens regularly.

The Mayor requests a motion to pay this bill. The Council prefers to defer making a decision until they can read the opinion. This will be put on the October 16, 2001 abstract.

MAYOR'S REPORT

The Mayor just came back from a parent-to-parent meeting at the High School. These are a series of videos and discussions designed to help parents develop a support network on facing the challenges of raising their children in the 21st century. This is going on through the month of October and the first Tuesday in November. The Great Cortland Pumpkinfest is coming up October 13th and 14th. The Mayor gives plaques to Jim Hamilton who retired after 32 years of service at the DPW and to John Homer for 37 years of service at the Youth Bureau. A discussion regarding the budget workshop ensues.

WARD REPORTS

Ward 1 – Council Member Smith

Council Member Smith receives a complaint regarding missed recyclables. Also, across from Parker School a lot of ponding occurs when we get heavy rains. Bob Spada will look into this.

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Ward 2 – Council Member Tobin

Council Member Tobin receives a call regarding the theft of the American Flag. He commends the Police Dept. on their vigilance in shutting down some of the illegal parties, three of them in the 2nd ward.

Ward 3 – Council Member Abdulla

Spoke with Andy on zoning issues on Tompkins Street which they are going to talk to Codes about. Personally congratulates John Homer and Jim Hamilton on their years of service to the City of Cortland.

Ward 4 – Council Member Lissberger

No report.

Ward 5 – Council Member Strangeway

Ward meeting tomorrow night at the Youth Bureau at 7:00 PM.

Ward 6 – Council Member Hansen

No report.

Ward 7 – Council Member Hyde

Thanks Jim Sponaugle for doing a project in Courthouse Park. He put a cord up with a light on it. Someone unfortunately stole the flag and he asks that it be returned.

Ward 8 – Council Member Hennessy

Thanks Jim Sponaugle on a matter regarding the Pumpkinfest. There are people that live on the edge of the park and in the past some of the vendors have not been as cautious as they could be and have driven on their property. Jim has put barricades up so this doesn't happen this year. She was also walking on Main St. today and saw some decorative glass that apparently came from one of the light posts. There is a globe missing from Central Ave. Andy will notify NIMO.

AGENDA

Item No. 1 – Consideration of the reappointment of the following individuals:

Board of Assessment Review – William Brown. Cortland Housing Authority – Harry Dahlheimer.

On the motion of Council Member Hennessy, seconded by Council Member Strangeway, voted and carried,

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RESOLVED TO REAPPOINT WILLIAM BROWN TO THE ASSESSEMENT REVIEW BOARD AND HARRY DAHLHEIMER TO THE CORTLAND HOUSING AUTHORITY BOARD.

Item No. 2 – Consideration of a Resolution authorizing the use of Court House Park for the “Stop the Hate Vigil” being sponsored by Cortland area churches. The event will take place on Wednesday, October 17, 2001 from 7:00 PM to 9:00 PM. This will include a church service and candle light vigil.

On the motion of Council Member Smith, seconded by Council Member Hennessy, voted and carried,

RESOLUTION APPROVED AUTHORIZING THE USE OF COURT HOUSE PARK FOR THE “STOP THE HATE VIGIL” BEING SPONSORED BY CORTLAND AREA CHURCHS. THE EVENT WILL TAKE PLACE ON WEDNESDAY, OCTOBER 17, 2001 FROM 7:00 PM TO 9:00 PM. THIS WILL INCLUDE A CHURCH SERVICE AND CANDLE LIGHT VIGIL.

Item No 3 – Appointment of a Reapportionment Committee to review existing ward boundaries in consideration of the 2000 Census results.

The Mayor request that there be a working committee of 3 to 5 members. Council Member Hennessy, Council Member Hansen, Council Member Hyde, Council Member Tobin, and Council Member Smith volunteer.

On the motion of Council Member Abdulla, seconded by Council Member Smith, voted and carried,

RESOLUTION APPROVED APPOINTING THE ABOVE COUNCIL MEMBERS TO THE REAPPORTIONMENT COMMITTEE TO REVIEW EXISTING WARD BOUNDARIES IN CONSIDERATION OF THE 2000 CENSUS RESULTS.

Ann Hotchkin from Thoma Development explains a small problem with the grant application for the Sports Complex on Saunders Rd. and Starr Rd. She received a call regarding a technical glitch because it says the applicant must have ownership interest in the property. The City has an ownership interest in the Saunders Rd. and in the Starr Road site but Cortlandville as the applicant does not have an ownership interest in the City site. The only acceptable option was an intermunicipal agreement. The two most important aspects are that they agree to maintain the land as a park over a prorated amount of years based on the amount of monetary award that you receive. The second is a maintenance agreement. They are looking to put the City on the hook for the same requirements as they are putting Cortlandville on the hook.

Counsel Baranello states that he will draft a letter outlining that the City is willing to undertake those responsibilities and if the grant application is approved we will enter into the intermunicipal agreement wherein we will share the maintenance of the two parks.

Council Member Hennessy asks if the school board needs to be involved in this. Counsel Baranello explains no because the school board is not the applicant.

On the motion of Council Member Smith, seconded by Council Member Abdulla, voted and carried,

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RESOLVED SHOULD THE GRANT APPLICATION BE APPROVED, THE CITY OF CORTLAND WILL AGREE TO DESIGNATE ITS LANDS FOR PARK PURPOSES AND AGREE TO SHARE MAINTENANCE RESPONSIBILITIES FOR THE PARKS. THE CITY WILL AGREE TO ENTER INTO AN AGREEMENT WITH THE TOWN OF CORTLANDVILLE TO DESIGNATE THE LANDS AS PARK LANDS AND TO ASSUME AND SHARE IN MAINTENANCE RESPONSIBILITIES FOR THE PARKS.

Item No. 4 – Request for Council approval to send the application on to the appropriate parties for a Parade to take place on October 20, 2001 at 1:00PM.

Jim Place will review the insurance. The applicant will need to give the route and who will be involved. This is just an approval so that Sharon Brown can proceed with the application process. It will have to come back to the Council once the requirements are meant.

On the motion of Council Member Strangeway, seconded by Council Member Smith, voted and carried,

RESOLVED TO APPROVE THE REQUEST FOR MS. BROWN TO PROCEED WITH THE PARADE PERMIT PROCESS; SUBJECT TO THE NORMAL REVIEW PROCESS BY THE POLICE DEPARTMENT AND THE CITY'S INSURANCE ADVISOR.

On the motion of Council Member Smith, seconded by Council Member Strangeway, voted and carried,

RESOLVED TO GO INTO EXECUTIVE SESSION AT 8:15 PM TO DISCUSS PENDING LITIGATION.

On the motion of Council Member Smith, seconded by Council Member Abdulla, voted and carried,

RESOLVED TO COME OUT OF EXECUTIVE SESSION AT 8:30 PM.

On the motion of Council Member Abdulla, seconded by Council Member Lissberger, voted and carried,

RESOLVED TO COME BACK INTO THE REGULARY SCHEDULED MEETING AT 8:30 PM.

On the motion of Council Member Abdulla, seconded by Council Member Strangeway, voted and carried,

RESOLVED TO ACCEPT THE SETTLEMENT STIPULATION FOR THE TAX ASSESSMENT CASE INSTITUTED BY NEWELL RUBERMAID.

On the motion of Council Member Lissberger, seconded by Council Member Strangeway, voted and carried,

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RESOLVED THE MEETING BE ADJOURNED AT 8:35 PM.

MAYOR

CITY CLERK

I hereby certify that the foregoing resolutions were presented to the Mayor in the time required and were approved by him.