



City Council Minutes The City of Cortland

October 18, 2005

Council Meeting #19
October 18, 2005
Regular Business Session
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 nineteenth Common Council meeting of the year to order at 7:00 PM

PLEDGE OF ALLEGIANCE TO THE FLAG

PUBLIC HEARING

Local Law No. 1 of 2005

Amending Code Chapter 5 to include Article X(i) - Landscape & Design Commission.

There was no one there to speak.

Motion to close the Public Hearing.

By: Alderman Guido
Seconded: Alderman Terwilliger

Approved: Ayes - 8
Nays - 0

Minutes of October 4, 2005

RESOLUTION #109 OF 2005 - Approve the minutes of October 4, 2005 as amended.

By: Alderman Terwilliger
Seconded: Alderman Partigianoni

Approved: Ayes - 8
Nays - 0

Bills were reviewed and received.

Mayor's Report

He attended Roundtable at SUNY Cortland, the Americans with Disabilities luncheon and presented them with proclamation. He attended DBA meeting to discuss upcoming downtown partnership as well as the BDC/IDA meeting. He met with Lincoln-Maple Association and attended the Racker Center celebration with Jim Seward. He attended meeting with municipal leaders to discuss 4 percent sales tax on utilities and home heating.

He participated in the ribbon-cutting ceremony for Dr. Garcia and Dr. Brown as well as the ribbon-cutting ceremony for Cortland Picture Frame. He attended the first anniversary celebration for McDonald Sports Complex. He also attended SUNY Cortland Community Service Award Program honoring Linda Hartsock. He congratulated Linda for winning the award. He interviewed with Kevin Mooney on WKRT.

He also wanted to remind everyone of the Annual Small Fry Banquet – Thursday, November 3rd to be held at the Moose Club. The Christmas tree lighting is at City Hall on December 3rd at 6:00 p.m. and the First Night celebration will be Saturday, December 31st, downtown.

Awards Presentations

Presentation of Eagle Scout Project awards for a public service project. Jim Sponaugle noted that these young individuals did a fine job for the City. In trying to achieve the rank of Eagle Scout participants solicit help from other scouts to work on projects. Chris Buttino did a 2004 project on barricades and Mike Catalano was on his crew. Mike is from Troop #80 at the Grace Episcopal Church. He was looking for ideas and after speaking with Jim, he came up with a landscaping project at the Armory. The Armory is a work in progress. It was a good project to make the Armory more neighborhood friendly. He is here tonight with as many of his crew members as he could assemble and he will give an overview of the project.

Mike Catalano noted that he approached Mr. Sponaugle last January about an Eagle Project that he might be able to do for the City. The Armory was the first project that came up. It was doing the landscaping and filling in the pipelines with grass seed and making a display for the flagpole. He had to do a lot of research on what plants would be able to survive here and what flowers would be best. He contacted a contractor, John Braman, who assisted with the project.

He planned to start it in early June, but it wasn't approved by the Boy Scout Council until early August. All through the month of July he was working at a Boy Scout camp by Cayuga Lake and wasn't available to get it started. When he was able to begin, he was fortunate to have the support of many friends who were able to come out and help. This enabled them to move at a good pace and get it done. He showed pictures and he thanked Katie Hall of the Cortland Standard for publicizing the project.

The Mayor and the Council thanked the participants and certificates were formally presented. The certificate was read and then presented to Mike Catalano, Chris Dore, Dan Catalano, Kachi Anumonwo, Steve Koltz, Matthew Schrader, Bernard Harvey, Chris Buttino, Corey Harvey, Reid Fickenscher, Luke Meo-Henry, Tim Carr, Casey Quinlan, Kevin Consroe, Jack Keck, Alex Derado, Ben Kulikowsky, Charles Hibson, Jack Harvey, Courtney Hotchkiss, Jeff Braman, Ruth Meyer, Tony Catalano and Jan Catalano. They were all thanked again.

Ward 1 - Alderman Faraoni

For the past two weeks, all has been quiet in the Ward.

Ward 2 - Alderman Terwilliger

She has been approached by a couple of neighbors concerning parking problems on some of the smaller streets in her Ward. Some of the streets have older houses with very small driveways and people who have more than one car have received tickets for parking and blocking the sidewalks. She would like to ask the Public Safety Commission to look into odd and even parking on Jewett and Grace. Those are the streets that she received calls from. She also has received two (2) calls regarding the state of the sidewalks around the City. One of her neighbors is very pregnant and it is very difficult to walk on some of the sidewalks around the neighborhoods. She is hoping for a solution. The Mayor noted that there were two (2) programs going; the Tree Program and the Sidewalk Program. These programs allow for partial reimbursement of the costs of replacement or repair, but there is no citywide project. Mr. Damiano noted that it is the responsibility of the property owner.

