



City Council Minutes October 19, 2004

The City of Cortland, New York

COUNCIL MEETING #19
October 19, 2004
Regular Business Meeting
City Hall
7:00PM

PRESENT: Mayor Thomas Gallagher
Alderman Faraoni, Terwilliger, Morey, Guido, Feiszli, Quail, Partigianoni, and Michales

Staff present: Director of Admin. & Finance Andrew Damiano, Corporation Counsel Lawrence Knickerbocker, Clerk John Reagan

PLEDGE OF ALLEGIANCE TO THE FLAG

PUBLIC COMMENT

Mr. Fred Forbes addresses the Council. He would like to speak against Proposition No. 1 for the following reasons. First of all the County will spend \$20,000. a year more than what they are currently spending on the Treasurer. The Legislature will consume all of their time from the public until November trying to get the job done. There will be no balance in government. He believes there needs to be balance in government just as we have at the State level. On the State level, when Hennessy disagrees with Pataki they have the ability to clash horns. He doesn't think anybody here tonight would vote for an appointed State Comptroller. He certainly admires the Legislatures zeal but feels it is going in the wrong direction. He thinks this job can very easily under the right party boss and Leg. become a political position. This is something it should not be. We already have an appointed manager and for that very reason we cannot have an appointed treasurer. It is the balance of government. Scott Shraider as good as he is cannot step forward and say one word about the Treasurer's issue. That is because if he fails to make the 19 Legislatures happy he can loose his job and the County Manager should work under those conditions. There has been a lot said about the qualifications. He would like to remind the Common Council there are no qualifications for a legislature.

MINUTES of October 5, 2004.

RESOLUTION #111 of 2004 – Approve the minutes of October 5, 2004.

By: Alderman Guido
Seconded: Alderman Faraoni

Approved: Ayes – 8
Nays – 0

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BILLS

Alderman Michales questions arbitration fees; Alderman Morey asks where Pleasant Valley Electric is located. Bills are received.

MAYOR'S REPORT - March 18, 2005

- Participated in a community walk with students from Randall School
- Met with Rob Brooks from the Governor's Office of Small Cities to discuss the \$650,000.00 grant for downtown Cortland
- Met with Elliot Spitzer and Marty Mack for community concerns discussion
- Attended BDC/IDA board meeting
- Attended pre-construction meeting with County Highway Department and the contractor to discuss the concerns dealing with the reconstruction of South Main Street
- Attended the DBA annual dinner
- Participated in the 150th anniversary celebration of the NYS&W Railroad
- Spoke to Cortland Youth Leadership participants at SUNY Cortland
- Met with Glenn King, Governor's Office of Small Cities to revisit the possibility of the City receiving the 2004 facade grant.

The Mayor did give everyone a note on the Women's National Handball Team. Their first game is October 23, 2004 at 7:00PM at Lusk Field House.

WARD REPORTS

Ward 1 – Alderman Faraoni

A fire broke out at 53 Hamlin St. on Saturday. Thank God no one was injured due to the quick response by our Cortland Fire Department. Quick response was also due to having our trucks at the Armory. He spoke to Chief Barron and he agrees with Alderman Faraoni that possibly a satellite station might be able to be put there when our Fire Department is back on Court St.

Ward 2 – Alderman Terwilliger

She attended the 150th anniversary of the Railroad Station. The ceremony was something to watch. She had a call about a garbage dumpster on Maple Ave. that was overflowing. She spoke with the Code and they took care of it. She had an email about people speeding in the school zone. She urges people to please watch speeds in the school zone.

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Ward 3 – Alderman Morey

There have been burglaries in town and a house on Groton Ave. was broken into. There were some shady characters at her house during the day, the police were called. A few days after that her next door neighbor found someone standing in his dining room. She warns the residents to make sure they lock up their houses and garages. The police are doing a fine job collecting information.

Ward 4 – Alderman Guido

Everything is fine in the 4th ward.

Ward 5 – Alderman Quail

He had a ward meeting on Thursday, October 14 at the Moose Lodge. They discussed several reasons to create a neighborhood watch. Officer Carpenter was present and talked for an hour. We need to take a step back and get a number of people involved.

Ward 6 – Alderman Feiszli

There was a fire at the Old Homer House on October 10th. She thanks Chief Barron and all the firefighters who were at the scene. Because of their timely response the owners, First Niagara, will be able to restore it. At the last Fire Commission meeting, Chief Barron discussed the progression of the floor at the fire station. When they removed the concrete they noticed some of the floor joists were rotten. The engineers will come and evaluate the damage. On Samson St. she received a call about a vacant lot where a house had been removed about 4 or 5 years ago. The foundation still remains and there is on going concern. It is a code violation and Code Officer Knickerbocker is taking care of it. She had her first neighborhood watch meeting. There were over 30 residents at City Hall. She thanks Lt. Gesin and Sgt. Carpenter. We are doing a follow up meeting on November 14th at 7:00 at the Grange. This will be the second phase for individuals that attended the last meeting. She will be sending out flyers for new members.

