



## City Council Minutes December 3, 2002

The City of Cortland, New York

**COUNCIL MEETING #20**  
**December 3, 2002**  
**REGULAR BUSINESS MEETING**  
**City Hall**  
**7:15PM**

**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

### **PUBLIC HEARING**

7:15PM Public Hearing opened regarding the **Proposed 2003 Wastewater Treatment Plant Operating Budget**

There was no one to speak; therefore the public hearing was closed.

7:20PM Public Hearing opened regarding the **Proposed 2003 General Fund Budget**

Steve Muka of Cortland speaks regarding the possibility of adding money into the budget for an ice skating rink in Courthouse Park. This issue has come up before. He has checked with Jim Place regarding insurance and Mr. Place didn't feel there would be an increase in the City's premium. He suggests fireman could help to put water on the ice arena. He thinks all it would need are some lights and benches. He states 15,000 people drive by there and it would be a nice addition.

Tom Ashfield of 165 Port Watson St. asks if money could be allocated for a study for alternative uses other than salt on the roadways. There are a lot of different products out there that do not have the corrosive effects as salt, mainly urea or liquid nitrogen. This can be bought at Roundhouse Mill. There are no side effects. If mixed properly and spread it cost about 12 cents a gallon. You can put it down before precipitation. It acts like a coating in a frying pan. Ice does not stick. He has used this product on runways for many years. He has been all over the United States and in Alaska where they use it. It is very cost effective. There are other alternatives. He hopes that some exploratory money can be set aside to look into other alternatives.

There was no one further to speak; the public hearing will remain open and adjourned until the December 17, 2002 at 7:20.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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## **PUBLIC COMMENT**

Steve Muka speaks regarding the Wastewater Budget. A couple of years ago he did a survey with regard to the sewer rates. The Cortland sewer rates are higher than five other cities in central New York. Some of the other cities are able to provide sewer rates that are a lot lower. He was hoping at some point the Council would look into that. Why is it so much more expensive here in Cortland? He also wants to speak about the fluoridation issue. He has a list of 109 cities since 1990 that have voted not to fluoridate their water. He hopes the City can create a local law not to fluoridate the water. He is concerned as to the cost the City might incur if people have to buy bottled water or go back to the wells that many homes have in their basement. The City could be liable to pay for citizens that do not want fluoridated water. The accountability of the water board to the public is in question. They did not have a public hearing to discuss the issues. There wasn't good notice to some of the meetings, and they did not address questions. They did not invite the experts who disagree with fluoride to come in and speak.

Cheryl Michaels of Williams St. speaks with regard to fluoride. She is relying on the elected officials to come forward and say if you don't want to put this to public vote then put it to rest for a while. These are 6 people making a decision for 20,000 people. She did go to her ward meeting but it fell on deaf ears. She is asking the Council to let the public vote on this or the Council vote for them. She is not saying she is for or against fluoride but she feels the public should have a vote.

Tom Ashfield of Cortland talks about the benefits and disadvantages of Chlorine in drinking water. He feels fluoride is another dangerous chemical being added to public water supplies. He states fluoride has been directly linked to kidney and bladder disorders, arthritis, skin disease, interference with the thyroid, and bone cancer. Fluoride naturally exists in water. The decision regarding the health of the citizens should be made by the citizens.

## MINUTES of November 19, 2002

By: Alderman Faraoni  
Seconded: Alderman Partigianoni

Approved: Ayes – 8  
Nays – 0

## BILLS

Bills are reviewed. Alderman Tobin questions the legal fee for publishing unpaid taxes. Andy Damiano states it is for the classified publication for unpaid taxes. Alderman Morey asks about film development. This was for pictures of abandoned properties.

## MAYOR'S REPORT

The Mayor acknowledges the lights on Main St. The tree lighting is at City Hall on Saturday at 6:00PM. The Cortland Counts Committee has updated their website. The Mayor attended the Chamber of Commerce dinner. The guest speaker was a woman from Time Warner from

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Syracuse. She spoke about some of the advances Time Warner was making in the community. If anyone is interested they can contact the Mayor's Office or Time Warner.