Ward 3 - Alderman Morey

It has been very quiet in her Ward.

Ward 4 - Alderman Guido

He wished to thank all of the businesses who allowed the Small Fry Football players access to their properties to participate last Thursday, Friday and Saturday nights to participate in the Tag Days. It's the annual fundraiser for the Small Fry Football Program. He noted that it was great that the community businesses supported the Youth Bureau program and he also extended a thank

you to all who donated. He did receive one (1) phone call regarding the possibility of putting up a no parking sign on Pearl Street. He is going to be contacting one individual who is currently out of town and the Public Safety Commission. He also noted that the PDA Midgets are 6 and 0 now, with two (2) games remaining.

Ward 5 - Alderman Quail

He congratulated Linda Hartsock on her award and noted that she did a tremendous job. He noted that there has been an inattentiveness to safety on South Main Street and customer service. He thanked Scott Steve for his support on the follow up on the South Main Street project. Other than that, it has been pretty quiet in the Ward except for a few code issues.

Ward 6 - Alderman Feiszli

The 6th Ward attended the first Student Employment Advisory Board Meeting at the College last week. She passed out letters to property owners who border Otter and Dry Creek regarding the assistance from Soil and Water can do to assist them with their retaining walls. Anyone who did not receive information, please give her a call. She had a concern about speeding along Hickory Park Road around where the gazebo is. She has been told that a curb warning and a speed sign will be installed there.

Ward 7 - Alderman Partigianoni

He returned early yesterday morning from his vacation in Tennessee, visiting his daughter and son-in-law. He was in contact daily while gone. He did receive a few calls. He called everyone's attention to the article in tonight's paper noting that October is National Domestic Violence Awareness Month. His neighbor, Rita Wright, Director of the YWCA Aid to Victims of Violence, was featured in the article. He also attended the Hall of Fame at SUNY Cortland regarding the Cortland Regional Sports Center. He attended the Cable Commission meeting last night regarding the contract with Time Warner. They will have a follow up next Monday, its contract renewal time. He was unable to attend the monthly DPW Commission meeting last Tuesday, but he did check with them and noted that their report stated that they were very happy with the new floor and the ceiling that is being installed right now. He noted that the two (2) dangerous trees he spoke of before had now been taken care of, one by Mother Nature and the other was taken care of.

He also mentioned the nice work Patti Ondrako and the Mayor did on the Certificates of Appreciation. He read the Certificate recognizing those who were awarded the certificates for landscaping beautification of their homes and property. He then noted the upcoming activities at the Community Center. Tomorrow night is Meet the Candidates Night. They were anticipating twenty (20) candidates to be there and the event starts at 6:30 p.m. The other activity is that the Police Department, on October 26, from 4:00 to 7:00 p.m. is revisiting the

Community Center for the National Child Identification Program. A spokesman from the Department asked him to tell interested parents to pick up the personal information sheets in advance to expedite the process. Call the Youth Bureau or the Police Station for these. He also wished to recognize the Elks Lodge #748; McNeil & Company Insurance and Risk Service and the Cortland Rotary Breakfast Club are sponsors of this event. The third event is the Personal Safety Workshop which will be held at the Center and taught by Officer Brian Nelson of the Cortland City Police Department. It will cover awareness of your surroundings, defensive tactics and strategies you can use to keep yourself safe. Officer Nelson advises that participants wear loose clothing and comfortable shoes, as participants will be practicing some of the techniques. To register, call the Youth Bureau or Officer Nelson at the Police Station. Another ongoing program will be the Cortland County Health Department's facilitated enrollment for children that don't have health insurance. This program assists Cortland County residents in enrolling themselves and their families. They are assisted in filling out the applications and evening hours are available as needed. A representative of this program will be at the East End Community Center on October 26 from 4:00 to 7:00 p.m. to answer questions and schedule appointments. There is help for residents who don't have health insurance. Finally, he would like to exercise his grandfather's bragging rights. Maggie Brown, who lives in the first Ward, won the regional Pass, Punt and Kick competition in Binghamton on Sunday. She will be competing on November 13 in Buffalo for the State Championship.