One of the things Sgt. Carpenter mentioned is that the police provide a service so that if your away, you can call the police department and they will check your property on a regular basis.

Ward 7 – Alderman Partigianoni

He toured the Armory. The active members are pleased with the location. He agrees with some members and feels this would be a nice satellite. He thanks Alderman Faraoni for answering his calls while he was gone. He was delayed coming home. He was victimized by an exploding pumpkin. There have been several complaints in his ward with regard to Suite-Kote. The State has recommended 5 solutions to help and we should be patient. Crandall St. is being torn up for water laterals. The Mayor comments the Water Department sends out explanations every time they are going to be working on the street. If they have to replace the laterals, it is the responsibility of the homeowner. A woman on 29 Hubbard St. called regarding a street light that has been out for a month. The light was fixed the next day. He also had a constituent call regarding an abandoned car that was left on her property. The police were

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called and the problem was rectified. He attended the Planning Commission meeting. He attended the ceremony at the Sports Complex. It was very impressive.

Ward 8 – Alderman Michales

He attended the 150th celebration of the Railroad. He rode the train all the way up and back. With regard to a visual aid walk light on Kellogg Rd. and Port Watson St., he received a reply from the State DOT indicating they will conduct a review at that location and they will advise us of their findings. He will have a ward meeting regarding the neighborhood watch program for the Kellogg Rd. area. This will be November 10th at 7:00PM at the BOCES Center on Port Watson St. He will report on this at the next Council meeting. The SPCA has contacted him regarding the fact they are running out of funds. They are asking people to donate money, food, or bottles and cans. Quick stop beverage has a drop box for bottles and cans or the SPCA can pick them up.

On the next agenda, the Mayor would like the Chamber of Commerce banner program discussed.

AGENDA

Item No. 1 – Presentation by the Governance Evaluation Committee regarding Proposition No. 1 which will appear on the November 2, 2004 ballot.

Legislature Carol Tytler has a power point presentation set up. Chairman Scott Steve will assist her. She explains the organizational chart for the County. Basically the County Treasurer's Office falls under County Law Article No. 13, Sec. 550. One of things they found was in Cortland County they actually started with an appointed Treasurer. Back in 1852 the County budget was \$20,000. The 2004 budget is approximately 70 million dollars. She summarizes the duties and qualifications of the Treasurer or Comptroller. The Governance Evaluation Committee (GEC) was created to evaluate the structure of County Government. This is not the only issue they will be looking at. They will be looking at the pros and cons of elected vs. appointed County Officials for several key positions. Another example is the Coroners position. The goal is to educate the public so they can make an informed decision on this issue. Recommendations have come from the committee are that the Cortland County Legislature has a referendum placed on the November ballot to allow the public the opportunity to vote to replace the position of County Treasurer with an appointed County Comptroller. This is an important decision that needs to be presented to the voters of this community to have a choice. We have an elected Treasurer now and there is another option. We need to hear from the voters what they want. That's what this committee is about. There are a number of questions like why do we need a change. First the growing complexity in County Government. We have mandates and State and Federal programs that have become very complex. The County must adhere to Governmental Accounting Standards. Its important the individual in this position understand what those standards are and how to comply with those requirements. We are hoping that by doing this we can get better financial recording and that would also lead to better financial decisions by the Legislature. The Legislature must know how much money is available when planning the budget. Benchmark reporting is also something that's important to us. Not only to know where we are but how it compares to last year or previous years.

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The expectations for financial reporting have increased. The Legislature is asking for a lot more information. Over the last 20 years this has become more complex. She also reviews the professional and educational qualifications of a CFO. If this is not an appointed position then these qualifications cannot be implemented.

The State Comptrollers report has clearly stated we have problems in the Treasurers Office. They cited and overall lack of managerial skills on the part of the current Treasurer as the primary concern and it was indicated by a lack of direction and oversight for staff in the Treasurers Office. Also, failure to accurately and promptly balance the books and failure to provide timely and accurate information to the Legislature. In fairness she also wants to add, the report talks about the Legislature's oversight of the Treasurers Office. This is something we are looking into.

Alderman Guido asks if the referendum does pass basically what it is is a recall vote. In New York there is no such thing as a recall vote. What are the legalities of it if it does pass? Chairman Scott Steve clarifies that this is not a recall vote at all. Anything to try and repair financial problems that we have in the County will not conflict that issue at all. We are trying to get this out to the public so they don't get the misconceptions that are out there like a recall vote. This is about a 70 million dollar budget and being financially accountable for that budget. We are trying to create good financial stability for the future. Alderman Guido notes if it comes down to this will there be legal challenges. Here is someone that is elected to a position and how are you going to eliminate an elected position. Chair Steve notes there is case law and if you eliminate the office of the Treasurer then that position does not exist. The GEC Committee has recommended letting this term be finished. Chair Steve overrode that recommendation to make that terminate as of December 31. He did not see a value to let this continue on for three years.

