



## City Council Minutes October 15, 2002

The City of Cortland, New York

**COUNCIL MEETING #18**  
**October 15, 2002**  
**REGULAR BUSINESS MEETING**  
**City Hall**  
**7:30PM**

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

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

### **PLEDGE OF ALLEGIANCE TO THE FLAG**

### **PUBLIC COMMENT**

Mike Dexter of Cedar St. reads a letter that he hand delivered to Niagara Mohawk regarding the tree trimming program in Cortland.

Al Rosato of Central Ave. speaks with regard to the Cable Commission. He feels there should be a senior citizens exemption for cable subscribers. He doesn't feel they are doing enough for the seniors. The next cable meeting is November 4 at 7:00PM.

Louis Fairchild of Homer also called the Cable Co. with regard to the aged exemption. The person that answered the phone was in Syracuse and they told him to go down to Time Warner in Cortland. He went to Cortland and they told him to go to the Clerk in Homer.

### MINUTES of September 17, 2002

Alderman Quail noted he attended the 1890 House reception for the BDC/IDA. (Sept. 17)

Approve the amended minutes of September 17, 2002.

By: Alderman Partigianoni  
Seconded: Alderman Quail

Approved: Ayes – 8  
Nays – 0

### MINUTES of October 1, 2002

Various corrections are noted.

Approve the amended minutes of October 1, 2002.

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By: Alderman Faraoni  
Seconded: Alderman Tobin

Approved: Ayes – 8  
Nays – 0

### BILLS

Bills are reviewed. Questions regarding travel are answered.

**RESOLUTION #103** of 2002 – Approval to send the individuals to their appropriate conferences.

By: Alderman Testa  
Seconded: Alderman Hennessy

Approved: Ayes – 7  
Nays – 1(Tobin)

### MAYOR'S REPORT

The Jazz concert was a success. The people that attended cleaned up and used the trash barrels. Everything went very smoothly. If anyone is interested in helping or sponsoring these events, please contact the Mayor's Office. The Volunteer Fire Dept. had a recognition dinner last Sat. There were a number of individuals recognized for unbelievably long years of service.

The Pumpkinfest was a wonderful occasion. Mayor Leonard, Dick Beebe, Mayor of Homer, and Ellen Pantas tasted 19 Pumpkin Pies. The Mayor appreciates all the efforts of the City Employees and all the volunteers who made it a wonderful event for the City.

Senator Luster has notified us that we will be receiving \$50,000.00 as a grant toward station 3, which is where we keep our Hazmat materials. We will be leaving this location but we are hoping with the funding we will be able to have a place with some heat and where vehicles can be worked on. The Mayor thanks Andy Damiano and Chief Barron for the efforts they have made in putting together this proposal submitted in May for this grant.

Dr. Franco has put together a Town Gown committee. The first meeting was a week ago. The idea is to discuss issues of common concern or interest within the college community and also to invite the public to speak in an open forum with concerns they may have.

Placed on the table this evening is Local Law No. 4 of 2002, which address the property tax level for senior citizens.

### WARD REPORTS

Ward 1 – Alderman Faraoni

He has had a few calls on skunks. He has referred them to the Police Department. The water board held their first meeting on Fluoride. He was disappointed with the turn out. It was sparsely attended. There will be more meetings held. They will be on October 17, at 7:00PM at

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the YWCA. The 5<sup>th</sup> and 6<sup>th</sup> ward will be Tuesday, Oct. 22 at 7:00PM at City Hall. The 7<sup>th</sup> and 8<sup>th</sup> ward will be Thursday, October 24, at 7:00PM at City Hall. The pumpkinfest was a success.

#### Ward 2 – Alderman Tobin

Many people attended the Pumpkinfest. He attended the water board fluoridation meeting. He feels it was sparsely attended because of lack of interest. Two weeks ago we had a power outage. It took three hours to get a response from Niagara Mohawk and another 2 1/2 hours before power was restored. The tree-trimming program was not an issue three years ago. Since National Grid has gotten involved it is an issue.