Ward 8 - Alderman Michales

He and the Mayor attended the luncheon at the Holiday Inn in recognition of Disabilities Employment Awareness Month. He addressed constituent's concerns regarding illegal parking on Port Watson Street. He spoke with Chief Nichols on this issue and it is being dealt with. He attended the fundraiser at the McDonald Sports Complex along with the Mayor. He also reminded everyone that the Youth Bureau would be holding their last chicken barbeque of the season this Saturday. He received a complaint regarding the South Main Street project and he contacted Scott Steve. He thanked Scott for going down and meeting with the business people, along with some of the others involved in the project. They were able to answer a lot of questions that some of the business owners had. There was some concern regarding the demolition of a home on East Avenue. The owner was cited for lack of compliance. He spoke with Counsel Knickerbocker because he feels that there should be something in the code giving the City some legal aid in the event that this kind of demolition isn't moved along in a timely manner. It was noted that there was something in the code about prompt removal after a fire and Counsel Knickerbocker noted that that was in reference to a public hazard. Some owners get a building permit to demolish a property and right now the code reads that they have up to a year to do it. Now you can get someone who starts to demolish a property and then just leaves it because they don't have money. This has occurred a couple of other times and it has been resolved by negotiations with the homeowner by telling them that because of the stage they had gotten it to, it was now deemed a

hazard and the City was going to have to take action and they went ahead and cleaned up the problem. He has spoken with Chief Glover regarding this issue in the past and bringing something to the Council to shorten the time frames so that we know that the project is moving along in proper fashion, but still giving the homeowner some possibility of leeway in working with it financially. He will speak with Chief Glover again regarding some better time frames and then bring it to the Council to consider. Alderman Michales noted that he has received numerous calls on this project.

He also addressed a neighbor's concern regarding the care of a property on Pendleton Street with an overgrown lawn and debris in the backyard. This is being referred to the Code Office as well. He may have some good news on that particular parcel. It has been on the market for quite some time and they have just received an offer to purchase the property, so he will keep his fingers crossed on that.

Item #1 - Records Management Award from the New York State Archives Department.

Dr. Suzanne Etherington, Regional Advisor with the New York State Archives, the government records services program. With her were two (2) members of her Regional Advisory Committee; Yvonne Deligato, Binghamton University Archivist and recently appointed committee member, Elizabeth Larkin, Cortland County Clerk. She came to present an award to the City of Cortland. She works with over 500 local governments and 10 counties. Over a year ago, she and the Committee decided that they needed to recognize local governments that have created a model program. The City of Cortland was selected because of its participation in a cooperative records center in conjunction with the County. This arrangement is a real model for local government records management on a collaborative method and in a county and city of this size, a perfect solution to the requirements for managing records. This award is an expression of their recognition of this program as a model and the award is going to be presented by Yvonne Deligato to Mayor Gallagher on behalf of all of his staff, in recognition of the City's accomplishments.

The Mayor accepted the award on behalf of the staff. Andy Damiano also asked that Yvonne Deligato be recognized, for six (6) years ago, when this project first began, she was a county employee who worked on the project and he congratulated her on her work and noted that it was a great project.

RESOLUTION #110 OF 2005 - Adoption of Local Law No. 1 of 2005, amending Code Chapter 5 to include Article X(i) - Landscape & Design Commission.

Alderman Faraoni noted that it was well written and will help to beautify the City. The Mayor thanked Suzanne Etherington and her committee for all of their efforts.

By: Alderman Feiszli

Seconded: Alderman Guido

Approved: Alderman Faraoni - Yes
Alderman Terwilliger - Yes
Alderman Morey - Yes
Alderman Guido - Yes
Alderman Quail - Yes
Alderman Feiszli - Yes
Alderman Partigianoni - Yes
Alderman Michales - Yes

Alderman Michales noted that as a starting project, that perhaps the Commission would look at the replacement of the two (2) trees that came down at the Park.

RESOLUTION #111 OF 2005 - Approve a resolution supporting the County's application for amendments to the Empire Zone.

By: Alderman Partigianoni
Seconded: Alderman Faraoni

Approved: Ayes - 8
Nays - 0

RESOLUTION #112 OF 2005 - Approve a request from Doug Withey and Matthew Wethje of the Water Department to attend the Edwin Tifft Water Resources Symposium.

By: Alderman Quail
Seconded: Alderman Partigianoni

Approved: Ayes - 8
Nays - 0

RESOLUTION #113 OF 2005 - Approve a resolution authorizing the Mayor to enter into a contract with Thoma Development for the administration of the FY2005 Community Development Block Grant Program.

By: Alderman Faraoni
Seconded: Alderman Morey

Approved: Ayes - 8
Nays - 0

RESOLUTION #114 OF 2005 - Approve a resolution authorizing the Mayor to enter into an agreement with the CSEA for the period January 1, 2006 through December 31, 2006.

The Mayor noted that this was the contract between the Water Board and the DPW which were the merged unions. Andy Damiano noted that there were still three departments, but it was only one bargaining unit. The merge broke down barriers of exclusive rights to certain duties which was pretty critical for interdepartmental movement of employees. It was noted that the Union did ratify the agreement.

By: Alderman Terwilliger
Seconded: Alderman Quail

Approved: Ayes - 8
Nays - 0

RESOLUTION #115 OF 2005 - Approve a resolution authorizing the Mayor to submit an application for funding from the Urban & Community Forestry Grant Program.