## WARD REPORTS

### Ward 8 – Alderman Hennessy

She attended a meeting “Communities that Care”. It is a group that is trying to use some of the information that “Cortland Counts” is putting together, together with some surveys distributed throughout the County regarding school children. We are trying to identify what the major needs are. They are still doing data collection but it looks like an interesting project. Alderman Hennessy reminds people about the Holiday Lighting Contest. There are entry forms available at City Hall, the Library, and also on the website. The deadline is next Wednesday to have entry forms submitted and the actual judging will be done over the following weekend. We will announce the winners at the December 17, 2002 council meeting.

### Ward 7 – Alderman Partigianoni

He had a number of calls praising the action of the council with regard to the senior citizen tax break. He explains the City may have to install a streetlight on Deo Way if Rubbermaid does not cooperate. He congratulates his granddaughter Maggie Brown who won the kick, pass, and punt competition at the Buffalo Bills game this past Sunday. If she qualifies in the top four she will be performing in the Super Bowl.

### Ward 6 – Alderman Testa

His ward meeting will be December 11<sup>th</sup> at 7:00 at the Grange Hall. He has no ward report. He would like to see the people in the community help with the various food programs in the community.

### Ward 5 – Alderman Quail

His next ward meeting will be December 10<sup>th</sup> at City Hall at 6:00PM. Discussions will be on the City and County budget. He would like to get a study done on the corner of Northcliffe and Pendleton St. The visibility in the area is terrible. He has received calls regarding fluoride and the recycling center or the lack thereof.

### Ward 4 – Alderman Guido

Praises the Water Works property and how nice it looks at various times of the year. He has had calls on fluoride. One in favor and all the rest were against.

### Ward 3 – Alderman Morey

She has had calls on fluoride. The call tonight was that petitions were going to be circulated against the Water Board. She does not have a lot of information as of yet. She thanks Bob Spada for cleaning the bridge on the corner of Madison St. and Helen Ave. She has had several calls on the recycling center. She feels it is a real concern. The Mayor heard today the

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roll off containers were going to arrive today at the DPW. Alderman Morey notes the Fire Department will be hosting Santa in your home on Sunday.

Ward 2 – Alderman Tobin

Alderman Tobin mentions the fact downtown looks very festive. He expresses his opinion on the lack of democratic process the Water Board took. He feels it is a slap in the face and he feels it is time to make a change.

Ward 1 – Alderman Faraoni

Alderman Faraoni states all of his calls of late have felt the citizens that use the water should have been polled. They want a voice as to what happens to their water.

AGENDA

**RESOLUTION #114** of 2002 – Authorize the granting of an easement to DLH Properties in order to construct a handicap access ramp at their 26-28 North Main St. property.

By: Alderman Tobin  
Seconded: Alderman Faraoni

Approved: Ayes – 8  
Nays – 0

A brief discussion ensues regarding insurance and liability.

**RESOLUTION #115** of 2002 – Authorize the acceptance of a \$1,180.00 grant from the NYS Education Department and appropriating said funds to Fire Department Account #A3410.20601.

By: Alderman Hennessy  
Seconded: Alderman Partigianoni

Approved: Ayes – 8  
Nays – 0

**RESOLUTION #116** of 2002 – Authorize the acceptance of four donations in support of the Downtown Music Series totaling \$950.00 and appropriating said funds to Celebrations Account #A7550.40501.

By: Alderman Faraoni  
Seconded: Alderman Hennessy

The contributors are Covanta, Mary E. Leonard, Riehlman Shafer and Shafer and a couple other contributors that the group solicited independently as a City. Alderman Morey asks why the names of the contributors are not on the letter. She notes we should be cautious about receiving funds without knowing whom they are from. Alderman Partigianoni thanks the Mayor for her donation.