#### Ward 3– Alderman Morey

The Pumpkinfest was a great time. All the volunteers should be commended. She attended the water board meeting. She has been a lot of calls on the trees. She has gotten calls on the Doggie Pots. She would like to have more distributed throughout the City. Alderman Faraoni states he believes the pots were \$240.00 a piece. Andy notes he believes John McNerney has requested some additional locations in his budget request. She asks why there is nobody video taping tonight. The Mayor states Jane Witty had contacted Melody Arnold from Time Warner to send a replacement. The Mayor also thought there would be someone taping. The Mayor explains Time Warner wont just let anyone use their equipment. You have to be certified. Alderman Morey thought Mike Dexter could be taping this tonight. If we know there isn't going to be anyone taping the meeting and the Council is notified, we can make sure there is someone here to do that whether it be someone from Time Warner or a citizen.

#### Ward 4 – Alderman Guido

The Jazz Fest was a great time. It was in a great location and great for downtown. He had some street lights out on Tompkins St. He is researching the cost of putting up another light on the end of Pearl Street as it is very dark and people are hanging around down there and causing problems. There is a meeting on fluoride as previously mentioned in Alderman Morey's ward report.

#### Ward 5 – Alderman Quail

The Pumpkinfest committee did an excellent job organizing the event. It was a great time. 178 South Main is a dump. The landlord said he was going to fix the problems but it is still a dump. The Third Rail is also throwing their garbage into the back of a pickup truck. They said they were going to put up a shed but it is still not there. Given all the concerns with animals this should be taken care of especially since we are spending \$2,500.00 to trap them. The West side of South Main St. sidewalks are all broken up. What are the plans for temporary sidewalks for the winter months? He is not convinced we need to wait 6 to 8 months for rental signs. He will have his ward meeting on Tuesday, the 22 at 6:00 at City Hall.

#### Ward 6 – Alderman Testa

He attended the Jazz Festival and the Pumpkinfest. They were both a good time. He has had a call regarding playground equipment at Yaman Park. John McNerney has been notified. He has had fluoride calls. It has been about 50/50. He will be attending the fluoride meeting. His ward meeting will be October 30, 7:00PM at the Grange Hall.

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#### Ward 7 – Alderman Partigianoni

The gas company tore up Elm St. after the water board paved it. He went on the tour of the trees with NiMo. The Mayor wrote a nice letter to NiMo. He commends her.

#### Ward 8 – Alderman Hennessy

The Pumpkinfest went very well. Jim Sponaugle spends a lot of time with this event and she thanks him for that. She also had a call from residents on Courthouse Park who were happy with the way the pumpkinfest was handled and cleaned this year. The garbage cans are full downtown. She has had complaints from people downtown that the garbage has not been getting collected three times a week. She feels the liners in the cans are a lot smaller than the actual trash can itself. Maybe we could upgrade. Water also builds up in the cans. She thanks the Mayor for her letter with regard to the trees. People in the 8<sup>th</sup> ward are not in favor of simply removing that stretch of trees. She feels some kind of compromise can be reached. Once this issue is resolved, there will still be some issues. The Mayor's letter stated it very well. This is very aggressive trimming and is pretty unsightly. She also suggests the landscape commission be enlarged. We have not made a lot of progress removing some of the dead and diseased trees that maybe we should have made. If we had a group to look at the big picture and take an inventory it might be helpful.

Alderman Testa asks about the vacant or dilapidated buildings in the City. The Mayor states Corp. Counsel has put together a recommendation and has been working with Carol Sonnacchio on this. Corp. Counsel and Carol have gathered statutes from various cities. He has noticed a lot of our language is similar to the City of Norwich. The Elm Street property is a good example to declare delinquent to put up for tax sale and take it.

Alderman Faraoni asks if we inspect one and two family residences? Andy Damiano states the Council in the past adopted a resolution calling for those inspections but there have been a lot of problems getting the program started. He suggested Alderman Faraoni speak to Chief Glover.

#### AGENDA

##### Item No. 1- Discussion regarding the possibility of an earlier release of the Common Council meeting agenda and supporting documents.