Alderman Michales inquired what the project funding level was. Linda Armstrong noted that the grant would be for \$7,500 and the City would have to match that. This will be the parking lot project and some trees would be planted to enhance those lots. Alderman Michales inquired if the money could be used for some different planting locations, but Linda Armstrong indicated that it was strictly for the parking lot beautifications. Alderman Morey noted that this was a grant application and the City didn't know if it would be received. Alderman Quail inquired if there was funding in this grant for trees on South Main Street and Andy Damiano stated that there was money in that specific project for South Main Street plantings, but not in this grant application. Alderman Faraoni inquired if there were any trees left over, could they go into the lottery. Linda Armstrong indicated that she would have to check on that, but sometimes there were leftover trees.

By: Alderman Morey
Seconded: Alderman Faraoni

Approved: Ayes - 8
Nays - 0

The Mayor then had an announcement. He had received an e-mail from Gary Van Gorder regarding the army services training program coming here in November. The Chamber of Commerce is looking for a few good businesses to assist in this effort. Reservists from 403 Civil Air Battalion will visit Cortland next month driver training in a number of urban and rural scenarios. Their training here will focus on civil affairs, requiring soldiers to visit with local businesses for brief discussions with the people who run them. He is looking for people and businesses who want to get involved with this and asks that those interested contact the Chamber at 756-2814. They're hoping for fifteen (15) to twenty (20) businesses and it's Sunday, November 5 between 11:00 a.m. and 3:00 p.m. Two (2) or three (3) soldiers from each group will visit the proprietors; the rest will

be stationed outside. The business will be briefed in the kinds of discussions the soldiers will conduct in Iraq next year.

Item #8 - Discussion regarding the City's willingness to participate in the County's reduction of the four (4) percent sales tax on home heating, gas and utility bills program.

The County asked the City for a resolution either for or against it. Andy Damiano sent out an e-mail to everybody describing this whole situation and it was discussed at length. There were some good points and then some that were going to be of detriment to the community, being that they were the largest recipient of the sales tax. It could amount to a loss of over \$100,000, which would be the downside of it.

In light of that, the City met with Bernie Thoma regarding the proposed Emergency Energy Shutoff Assistance Program. Andy Damiano and the Mayor wanted to find some way of helping the City and its people. They have come up with a plan. The City gets a copy all of the shut off notices for the utilities and the City can pay up to three (3) months of their bill pursuant to HUD's guidelines and this program will pay one (1) month. Mr. Thoma came up with a program that could be taken out of Community Development Program income, which is no cost to the City. He looked up the ramifications and requirements for that money and it can be used for this emergency situation. The City would be helping people who really need it. Alderman Morey noted that this was in lieu of forgiving the four (4) percent sales tax.

The Mayor then read the rest of the program points which are attached hereto.

Alderman Feiszli inquired as to how long the application process would take. Andy Damiano indicated that it would take a day or two. The Mayor thought it would be a big help to residents, more than the few dollars that the sales tax relief program would give the residents. Alderman Terwilliger thought that there were laws in place preventing a utility from shutting off power if there were young children in the home. Andy Damiano noted that there had been revised and that was no longer true. The Mayor noted that this program goes along with HEAP.

The Mayor told the Council that they had two (2) options. They could go along with the four (4) percent or not. Andy Damiano recommended that they not go along with the sales tax reduction, because he didn't feel that the City could afford to lose the revenue from the sales tax elimination. The Mayor noted that property taxes would have to be increased if they adopted the sales tax elimination, to cover the City's loss.

Andy Damiano pointed out that the Energy Shutoff Assistance Program is funded with Community Development funds and does not affect the General Fund or the taxpayers. He recommended that they start with a budget of \$25,000 and in the event they need to come back to the Council, they will. His estimate was that

this should cover fifty (50) to one hundred (100) crisis situations. Hopefully it won't be that many.

The Mayor congratulated the Legislature for getting the ball rolling on this. It helps the small towns, but not the City, so they got to thinking about this and came up with this alternative.

It was then noted by Scott Steve, that this four (4) percent reduction does not affect the gasoline taxes paid at the pump.

Alderman Terwilliger was pleased with the solution, that the City was not going to lose revenue, but they also would be helping the needy.

It was then concluded that the City would not participate in the four (4) percent sales tax reduction program and would participate in the Energy Shutoff Assistance Program instead.

RESOLUTION #116 OF 2005 - Approve a resolution to participate in the Energy Shutoff Assistance Program utilizing Thoma Development as administrators.

By: Alderman Morey

Seconded: Alderman Guido

Approved: Ayes - 8
Nays - 0

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 18TH DAY OF OCTOBER, 2005. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN, CITY CLERK

MAYOR THOMAS GALLAGHER