Alderman Quail asks who the position will report to. Chair Steve notes the position would be working directly with the Administrator therefore they would be a team. All Department Heads technically answer to the Administrator and the appropriate committee. The surrounding counties have a hired position and Chair Steve briefly elaborates on this.

RESOLUTION #112 of 2004 – Authorize the Mayor to enter into an agreement with Thoma Development for administrative and program delivery services for the City's HOME Program.

Linda Armstrong briefly addresses the Council. Alderman Feiszli asks how much money was awarded to the city. Linda replies \$134,000.00 and this should serve six households, replacing furnaces, windows, doors, closing costs. They are free to move or sell the home at any time they want. How much they have to pay back to the City depends on how long they have been there and program to program. In the HOME program if they live there the first five years they move or sell the property they pay back the entire sum with no interest. If they move between 5 and 15 years they are given a residency credit of 10% for each year beyond year 5.

By: Alderman Morey
Seconded: Alderman Faraoni

Approved: Ayes – 8
Nays – 0

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RESOLUTION #113 of 2004 – To designate the tentative 2005 General Fund Budget submitted by the Mayor as the proposed 2005 General Fund Budget; the further authorizing the scheduling of a Budget Public Hearing on December 7, 2004.

By: Alderman Quail
Seconded: Alderman Terwilliger

Approved: Ayes – 8
Nays – 0

RESOLUTION #114 of 2004 – Approve the request submitted by Dave Stathis to attend a two-part training seminar.

Alderman Morey asks if this is the I.T. person for the City. He works for the City part-time and he owns his own business. Why should the City be responsible for his training? Director Damiano notes the training he wants to go to is particular to the server operating system that we use. This is not necessarily the system used by other clients. Plus the second part is training on Windows XP which we are switching to. Mr. Stathis is a three quarter employee who works 32 hours a week. Director Damiano also states we did budget for this training. Alderman Michales feels this knowledge is something most I.T. people already have. Alderman Morey comments he has his own business and works part time for the City and we are being asked to pick up the whole amount for his training. Director Damiano notes this is particular to the City's needs, not necessarily his other client. Alderman Quail feels he is a consultant. Director Damiano replies he is not a consultant, he is a salaried employee. Alderman Quail states he could go along with this if there was some agreement that if he leaves within a certain period of time, Mr. Stathis would repay the City. Dir. Damiano feels Mr. Stathis would more than likely agree to enter into a letter agreement that he would reimburse us if he left in a couple of years.

Alderman Morey makes an amendment to the motion stipulating the two year agreement.

RESOLUTION #114 of 2004 – Approve the request submitted by Dave Stathis to attend a two-part training seminar with the stipulation Dave Stathis enter a letter agreement acknowledging he would reimburse the City should he leave his position with the City with two years.

By: Alderman Partigianoni
Second: Alderman Faraoni

Approved: Ayes – 8
Nays – 0

RESOLUTION #115 of 2004 – Proceed with the local law adoption process to facilitate a request by Peter and Carol Sheridan to acquire a portion of the land owned by the City on Harmony circle which abuts their property.

Alderman Feiszli asks about neighbors around the property. Corp. Counsel Knickerbocker states the property sits between the end of Harmony Circle and Rt. 281. There is a piece of property that borders to the North East. Alderman Faraoni notes not knowing we owned the property two years ago we gave them an easement. Now we find out we the City own the property. Director Damiano notes the Planning Commission recommended approval for this

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issue and the Port Watson St. property to the Credit Union. Alderman Partigianoni feels this is frustrating and this piece of property goes back for years. He wants to get it resolved. Corp. Counsel Knickerbocker notes in the year 2002 it was perceived the City only owned an easement or a right of way. The City agreed to abandoned it and give it to the Sheridan's. It was later discovered the City actually owned that parcel as part of a dedication of a street but that street will never come to fruition. The DOT would never allow another cut where that is. Dir. Damiano questions if we own the land, why do we have an easement over our own land. Corp. Counsel notes there was a 15' easement very close in location which could have been a water easement. The property owned by the Sheridan's being sold, therefore, this was discovered.

By: Alderman Faraoni
Seconded: Alderman Partigianoni

Approved: Ayes – 8
Nays - 0

Corporation Counsel Knickerbocker notes Local Law No. 3 and 4 are placed on the table today and will be addressed at the November 16 2004 meeting.

There will be a budget work session on November 9th and also November 16th prior to the Council meeting.

Alderman Partigianoni states the DPW does not want leaves out until the month of November. They will not pick up until November.

Adjournment.

By: Alderman Morey
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 19th DAY OF OCTOBER, 2004. I FURTHER CERTIFY THE FOREGOING RESOLUTIONS WERE PRESENTED TO THE MAYOR IN THE TIME REQUIRED.

JOHN O. REAGAN – CITY CLERK

MAYOR THOMAS GALLAGHER