



City Council Minutes October 7, 2003
The City of Cortland, New York

COUNCIL MEETING #18

October 7, 2003

REGULAR BUSINESS MEETING

City Hall

7:00PM

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

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

PLEDGE OF ALLEGIANCE TO THE FLAG

PUBLIC COMMENT

Anne Doyle of 70 Lincoln Ave. notes it is quieter on Lincoln Ave. They are seeing the police more. We don't dislike the students, we just want them to behave in a considerate manner. She notes they still have people living on the third floor of some houses. We are looking forward to the new zoning ordinance. She asks about rental signs. She has had calls regarding Neighborhood Watch and feels they should become active again. She feels the City should not provide things that landlords should be providing.

Jo Ann Dukelow of 143 N. West St., Homer, New York manages property at 74 Lincoln Ave. Lincoln Ave. is in terrible condition. The street issue and the need for yellow tape have nothing to do with the houses. You can't pass another vehicle or park on that street. This is due without notice to the digging up of the street for the replacement of water lines at a huge cost to each property owner. Every faucet and toilet became plugged and caused massive repair. The way it was done was a problem and she wants to know why it was a big secret. Because there is a problem with one student house it should not negatively reflect the street. Her negative experience on Lincoln Ave. has had nothing to do with students or year round residents. It has to do with the total disregard the City, obviously the water department, has had towards the residents.

Ward Dukelow of 143 N. West St., Homer, New York states he is at his Lincoln Ave. property 1 or 2 times a week. He would like to see where all this garbage and trash is. He was disturbed by the article in the paper. If there are houses on the street that do not meet code then that should be addressed. Students are renters. The City of Cortland has almost 55% rental properties.

Rev. Stephen W. Sigourney of 64 Maple Ave. is the Pastor of the Homer Ave. United Methodist Church. He understands the problem. When the weather is nice he cannot have his windows open because of the screaming, yelling and foul language between midnight and four in the morning. This year it is Thurs. thru Sat. They are always kicking the signs and cones down. People have dumped garbage and trash in the parking lot from the dorms. There has been vandalism of all kinds. There are broken beer bottles and broken glass all over the church parking lot. He agrees with the newspaper article.

Tom Haskell of 48 W. Court St. invites everyone to join him on Sunday October 19, 2003 for the crop walk. The Grand Marshal is Mayor Leonard. He thanks Mayor Leonard and Jane Witty for all of their help. This is a chance for you all to do something about hunger. There is a one mile route, a three mile route, and a five mile route.

MINUTES of September 16, 2003

RESOLUTION #142 of 2003 – Approve the amended minutes of September 16, 2003.

By: Alderman Faraoni

Seconded: Alderman Guido

Approved: Ayes – 8

Nays – 0

BILLS

Bills are received.

MAYOR'S REPORT

The Mayor has spent most of her time lately on the preparation of the budget. This is not a happy situation by any means. You will be receiving her budget shortly. This is a difficult process.

She has two proclamations. The first is the celebration of St. Mary's school and the second is The Crop Walk. Both are attached and made a part hereto.

WARD REPORTS

Ward 1 – Alderman Faraoni

The brush pick up will continue. November 10, 2003 will start leaf and brush pick-up. Chris Bistocchi will try and get that into the paper. We have a lot of political signs up some which do not belong in the first ward. He asks if anything legal can be done. Corp. Counsel Suben states yes if they are in violation of the Code then they can be sited. The billboard is on the corner of Homer Ave. and VanHoesen.

Ward 2 – Alderman Tobin

Certainly Jack and Gina Shannon only care about themselves. They have been part of these discussions. They currently operate many of their properties illegally. He believes 75 Lincoln is in court at this point in time. There was admission that six people were living there. These people need to know the zoning laws were put into place to protect the quality of life for the residents that live around these situations. Bringing in too many people to live in a certain area is wrong. No where would any other business be able to operate in a residential area the way that some of the student housing operators do. The Shannon's attorney was the former Corp. Counsel. They could have been prosecuted years ago but Mr. Suben's predecessor chose not to prosecute certainly had a conflict of interest. We need to get more of these cases in court. We need to have more prosecution. He knows there is presently four cases in Court. Corp. Counsel notes we try to prosecute all the cases fully that are cited to a good resolution. We also oppose adjournments.

Ward 3 – Alderman Morey

We are having some truck sightings early in the morning. We are having parking problems on James St. She thanks the DPW for brush pickup. They will be going back to regular hours. She thanks the Code office for their help.

Ward 4 – Alderman Guido

He commends the Code office for doing a good job. Despite the weather, everyone enjoyed the Pumpkinfest. Everything is quiet.

Ward 5 – Alderman Quail

He had some complaints on Church St. for local truck traffic. There is a “no local truck traffic sign”. Pumpkinfest was very well organized.

Ward 6 – Alderman Testa

He attended the Pumpkinfest. It was very nice. He commends all the people involved in that activity. It brings in a lot of people to the community.

Ward 7 – Alderman Partigianoni

He notes Dunsmore St. needs to be updated. It will be oiled and stoned this fall and possibly paved next year. It is priority number one. People are complaining about the gas station on Clinton Ave. Ext. People are concerned about the upcoming budget and the effect it will have on our taxes. He asks the Mayor about the traffic study with regard to Clinton Ave. The Mayor states the DOT produced a document which has now gone to the public safety commission to review. The last time the commission met they did not have a quorum so they had to postpone the discussion. Alderman Partigianoni is concerned because that is a state arterial and traffic is backed up from the Holiday Inn to past Rickard St.

Ward 8 – Alderman Hennessy

The committee in charge of the Pumpkinfest weather has been fired and they are looking for new members. There were a lot of people who volunteered and got soaked in spite of the horrible weather. She also commends Jim Spoungle for efforts to make that event happen.