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Approved: Ayes – 8  
Nays – 0

**RESOLUTION #117** of 2002 – Confirmation of the appointment of the following individuals to the Landscape and Design Commission: Felicia Dalola, Chris Farkas, and Mike Dexter.

By: Alderman Faraoni  
Seconded: Alderman Quail

Approved: Ayes – 8  
Nays – 0

**RESOLUTION #118** of 2002 – authorize the installation of a street light on Pearl Street at an annual cost of \$99.40.

Alderman Guido states there have been problems in that area because it is a dead end and people tend to loiter.

By: Alderman Guido  
Seconded: Alderman Faraoni

Approved: Ayes – 8  
Nays – 0

**RESOLUTION #119** of 2002 – Moved to table creating the position of Systems Administrator to December 17, 2002 meeting.

By: Alderman Quail  
Seconded: Alderman Tobin

Approved: Ayes – 8  
Nays – 0

**RESOLUTUION #120** of 2002 – abolish the position of “Head Automotive Mechanic” in the Department of Public Works.

By: Alderman Hennessy  
Seconded: Alderman Faraoni

Andy Damiano notes the Council approved the retirement incentive program and with that reclassifying some of the positions was proposed. One of the positions to be abolished was the “Head Automotive Mechanic”. The position is currently a civil service title. We are eliminating the title. There are currently two auto mechanics on staff.

Approved: Ayes – 8  
Nays – 0

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Discussion regarding the proposed 2003 General Fund Budget. This was previously discussed in the public hearing portion of the meeting.

Discussion regarding the committee selected to interview candidates for the Public Works Superintendent position.

The Mayor notes there is currently a hand full of applications. Once all the applications are received, interviews will be scheduled. The Mayor has requested a compilation of the review of who will be recommended for the position. According to the codebook, the Public Works Commission will recommend names to the Mayor and she will make the appointment. Ultimately the appointment of the Superintendent of Public Works is subject to council approval. The members of the committee are Andy Damiano, the Mayor, a representative of the DPW Commission Charles "Chip" Wood, Chief Nichols and Alderman Hennessy. Alderman Morey asks how long have we known the position would be vacant and why haven't we done something? The Mayor states the applicants have to apply at the Cortland County Personnel Office. Alderman Morey notes she is concerned. There will be five positions vacant. Andy states the Council wants to freeze four positions. Alderman Quail states the objective was for the new person coming on board to be able to look at the staff and make the decision on the hiring process. The Mayor explains they are aware of these concerns. Andy notes four of these positions will be able to be promoted as soon as suitable replacements are found. Andy explains to Alderman Morey the new Superintendent will be provisional until the test is given. Alderman Quail feels someone from the majority on the Council should be involved in the hiring process. Alderman Partigianoni is concerned that these 4 positions are being frozen.

Discussion regarding the Water Board's decision to fluoridate the City of Cortland's water.

Alderman Quail explains we have all had calls and have gotten feed back from constituents. We can sit here and do nothing, let the State take a look at the application, have more open dialogue with the Water Board, or we could pass a local law invoking Home Rule. Too many constituents have voiced opinions. They feel it is a personal choice. How bad is the dental problem? Do we have a dental problem? How do we measure improvements of dental care? The approach has been focused on one issue and it is the lowest cost, least effective approach. There are other alternatives. New health care curriculums in school that addresses dental hygiene in grades K-6. Why aren't we developing more healthy menus with the school, state assistance through money and grants? If this is the best solution the water board can offer, he is really disappointed. We are going to fluoridate the water but we don't have a clue what the long-term effects will be. How far can the water board go before this council should invoke the Home Rule? He feels the water board totally ignored the customer base.

Alderman Tobin agrees. He fought for their independence but he now agrees to invoke the Home Rule Legislation. The current make-up of the Water Board has lost his trust. He no longer believes we can trust them to make the proper decisions. The decisions should be one of democratic process.

Motion by Alderman Tobin to ask Corporation Counsel to draw up the necessary papers to invoke the Home Rule Legislation to implement the take over of the Cortland Water Board.