Alderman Guido would like the release date for the agenda to be on a Wednesday instead of a Friday. Alderman Hennessy asks how will we handle items to be on the agenda after Wednesday. Alderman Guido notes this will give them a couple extra days to look over the material. Andy notes his ability to accumulate information or supporting documents will be reduced. Alderman Quail is concerned that it looks like they haven't done their homework or because they are not prepared. You only have one day to chase down people and get answers. Alderman Tobin notes Item No. 2 is something that needs to be researched. We will probably make a motion to table this. Alderman Quail sees no reason why the Council can't have their requests for items to be placed on the agenda in by Wednesday. He feels he needs more time to be prepared. Alderman Testa asks if we move it a day or two. Alderman Morey feels the packets should be postmarked on Wednesday.

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**RESOLUTION #104** of 2002 – Resolved to have the Common Council packets postmarked no later than Thursday.

By: Alderman Guido  
Seconded: Alderman Partigianoni

Approved: Ayes – 8  
Nays – 0

**RESOLUTION #105** of 2002 – Approve the request for the City to abandon a portion of its right-of-way at the west end of Harmony Circle.

By: Alderman Faraoni  
Seconded: Alderman Hennessy

Approved: Ayes – 8  
Nays – 0

Item No. 3 - Discussion regarding Niagara Mohawk's proposal for the trimming/removal of trees on Church Street.

John Beaudoin of NiMo states Alderman Quail has asked him to put in writing the agreement to replant any trees that the Council designates to take out. John Beaudoin explains they have certain liabilities. They are on the hook for significant penalties. They will not let the liability drop to a certain level. Alderman Morey notes there are trees that must come down but we just ask if NiMo would take a look at their tree trimming practice.

John Beaudoin explains any trees the City requested they take down; they did at NiMo's cost. Alderman Hennessy states although NiMo has offered to replace the trees, she does not want to see all the trees on Church St. come down. She would like to see a more balanced trimming so we don't end up with these trees with 30-40% of the crown removed that endangers the health of the tree. Mr. Beaudoin believes NiMo has to maintain safety and reliable service, which can be done with tree trimming. We can't replace every tree. Alderman Morey states with all the residents we have NiMo should be doing more than just giving us 15 trees. Mr. Beaudoin states they want to make Church Street a demonstration area whereas if the proper trees are planted, then this is what it will look like. NiMo will reimburse \$30.00 for every tree they plant. A discussion ensues regarding whether to plant the tree under the power lines or on the other side of the sidewalk.

Alderman Morey asks Corp. Counsel if we have any legal options. He states no. They have the right to trim in the right-of-way.

**RESOLUTION #106** of 2002 – Resolved to reject Niagara Mohawks offer.

By: Alderman Testa  
Seconded: Alderman Tobin

Approved: Ayes – 6  
Nays – 2 (Hennessy, Quail)

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Item No. 4 – Discussion regarding scheduling of budget work session.

November 4, 12, and 19<sup>th</sup>.

Alderman Partigianoni has spoke to Time Warner. The big issue was the senior citizens discount of 10%. This will model the same exemption limits as the Real Property Tax Exemption. Whoever is eligible for the Aged Exemption on Real Property is also eligible for a 10% discount from Time Warner. The franchise agreement also states renters are eligible.

**RESOLVED TO GO INTO EXECUTIVE SESSION FOR CONTRACT NEGOTIATIONS.**

By: Alderman Faraoni  
Seconded: Alderman Hennessy

Approved: Ayes – 8  
Nays – 0

**RESOLVED TO COME OUT OF EXECUTIVE SESSION.**

By: Alderman Faraoni  
Seconded: Alderman Guido

Approved: Ayes – 8  
Nays – 0

**Adjournment**

By: Alderman Hennessy  
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 15<sup>th</sup> DAY OF OCTOBER 2002. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.**

**WILLIAM J. WOOD – CITY CLERK**

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EXECUTIVE SESSION

**RESOLVED TO EXCLUDE CITY CLERK WOOD FROM THE EXECUTIVE SESSION**

By: Alderman Guido

Seconded: Alderman Tobin