AGENDA

RESOLUTION #143 of 2003 – Authorize the acquisition of certain properties located on Port Watson Street from REROB, LLC.

By: Alderman Hennessy
Seconded: Alderman Partigianoni

Approved: Ayes – 8
Nays – 0

Alderman Guido asks if the City does acquire it there is not a legal limit that we can charge someone down the road if they wanted to buy it. Andrew Damiano notes it is his understanding it will be conveyed without any restrictions. There is nothing in terms of future use. Alderman Quail states if we are going to take a property

off the tax roll and the City is going to be the landlord, if this property is marketable, why is Mr. Yaman who is in that business getting rid of the property. The property owner has directed Mr. Yaman to convey it. Alderman Quail asks if there is market potential for that property, why he isn't selling it. The Mayor states we do not know the answer to that and there may be tax benefits or other reasons for it. One of the concerns is if the City doesn't take it and there is some benefit to making it a gift then it may be a gift to some other municipal entity like the County. The owner is not telling us, they just offered it to us. Alderman Partigianoni states he met with Mr. Yaman and he got the impression that Eckerd just wanted to donate it to the City. The value of the property far out weighs the tax dollars, plus we can resell it. Alderman Hennessy asks if we can do this on some kind of conditional basis because we are authorizing the acquisition but perhaps we should say in the event that there is no environmental concern. Andy Damiano notes this went to the planning board and was approved. The action meets the requirements of the Charter because it does not require resolution by that body. Alderman Guido asks if an Environmental study will be done on the portion being donated to the City. Andy Damiano states that is a valid concern but doubtful in this instance but certainly the resolution could be contingent upon this.

Andy Damiano notes there was one diesel fuel tank in the ground. It was installed in 1989. The installation was approved and it has all the proper monitoring devices. The City may need this tank depending on the end use of the property.

After lengthy discussion the motion was amended to read:

RESOLUTION #143 of 2003 – Authorize the acquisition of certain properties located on Port Watson Street from REROB, LLC. contingent upon no significant concerns being raised in a Phase 1 Environmental Assessment.

By: Alderman Hennessy
Seconded: Alderman Partigianoni

Approved: Ayes – 8
Nays – 0

RESOLUTION #144 of 2003 – Approve the reappointment of Mary Lou Pai as a Commissioner of Deeds.

By: Alderman Quail
Seconded: Alderman Guido

Approved: Ayes – 8
Nays – 0

RESOLUTION #145 of 2003 – Approve the confirmation of the Mayor's appointment of Ralph Smith to the Police Commission.

By: Alderman Hennessy
Seconded: Alderman Faraoni

Approved: Ayes – 8
Nays - 0

RESOLUTION #146 of 2003 – Approve the confirmation of the Mayor's appointment of Charles Walton to the ZBA.

By: Alderman Partigianoni
Seconded: Alderman Faraoni

Approved: Ayes – 7
Nays – 1 (Tobin)

Alderman Tobin does not know him or has seen his qualifications.

Discussion regarding the placement of a gazebo in Yaman Park.

John McNerney of the Cortland Youth Bureau addresses the Council. John outlines the project per the memo sent to the Common Council members. The youth bureau will manage and maintain the gazebo. This will enhance the park and also provide a place to have musical performances, picture taking for weddings, scouting, etc. This is not going to be used for a picnic facility. The project is being funded by the Laura M. Burch foundation. There will be no City tax dollars going towards this project. They have met with City residents in the area and all of their concerns were addressed.

RESOLUTION #147 of 2003 – Approve the placement of the gazebo in Yaman Park with a cost not to exceed the Laura Burch Foundation funding.

By: Alderman Faraoni
Seconded: Alderman Hennessy

Approved: Ayes – 7
Nays – 1 (Partigianoni)

Alderman Hennessy asks about the reservations. John McNerney states if they want to reserve it for the day they fill out an application form and the fee is \$40.00. Alderman Partigianoni asks if this money was earmarked for the gazebo. Mayor notes the Council agreed to have this money go toward a river related project. You also wanted it to go toward something substantive not research cost or something similar. Alderman Partigianoni does not feel that he can go to his constituents and tell them we're spending \$18,000. on a gazebo. Andy Damiano explains the money was initially donated by the Laura Burch foundation for a project known as the River walk Project. The River walk project never happened so we held the money in a savings account for years and the State Comptroller's Office continued to tell us to disperse the funds on some other project similar to same. The River trail project came along which includes a walking path. The auditors agreed this was a suitable project to use the restricted money. A brief discussion ensues regarding other costs for the project. John McNerney is confident the project will not run over budget. The total cost of the project including the electrical and the pouring of the foundation would not exceed \$22,000.00.

Discussion on Sales Tax Clarification (Quail)

In a recent Cortland Standard article it indicated the Chairman of the County Legislature stated the City was unwilling to renegotiate or discuss the sales tax issue. The Mayor states that is not correct. The Mayor states Chairman Harrington wrote the Mayor a letter and asked if we would clarify the Cities position. This was the meeting that the Council asked if the contract had been signed. The letter sent to him said the contract was signed. It was done in advance of the deadline for preemption, that you didn't take action on preemption because the contract was signed. The Mayor still has not heard from anybody asking us to consider any proposal or the Cities position with respect to this. They should not just assume we would be willing to open negotiations without something.

The Council sets the public hearing regarding zone revisions for November 18, 2003 at 7:00PM. There will also be a special meeting to accept the budget on November 12, 2003 at 4:30PM.

Alderman Morey recognizes Carol Sonnacchio's NYCOM summary.

Adjournment.

By: Alderman Morey
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 7th DAY OF OCTOBER, 2003. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

WILLIAM J. WOOD – CITY CLERK