There was no second.

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Alderman Morey states she feels the Mayor is the Chief Executive Officer for the City and the President of the Water Board. She feels the Mayor did not represent the City at any of the Water Board meetings, has not spoke up for the City or the Water Board, has not voted in the fluoridation process, and did not attend the Water Board meetings or give her vote. We have an agreement with the Water Board and this Council should have been informed. The Mayor has not stepped forward once on this issue. She thinks it is time she (the Mayor) steps forward.

The Mayor states Alderman Morey would be more productive if she used this opportunity to talk about the constituency she represents as opposed to trying to make some sort of political points about her (the Mayor). The Mayor notes if you look at the Charter you will see the Mayor does not have a vote unless it is a tie. She is an ex officio representative. The Mayor has been very clear since the beginning she was not going to interfere with the goings on of the Water Board because the people felt so strongly that the Water Board maintains its independence. The Mayor refers to the Memorandum of Understanding and states there is a procedure set forth in that agreement. If you want to use that procedure then the Council needs to meet with the Water Board. If you want to handle it another way, then decide what it is you want to do. Alderman Morey states the Mayor has done nothing to represent the people in the City. The Mayor is disappointed that Alderman Morey cannot find some way to address this issue and help solve the problem.

Alderman Quail does not feel going to the Water Board is going to make a difference. Alderman Quail explains the Council was wrong when they demanded the Water Board come before them. But when the Water Board read the Memorandum of Agreement they are not looking at the fact this is a change and a definite financial burden on the City. Alderman Hennessy states if it is the consensus of the board that this is a policy issue then the Council should send the Water Board a letter saying we would like to form a committee. Alderman Quail states this should have been brought to the Council.

Alderman Testa states the view point Alderman Hennessy is going to take is fairly obvious. Alderman Hennessy exclaims although she is married to a member of the Water Board it does not mean they both think with one brain. Alderman Quail wants to know why the Water Board's resolution on fluoridation was not taken to the Common Council for their recommendation.

Alderman Testa feels if there was ever an argument for Home Rule, the Water Board has made that argument. Alderman Morey asks if this is political to have the majority invoke the Home Rule Bill? Alderman Testa does not feel there is any rush in putting the Home Rule Legislation on the table. He states they cannot implement the use of fluoride unless they come to the Council or they have it in their budget. He notes there is \$91,000 in that budget that was never approved by anybody and looks like it was hidden in the budget for some reason.

Motion to send a letter to the State Attorney General asking whether this is a policy change and if the Water Board should come before the Common Council.

By: Alderman Morey  
Seconded: Alderman Faraoni

Alderman Morey withdraws the motion.

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**RESOLUTION #121** of 2002 – to have Corporation Counsel draft the paperwork to invoke the Home Rule Bill.

By: Alderman Quail  
Seconded: Alderman Tobin

Approved: Ayes – 7  
Nays – 1 (Hennessy)

Motion to go into Executive Session to discuss personnel contractual matters.

By: Alderman Morey  
Seconded: Alderman Hennessy

Approved: Ayes – 8  
Nays - 0

Motion to come out of Executive Session and into the regular scheduled meeting.

By: Alderman Morey  
Seconded: Alderman Faraoni

Approved: Ayes – 8  
Nays – 0

**RESOLUTION #122** of 2002 – Authorize the Mayor to enter into a one-year extension of the contract with I.A.F.F. Local 2737.

By: Alderman Faraoni  
Seconded: Alderman Hennessy

Approved: Ayes – 8  
Nays - 0

**RESOLUTION #123** of 2002 – Approve the proposed retirement incentive package as outlined.

By: Alderman Hennessy  
Seconded: Alderman Faraoni

Approved: Ayes - 8  
Nays - 0

### **Adjournment**

By: Alderman Hennessy  
Seconded: Alderman Faraoni

Approved: Ayes – 8  
Nays – 0

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**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 3rd DAY OF DECEMBER, 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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